

**AGENDA FOR THURSDAY, APRIL 1, 2010**

Old Charles Town Library Meeting Room  
200 E. Washington Street, Charles Town, WV

**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. - County Administrator Reports

4. 9:50 a.m. - County Commission Reports

**UNFINISHED BUSINESS: (None)**

10:00 a.m. - **NEW BUSINESS:**

5. Legislative Issues

6. Discuss Agenda Topics for Roundtable Meeting to be Held on Wednesday, April 28, 2010 at 5:00 p.m.

7. 10:15 a.m. - Tom Bayuzik - Jefferson County Development Authority - West Virginia Certified Development Community Program - Resolution of Participation and Cooperation - Discussion/Action.

8. 10:30 a.m. - Jennifer S. Maghan - County Clerk's Report  
- Wachovia - Amendment to Irrevocable Standby Letter of Credit  
- BB&T - Request Authorization to Release Securities for Pledges that Exceeds the Amount Required to Secure Uninsured Deposits for Jefferson County

9. 10:45 a.m. Legal Update and Report - (Stephanie Grove)

10. 11:15 a.m. - Adjourn

**INFORMATION:**

- 11. Public Hearing to be held on Thursday, April 15, 2010 on a Zoning Map Amendment.
- 12. Notice received of public meetings scheduled to review the proposed amendments to the subdivision regulations.
- 13. Correspondence received from John C. Allen, Jr. concerning the proposed wheelchair access ramp at the Hunter House.
- 14. Copy of correspondence sent to the Eastern Panhandle Transit Authority from the Jefferson County Council on Aging received concerning termination of the contract with PanTran.
- 15. Notice received of an Affordable Housing Discussion on Wednesday, April 7, 2010 at 9:00 a.m. at the Robert C. Byrd Health Sciences Center.
- 16. Notice received of a series of local information meetings for Jefferson County landowners who own property in the proposed "PATH Preferred Right of Way."
- 17. Information received from the County Commissioners' Association concerning appointment as a representative of the Public Employees Retirement System.
- 18. Copy of a newspaper article received from the Association of Counties concerning a pay raise for Lincoln County Commissioners.
- 19. Correspondence received from the Kanawha County Commission concerning House Bill 4177.
- 20. Notice received of the availability of the 2011 REAP Recycling Grant Application.
- 21. Correspondence received from Shawna R. Molina concerning her resignation from the Eastern Panhandle Transit Authority Board.
- 22. Invitation receive to attend the dedication of the W. Kent Carper Justice and public Safety Complex on April 7, 2010, at 4:30 p.m. in Charleston.
- 23. E-911 fees received.

- 24. Weekly settlement report for the Charles Town Races and Slots received from the West Virginia Lottery.
- 25. Correspondence received from Heidi Parker concerning the vote on the small cities block grant.
- 26. 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.*

4/1  
@bs  
10:15

**Laura Kuhn**

---

**From:** "Sandy McDonald" <sandy@jeffersoncountywv.org>  
**To:** "Laura Kuhn" <laura@jeffersoncountywv.org>  
**Sent:** Monday, March 15, 2010 2:52 PM  
**Attach:** Resolution LED 10 draft.doc  
**Subject:** Fw: Thomas Bayuzik on April 1st JCC calendar

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

**From:** Lane Donley  
**To:** Sandy McDonald  
**Cc:** tom@jcda.net ; whitney@jcda.net  
**Sent:** Monday, March 15, 2010 2:37 PM  
**Subject:** Thomas Bayuzik on April 1st JCC calendar

Would it be possible to get Tom on the April 1<sup>st</sup> calendar in order for the County Commission to agree to and sign a resolution requesting the LED grant money for the coming year? I have attached the resolution but it needs to be put on JCC letterhead and then signed once the JCC approves. You may remember, this is a routine thing that we have done every year for I think about 17-18 years. If you obtain Commissioner Widmyer's signature, I will pick it up from you and get the County Clerk's signature on Friday (April 2<sup>nd</sup>). .

Is this format appropriate or would you rather I do something else?

Lane Donley  
Jefferson County Development Authority  
PO Box 237  
Charles Town, WV 25414  
304-728-3255/304-725-3133

**WEST VIRGINIA  
CERTIFIED DEVELOPMENT COMMUNITY (CDC)  
PROGRAM  
RESOLUTION OF PARTICIPATION AND COOPERATION**

Whereas, the governing body of Jefferson County is interested in the economic well-being of its citizenry and the community at-large; and,

Whereas, the governing body is prepared to support appropriate efforts within the community to promote economic development; and;

Whereas, the West Virginia Chamber of Commerce and the West Virginia Development Office sponsor a program that is specifically designed to help West Virginia communities become better prepared for economic development; and

Whereas, The County Commission has consistently funded the Jefferson County Development Authority since 1980, and this year's budgeted amount well exceeds the required \$32,640.00 match; and

Whereas, it is a requirement of the Local Economic Development Grant Program to provide evidence of local match;

**THEREFORE, BE IT RESOLVED** that the County Commission of Jefferson County wishes to continue its participation in the Certified Development Community Program, and that the leadership of the community fully realizes this program requires dedicated effort; and,

**BE IT FUTHER RESOLVED**, that the program requires the existence of a Local Economic Development Organization, and this governing body designates the Jefferson County Development Authority as representing our community for the purpose of participating in this program.

**BE IT FURTHER RESOLVED**, that evidence is hereby provided to the West Virginia Development Office that more than sufficient matching funds have been provided to the Jefferson County Development Authority by the Jefferson County Commission.

This resolution is in full effect upon its adoption this 1<sup>st</sup> day of April, 2010.

\_\_\_\_\_  
Signed:

Lyn Widmyer, President

\_\_\_\_\_  
Attested:

Jennifer S. Maghan, County Clerk

**Laura Kuhn**

**From:** "Sandy McDonald" <sandy@jeffersoncountywv.org>  
**To:** "Laura Kuhn" <laura@jeffersoncountywv.org>  
**Sent:** Tuesday, March 23, 2010 10:24 AM  
**Attach:** img-323094555-0001.pdf  
**Subject:** Fw: Agenda Items

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

From: "Jennifer Maghan" <jmaghan@JeffersonCountyWV.ORG>  
To: "'Tim Boyde'" <tboyde@jeffersoncountywv.org>; "'Deborah Lowe'" <dring@jeffersoncountywv.org>; <rshirley@jcsdvw.com>  
Cc: "'Sandy McDonald'" <sandy@jeffersoncountywv.org>; "'Becky Burns'" <bburns@jeffersoncountywv.org>; "'Ralph Lorenzetti'" <rlorenzetti@jeffersoncountywv.org>  
Sent: Tuesday, March 23, 2010 10:13 AM  
Subject: Agenda Items

> Greetings:

>  
> Please find the following attachments for your review to be placed on the  
> next Commission meeting agenda. If there are any questions regarding these  
> documents, please contact me immediately.

>  
>  
> 1. Wachovia - Amendment to Irrevocable Standby Letter of Credit #  
> SM216444W

>  
> (To be attached to original after Commission's acknowledgement of  
> receipt.)

>  
> 2. BB&T - CUSIP 38374TRP1  
> Request authorization to release securities for pledges that exceeds the  
> amount required to secure uninsured deposits for Jefferson County.  
> (Needs Commission President's signature to authorize the release)

>  
>  
>  
> Very Truly Yours,

>  
>  
> Jennifer S. Maghan  
> Jefferson County Clerk  
> 100 East Washington Street  
> Charles Town, WV 25414

>  
> tel: 304-728-3347  
> fax: 304-728-3279

>  
> Visit us on-line: jeffersoncountyclerkwv.com

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# WACHOVIA

## AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT

03/08/10

### BENEFICIARY:

COUNTY COMMISSION OF JEFFERSON COUNTY  
110 EAST WASHINGTON STREET  
PO BOX 250  
CHARLES TOWN, WV 25414

LETTER OF CREDIT NO. SM216444W

### GENTLEMEN:

WE AMEND OUR ABOVE REFERENCED LETTER OF CREDIT ISSUED IN YOUR FAVOR FOR THE ACCOUNT OF PENN NATIONAL GAMING, INC. AS FOLLOWS:

-EXPIRY DATE EXTENDED TO 12/31/10

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

THIS AMENDMENT IS TO BE ATTACHED TO THE ORIGINAL LETTER OF CREDIT AND BECOMES AN INTEGRAL PART THEREOF.

SINCERELY,



AUTHORIZED SIGNATURE

WACHOVIA BANK, NATIONAL ASSOCIATION  
EV07.JJR

THE ORIGINAL OF THIS LETTER OF CREDIT AMENDMENT CONTAINS AN EMBOSSED SEAL OVER THE AUTHORIZED SIGNATURE.

OUR CUSTOMER CARE PHONE NUMBER FOR ANY QUERIES IS 800-776-3862, OPTION 2.  
OUR FAX NUMBER IS 336-735-0950.



**Branch Banking & Trust Co.**

Funds Management  
Mailcode: 151-90-01-30  
4320 Kahn Drive, Bldg 1  
P.O. Box 1489  
Lumberton, NC 28359  
(910) 272-2245  
Fax (910) 272-2238

March 3, 2010

Jefferson County Commission WV  
P.O. Box 208  
Charles Town, WV 25414

Dear Valued Client:

As a depository institution, we are required to secure any uninsured deposits which are considered to be publicly funded. In the past, we have pledged securities with a safekeeping agent to cover your uninsured deposits; however, due to changes in FDIC insurance and/or a decrease in your deposits, the value of the securities pledged now exceeds the amount required to secure the uninsured deposits of your organization. To release these securities, the safekeeping agent must have proper approval from your organization.

We are requesting your approval to release the following securities:

Safekeeping Agent: FEDERAL RESERVE				
		<u>ORIGINAL PAR VALUE</u>	<u>CURRENT PAR VALUE</u>	<u>MARKET VALUE</u>
Totals of Collateral Currently Pledged:		\$8,200,000.00	\$7,920,576.14	\$8,335,238.90
Release the following:				
<u>CUSIP</u>	<u>DESCRIPTION WITH RATE AND MATURITY DATE</u>			
38374TRP1	GNMA REMIC 2009-22 CA 4.5% 12/16/35	\$7,000,000.00	\$6,761,467.44	\$7,115,447.84
Totals of Collateral Remaining After Release:		\$1,200,000.00	\$1,159,108.70	\$1,219,791.06

Should the above changes agree with your records, please sign as indicated and fax back to me at (910) 272-2238; otherwise, please call us immediately at the number listed below.

Thank you for banking with Branch Banking & Trust Company.

Gay W. Leggett  
Portfolio Operations Specialist II  
Funds Management Operations  
Branch Banking & Trust  
(910) 272-2245  
FMPPFpledging@bbandt.com

We hereby approve the above changes requested by Branch Banking & Trust Company.	
Date:	_____
Jefferson County Commission WV	
(Sign here please) *Must be an authorized signer on the FRB Pledge Agreement. Please keep a copy for your records - the Federal Reserve will call you to verify this information.	
ABA # 053101121	Purpose Code: 63400
	FRB Pledge Code: E3YT



**Branch Banking & Trust Co.**

March 5, 2010

Funds Management  
Mailcode: 151-90-01-30  
4320 Kahn Drive, Bldg 1  
P.O. Box 1489  
Lumberton, NC 28359  
(910) 272-2245  
Fax (910) 272-2238

Jefferson County Commission WV  
P.O. Box 208  
Charles Town, WV 25414

Dear Valued Customer:

As of February 28, 2010, the following securities were held by Branch Banking & Trust Company as collateral to secure the deposits of Jefferson County Commission WV:

Description	Rate	Maturity Date	Current Par Value	Market Value	Safekeeping Agent	Rating	Cusip
GNMA REMIC 09-22 CA	4.500	12/16/2035	7,920,576	8,335,239	FEDERAL RESERVE		38374TRP1
			7,920,576	8,335,239			

Should you have any questions, please contact us at the number listed below. Thank you for banking with BB&T.

Sincerely,

Gay Leggett  
Funds Management Operations  
Portfolio Operations Specialist II  
(910) 272-2245  
FMPFPledging@bbandt.com

**NOTICE OF PUBLIC HEARING  
ZONING MAP AMENDMENT**

The County Commission of Jefferson County will hold a Public Hearing regarding a Zoning Map Amendment (Rezoning) for property designated as Tax District Harpers Ferry, Map 9, Parcels 37 and 37.2 - 340 and Bakerton. The hearing will be held on Thursday, April 15, 2010, at 7:00 p.m. in the Old Charles Town Library Meeting Room on the ground floor of the Library, 200 East Washington Street, Charles Town, WV 25414.

Anyone wishing to provide comment may do so at this meeting or by email at [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)

**By Order of The County  
Commission of Jefferson County  
Lyn Widmyer, President**

# The Planning Commission of Jefferson County, West Virginia

In re: Rezoning for Shenandoah Professional Center, LLC

## **Denial of Rezoning Request**

On the 23<sup>rd</sup> day of February, 2010, before the Planning Commission at a public hearing came the applicant, Shenandoah Professional Center LLC ,with a request for a Rezoning.

Whereas, the property is located at 36 Bakerton Road, Harpers Ferry 25425 and is further identified as Parcels 37 and 37.2 on Harpers Ferry District Tax Map 9 cumulatively consisting of 9.676 Acres;

Whereas, the applicant requests rezoning from Residential Growth to Residential-Light Industrial-Commercial;

Whereas, the requested rezoning complies with the procedural requirements of Article 12 of the Jefferson County Zoning and Land Development Ordinance, effective July 1988 as amended, including, but not limited to, proper public notice and publication;

Whereas, the Planning Commission finds that the requested rezoning does not conform with the 2004 Comprehensive Plan for the reasons outlined in the Staff report presented at the public hearing;

Whereas, the Planning Commission further finds that there have not been major unanticipated changes of an economic, physical or social nature within the area involved that would justify granting the request for rezoning;

<p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p>
--

**AGENDA REQUEST FORM**

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: 3/11/10

Date Requested – 2<sup>nd</sup> Choice: 3/18/10

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

**Zoning map amendment has been heard by the Planning Commission and their recommendation needs to be forwarded to the County Commission in a timely manner.**

Subject:

**Planning Commission recommendation regarding Bakerton and 340 Zoning Map Amendment Request**

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

**See attached staff report**

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

Attachments:

- Applicants Application and supporting documents**
- Letter from US Park Service**
- Staff Report to Planning Commission and County Commission**
- Planning Commission motion and minutes to be distributed at CC meeting**



RECEIVED

DEC 22 2009

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

November 24, 2009

Jefferson County Planning and Zoning Department  
116 East Washington Street  
Charles Town, WV 25414

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

Re: Zoning Map Amendment Request

Dear Ms. Brockman,

Pursuant to the recent election results in association with the proposed adoption of new zoning ordinances and districts, Potomac Professional Services, LLC (Potomac), on behalf the property Owner Shenandoah Professional Center, LLC, would like to formally request a Zoning Map Amendment for the following property within Jefferson County, West Virginia:

Article 12, Map and Text Amendments, of the current Jefferson County Zoning Ordinances requires the following information for any petition for a zoning map amendment.

1. Substantiation for the Request

- a. Current Zoning: Residential Growth (R-G)
- b. Requested Zoning: Residential/Light Industrial/Commercial (R-L-G)
- c. The property is located at the intersection of Rt. 340 and Bakerton Rd and is visible from Rt. 340 heading north and south. The Shenandoah Professional Center, a professional office building, is currently an operational commercial use on the property. The Shenandoah Professional Center was approved as a commercial use under a Conditional Use Permit, approved on January 14, 2003. With public input and concerns, the building was renovated from an 1800's era farmhouse to a historically correct, updated professional office building which is an impressive site along the route from Harpers Ferry to Charles Town.

The undeveloped rear property, referred to on the recorded plat as Lot 2, is currently approved as a single family lot, but with any proposed development would need to adhere to the current entitlement process within Jefferson County.

Through planning for the recent zoning ordinance election, the property was proposed by the County to be rezoned to General Commercial due to its proximity to a high traffic roadway and viable commercial potential. The requested zoning map amendment stays consistent with the intent of the County Commissioners and their vision for the future needs of Jefferson County.

- d. The property is in a location that is beneficial for commercial growth within the County. This proposed zoning amendment would provide the County with a concentrated area of potential commercial development along a major traffic corridor, in lieu of spot development.

2. Tax District, Map and Parcel Number

- a. Harpers Ferry District, TM 9, Parcel 37 & 37.2

3. Deed Book Reference

- a. DB 996, Page 552, Lot 1 and 2

4. Plat or Sketch pursuant to Section 7.4(b)

- a. See attached

5. Tract Size

- a. Lot 1 – 1.491 acres, Lot 2 – 8.185 acres, Total = 9.676 acres

6. Discussion on:

- a. Comprehensive Plan compatibility of the proposed change.

- i. This proposed zoning change from residential to a predominately commercial zone stays consistent with the 2004 Jefferson County Comprehensive Plan in that growth was encouraged in areas where water, sewer, schools, and other public facilities are available, and the encouragement and support of commercial and industrial to provide a diversified and sound local economy.

The location of this property is consistent with the 2004 Comprehensive Plan in all of the aforementioned ways, as well as being adjacent to a major roadway feeding Jefferson County.

- b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.

- i. Although this request is believed to be consistent with the current Comprehensive Plan adopted in 2004, the area has undergone significant growth since that time that has increased traffic on primary and secondary roadway systems. The influx of home sales

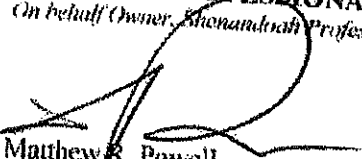
between 2005 through 2007 was primarily driven from buyers who are commuting to and from the Washington DC/Metropolitan area, thus significantly taxing the major roadway systems, especially the Rt. 340 Corridor running from Maryland to West Virginia. In addition, the recent approval of table games at the Charles Town Race Track is expected to increase traffic even more throughout the region.

This significant growth and impact to the major roadways has emphasized the need to centralize the potential commercial uses on or in close proximity to the major road networks for easy access and increased visibility.

If you have any further questions or comments, please contact the undersigned at (304) 725-3712, ext. 217.

Sincerely,

**POTOMAC PROFESSIONAL SERVICES, LLC**  
*On behalf Owner, Shenandoah Professional Ctr, LLC*

  
Matthew R. Powell  
Vice President Development



# United States Department of the Interior

NATIONAL PARK SERVICE  
Harpers Ferry National Historical Park  
P.O. Box 65  
Harpers Ferry, West Virginia 25425

IN REPLY REFER TO:

L1425 (HAFE)

February 3, 2010

Mr. John Maxey, President  
Jefferson County Planning Commission  
P.O. Box 338  
Charles Town, WV 25414

RECEIVED

FEB 12 2010

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Dear Mr. Maxey:

This is in response to the petition to rezone the property designated as: Harpers Ferry Tax District, Map 9, Parcels 37 and 37.2, and sometimes referred to as the former Fritts Mansion property. The 9.7-acre property, located near the intersection of Route 340 and Bakerton Road near Harpers Ferry, is currently zoned Residential Growth. The owners, Shenandoah Professional Center, LLC, have requested a change in the zoning to Residential/Light Industrial/Commercial. The National Park Service (NPS), as an adjacent property owner with significant holdings, welcomes the opportunity to comment on this matter.

While the NPS supports planned economic growth in the county that is consistent with the policies and recommendations outlined in the 2004 Comprehensive Plan, the rezoning of the Fritts Mansion property is not consistent with what we believe are the goals and objectives of the county as documented in the Plan. Rezoning to Residential/Light Industrial/Commercial, which would allow intensive development and commercial use, will have a significant adverse impact on the historic values inherent in the adjoining lands managed by the National Park Service.

The rezoning of the Fritts property is not compatible with the Plan as follows:

1. It is not consistent with the vision for the County that seeks to *shape growth in a manner that preserves the most important features of Jefferson County: the rural landscape, the natural beauty of the rivers, the rolling terrain and the strong sense of community* (page 8). The majority of the Fritts property is zoned Residential Growth and the visual appearance of the property and its surroundings supports this designation. Even the current commercial operation, conducted on the adjacent parcel out of the former residence, maintains a residential appearance. Additional commercial/industrial development, however, would adversely affect the views from multiple historic and rural lands where the NPS is developing visitor hiking/walking trails and outdoor interpretive exhibits.
2. It does not *[p]romote the conservation of the natural, cultural, and historical resources and the preservation of the scenic beauty* (page 19). The Fritts property is mostly undeveloped and largely retains its rural-residential appearance. It is located within the core battlefield area of the park between Bolivar Heights and School House Ridge, areas of national significance as part of the 1862 Harpers Ferry Battlefield. The former Ott property and former Harpers Ferry Caverns property that adjoins the Fritts property to the north and west were acquired by the Park pursuant to the Harpers Ferry National Historical Park Revision Act of 2004 which was the culmination of nearly 20 years of local, regional, and national efforts to protect the nationally significant resources of School House Ridge. While Shenandoah Professional Center, LLC, is to be commended for the restoration of the adjacent 19<sup>th</sup>-century structure, additional commercial or

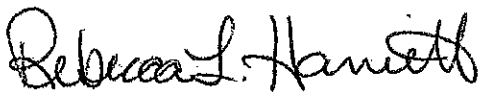
industrial uses of the Fritts property would be out of scale and context with the character of the surrounding rural landscape and the history that occurred there.

3. It is not consistent with Recommendation 3.01 (page 24). Potential commercial or industrial uses conflict with the surrounding uses which are predominantly rural lands maintained by the NPS for their historic rural-agricultural setting. The NPS strives to maintain the agricultural appearance of the surrounding battlefield properties by leasing approximately 350 acres for use by area farmers.
4. It is not consistent with the Plan (page 32), as more intensive development at this intersection would likely exacerbate the county's greatest transportation problem, which is a bottleneck through the Harpers Ferry water gap. It is also inconsistent with Recommendation 3.25 (page 73), which suggests a Historic Gateway Special Study Area. The Plan states, *...the purpose of the study is to identify ways to ensure that the residential and commercial development that occurs along this corridor is designed and constructed in such a way where development does not cause visual blight and major traffic problems along the eastern corridor to the State.* We are not aware that such a study has been implemented.
5. The Plan acknowledges that history tourism is a significant element of Jefferson County's economy (page 56). According to economic surveys, the Park and its visitors provide total direct spending in the local area amounting in the tens of millions of dollars. We believe these benefits numbers will only continue to increase, as visitors stay longer to experience the historic sites on School House Ridge. However, commercial or industrial development of the Fritts property will significantly impact the rural appearance and historic values of the property. It will mar the historic and scenic views from adjacent parklands where hundreds of millions of dollars of investment have been made to attract tourists and businesses. We expect visitor use to decline if the scenery from a visitor's or prospective business owner's survey of community amenities would be no different than what they may have left in a suburban environment.

In summary, the NPS supports planned growth in the County and adjacent to the park; however, any such development should be compatible with the County's long-range goals to preserve rural-agricultural lands and to preserve historic resources both of which are inherent in adjacent park lands. Therefore the NPS does not support the petition to rezone the Fritts property.

Thank you for the opportunity to comment on this important matter.

Sincerely,



Rebecca L. Harriett  
Superintendent

cc: Members, Jefferson County Planning Commission:

Arnold Daily, Jr.  
Ellen May  
Robert Reynolds  
Thomas Trumble  
Stephen Alemar  
John Sidor  
Frances Morgan, County Commissioner

**Amy Puetz**

---

**From:** JCC [info@jeffersoncountywv.org]  
**Sent:** Wednesday, February 03, 2010 12:07 PM  
**To:** apuetz@jeffersoncountywv.org  
**Subject:** Fw: Planning Commission Agenda 2-9-10

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

**From:** "gil narro garcia" <gilnarrogarcia@comcast.net>  
**Sent:** 2/3/2010 11:19:18 AM  
**To:** planningdepartment@jeffersoncountywv.org  
**Cc:** HFMayor@aol.com, info@jeffersoncountywv.org  
**Subject:** Re: Planning Commission Agenda 2-9-10

Here you go again. The request for the public hearing on your agenda: "This property is located at the

intersection of Route 340 and Bakerton Rd. and is a total of 9.676 acres. This property is currently zoned Residential Growth and a request has been made by the owners, Shenandoah

Professional Center, LLC, to change the zoning to Residential/Light Industrial/Commercial." denied.

The property in question is an important drainage area for ground water--that is why it is mostly always wet! Also, the property is right on the Bakerton road entrance to the HFN Park. Give me a break! You must demand that an environmental study done by an independent and reliable firm--and I'm not thinking Snyder--before you even consider a public hearing on a zoning change. Finally, you must take into consideration the floodgates you're opening when you start changing residential to commercial zoning on a piecemeal basis, especially on the declared "Main Street" (Hwy 340) designation by the J. County Commission.

Your record of disrespect and disregard for citizens is well established by your approval of the denuding and destruction of the Allstadt Farm land behind the flea market. Most seriously, you've kept citizens in the dark about what the developers are doing to that land.

I have copied the County Commission because this matter is very serious and you appear unable to handle it properly and with regard to the community and the environment.

Gil Narro Garcia

881 Elk Run Dr.

Harpers Ferry WV

304-535-2235

## **Staff Assessment**

### **Shenandoah Professional Services Rezoning Application**

Submitted By:

Jefferson County Department of Planning and Zoning

Prepared for:

Jefferson County Planning Commission

&

The Jefferson County Commission

#### **Request at a Glance:**

**Applicant:** Potomac Professional Services, LLC on behalf of Shenandoah Professional Center, LLC

**Address:** 36 Bakerton Road, Harpers Ferry, WV 25425

**Current Zoning:** Residential Growth

**Proposed Zoning:** Residential-Light Industrial-Commercial

**Acreage:** 9.676 on two contiguous parcels

## **Background**

The property at 36 Bakerton Road, Harpers Ferry, WV, known as the Shenandoah Professional Center, was approved on January 14, 2003 for a Conditional Use Permit (CUP). At that time the property was a single parcel. On February 7, 2006 the property was subdivided into two parcels. One parcel, which is 1.491 acres, has the historic house which is used for offices. The residue parcel is 8.185 acres and is primarily vacant with the exception of some ruins of an old barn.

The original application for the CUP requested that both office use and a self storage facility be permitted. The office use was approved and the self storage facility was not approved since it was not in keeping with the character of the area.

## **Introduction and Purpose**

Shenandoah Professional Services has requested rezoning of this property, which is the purpose of this report. The property is located at the corner of Bakerton Road and Route 340. Access to the property is from Bakerton Rd. The site is located to the west of the Town of Bolivar. Much of the property is surrounded by lands owned by the National Park Service, which is part of the Harpers Ferry Park. While this property and property to the north, south, west and east are zoned Residential Growth, a great deal of this property is owned by the National Park Services. It is not anticipated or proposed to be developed under this zoning classification. *Map 1* shows the National Park Service Property and *Map 2* shows the current zoning for those parcels.

The property is identified on the Jefferson County Tax Map as two parcels. They include parcel 37, as shown on Tax Map 9, consisting of 1.491 acres and parcel 37.2, as shown on Tax Map 9, consisting of 8.185 acres. The property is zoned Residential Growth.

The applicant has requested rezoning of the entire subject property from Residential Growth to Residential-Light Industrial-Commercial. The following report has been prepared to assist the efforts of the Jefferson County Planning Commission and Jefferson County Commission to make findings regarding the consistency of the proposed rezoning with the Jefferson County Comprehensive Plan in accordance with West Virginia State Code requirements.

## **Statutory Authority and Requirements**

The West Virginia State Code, Section 12.1(a) provides that the boundaries of zoning districts may be amended by the County Commission with the advice of the Planning Commission. The County Zoning Ordinance also requires that the "procedure for amendment [by petition] shall be as dictated in Section 8A-1-1 et seq of the West Virginia State Code as amended." As

concerns amendments, by petition State statute provides that "Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan." [See WVC 8A-7-9(c)] This subsection of the State Code goes on to state that, "If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area."

## **Scope of this Assessment**

This report focuses on whether or not the rezoning application is consistent with the Comprehensive Plan. It assumes that no major changes of an economic, physical or social nature within the area involved have occurred, that were not anticipated when the comprehensive plan was adopted, such that they would "substantially" alter the basic characteristics of the area. This assumption is also limited to the proposal to rezone subject site.

The format for this assessment includes citation of specific provisions of the Comprehensive Plan, which are identified by page number in the following section of this report, followed by staff commentary regarding the degree to which staff believes the provision has significance in determining consistency between the rezoning application and the Plan document. Identification of the specific page numbers where these provisions can be found in the Plan, permits the Planning Commission and/or County Commission to easily locate the particular provision and personally evaluate the provision in the context of the larger Plan document. When available or appropriate, map references are provided with maps located in the Appendix to this report.

It should also be noted that the Comprehensive Plan states, "Its recommendations are (by their nature and intent) general and, as such, sometimes conflicting. It will not be difficult to find two that individually justify and conflict with many land use proposals." In that sense, there are many plan references that are identified in this report that can or may appear to support or fail to support a finding of consistency between the proposed rezoning and the Comprehensive Plan. In the final analysis each member of the Planning Commission and the County Commission will need to weigh the degree to which various plan provisions are of greater or less importance in establishing their respective findings regarding the application.

Finally, this report provides a recommendation concerning the proposed rezoning based on review of the various plan sections and elements. The recommendations should be considered

the professional opinion of staff; no more and no less. Since the Planning and Zoning staff has no statutory authority to make decisions in this regard, we defer to the Planning Commission and subsequently the County Commission for any final recommendation or decision that may be forthcoming with respect to the subject application.

## **Relevant Comprehensive Plan Elements and Commentary**

The following section is formatted to provide the page number on which the plan language and/or subsections can be located, followed by the language contained in the body of the plan document. Each reference is then followed by staff commentary where considered appropriate. When language in the Plan is considered more important, text is shown in bold for additional emphasis. Staff commentary is italicized throughout this section of the assessment.

### ***Page 8: Jefferson County – A Vision***

Ironically, the natural beauty and rural setting of Jefferson County, the qualities that are so attractive to new residents, are the very qualities that are most threatened by a rapid pace of growth. Farming is no longer the driving economic force in our county and in the mid 1980s, new residents from other places outnumbered long time residents for the first time. With houses coming at a far faster pace than jobs, Jefferson County is facing a future as just another bedroom community in the larger metropolitan area.

The intent of this plan is not to recreate or recapture the past but to shape future growth in a manner that preserves the most important features of Jefferson County: the rural landscape, the natural beauty of the rivers, the rolling terrain and the strong sense of community. **Perhaps the biggest challenge of all is to provide an economic base that provides enough job opportunities to allow people to both live and work here.** Jefferson County is home to people of different income levels and professions-from crafts people to mill workers to employees of national consulting firms. The rising cost of housing threatens this diversity.

#### *Staff Comment:*

*This provision notes that the intent of the plan is to shape growth in a manner that preserves the most important features of the County including the rural landscape and natural beauty of its rivers. Text in bold, however, states that providing jobs also represents a challenge if the County is to allow people to both live in work in the County. It may be important to note that jobs can be provided in a number of alternative County locations. Rural landscapes and beautiful rivers can only be preserved where they exist. Once these rural landscapes and vistas are developed, they are lost forever.*

## ***Page 8 – Plan Policies***

This plan encourages new development patterns that foster mixed-use neighborhoods, so that a sense of community begins at the subdivision level.

- **The Plan recommends that Jefferson County’s natural features, particularly stream valleys, be conserved as green space and that significant natural features be afforded protection as development proceeds.**
- **This plan encourages economic development so that residents can live and work in the County.**

### *Staff Comment*

*Employment centers can be provided in a number of alternative County locations where it is appropriate for more intense uses. While providing economic opportunities, the plan recognizes the importance to protect natural resources.*

- **This Plan recognizes existing population centers as the focus of new, more intense development and the importance of working with municipalities to assure a pattern of development consistent with the Plan vision.**

### *Staff Comment*

*This policy indicates that new, more intense development should be located within or adjacent to the Towns. Rezoning the parcels included in this request to Residential-Light Industrial-Commercial will result in a more intense development currently not located in that area. There are a variety of permitted uses in the proposed new zoning category which allows for more intense uses.*

- **The Plan identifies strategies to assure that community facilities and transportation infrastructure are provided in sequence with new development.**

### *Staff Comment*

*This policy is designed to insure provisions of adequate infrastructure concurrent with development that may require it. Such resources are limited at the subject location. The policy statement is also designed to minimize sprawl from existing urban core areas to rural areas, such as where the subject property is located. Transportation issues will be addressed further, under the topic of transportation.*

## ***Page 12 – The Role of the Comprehensive Plan***

Its recommendations are (by their nature and intent) general and, as such, sometimes conflicting. It will not be difficult to find two that individually justify and conflict with many of the land use proposals.

### *Staff Comment*

*This provision of the plan restates the notion, expressed earlier in this report, that the nature and intent of its recommendations will sometimes be in conflict. As such, the document provides some flexibility in interpretation.*

## ***Page 19 – Statement of Goals***

A list of general goals was adopted as guidelines for the preparation of the 1986 Comprehensive Plan. These goals were readopted, unchanged and incorporated into the 1994 Comprehensive Plan. These goals have been adopted in the 2004 Comprehensive Plan as well.

- **Encourage growth and development in areas where sewer, water, schools and other public facilities are available or can be provided without unreasonable cost to the community.**
- Promote growth and development that are both economically and environmentally sound.
- Promote the maintenance of an agriculture base in the County at a level sufficient to encourage the continued viability of farming in all its various forms.
- **Encourage and support commercial, industrial, and agriculture activities to provide a diversified and sound local economy.**
- **Promote the conservation of the natural, cultural, and historical resources and the preservation of its scenic beauty.**
- **Advocate the maintenance and improvements of transportation systems so that people and goods can move safely and efficiently throughout the County.**
- Promote a diversity of housing within the County.
- Support and protect private property rights while supporting and protecting overall public health, safety and general welfare.

- Promote a Planning and Zoning process that is understandable and straightforward, with ample opportunity for meaningful public input.
- **Promote pedestrian friendly, livable communities.**
- Promote inter-entity and inter-agency collection and exchange of information and cooperation on planning.

*Staff Comment*

*With the Goals unchanged for over 20 years, there continues to be a common held vision that they are important to the County. While the Goals are important to the community, they do appear to reflect conflicting values. However, encouraging and supporting residential, commercial and light industrial developments can be accomplished in a number of ways and in a number of alternative locations in the County that are more appropriate. With the current economic decline, there are a large number of residential and commercial vacancies, in existence now, that can promote this kind of development. Adding to a saturated market is not smart growth policy. While the proposed rezoning has a mixed use element conceptually built into it, there is not enough property to provide a work and housing mix. As a result, this will be an auto dependent rezoning that is not in keeping with pedestrian friendly, livable communities. Such activity has been established elsewhere in the County.*

*Since there are existing and additional locations that can provide this type of activity, the natural resources, cultural and historic preservation (the Harpers Ferry Park and viewsheds) of the scenic beauty can only occur where these features or resources are present.*

***Pages 26-28 – Transportation Planning***

With the increase in population in the last three decades, Jefferson County's roads have had to bear the combined burden of increased traffic volume and heavier commercial vehicles. As a result, the deficiencies of the highway and road systems have become more critical. Inadequate funding and increases in transportation demand are conditions which probably will be facing the people of Jefferson County indefinitely.

*Staff Comment:*

*The notion that inadequate funding and increased transportation demands are conditions the County will probably face indefinitely is ominous. The staff acknowledges that there is an existing bottleneck along Route 340, which is a major transportation route through the County. Rezoning this parcel of land to Residential-Light Industrial-Commercial use may aggravate this*

*condition. While this development by itself may or may not generate a lot of traffic, allowing this type of development to sprawl along Route 340 could result in increased congestion.*

## **Page 26 – Transportation – General Goals**

In order to realize the vision stated above, general goals are set forth as follows:

1. Reduce the occurrence and severity of roadway traffic accidents by encouraging the West Virginia Department of Transportation, Division of Highways to reduce or eliminate conditions which cause them.
2. **Encourage the West Virginia Department of Transportation, Division of Highways to take measures to provide for and maintain efficient roadway traffic flow.**
3. **Find creative solutions to both funding and legislative limitations, in order to solve transportation problems.**
4. Seek a coordinated transportation plan among all levels of government that provides for coordinated transportation planning and funding of highways, streets, commuter rail service, public transit, car/van pooling, park & ride facilities, bike paths, pedestrian access, and technological improvements to the transportation system in the County.
5. Encourage alternate forms of transportation within the County, such as pedestrian trails and bike paths, provided they are feasible and prove beneficial.
6. Encourage the State and Federal government to increase public transit service to the County, provided it is feasible and proves beneficial.

## **Page 27 – Planning for a Responsible Transportation Network**

The transportation component of the 1994 Comprehensive Plan focused on problem areas, and general traffic volume. In general, maintenance and improvement of the existing road network are the responsibility of the State, homeowners associations and individual owners. Residents are often concerned about the volume and speed of traffic on neighborhood roadways and the state highways. This is perceived as both a safety and quality-of-life issue.

During the Comprehensive Plan process, citizens have expressed concerns with some of the roads in the County. The County has reached a critical turning point as undeveloped land is becoming committed to new subdivision and development. As more and more land is developed future transportation improvements may become more difficult and more costly. Therefore, it is prudent for the State and County to plan for the future needs now, while the land is available and the improvements can be more easily made, or at least the land can be reserved during the development process for future improvements.

**RECOMMENDATION 3.05: The County should solicit the assistance and cooperation of both the State and Federal governments to create and execute a coordinated comprehensive transportation management plan. This plan must have its primary goal, the efficient flow of people, goods and services in support of both economic development and quality of life. It must be coordinated with all modalities of transportation that interface with the County. The**

**plan must be comprehensive and systematic in its scope, encompassing all of the major components of transportation including roads, pedestrian and bike paths, public transit and telecommuting. The transportation section of the comprehensive plan should incorporate the Metropolitan Planning Organization (MPO) - traffic study, upon its completion.**

*Staff Comment:*

*The Comprehensive Plan reflects the growth in traffic volumes along the Route 340 corridor from 1996 to 2002. It is clearly the most heavily trafficked route. The West Virginia Department of Transportation traffic counts, from 2008 show 38,000 average daily trips (ADT) at WV 26 and 29,400 near Bakerton Rd. This recommendation suggests the need for a US 340 corridor study, that should include an access management component.*

**Page 32 – Highway Problem Areas**

Table T-2 is an update of Table 42, "Summary of Traffic Problems in Jefferson County, WV", which is presented in the 1994 Comprehensive Plan. This table provides a text description of highway problem area locations.

Some problem areas have been addressed by the WVDOH and are removed from the list. These include but are not limited to the replacement of a one-lane bridge with a two-lane bridge, and the installation of signals and gates at several at-grade crossings.

However, there remain numerous locations with poor sight distance, sharp curves, inadequate road shoulders, encroaching fixed objects, hidden entrances, unsafe intersections, and roadways subject to periodic flooding. These locations are generally depicted on the Highway Problem Areas Map on page 30.

*Staff Comment:*

*Page 30 of the Plan (titled Highway Problem Areas) identifies the Route 340 corridor as having problem areas, but does not identify the intersection at Bakerton Road as a problem area. There is an accompanying table on page 31 of the plan which lightly details this issue, but it fails to mention the single lane sections. These single lane sections are where the bottlenecks occur along portions of the Route 340 corridor.*

*While a single more intense non-residential development may not have a significant negative impact on US 340, setting the precedent for allowing this type of development without a comprehensive corridor management plan, sets the state for an accumulation of minor negative effects that could result in a major problem.*

### **Pages 32 and 33 – The Harpers Ferry Water Gap**

The County is faced with a traffic flow bottleneck in the form of a major river crossing through a narrow gorge and National Park. US 340, which is a four lane limited access highway from Frederick, MD to Sandy Hook, narrows to two lanes as it crosses the Potomac River into Virginia. This road remains two lanes as it winds its way through the Shenandoah-Potomac River water gap at Harpers Ferry and crosses the Shenandoah River at Bolivar. At Bolivar, this highway again widens to four lanes for the approach to and from Charles Town. Due to employment trends in the region, US 340 is the busiest highway used to access Jefferson County. On Fridays, commuter traffic has been known to back up from the Potomac River Bridge as far as Brunswick, Maryland as county residents return from their jobs in Maryland and Washington. Holiday travel can also create weekend backups at this bottleneck. Ways to correct this problem have been discussed. Several options to increase the capacity of this section of highway are to: widen the bridge/highway to four lanes, double deck the bridge/highway, or build an alternate by-pass highway. Given the major river crossings, coordination is necessary between the States of West Virginia, Maryland and Virginia, the impact on the National Park, and the design difficulties and high cost, it is unlikely that one of these solutions will be implemented in the foreseeable future. Therefore, another option is for future transportation planning efforts to study the benefits and feasibility of options that may decrease commuter traffic along this section of highway. These options may include park & ride facilities that are coordinated with public transportation, and encouraging telecommuting, etc.

#### *Staff Comment:*

*This focuses specifically on the two-lane roadway condition through the Shenandoah-Potomac River Water Gap at Harpers Ferry. It documents the history of back-ups and suggests that alternative ways to correct the problem have been discussed. It notes, however, that a solution is not likely in the short term (if ever) due to design difficulties, high cost and impact on the National Park. The solutions offered in the form of park and ride facilities, public transportation and telecommuting are commendable. However, staff does not expect these alternatives to fix this problem, but rather sees these alternatives as band-aids at best.*

*The new Route 9 is not expected to solve the traffic concerns on Route 340, as the traffic on Rt. 9 has a different commuting pattern and direction than that of Route 340. Again, while the proposed development alone may or may not have a significant negative effect on Route 340, the County needs to consider the potential accumulation of these effects. Without a detailed site plan for a specific use, the impact is hard to predict.*

## **Page 34**

Recommendation 3:08: Reduce dependence on the automobile for both intra-County and inter-County travel by:

- a. **Where feasible and beneficial, encourage the West Virginia Department of Transportation, Division of Highways to install "park and ride" facilities along its rights of way on US 340 and WV 9;**
- c. **Provide incentives for alternative transportation such as commuter rail, bike path, park & ride, public transit, and telecommuting, etc.**

### *Staff Comment:*

*These recommendations may work in some areas of the County and may be beneficial to some extent, particularly along WV 9 or other roadways, but can only be expected to provide limited benefits in relieving congestion along Route 340..*

## **Page 41 – Water and Service**

Due to the prohibitive overall cost to provide water and sewer service to the entire County, developing in this format county-wide is not feasible. Land areas that are outside of the regions that can reasonably be expected to be served by water and sewer facilities should be developed at lower densities, with properties employing wells and drain fields. The issue of well and septic use in relation to the County's development patterns is discussed in greater detail in the section of this chapter entitled "Jefferson County - 2020" where issues of residential densities are addressed and coordinated.

### *Staff Comment:*

*This planning concept encourages that dense or intense development be located where existing water and sewer facilities can be extended to serve them, rather than building new water and sewer systems in rural County locations. This is a fundamental principle of smart growth. Since the area is generally surrounded by National Park property, it is unlikely that this area could develop at the intensity required to support this type of infrastructure.*

## **Page 48 – Natural Resources**

In terms of environmental resources, Jefferson County suffers from an embarrassment of riches. Located in the shadow of the Blue Ridge at the confluence of two major rivers, Jefferson County is also one of the most agriculturally productive counties in the State of West Virginia. If we are not careful, we could squander these resources. Effective planning is essential to preserving these resources for use and enjoyment of future generations.

## **Page 52 - Other Natural Resources**

Caves, scenic vistas, wildlife corridors and cliff areas are just several examples of additional forms of natural resources that contribute to the environmental and cultural mix that is Jefferson County. The topography, geology, hydrology, and biological diversity of the environment is one of the hallmarks that makes Jefferson County the beautiful environment that it is. Unfortunately, not every form of natural resource can be discussed in detail within the context of a Comprehensive Plan.

Caves are generally located on private or protected property, and are beyond the purview of this Plan. Wildlife corridors have not been studied in detail as part of the preparation of this Plan, however effective clustering of rural residential development should have no impact on this element of the environment.

**The protection of scenic vistas has been the subject of public comment during this process. During the life of the 1994 Plan, which stated that scenic vistas should be protected through the purchase of easements, the Circuit Court voided the issuance of a Improvement Location Permit (ILP) for a telecommunications tower near Alstadt's Hill, based on non-conformance with the Comprehensive Plan, although no easements were in place.**

**The County should identify the protection of scenic vistas as an issue to address, this is best done through the adoption of standards within the ordinances, so that all parties are aware of their rights and responsibilities in this regard.**

### *Staff Comment:*

*Natural features are given top priority in the 2004 Comprehensive Plan. The text shown in bold provides substantial support for the need to protect the "scenic vistas" both in this plan and in the 1994 Comprehensive Plan. Most of the site is visible from various areas of the National Park. Considering the property's location in relation to the national historic buildings and park, the views may be considered more important than the development proposed. Staff suggests that any development of the site, with or without rezoning, identify key locations where components of the viewshed may be considered more important and would require easements to protect the view.*

## **Page 55 and 56 - Historic Preservation**

Jefferson County is an area rich in historical and archaeological interest. It has arguably been referred to as the most historic rural county in America. As part of our country's first western frontier, it was settled by Europeans before 1720 and was inhabited by Native Americans for several thousand years before.

Surveyed by a young George Washington and host to seven Washington family homes and three Revolutionary War generals' residences, Jefferson County's rich early history in the areas of transportation, farming, the military and industry are still evident in the structures and other resources that survive. **As one of the major areas of military maneuver and the site of the John Brown Insurrection, the County's place at one of the crossroads of the Civil War forever links it to many of the important events that occurred during our Nation's greatest test of endurance.**

**Given its size and population, Jefferson County has been fortunate in the amount of historic preservation projects that have been implemented around the County. The effort to preserve the fire engine house of the Harpers Ferry Armory (a.k.a. "John Brown's Fort) in the late 1890s is among some of the earlier concerted efforts at preserving a historic building in the United States. From Harpers Ferry National Historical Park to the historic districts of Shepherdstown and Middleway, Jefferson Countians can be proud of the number of historic resources that have been preserved here.**

Currently, 5 districts and 58 sites in the County are listed on the National Register of Historic Places. "Traveller's Rest", the home of General Horatio Gates, is the County's only officially designated National Historic Landmark.

Over the years, a "windshield survey" of historic and vernacular buildings was created. This inventory was an initial effort, and is outdated, incomplete and should not be used as a working document nor a model for a new inventory.

**History tourism is a significant element of Jefferson County's economy. Harpers Ferry, the Appalachian Trail, Shepherdstown, Antietam and the C&O Canal all serve to draw visitors to the County and surrounding area. The Jefferson County Landmarks Commission was reestablished in 1980 to be a central clearinghouse for preservation activities in the County, from reviewing nominations to the National Registers of Historic Places, to restoring and interpreting the Peter Burr Farm, to providing input regarding developments.**

**While there have been many preservation "success" stories in Jefferson County, the issue has not been without controversy in recent years. Disagreements over such projects as the proposed demolition of the circa 1920 Jefferson County Jail have highlighted such issues as the responsibility of governments as stewards of historic structures, the use of appropriate government bodies in advisory roles, identification of preservation priorities, and long term preservation planning.**

Regardless of the successes of the past, as an increasing number of tracts are developed for residential, commercial or industrial uses, existing unprotected historic resources become endangered. Existing processes should be evaluated for their ability to address this growing issue.

**RECOMMENDATION 3.13:** The County should examine existing land use regulations and Planning Commission resources and explore regulation amendments and policies that encourage preservation of historic resources. Some amendments and policies the County may want to investigate may include:

- a. Rewarding the retention and restoration of historic buildings during the subdivision process with limited increased density to offset the expense of preservation.
- b. Re-evaluating zoning restrictions on the adaptive reuse of historic buildings county-wide in order to encourage their continued occupancy and maintenance.
- c. Requiring documentation of significant structures that are to be removed due to development activity.

**RECOMMENDATION 3.14:** The County should promote the establishment of a county-wide inventory of structures built before 1900 and of sites with archeological potential, inspections being conducted only with the approval of affected landowners. This inventory should be readily available to the public and should be used as a planning tool and as a means of evaluating historic resources and of determining preservation priorities.

*Staff Comment:*

*This element of the 2004 Comprehensive Plan underscores the importance of the County's history, as central to its identity and as a key component of the County's economy. Heritage Tourism is an important component to the Jefferson County economy. Since Heritage Tourism is so important, the Historical National Park and it's surroundings should be protected. Although, it has not been determined that an event of historical significance happened on the subject property, such events did take place in the vicinity. While the applicant has taken great strides and should be commended in restoring the existing home to offices, the remaining acreage is open for use. Considering that mini-storage units were once proposed on the site, there is a need for caution as to what could be placed on that property regardless of what has occurred. It is important to remember that the proposed zoning allows a variety of uses.*

**Page – 63 – Business and Industry**

Historically, small business development in the region has taken place in close proximity to housing and population growth. Earlier development and transportation trends created an economic mix that was geared to serve the needs of the local community. Hence, the older, more established small business firms are located in Charles Town and the other municipalities.

In recent years, population growth and transportation improvements have generated new markets for small businesses. Multi-purpose shopping centers have been built on the outskirts of Charles Town and Shepherdstown, thereby creating competition for downtown businesses. In some instances, shopping centers have attracted downtown merchants to suburban

locations. In addition, relatively easy access to Maryland and Virginia fosters shopping in Hagerstown, Frederick, Martinsburg, Leesburg and Winchester, retarding small business development in the County.

**While recent small business development on the fringe areas has helped increase the variety of goods and services available to area residents, it also heightened the competitive disadvantage of the traditional central business district, most notably Charles Town and Ranson. Although the municipalities are not within the planning jurisdiction of the County, it should be noted that having its major urban center handicapped by an abandoned, neglected or under-used commercial core is not in the County's best interest.**

*Staff Comment:*

*Language in this section of the plan, particularly that shown in bold text, notes the possible adverse impacts commercial development on the fringe of town can have on traditional downtown central business districts. There is some evidence of underutilization of buildings located in the commercial core in Charles Town and Ranson presently. Rezoning of the subject property may lead to development which could be in direct competition with downtown commercial businesses.*

## **Page 66**

History, culture and scenic beauty combine to make Jefferson County an attractive area for travel and tourism. The area's proximity to the major population centers of Baltimore and Washington enhances this potential. Local attractions include Harpers Ferry, Shepherdstown, the Contemporary American Theater Festival, Charles Town Races and Slots, Summit Point Raceway, the Mountain Heritage Arts and Crafts Festival, the Washington Heritage Trail, white water rafting, etc. Two existing organizations are primarily responsible for encouraging the expansion of the tourism industry and an increase in visitors - the Jefferson County Chamber of Commerce and the Jefferson County Convention and Visitors Bureau. The JCDA can be most useful in assisting with the location and expansion of destination oriented tourist facilities. It should be noted, however, that current labor force constraints will make it difficult to provide large quantities of employees to fill any significant numbers of tourism/service sector jobs, which are predominantly entry level, minimum wage positions. Current commuters and probable future residents are not a source of employees for these jobs.

*Staff Comment:*

*This section of the Plan underscores the importance of heritage tourism to the economy and notes the cultural and scenic features that drive locally based tourism's economic engine. Staff notes that care should be taken when reviewing rezoning that might jeopardize the efforts to nurture the tourism economy or reduce interest in visitation to tourist offerings.*

## **Page 71 – Residential Growth-Light Industrial-Commercial**

This zone, commonly referred to as the "mixed use" zone, permits uses of a light industrial and commercial nature, as well as a spectrum of residential and institutional uses ranging from single-family dwelling units to multi-family apartments and group homes. Residential uses must conform to the standards set forth in the Residential Growth District, but industrial and commercial uses are required to conform to a set of specific performance criteria, which include numerical measurements of several factors for uses that may have nuisance effects on adjacent uses.

There are two issues regarding this district that should be studied as part of planned amendments to the Zoning Ordinance. First, most ordinances that have "mixed use" zones require certain minimum percentages of land usage in residential, commercial and dedicated open space. Jefferson County's Ordinance doesn't. Land in this district can be developed entirely for commercial or residential use or any combination thereof.

Land zoned for commercial and industrial use makes up approximately 5% of the County, which is almost evenly split between the I-C District and the mixed use district. **With needing to maximize its potential for commercial development to offset the demands of residential development every mixed use property developed entirely for residential use is a lost opportunity for much needed commercial development. For this reason, discussion should be held during the zoning amendment process regarding whether such standards should be incorporated into the ordinance or left to be determined by the market.**

### *Staff Comment:*

*While this district is defined as mixed used, it does not require any mixing of uses, it merely allows for the possibility. The district allows two vague uses as permitted by right, "Commercial Uses" and "Uses of light industrial." These two terms allow for some interpretation of what they mean and what is permitted. As such, there are a variety of uses could be proposed on the subject property, each of which could have very different impacts.*

## **Page 72 – Historic Gateway Special Study Area**

The US 340 corridor from the Shenandoah River bridge to the Charles Town bypass serves many purposes. It is the major transportation spine in the eastern part of the County. It is from this road that one views the panorama of the rest of the County from Alstadt's Hill. It serves as a collector for several secondary State highways which serve significant numbers of houses and businesses, and it serves as the eastern gateway to West Virginia. Traffic is ever increasing on this road, as are development pressures.

This segment of US 340 is the most identifiable and visible artery in the County. Without effective study and management, this corridor could deteriorate into a strip of housing

developments indistinguishable in character, and commercial development rivaling "strips" in nearby larger cities.

US 340 is the main transportation spine through the County. As such, it is only appropriate and logical that the bulk of the development that incurs happens along this corridor. As such, the purpose of this study is not to turn US 340 into an undeveloped parkway. Rather, it is stated here that the purpose of this study is to identify ways to ensure that the residential and commercial development that occurs along this corridor is designed and constructed in such a way where the development does not cause visual blight and major traffic problems along the eastern entrance corridor to the State. Buffers, landscaping requirements, traffic and access design, sign regulation and aesthetic highway improvements are all examples of issues that could be discussed as part of this study.

**RECOMMENDATION 3. 2 5 : The County should study the US 340 corridor, including land use, viewscape, economic development and traffic design and management in order to create an effective strategy for the long term management of this important mixed-use corridor.**

*Staff Comments:*

*The study recommended for the 340 Corridor has yet to be undertaken, but the current rezoning proposal underscores its importance. This section appears to be in conflict with itself. On one hand the section notes that views are important in this key County gateway location. However, the section also points out that development along the corridor is logical and the intent of the study would not be to create an "undeveloped parkway." Nevertheless the section specifically states that the purpose of such study is to assure that future development does not cause "visual blight" and "major traffic problems" along the eastern entrance to the State (and County). Again, while this rezoning is for 9.676 acres of property, the expansion and potential for traffic and visual blight is possible without careful consideration of the Corridor as a whole. It is imperative that the activity on this Corridor be reviewed very closely due it being the "most identifiable and visible artery in the County."*

***Staff Recommendation***

The applicant has provided documentation in support of their request for rezoning and has demonstrated consistency of the proposed rezoning with certain limited provisions contained in the Comprehensive Plan.

However, staff recommends denial of this application. While staff recognizes some conflict between various plan goals and objectives, we believe such conflicts are inherent in a

document of this nature. As noted on page 12 of the Plan, "its recommendations are (by their nature and intent) general and, as such, sometimes conflicting. It will not be difficult to find two that individually justify and conflict with many land use proposals."

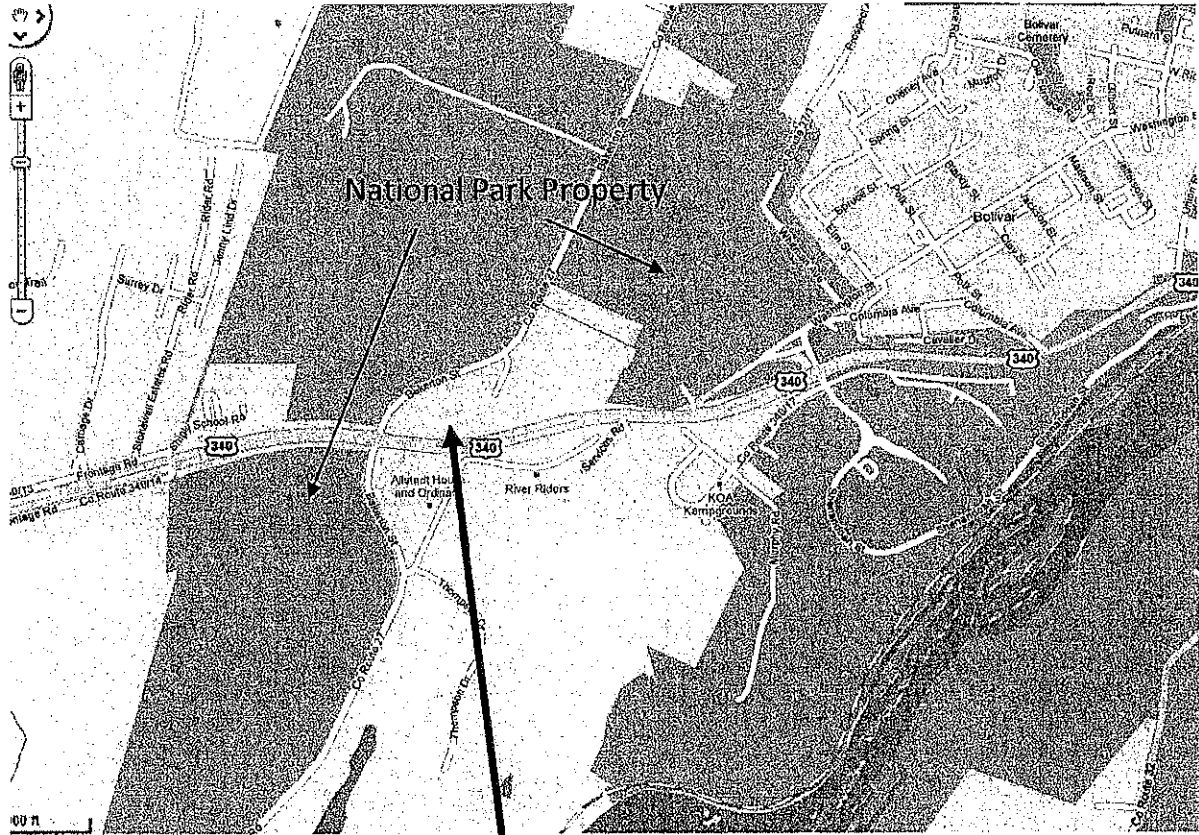
A number of policies, objectives and recommendations provided in the plan, when taken together, provide a compelling argument for denial of this rezoning application. They include:

- While the plan may acknowledge growth along Route 340 that occurs over time, such development should extend from existing core areas and not be located in the middle of a rural area with no services appropriate for this type of activity.
- Pages 32 and 33 of the Comprehensive Plan discuss the Harpers Ferry Water Gap. This discussion focuses specifically on the two-land roadway condition through the Shenandoah-Potomac River Water Gap at Harpers Ferry. It documents the history of back-ups and suggests that alternative ways to correct the problem have been discussed. It notes however, that a solution is not likely in the short term (if ever) due to design difficulties, high cost and impacts on the National Park. For these reasons staff cannot recommend a rezoning that can only create additional pressures on limited highway capacity in this area. As noted in this report, the proposed change of zoning could result in higher traffic patterns than currently allowed in the existing zoning.
- Page 72 of the Comprehensive Plan identifies the Route 340 Corridor as an area that should be targeted for special study. It notes that the corridor serves as a collector for several secondary state highways which serve significant numbers of houses and businesses and it serves as the eastern gateway to West Virginia. Traffic is ever increasing on this route. This segment of US 340 is the most identifiable and visible artery in the County. Without effective study and management, this corridor could deteriorate into a strip of housing developments indistinguishable in character and commercial development rivaling "strips" in nearby larger cities. The Plan recommends study of the US 340 corridor, including land use, viewscales, economic development, traffic design and management in order to create an effective strategy for a long term plan of this important Corridor. The Plan notes that buffers, landscaping requirements, traffic and access design, sign regulation and aesthetic highway improvements are all examples of issues that could be discussed as part of the study. Staff agrees with the Comprehensive Plan recommendations and believes such a study should precede any rezoning with the corridor.
- The 2004 and 1994 Comprehensive Plans provide substantial discussion of the need for protection of "scenic vistas"(see page 52). This issue has also been raised over the years

with plan updates. As such, it is a scenic vista with County, State and National significance. Rezoning the site for Residential-Light Industrial-Commercial use places scenic vistas at risk.

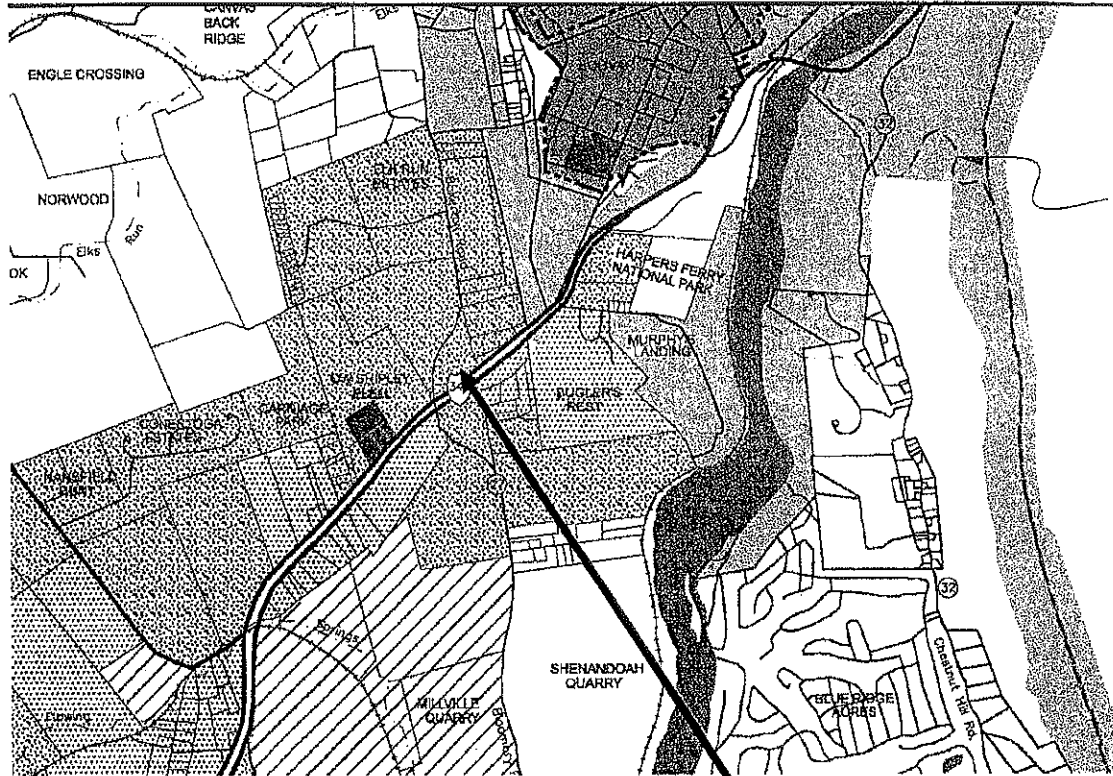
- The site is visible from various areas of the National Park. Considering the subject property's proximity to national historic lands, the views may be considered more than attractive natural features and scenic vistas. They are a part of a greater story in the nation's history worthy of interpretation. For both reasons, staff suggests that any development of the site, with or without rezoning, identify key locations where components of the viewshed may be considered most important and explore providing for purchase of easements on those portions.
- As noted previously, some of the Plan's goals appear to reflect conflicting values. However, staff believes some goals can be achieved in a number of ways, while others are location dependent. The example identified earlier in this report was the goal of encouraging and supporting commercial and industrial development and providing jobs in the County which can be accomplished in a number of ways and in a number of alternative locations within the County. Such a goal need not be implemented on the subject property. However, conservation of natural resources, cultural and historic resources (the Harpers Ferry Park and viewsheds) and preservation of scenic beauty can only occur where these features or resources are present.

Map 1



Subject Property

Map 2



Districts	
Residential-Growth	
Industrial-Commercial	
Rural	
Residential-Light Industrial-Commercial	
Village	

Subject Property

**A Motion Recommending Denial of a  
Rezoning for Shenandoah Professional Center, LLC Property  
February 23, 2009**

**Whereas**, Potomac Professional Services, LLC. has requested rezoning of property known as the Shenandoah Professional Center LLC; and

**Whereas**, The property is located at 36 Bakerton Road, Harpers Ferry, WV 25425 and is identified as Parcels 37 and 37.2 as shown on Tax Map 9, cumulatively consisting of 9.676 acres; and

**Whereas**, The applicant is requesting rezoning from Residential Growth to Residential-Light Industrial-Commercial; and

**Whereas**, The requested rezoning process complies with the requirements in accordance with the provisions of Article 12 of the Jefferson County Zoning and Land Development Ordinance, effective July 7, 1988, as amended; and

**Whereas**, The Planning Commission finds that the requested rezoning is not in conformance with the adopted 2004 Comprehensive Plan as outlined in the staff report; and

**Whereas**, The Planning Commission further finds that there have not been major changes of an economic, physical or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted; and

**Whereas**, Staff recommends a denial of the requested rezoning based on the conditions outlined in the staff report attached; and

**Now therefore be it moved**, that the Jefferson County Planning Commission recommends \_\_\_\_\_ the request for rezoning from Residential Growth to Residential-Light Industrial-Commercial for property identified in the Jefferson County Tax Map as Parcels 37 and 37.2 as shown on Tax Map 9.

Recommended \_\_\_\_\_ this \_\_\_ day of February 2010  
By vote of the Jefferson County Planning Commission  
By a vote of \_ Yes \_ No

\_\_\_\_\_  
John Maxey, Commission President

**PRESS RELEASE**

**JEFFERSON COUNTY DEPARTMENTS OF PLANNING AND ZONING  
March 25, 2010**

**PUBLIC MEETINGS TO REVIEW PROPOSED AMENDMENTS TO SUBDIVISION REGULATIONS**

The Jefferson County Departments of Planning and Zoning will be hosting four Public Meetings/Open Houses to provide Jefferson County residents with an opportunity to learn more about the proposed amendments to the Subdivision Regulations. These Meetings/Open Houses will begin with a short overview of the basis for the proposed amendments and will then follow an Open House format allowing for informal questions and answers, with multiple Planning and Zoning Staff members present with whom the public can interact. Our purpose in conducting these Public Meetings/Open Houses is to garner public input on our "working draft", so that we may supply the Planning Commission with a viable document. A copy of the Proposed Subdivision Regulation Amendments will be available for viewing on March 16, 2010 at all Jefferson County Public Libraries, the Charles Town Library, and at our website <http://www.jeffersoncountywv.org/Planning%20and%20Zoning.html>.

The Meetings/Open Houses are planned as follows:

**Friday, March 26, 2010**

10:00 am – 12:00 noon  
2<sup>nd</sup> Floor Conference Room, Mason Building\*  
116 E. Washington Street  
Charles Town, WV

**Sunday, March 28, 2010**

11:00 am – 2:00 pm  
St. Andrew's Mountain Community Center  
\*At the corner of Route 9 and Mission Road

**Monday, March 29, 2010**

6:00 pm – 9:00 pm  
War Memorial Building, 2<sup>nd</sup> Floor  
102 East German Street  
Shepherdstown, WV

**Wednesday, March 31, 2010**

1:30 pm – 3:30 pm  
2<sup>nd</sup> Floor Conference Room, Mason Building  
116 E. Washington Street  
Charles Town, WV

**Thursday, April 1, 2010**

6:00 pm – 9:00 pm  
Charles Town Library Basement  
200 East Washington Street  
Charles Town, WV

\*The room is not ADA accessible. If accommodations are required, please call ahead at 304-728-3228.

For more information please contact the Departments of Planning and Zoning at 304-728-3228 or at [zoning@jeffesroncountywv.org](mailto:zoning@jeffesroncountywv.org)

Submitted by:

Jennifer M. Brockman, AICP  
Director, Departments of Planning and Zoning

RECEIVED

MAR 22 2010

Mr. Kirk Davis  
Capital Projects Manager  
P.O. Box 250  
Jefferson County Commission  
Charles Town, WV 25414

Jefferson County Commission

March 18, 2010

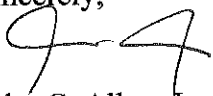
Mr. Davis,

This letter is in regards to the proposed wheel-chair access ramp at the Hunter House and the modifications to the building that have been considered. I appreciate your meeting me on site to discuss the plan and your willingness to talk through various design solutions. As you know the Hunter House was the home of Andrew Hunter, who was a prominent county lawyer and prosecuting attorney of John Brown. The house is one of the most historic structures in Charles Town and a contributing structure to the National Register District, so care must be taken when making any alterations or additions.

It appears that the design that you have conceived is the best solution to the required access to the building. Care should be taken, however, to make as few changes to the original structure as possible. I understand that the side door must be widened to comply with ADA standards. This is an unfortunate necessity, but it would allow the modern metal front door to be removed, which would restore the front of the building to show the original doors. The ramp itself should be screened with plantings, preferably boxwood, which would mitigate its visual impact. Also, the connection of the ramp structure should be tied into the structure of the house in as gentle a way as possible, so that if removed at a later date the house would not be adversely affected.

The primary visual problems with the house are currently the east and west elevations, where air conditioning units have been punched through the sides of the building in eight locations. If at all possible, a central air-conditioning system should be installed and these units removed and the gable walls repaired. The current condition of the building's end walls is not only an eye-sore but also at risk of introducing water into the wall cavity. This situation if not remedied will encourage structural deterioration. In addition, a central air-conditioning system would certainly be more efficient than individual units.

Again, thank you for the opportunity to comment on this project. Please let me know if I can be of any service to you and the County Commission.

Sincerely,  
  
John C. Allen, Jr.

#14

## Jefferson County Council on Aging

103 West Fifth Avenue

Ranson, WV 25438

(304) 725-4044 – Phone (304) 725-9500 – Fax

[jeffersoncounty@frontiernet.net](mailto:jeffersoncounty@frontiernet.net)

March 17, 2010

**RECEIVED**

**COPY**

MAR 19 2010

Ms. Sharon Bartgis, Board President  
Eastern Panhandle Transit Authority  
446 Novak Drive  
Martinsburg, WV 25405

**Jefferson County Commission**

Dear Ms. Bartgis and Members of the PanTran Board of Directors:

It is with great importance that I write to notify you that, in light of recent email correspondence between agencies and the revelation of your decision not to move forward with this partnership after the contract deadline, the JCCOA Board of Director has decided, under the terms of our agreement, to terminate our contract with PanTran to provide routine scheduled transportation services to our clients effective 4:00pm on Friday April 16, 2010.

From the outset, JCCOA was very optimistic about this partnership. In fact, when the opportunity was presented to us by your former director, we imagined this partnership would yield endless possibilities in providing much needed transportation services to the citizens of Jefferson County and would be a shining example of what public/private/non-profit partnerships could do when working together to meet a common goal. However, throughout the duration of this agreement, we have neither reached our full potential; nor left a legacy for others to follow.

While we recognize that, since your change in leadership, there have been personality conflicts between agencies, as well as a number of problems relating to invoicing, billing and duplication of service, which we have tried to work through, financially it is no longer feasible for us to continue with this partnership. In fact, our costs have nearly doubled since the inception of this transportation plan as we continue to pay the largest part of driver wages, all fuel, maintenance and labor costs, as well as realize the continued depreciation and extra mileage on our vehicles by housing them at the PanTran headquarters in Berkeley County.

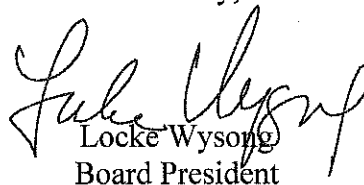
More importantly, the documents presented to the JCCOA Board of Directors during the negotiation process of this agreement clearly shows that in exchange for our contribution of the local match for the New Freedom Grant, funding was to be split equally with Jefferson County receiving a 50% share and the vehicles transferred from Preston County were to be used to expand transportation throughout Jefferson County (not necessarily for senior transportation). In both instances, Jefferson County did not receive its fare share from this "partnership" – funding was

never used to expand transportation in Jefferson County and neither vehicle from Preston County have been used to transport Jefferson County residents.

Unfortunately, bridging the gap between service agencies is not an easy task, but should continue to be explored, so long as the parties are truly dedicated to the cause at hand. JCCOA entered into this contract fully committed to providing a necessary service to those throughout Jefferson County and regrets having to exercise our right to terminate, but we see no other choice. Non-profit and public section organizations play a very important role within one's community and have a responsibility to put the interests of the public above those of self. I trust that as we part ways, in a most amicable manner, we remind ourselves that our purpose is not about one's image, but rather the selfless service we provide to the citizens throughout the State of West Virginia.

On behalf of our board, I would like to thank Janet Quinn, the Mobility Manager; Kathy Mason, Operations Manager; Allen Moser, Maintenance Supervisor; and most importantly, Lamont Dashields, Phillip Hibbits, Theresa Kopcik, Michael Quinn and William Wilt, our drivers, for their professionalism and outstanding service – they should be commended for their work. We wish PanTran our best in your future endeavors.

Sincerely,

  
Luke Wysong  
Board President

#### Attachments

CC: Honorable Sandra Vanin, Commissioner, BOSS  
Honorable Susan O'Connell, Director, Bureau of Public Transit  
Honorable John Unger, WV State Senate  
Honorable Herb Snyder, WV State Senate  
Honorable John Doyle, WV House of Delegates  
Honorable Tiffany Lawrence, WV House of Delegates  
Honorable Terry Walker, WV House of Delegates  
Jefferson County Commission  
PanTran Board of Directors  
Mr. Scott Gossard, UPAAA

## Shawna Molina

---

**From:** lwalker [lwalker@pantran.com]  
**Sent:** Tuesday, October 14, 2008 11:27 AM  
**To:** 'Shawna Molina'  
**Subject:** Power Point  
**Attachments:** Partnership between JCCOA & PanTran.pptx; \_AVG certification\_.txt

Hey

Would you please look at this and give me some ideas, I will try and finish it tonight. What time to you need it tomorrow?

Thanks

Lynn

## Benefits of the Partnership



- Coordination of transportation within the county
- Better usage of the vehicles
- Better record keeping for JCCOA
- One number to call for any transportation in Jefferson County
- Better utilization of you office staff
- More driver training

# Invoicing



- Pan Tran will invoice on a monthly basis
- It will be broken into 3 separate items
- Labor
- Fuel (less fuel tax)
- Maintenance

## Shawna Molina

---

**From:** Kim Creamer [kim.c@smnains.com]  
**Sent:** Friday, February 19, 2010 8:52 AM  
**To:** jccoadirector@frontiernet.net  
**Subject:** Additional Insured-Pan Tran

Hi Shawna: Received an email from one of our agents in Martinsburg office that Pan Tran will no longer need to be listed on your Liability thru Brim this June. Just so we are on the same page, wanted to touch base with you that an endorsement will need to be issued to delete them.

I'll wait to hear from you. Thanks! Kim

## Shawwna Molina

---

**From:** Kim Creamer [kim.c@smnains.com]  
**Sent:** Friday, February 19, 2010 1:30 PM  
**To:** Shawwna Molina  
**Subject:** RE: Additional Insured-Pan Tran

Here is what I received:

Pantran is named as an additional on the JCCOA policy.

This contract expires 6/30/10 and won't be renewed (according to Betsy Waters of Pantran).

So, as of that date, you can delete Pantran as an additional insured.

If anything else changes, I'll keep you posted.

Spring is on the way!!!

Tripp

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

**From:** Shawwna Molina [mailto:jccoadirector@frontiernet.net]  
**Sent:** Friday, February 19, 2010 12:33 PM  
**To:** Kim Creamer  
**Subject:** RE: Additional Insured-Pan Tran

Kim,

Could you forward me that email? Thanks

Shawwna Molina, CPRP  
Executive Director  
Jefferson County Council on Aging  
[www.jccoa.org](http://www.jccoa.org)  
(304) 724-7110 (office)  
(304) 725-9500 (fax)

The information is intended to be for the use of the individual or entity named above and therefore not shared. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this electronic transmission in error, please notify me by telephone at (304) 724-7110 immediately.

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## Shawna Molina

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**From:** Shawna Molina [jccoadirector@frontiernet.net]  
**Sent:** Friday, February 19, 2010 1:42 PM  
**To:** 'Betsy Waters'  
**Cc:** 'Locke Wysong'; 'Dale Manuel'; 'sgrove@jeffersoncountywv.org'; 'Dorcas, Todd M'; 'patsynol@frontiernet.net'; 'fberrymorgan@aol.com'; 'jsurkamp@comcast.net'; 'lynwidmyer@gmail.com'  
**Subject:** FW: Additional Insured-Pan Tran

Betsy,

Below, I received an email from our Insurance Representative at Smith and Nadenbousch: It states Pan Tran has preemptively decided not to renew the partnership once the first initial agreement is up in June 2010. JCCOA has not been notified of this decision. Is there a reason why?

*Shawna Molina, CPRP  
Executive Director  
Jefferson County Council on Aging  
[www.jccoa.org](http://www.jccoa.org)  
(304) 724-7110 (office)  
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Tripp

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**Sent:** Friday, February 19, 2010 2:18 PM  
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**Cc:** 'Locke Wysong'; 'Dale Manuel'; sgrove@jeffersoncountywv.org; 'Dorcas, Todd M'; patsynol@frontiernet.net; fberrymorgan@aol.com; jsurkamp@comcast.net; lynwidmyer@gmail.com  
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The contract and New Freedom funding for this program expire at the end of June 30, 2010. JCCOA will be receiving a letter in April stating that Pan Tran will not renew the contract with JCCOA after June 30, 2010.

Betsy Waters  
Director  
Eastern Panhandle Transit Authority  
446 Novak Dr.  
Martinsburg, WV 25405  
304-263-0876 ext. 103  
[bwaters@pantran.com](mailto:bwaters@pantran.com)

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**Subject:** RE: Additional Insured-Pan Tran

Yes the funds for the one fiscal year run out but there was a notice of funds available sent out January 22, 2010 for continued growth and support of this program.

*Shawna Molina, CPRP*  
*Executive Director*  
*Jefferson County Council on Aging*  
[www.jcco.org](http://www.jcco.org)  
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446 Novak Dr.  
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**Subject:** RE: Additional Insured-Pan Tran

Pan Tran is willing to set up a meeting to negotiate a new contract, but this must be done ASAP as the application for New Freedom funding is due on March 22<sup>nd</sup>. Would JCCOA be willing to negotiate different terms on a new contract?

Betsy Waters  
Director  
Eastern Panhandle Transit Authority  
446 Novak Dr.  
Martinsburg, WV 25405  
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**Cc:** 'Locke Wysong'; 'Dale Manuel'; [sgrove@jeffersoncountywv.org](mailto:sgrove@jeffersoncountywv.org); 'Dorcas, Todd M'; [patsynol@frontiernet.net](mailto:patsynol@frontiernet.net); [fberrymorgan@aol.com](mailto:fberrymorgan@aol.com); [jsurkamp@comcast.net](mailto:jsurkamp@comcast.net); [lynwidmyer@gmail.com](mailto:lynwidmyer@gmail.com)  
**Subject:** FW: Additional Insured-Pan Tran

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Below, I received an email from our Insurance Representative at Smith and Nadenbousch: It states Pan Tran has preemptively decided not to renew the partnership once the first initial agreement is up in June 2010. JCCOA has not been notified of this decision. Is there a reason why?

*Shawwna Molina, CPRP*  
*Executive Director*  
*Jefferson County Council on Aging*  
[www.jccoa.org](http://www.jccoa.org)  
*(304) 724-7110 (office)*  
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-----Original Message-----

**From:**  
**Sent:** Friday, February 19, 2010 1:30 PM  
**To:** Shawwna Molina  
**Subject:** RE: Additional Insured-Pan Tran

Here is what I received:  
Pantran is named as an additional on the JCCOA policy.  
This contract expires 6/30/10 and won't be renewed (according to Betsy Waters of Pantran).  
So, as of that date, you can delete Pantran as an additional insured.  
If anything else changes, I'll keep you posted.  
Spring is on the way!!!  
Tripp

## Shawna Molina

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**Sent:** Friday, February 19, 2010 3:55 PM  
**To:** 'Betsy Waters'  
**Cc:** 'Locke Wysong'; 'Dale Manuel'; 'sgrove@jeffersoncountywv.org'; 'Dorcas, Todd M'; 'patsynol@frontiernet.net'; 'fberrymorgan@aol.com'; 'jsurkamp@comcast.net'; 'lynwidmyer@gmail.com'; 'Susan.L.O'Connell@wv.gov'  
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**To:** 'Shawna Molina'  
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Betsy Waters  
Director  
Eastern Panhandle Transit Authority  
446 Novak Dr.  
Martinsburg, WV 25405  
304-263-0876 ext. 103  
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## Shawna Molina

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**From:** Betsy Waters [bwaters@pantran.com]  
**Sent:** Sunday, February 21, 2010 10:07 AM  
**To:** jccoadirector@frontiernet.net  
**Cc:** Locke Wysong; Dale Manuel; sgrove@jeffersoncountywv.org; Todd M' Dorcas; patsynol@frontiernet.net; fberrymorgan@aol.com; jsurkamp@comcast.net; lynwidmyer@gmail.com; Susan L O'Connell  
**Subject:** Re: Additional Insured-Pan Tran

Please see my response in red below.

---

**From:** jccoadirector@frontiernet.net  
**Sent:** Friday, February 19, 2010 4:57 PM  
**To:** "Betsy Waters" <bwaters@pantran.com>  
**Subject:** Re: Additional Insured-Pan Tran

I think you've mistaken the entire corresponance of this email. I have asked several pointed questions which you have refused to address and answer. Further, I do not have the authority renegotiation the contract as the JCCOA representative will address your offer, as you stated in the email, with the JCCOA Board in our next scheduled meeting in March 2010. I had made a statement (Yes the funds for the one fiscal year run out but there was a notice of funds available sent out January 22, 2010 for continued growth and support of this program) you can find this further down in this email. Pan Tran is contractually obligated to give JCCOA 30 days notice to terminate the contract. Additionally, the contract expires June 30, 2010 with no obligation from either party to renew the contract or funding. Pan Tran has lost money on this contract and cannot renew the current contract. Should JCCOA want to renegotiate the contract then Pan Tran would be willing to discuss this with JCCOA.

Pointed Questions you have refused to address and answer:

1. What was your reason to wait until April, After the March 22, 2010 deadline, to give notice to JCCOA Pan Tran would not be interested in renewing the contract? Pan Tran is not contractually obligated to give JCCOA more than 30 days notice to terminate the contract. The contract expires June 30, 2010 with no contractual obligation to renew. Pan Tran intends to send the official letter of termination in April 2010 in order for JCCOA to recieve the letter by May 1, 2010 to satisfy the 30 day notice stated in the contract. Pan Tran is not required to send this letter, but will do so in order to satisfy both the expiration date of the contract and the 30 day notice clause.
2. The First email in our correspondence is from Pan Tran BRIM Smith and Nadenbousch representative stating the contract will not be renewed (as directed from Betsy Waters of Pan Tran) Pan Tran has preemptively decided not to renew the partnership once the first initial agreement is up in June 2010. JCCOA has not been notified of this decision. Is there a reason why? Again, Pan Tran is required to give 30 days notice to terminate the contract. Pan Tran's insurance representative, Tripp Smith, did discuss Pan Tran insurance business with me recently. At that time we discussed the partnership's termination date of June 30, 2010 in order to keep Pan Tran's insurance information current.
3. I am still waiting on a response regarding our conference call with WVDOT representatives regarding the additional bus given to PanTran to support expanded support in Jefferson County. It is important to note bus 15 should not be used to compete with JCCOA transportation as all previously scheduled transportation scheduled prior to Pan Tran receiving bus #15 put into use on January 25. I will notify you when I receive a response. I have repeatedly stated to you in both private and group emails that #15 is not competing with JCCOA vehicles. The purpose of #15 was for Pan Tran to contribute to the partnership and to assist with Jefferson County transportation. It is doing both.

A direct response to each inquiry would be appreciated. Thank you in advance

Shawna Molina

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

From: "Betsy Waters" <bwaters@pantran.com>

To: "Shawna Molina" <jccoadirector@frontiernet.net>  
Cc: "Locke Wysong" <lockewysong1wv@yahoo.com>, "Dale Manuel" <dmanuel@frontiernet.net>, sgrove@jeffersoncountywv.org, "Todd M' Dorcas" <Todd.M.Dorcas@wv.gov>, patsynol@frontiernet.net, fberrymorgan@aol.com, jsurkamp@comcast.net, lynwidmyer@gmail.com, "Susan L O'Connell" <Susan.L.O'Connell@wv.gov>  
Sent: Friday, February 19, 2010 4:01:53 PM GMT -05:00 US/Canada Eastern  
Subject: RE: Additional Insured-Pan Tran

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Betsy Waters

Director

Eastern Panhandle Transit Authority

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# Telamon Corporation requests that you “make your voice heard”!

CommunityWorks in West Virginia, Inc. is working with its member organizations, in this area Telamon Corporation, and Collective Impact, LLC to conduct a statewide Affordable Housing Market Opportunities and Strategic Planning project.

The purpose of the project is to better understand the affordable housing assets and needs in West Virginia, identify market opportunities throughout the state, and develop a strategic plan to help strengthen the affordable housing system.

## You're invited...

Come to an Affordable Housing Discussion to tell us what you think the possibilities are for the affordable housing industry in a rapidly changing environment.

This is an opportunity to bring together a variety of folks 'to the table' so that we can learn from one another about the affordable housing landscape in your area and throughout the state.

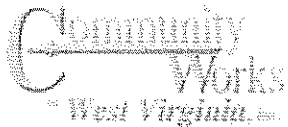
Information gathered from these sessions, in addition to data collected through an extensive data review and analysis and an online survey will be used to create the Affordable Housing Market Opportunities Report and Strategic Plan.

Who Should Come?	Date	Time	Place
Affordable Housing Stakeholders (housing/housing related organizations, bankers, developers, lenders, realtors, customers, etc.)	Wednesday, April 7, 2010	9:00 AM – 11:00 AM	Robert C. Byrd Health Sciences Center 2500 Foundation Way Martinsburg, WV 25401

Refreshments will be provided at the meeting.

For more information, please contact Robin Kees at Telamon Corporation by telephone at 304.263.0916, ext #18 or by email at [rkees@telamon.org](mailto:rkees@telamon.org)

To learn more about the CommunityWorks in West Virginia Inc., visit our website at [www.communityworkswv.org](http://www.communityworkswv.org)



CommunityWorks In West Virginia, Inc.  
4302 Crede Drive  
Charleston, West Virginia 25302

(304) 965-2241 Voice  
(304) 965-2264 Fax

**NOTICE OF PUBLIC HEARING  
COUNTY COMMISSION OF JEFFERSON COUNTY  
ZONING MAP AMENDMENT**

**The County Commission of Jefferson County will hold a Public Hearing regarding a Zoning Map Amendment (Rezoning) for property designated as Tax District Harpers Ferry, Map 9, Parcels 37 and 37.2 - 340 and Bakerton. The hearing will be held on Thursday, April 15, 2010, at 7:00 p.m. in the Old Charles Town Library Meeting Room on the ground floor of the Library, 200 East Washington Street, Charles Town, WV 25414.**

**Anyone wishing to provide comment may do so at this meeting or by email at [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)**

**By Order of The County  
Commission of Jefferson County  
Lyn Widmyer, President**

March 13, 2010



Dear Friends and Neighbors,

You are invited to one of a series of local informational meetings for Jefferson County landowners who own property in the proposed "PATH Preferred Right of Way." The meetings are scheduled for the following dates and locations:

- Thursday, March 25, 7:00 p.m. at Summit Point United Methodist Church, Steptoe Street, Summit Point, WV; or
- Saturday, March 27, 9:00 a.m. at Chestnut Hill United Methodist Church, 1497 Hostler Road, Harpers Ferry, WV; or
- Tuesday, March 30, 7:00 p.m. at Charles Town Library Basement Meeting Room, 200 E. Washington Street, Charles Town, WV. Please use the entrance on Samuel Street.

All three meetings will be identical -- please attend the one nearest to or most convenient for you. Coffee and cookies will be served.

At this meeting there will be information about:

- Power company right-of-way survey agreements;
- Power company property purchases;
- A discussion of eminent domain and its use in the PATH case;
- Updated information about the PATH process;
- An actual account of a West Virginia couple's dealings with power company land agents... Don't let this happen to you!

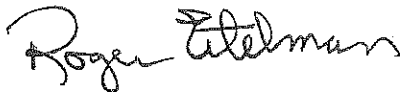
- Learn the inside scoop about PATH land agents and how to put yourself in the driver's seat... Don't be a victim!
- Do you need an attorney?
- Can you rescind permission to access and/or survey your property?

We know that PATH land agents have already contacted several property owners here in Jefferson County. If you question what the land agents have told you, please come to this meeting. If you are concerned about the land agents contacting you, please come to this meeting. A few of your neighbors have already sent in complaints about land agents and have canceled their signed survey agreements.

We want to support you in this process. There is a large group of your neighbors who are actively involved in stopping PATH. Only by standing together with our friends and neighbors can we present the united front necessary to protect your property rights.

If you have any questions or you can't come to one of these meetings, please do not hesitate to call me at (304) 728-2646. For up-to-date information on the internet, go to [www.stoppathwv.com](http://www.stoppathwv.com) or [www.calhounpowerline.wordpress.com](http://www.calhounpowerline.wordpress.com).

Sincerely,



Roger Eitelman  
President  
StopPATH WV



# Fax Message

County Commissioners' Association  
 of West Virginia  
 2309 Washington Street, East  
 Charleston, WV 25311  
 (304) 345-4639 FAX (304) 346-3512



To: All County Commissioners

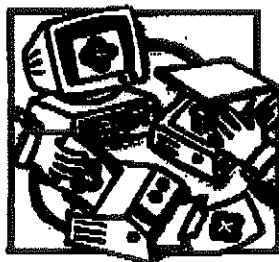
Date: 3-22-2010

From: Vivan Parsons

# of Pages: 7

**Comments:**

If you have any questions,  
 Please give me a call!





State of West Virginia  
**Consolidated Public Retirement Board**

4101 MacCorkle Avenue, SE  
 Charleston, West Virginia 25304-1636  
 Telephone: 304-558-3570 or 800-654-4406  
 Fax: 304-558-6337  
 email: CPRB@wvretirement.com  
 www.wvretirement.com

**Board Members**

Governor Joe Manchin III  
 Auditor Glen B. Gainer III, Vice Chairman  
 Treasurer John D. Perdue  
 Cabinet Secretary Robert W. Ferguson, Jr.

**Executive Director**

Anne Werum Lambright

**Board Members**

David L. Wyant, Chairman  
 E. Gene Davis  
 Drema B. Evans  
 David Fletcher  
 Charles C. Lanham  
 Joe Lynch  
 D. Todd Murray  
 Andrew Richardson  
 Captain Stephen C. Tucker

March 10, 2010

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

Dear Ms. Parsons:

Please find enclosed a form application which should be used by any individual wishing to be considered by the Board for appointment as a representative of the Public Employees Retirement System to the West Virginia Investment Management Board. A copy of the procedural rules governing the appointment process is also enclosed.

Please make copies of this application form available to any interested person within your organization. As provided for in the rules, the application should be signed by at least five (5) other members of the applicant's retirement system.

Please note that in order to be considered this office must receive the completed application no later than, April 2, 2010. The application should be submitted to the attention of my Executive Assistant, Anita Brewster, at the address noted above.

Thank you for your assistance and cooperation.

Very truly yours,

  
 Anne Werum Lambright, Esquire  
 Executive Director

AWL/afb  
 encl.

cc: Drema Evans, WVIMB Reps. Committee Chair  
 Craig Slaughter, Executive Director, WVIMB

162CSR6

**APPLICATION FOR APPOINTMENT  
BY THE CONSOLIDATED PUBLIC RETIREMENT BOARD TO BE A  
REPRESENTATIVE TO THE  
WEST VIRGINIA INVESTMENT MANAGEMENT BOARD**

Name			
Address	City	State	Zip Code

Home Telephone ( )	Work Telephone ( )
Home FAX ( )	Work FAX ( )
Home Email ( )	Work Email ( )

REPRESENTATIVE TO WHAT SYSTEM (Please circle one)

**PERS    TRS    JRS    Plan A    Plan B    DSRS    EMSRS**

<b>Experience for Appointment:</b>

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_

I hereby recommend the above named individual for this appointment, and I verify that I am a participating member of the same retirement system.

Please Print Your Name	Your Signature	Your Employer
1.		
2.		
3.		
4.		
5.		

From:Consol Pub Ret Bd

304 558 6337

03/22/2010 15:14

#689 P.002/005

162CSR6

**TITLE 162  
PROCEDURAL RULE  
WEST VIRGINIA CONSOLIDATED PUBLIC RETIREMENT BOARD**

**SERIES 6  
PROCEDURAL RULES OF THE WEST VIRGINIA CONSOLIDATED  
PUBLIC RETIREMENT BOARD FOR THE APPOINTMENT OF  
REPRESENTATIVES TO THE WEST VIRGINIA  
INVESTMENT MANAGEMENT BOARD**

**§162-6-1. General.**

1.1. Scope. -- This series of rules sets forth the procedure to be followed by the West Virginia Consolidated Public Retirement Board for the appointment of representatives from each of the seven (7) defined benefit plans administered by the Consolidated Public Retirement Board to the West Virginia Investment Management Board as required by W. Va. Code §12-6-3.

1.2. Authority. -- W. Va. Code §5-10D-1.

1.3. Filing Date. -- August 14, 2008.

1.4. Effective Date. -- September 14, 2008.

**§162-6-2. Appointment Process.**

2.1. Pursuant to W. Va. Code §12-6-3, the West Virginia Consolidated Public Retirement Board shall annually appoint, on or before the first day of June of each year, a representative to the West Virginia Investment Management Board from each of the seven (7) defined benefit plans administered by the Consolidated Public Retirement Board.

2.2. The West Virginia Consolidated Public Retirement Board shall make available to any interested member, or retiree, of the seven (7) defined benefit plans administered by the Consolidated Public Retirement Board an "Application for Appointment by the Consolidated Public Retirement Board to be a Representative to the West Virginia Investment Management Board," a copy of which is attached hereto and incorporated by reference as Appendix A.

2.3. Any individual wishing to submit an Application for Appointment by the Consolidated Public Retirement Board to be a Representative to the West Virginia Investment Management Board shall do so on or before the first day of April of the year in which he or she wishes to be considered for appointment.

2.4. The chairperson of the West Virginia Consolidated Public Retirement Board shall, on or before the first day of April of each year, designate a standing committee from its members whose responsibility it shall be to evaluate the applications submitted for consideration in accordance with these rules and to make recommendations to the Board in conjunction therewith.

2.5. The standing committee charged with evaluating the applications for appointment of representatives to the West Virginia Investment Management Board shall, on or before the first day of May of each year, report to the West Virginia Consolidated Public Retirement Board its findings and recommendations with

From:Consol Pub Ret Bd

304 558 6337

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#689 P.003/005

**162CSR6**

respect to the applicants, and the Board shall, with input from the standing committee, appoint one representative from each of the seven (7) defined benefit retirement plans on or before the first day of June of each year.

2.6. On or before the first day of June of each year, the West Virginia Consolidated Public Retirement Board shall submit in writing to the Investment Management Board the names of each of the representatives appointed pursuant to these rules.

**§162-6-3. Appointment of Representative from the West Virginia State Police Death, Disability and Retirement Fund (Plan A).**

3.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the West Virginia State Police Death, Disability and Retirement Fund (Plan A) from those members of that system who shall have completed the Consolidated Public Retirement Board's application form as set forth in section § 162-6-2 of these rules, which form must be signed by at least five (5) other members of that retirement system.

**§162-6-4. Appointment of Representative from the West Virginia State Police Retirement System (Plan B).**

4.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the West Virginia State Police Retirement System (Plan B) from those members of that system who shall have completed the Consolidated Public Retirement Board's application form as set forth in subsection § 162-6-2 of these rules, which form must be signed by at least five (5) other members of that retirement system.

**§162-6-5. Appointment of Representative from the Judges Retirement System.**

5.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Judges Retirement System from those members of that system who shall have completed the Consolidated Public Retirement Board's application form as set forth in subsection § 162-6-2 of these rules, which form must be signed by at least five (5) other members of that retirement system.

**§162-6-6. Appointment of Representatives from the Teachers Retirement System.**

6.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Teachers Retirement System from those members of that plan who shall have completed the Consolidated Public Retirement Board's application form as set forth in subsection § 162-6-2 of these rules, which form must be signed by at least five (5) other members of that retirement system.

**§162-6-7. Appointment of Representative from the Public Employees Retirement System.**

7.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Public Employees Retirement System from those members of that plan who shall have completed the Consolidated Public Retirement Board's application form as set forth in subsection § 162-6-2 of these rules, which form must be signed by at least five (5) other members of that retirement system.

**§162-6-8. Appointment of Representative from the Deputy Sheriff Retirement System.**

8.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Deputy Sheriff Retirement System from those members of that plan who shall have completed the

From:Consol Pub Ret Bd

304 558 8337

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## 162CSR6

Consolidated Public Retirement Board's application form as set forth in subsection § 162-6-2 of these rules, which form must be signed by at least five (5) other members of that retirement system.

**§162-6-9. Appointment of Representative from the Emergency Medical Services Retirement System.**

9.1. The West Virginia Consolidated Public Retirement Board shall appoint a representative from the Emergency Medical Services Retirement System from those members of that plan who shall have completed the Consolidated Public Retirement Board's application form as set forth in subsection § 162-6-2 of these rules, which form must be signed by at least five (5) other members of that retirement system.

**§162-6-10. Committee Selection by Appointed Representatives.**

10.1. Each of the representatives appointed in accordance with these procedural rules shall, in turn and on or before July 1 of each year, appoint no more than three people to comprise a committee to represent the respective retirement funds in meetings before the Investment Management Board.

10.2. The representative appointed by the West Virginia Consolidated Public Retirement Board pursuant to these rules may serve as one of the three committee members referenced in 9.1 of these rules.

10.3. Each of the representatives appointed in accordance with these procedural rules shall submit in writing to the West Virginia Investment Management Board, on or before the first day of July of each year, the names of the three people comprising the committee appointed pursuant to §162-6-9.1 of these rules who will represent the beneficiaries of that representative's participant plan in meetings before the West Virginia Investment Management Board.

10.4. The committee members selected by the representative appointed in accordance with these procedural rules should come from diverse backgrounds as well as diverse geographical regions of the state, and should, whenever possible, not represent the same type of employees or the same work organization as the representative or the other committee members, and should have some experience with retirement plans and/or the investment of pension assets.

**§162-6-11. Same Procedure to be Followed for Additional Defined Benefit Plans Created by Act of Legislature.**

11.1. To the extent that additional defined benefit plans are created by Act of the Legislature subsequent to the effective date of these rules, for which representative appointments to the Investment Management Board must be made, the same procedure as set forth herein for representative appointments for the existing defined benefit plans administered by the West Virginia Consolidated Public Retirement Board shall be followed for the appointment of representatives from such additional defined benefit plans to the Investment Management Board.

**§162-6-12. Procedure to be Followed in the Event of Resignation of Appointed Representatives.**

12.1. In the event that a representative appointed pursuant to these rules tenders his resignation to the Consolidated Public Retirement Board during the term of his appointment, the Board's designated standing committee shall review and consider the remaining applications which were tendered for consideration for the term of appointment in question, and shall make a recommendation to the Consolidated Public Retirement Board regarding the appointment of a substitute representative at the Board's next regularly scheduled meeting.

From: Consol Pub Ret Bd

304 558 6337

03/22/2010 16:16

8889 P.005/005

**162CSR6**

12.2. The Consolidated Public Retirement Board shall consider the recommendation of the standing committee regarding the appointment of a substitute representative, and shall, with input from the standing committee, appoint a substitute representative to fill the position vacated by the resigning representative for the balance of that term of appointment.

**§162-6-13. Procedure to be Followed in the Event No Application is Received.**

13.1. If there are no applications received by the Consolidated Public Retirement Board within the time period contemplated by § 162-6-2.3 for any of the plans covered by this rule, the Board shall, with input from the Standing Committee, appoint a representative from such plan who is willing to serve and who, in the determination of the Board, would be capable of properly fulfilling the obligation of such an appointment.

TUESDAY, MARCH 16, 2010 ★ 5

To: ALL COUNTY  
OFFICIALS

Articles of  
Interest

## Lincoln commissioners getting hefty pay raise

By BILLY WOLFE  
DAILY MAIL STAFF

Even amid a recession, Lincoln County commissioners are set to receive a 23 percent pay raise.

They had nothing to do with it, however. Thanks to an increase in assessed property values, elected officials in 22 counties will get automatic pay raises this year.

In addition to Lincoln, the counties are Barbour, Doddridge, Fayette, Gilmer, Hardy, Lewis, Lincoln, Logan, Marshall, McDowell, Mercer, Monroe, Pleasants, Pocahontas, Preston, Ritchie, Summers,

Taylor, Tucker, Tyler, Upshur and Wyoming.

Many of the raises are modest, but the three commissioners in Lincoln County will go from \$28,380 to \$34,980 annually.

Every two years, state Auditor Glen Gainer's office collects data on assessed property values in all 55 counties. Each is then assigned a classification.

State law sets the pay for county elected officials based on those classifications, said Ora Ash, director of local government services for the auditor's office.

■ Turn to RAISE/5A

## Raise

▲ Continued from 1A

### Lincoln officials not sure if they will have to put in more time

The highest designation is Class 1 and lowest is Class 10. Kanawha is among 13 Class 1 counties and has \$9.6 billion in assessed value — the most in the state. Wirt is the only Class 10 county, with \$145 million in assessed value.

Seven of those counties are still at or below Class 6. Most elected officials in Class 6-10 counties are considered part-time.

All property is assessed to determine the classification, Ash said.

"It's not just personal property," he said. "It includes tax-exempt properties like government buildings and religious institutions. Even things that are not taxable are included in the calculation."

Ash said some people mistakenly believe county classifications are based on population.

"Municipal classifications are determined by population, but on the county side, it is based strictly on assessed property values," he said.

The pay raises will take effect July 1.

Classification affects the pay of county commissioners, county clerks, sheriffs, prosecutors, assessors and circuit clerks.

As an example, Lewis County is moving from Class 4 to Class 3.

The prosecuting attorney's salary will go from \$90,000 to \$92,200, for a \$2,200 raise.

County commissioner salaries will be raised by \$660 per year, going from \$34,980 to \$35,640.

The county and circuit clerks will go from \$53,154 to \$53,460, for another \$306 per year; the assessor and sheriff, from \$43,560 to \$53,890, for another \$330 per year.

Marshall and Mercer counties both went from Class 2 to Class 1.

counties will go from Class 6 to Class 5, meaning that officials in those counties will now be considered full-time.

However, Lincoln County Assessor Tracy Dempsey said his position and the county prosecutor and sheriff were already considered full-time.

He said assessed property values are increasing, but it is not necessarily due to an increase in the true value of the property. He said levy rates are factored in with the appraised value of the property in order to determine the assessed value.

"A lot of times, it's not so much that appraisals went up but that the levy rates went up," he said.

Lincoln Commission President Charles McCann said the jump from a Class 6 to a Class 5 will mean a "significant" pay increase for him and his fellow commissioners.

When McCann took office in 1997, Lincoln County was Class 8, he said. In the 13 years he's been in office, McCann has seen a few minor class increases.

"But this time, it's a significant bump," he said.

He was unsure whether he and the two other county commissioners would be required to put in more time at the office. As a retiree, McCann said he already devotes himself to the job full-time.

Commissioner Thomas Ramey, who was appointed to the position left vacant by the death of Buster Stowers last fall, also works as a full-time commissioner, McCann said.

Still new to the job, Ramey works extra hours at the courthouse to learn the ropes of the position, McCann said.

"But our other commissioner — Dr. Charles Vance — is a practicing physician, and it would put an extra burden on him to be there full-time," McCann said.

Patty Hamilton has been executive director of the state Association of Counties for 14 years. During that time, only once has a county — Braxton — dropped in classification, resulting in a pay cut.

"It's really unusual for that to happen," she said.

Contact writer Billy Wolfe at [billy.wolfe@dailymail.com](mailto:billy.wolfe@dailymail.com) or 304-

LEGISLATURE 2010

# Supporters of ethics law say fight isn't over

By Phil Kabler and Allison Knezevich Staff writers

Supporters of legislation that would have toughened the state ethics law aren't taking the bill's demise in the Senate on Saturday lightly.

"We need to keep the heat on that bill. We need to keep that bill at the forefront," House Minority Leader

Tim Armistead, R-Kanawha, said during a House floor speech Monday.

"I think it's very unfortunate that after this House made a tremendous statement in the first bill we passed this session, 98-0 in a bipartisan manner ... the Senate didn't see fit to take that bill up," he said.

The bill — which would have toughened financial disclosure requirements for public officials and candidates by adding sections for spousal income and assets as well as for real-estate holdings

in the state — died Saturday in the Senate Finance Committee.

The ethics bill (HB4016) was one of three key measures that died at the end of the 2010 regular session, along with Gov. Joe Manchin's proposal to give personal property tax breaks for business's equipment purchases and inventory (HJR101), as well as a bill to expand state laws outlawing "cyberbullying" (HB4207).

"It could have gone a long way to repair the reputation of the Legislature in general," Armistead said of the ethics bill.

He said he heard that some senators had concerns about adding their spouses' assets to the disclosure form that they have to file annually, and that senators wanted to amend legislators out of a "revolving door" restriction that would have prevented public officials and staffers from becoming Capitol lobbyists for one year after leaving public service.

Armistead said the one explanation he doesn't buy is from Senate Finance Chairman Walt Helmick, D-Pocahontas,

who said the committee ran out of time to work on the bill.

The bill was in the committee's possession for the final four days of the session, including the final day on Saturday — when Helmick's committee did not meet the entire day.

Larry Rowe, a former state senator and a member of the Ethics Commission, said the issue of adding spousal assets to the financial disclosure form has been a source of contention for some time.

Still, he said the bill's demise came as a surprise, particularly after it had passed the Senate Judiciary Committee earlier in the week.

"We on the Ethics Commission thought it was going to pass. We had a good feeling about it," he said. "If there are concerns, we'd like to know, so we could take it up again."

Theresa Kirk, the commission's executive director, was also surprised that the bill was derailed in committee.

As for the committee's objections, she said, "I don't know for certain, except for the statement made by the chairman that there were concerns about spousal disclosure."

Both Rowe and Armistead said they would like to see Gov. Joe Manchin take the lead and put the ethics bill on a special-session agenda later this year.

"Particularly after the state of West Virginia received an 'F' in a national report for our ethics law, the people of West Virginia deserve better," Armistead said, referring to a report released last summer by the Center for Public Integrity, which flagged the state for its weak financial disclosure requirements.

## Amendment on taxes

The proposed business-tax break was the only item on Manchin's agenda to fail. It would have placed a constitutional amendment on the ballot to let the state exempt new equipment and inventory from the personal property tax.

Support for the idea was never more than lukewarm at best, even within the manufacturing and business communities, said Senate Judiciary Chairman Jeff Kessler, D-Marshall.

In the end, "labor was against it, education was it against it, counties were against it, and business was against it," he said.

On Friday, the Senate Finance Committee removed language to let counties decide whether to exempt businesses from the tax. That change killed support for the measure among county commissioners, said Patti Hamilton, executive director of the West Virginia Association of Counties.

"It was never more than the most lukewarm support, and then that made it into pretty much adamant opposition," Hamilton said.

Manchin spokesman Matt Turner said it is "too early to tell" whether the governor will try to the issue again.

↑ The Ethics Act revision would also have affected county officials. It did not pass.

# Severance tax conflict is brewing

## Manchin not sure he will sign bill to give coal-producing counties more revenue

By **BILLY WOLFE**  
DAILY MAIL STAFF

Kanawha County stands to gain \$1 million over five years from a bill approved on the final day of the legislative session. Its fate, however, is in Gov. Joe Manchin's hands, and he has reservations about it.

The bill would ease budget concerns for officials in coal-producing counties such as Kanawha while putting more pressure on the state budget.

It would allow coal-producing counties to keep 5 percent more in coal severance taxes. As a consequence, the state would get about \$18 million less.

Kanawha County Commission President Kent Carper said the new revenue source would be most welcome.

"As tight as things are with local government, this is a tremendous help," he said.

The additional money for the counties would be phased in at an additional 1 percent a year for five years. Kanawha County now gets about \$1.4 million annually from the severance tax, said County Manager Dave Fontalbert.

That sum would go up by about \$1 million at the end of the phase-in period, Fontalbert added.

The money must be used for "economic development, infra-

structure, job creation and road repair," according to the bill.

Manchin would not say Tuesday whether he will sign the bill.

The governor said he "knows counties are hurting," but added that he is concerned about the cost to the state.

Manchin also said the rules on how the money is to be spent are too broad.

He said he wants a better breakdown not only on spending but also on the bill's cost.

"If there could have been a dedication solely toward infrastructure, it would be so much more helpful," he said.

State Sen. Brooks McCabe, D-Kanawha, said he supported the bill because of its effect on the Kanawha County budget.

He also supported an amendment that allows counties to use up to \$600,000 of the additional revenue to pay down bond debts.

"The negative, of course, is it takes \$18 million out of the state's revenue," he said. "But the sense was that with the counties under such severe financial pressures, this was a way that counties could deal with significant infrastructure-related improvements."

Delegate Josh Stowers, D-Lincoln, said the money would help address the issue of orphan

ten," Carper said. Carper said Kanawha County would be among counties that benefit the most from the bill.

He said coal production may fall drastically in years to come. Local governments should take advantage now, he added.

Carper said he hopes the state won't try to pass on its responsibility of maintaining state-owned roads.

Even with additional money, Kanawha County is not equipped to take on large-scale road improvements, Carper said.

"I could certainly argue that five times this much money should be going to the counties," Carper said.

Currently, 93 percent of coal severance taxes go to the state, and 7 percent goes to counties and cities.

Staff writer Sara Gavin contributed to this report. Contact writer Billy Wolfe at [billy.wolfe@daily@mail.com](mailto:billy.wolfe@daily@mail.com) or 304-348-4843.

Staff writer Sara Gavin contributed to this report. Contact writer Billy Wolfe at [billy.wolfe@daily@mail.com](mailto:billy.wolfe@daily@mail.com) or 304-348-4843.

### Coal

Continued from 1A

## Delegate says money will help address issue of orphan roads

roads and damage to infrastructure caused by coal producers.



# KANAWHA COUNTY COMMISSION

Post Office Box 3627  
Charleston, West Virginia 25336



Telephone (304) 357-0101  
Fax (304) 357-0788  
www.kanawha.us

Henry C. Shores  
Commissioner

W. Kent Carper  
Commissioner

David J. "Dave" Hardy  
Commissioner

March 18, 2010

**Via Facsimile: 304.725.7916**

The Honorable Lyn Widmyer, President  
Jefferson County Commission  
P. O. Box 250  
Charles Town, WV 25414

Dear President Widmyer:

As you are aware, House Bill 4177 provides for an additional percentage of Coal Severance Taxes to be distributed to county government. Enclosed is documentation showing the estimated increase each County will receive. You will note the impact on each County's budget is significant whether you are a coal producing county or not.

It has been reported that Governor Manchin has reservations as to whether to sign the Bill or Veto it. I, once again, direct your attention to the enclosed documentation to determine what is on the line for your County. We need each and every County Commissioner and Legislative representative to contact Governor Manchin to let him know we will not stand by idly. Vetoing this Bill is just not acceptable. Too many unfunded mandates have been placed on the Counties, and this is one of the rare opportunities for us to see an increase in revenue.

Please contact Governor Manchin immediately and request him to sign House Bill 4177 into law. Should the Governor determine this Bill has a technical error, I encourage you to contact the Governor requesting the correction be made during the Budget Session or, in the alternative, placed on Special Session for correction and signature by the Governor.

**Time is of the essence.**

Sincerely,

A handwritten signature in black ink, appearing to read "W. Kent Carper", is written over a printed name and title.

W. Kent Carper  
President

WKC/bp/krm

Enclosure

cc: Henry C. "Hoppy" Shores, Commissioner  
Dave Hardy, Commissioner  
Brent Pauley, Kanawha County Manager  
Vivian Parson, Executive Director, CCAWV  
Patti Hamilton, Executive Director, WVACO

	Current*	FISCAL YEARS					\$ Increase Per Year	Cummulative Total
		2010-11	2011-12	2012-13	2013-14	2014-15+		
Barbour	\$ 223,019	\$ 254,879	\$ 286,739	\$ 318,599	\$ 350,459	\$ 382,319	\$ 31,860	\$ 477,899
Berkeley	272,326	311,230	350,139	389,037	427,941	466,845	38,904	583,556
Boone	5,090,373	5,817,569	6,544,765	7,271,961	7,999,157	8,726,353	727,196	10,907,941
Braxton	109,229	124,834	140,438	156,042	171,646	187,250	15,604	234,063
Brooke	142,280	162,606	182,932	203,258	223,584	243,909	20,326	304,887
Cabell	197,596	225,824	254,052	282,280	310,508	338,736	28,228	423,420
Calhoun	31,485	35,983	40,481	44,978	49,476	53,974	4,498	67,468
Clay	508,364	580,987	653,611	726,234	798,857	871,481	72,623	1,089,351
Doddridge	29,600	33,829	38,058	42,286	46,515	50,744	4,229	63,429
Fayette	733,051	837,773	942,494	1,047,216	1,151,937	1,256,659	104,722	1,570,824
Gilmer	24,409	27,896	31,383	34,870	38,357	41,844	3,487	52,305
Grant	38,484	43,982	49,480	54,978	60,476	65,973	5,498	82,467
Greenbier	266,062	304,071	342,080	380,089	418,098	456,107	38,009	570,134
Hampshire	81,048	92,626	104,204	115,782	127,361	138,939	11,578	173,674
Hancock	58,085	66,383	74,681	82,979	91,277	99,575	8,298	124,469
Hardy	45,085	51,525	57,966	64,407	70,847	77,288	6,441	96,610
Harrison	209,068	238,934	268,801	298,668	328,535	358,402	29,867	448,002
Jackson	92,907	106,179	119,451	132,724	145,996	159,269	13,272	199,086
Jefferson	153,350	175,257	197,165	219,072	240,979	262,886	21,907	328,608
Kanawha	1,386,901	1,585,030	1,783,159	1,981,288	2,179,416	2,377,545	198,129	2,971,931
Lewis	54,723	62,540	70,358	78,175	85,993	93,810	7,818	117,263
Lincoln	681,863	779,272	876,681	974,090	1,071,499	1,168,908	97,409	1,461,135
Logan	3,124,805	3,571,206	4,017,606	4,464,007	4,910,408	5,356,808	446,401	6,696,010
Marion	1,803,054	2,060,633	2,318,212	2,575,791	2,833,370	3,090,949	257,579	3,863,686
Marshall	2,065,612	2,360,699	2,655,786	2,950,874	3,245,961	3,541,048	295,087	4,426,311
Mason	186,527	213,174	239,820	266,467	293,114	319,760	26,647	399,701
McDowell	1,029,678	1,176,775	1,323,872	1,470,969	1,618,065	1,765,162	147,097	2,206,453
Mercer	278,837	318,671	358,505	398,339	438,173	478,007	39,834	597,509
Mineral	98,190	112,217	126,244	140,271	154,298	168,325	14,027	210,406
Mingo	1,997,952	2,283,373	2,568,795	2,854,217	3,139,638	3,425,060	285,422	4,281,325
Monongalia	963,655	1,101,320	1,238,985	1,376,650	1,514,315	1,651,980	137,665	2,064,975
Monroe	57,806	66,065	74,323	82,581	90,839	99,097	8,258	123,871
Morgan	61,722	70,540	79,357	88,175	96,992	105,810	8,817	132,262
Nicholas	1,070,301	1,223,201	1,376,101	1,529,001	1,681,902	1,834,802	152,900	2,293,502
Ohio	46,965	53,674	60,383	67,093	73,802	80,511	6,709	100,639
Pendleton	33,199	37,942	42,684	47,427	52,170	56,912	4,743	71,141
Pleasants	20,016	22,876	25,735	28,595	31,454	34,314	2,859	42,892
Pocahontas	33,302	38,060	42,817	47,574	52,332	57,089	4,757	71,362
Preston	301,364	344,416	387,468	430,520	473,572	516,624	43,052	645,780
Putnam	177,023	202,312	227,602	252,891	278,180	303,469	25,289	379,336
Raleigh	2,093,120	2,392,137	2,691,154	2,990,171	3,289,189	3,588,206	299,017	4,485,257
Randolph	142,170	162,480	182,791	203,101	223,411	243,721	20,310	304,651
Ritchie	28,690	32,788	36,887	40,985	45,084	49,182	4,099	61,478
Roane	57,864	66,130	74,396	82,662	90,929	99,195	8,266	123,994
Summers	45,403	51,890	58,376	64,862	71,348	77,834	6,486	97,293
Taylor	46,274	52,884	59,495	66,106	72,716	79,327	6,611	99,158
Tucker	457,638	523,015	588,392	653,769	719,146	784,523	65,377	980,654
Tyler	27,321	31,224	35,127	39,030	42,933	46,836	3,903	58,545
Upshur	202,430	231,349	260,267	289,186	318,104	347,023	28,919	433,779
Wayne	736,914	842,188	947,461	1,052,735	1,158,008	1,263,282	105,273	1,579,102
Webster	754,103	861,832	969,561	1,077,290	1,185,019	1,292,748	107,729	1,615,935
Wetzel	39,504	45,147	50,791	56,434	62,077	67,721	5,643	84,651
Wirt	21,892	25,019	28,147	31,274	34,401	37,529	3,127	46,911
Wood	180,151	205,887	231,622	257,358	283,094	308,830	25,736	386,037
Wyoming	960,689	1,097,930	1,235,171	1,372,413	1,509,654	1,646,895	137,241	2,058,619

COAL PRODUCING COUNTIES	\$ 59,346,937
NON-COAL PRODUCING COUNTIES	\$ 4,024,805
<b>TOTAL ALL COUNTIES</b>	<b>\$ 63,371,742</b>

\* Source: WV Coal Association "Coal Facts"

# 22  
ATTENTION: 2011 REAP RECYCLING GRANT APPLICATION  
IS NOW AVAILABLE From the WVDEP REAP Recycling  
Grant Program

Awards up to \$150,000 for municipalities over 10,000 in population and county agencies. Awards up to \$75,000 for municipalities under \$10,000 in population, state agencies, instrumentalities, private enterprise and non-profit organizations.

RECEIVED  
MAR 22 2011  
Jefferson County Commission  
Applications may be downloaded from the DEP website at [www.dep.wv.gov/dlr/reap/grantprograms](http://www.dep.wv.gov/dlr/reap/grantprograms) or to receive a hard copy feel free to call (304) 926-0499 extension 1002 or 1-800-322-5530. You may also e-mail your request to [lisa.i.facemyer@wv.gov](mailto:lisa.i.facemyer@wv.gov). Be sure to include your name and mailing address. The application must be received **in office** on or before **5:00p.m.** on the **FIRST** business day in **July**.

If you need any additional assistance, please feel free to contact the Recycling Grant Program at either of the numbers listed above.

#21

RECEIVED

February 16, 2010

MAR 25 2010

Jefferson County Commission  
104 East Washington Street  
Charles Town, WV 25414-1072

JEFFERSON COUNTY COMMISSION

Citizen Appointment to Eastern Panhandle Transit Authority EPTA and Resignation

Dear County Commission,

With this letter I wish to inform you that I will be resigning from my position as an appointed citizen to the Eastern Panhandle Transit Authority Board of Directors effective March 1, 2010.

From the outset of my commission appointment, I was very optimistic about my leadership and knowledge to help expand and enhance public transportation for Jefferson County, WV. In fact, when the opportunity was presented to me, I imagined this appointment would yield endless possibilities in providing much needed transportation services to the citizens of Jefferson County. However, throughout the duration of my appointment, I have been blocked by the EPTA Board of Directors and newly appointed Director to fulfill my appointment and duty to Jefferson County citizens.

My ethics were publicly questioned by the EPTA board. Through personal accountability and my responsibility to Jefferson County, sworn by oath, I found it my due diligence to be proactive and transparent by requesting a formal opinion from the WV Ethics Commission. All facts regarding my appointment were submitted but not reflected in the WV Ethics Commission final opinion. The WV Ethics Commission opinion regarding my citizen service on the EPTA board would be full recusal from several pointed agenda items pertaining to Jefferson County. A copy of the final opinion has been submitted to, Stephanie Grove Attorney-at-Law for Jefferson County Commission.

More importantly, I feel the Jefferson County Commission should not take my resignation from EPTA lightly and request that a County Commissioner be appointed to fill the EPTA vacant position. I thank you for the opportunity and ask to be thought of during future Commission approved board appointments which serve Jefferson County.

In the event you have further questions please do not hesitate to contact me directly. (304) 728-2777, [shawna\\_hughes@yahoo.com](mailto:shawna_hughes@yahoo.com) and again thank you for the opportunity.

Sincerely,

Shawna R. Molina

YOU ARE CORDIALLY INVITED TO  
ATTEND  
THE DEDICATION  
OF THE  
W. KENT CARPER  
JUSTICE AND PUBLIC SAFETY COMPLEX

301 VIRGINIA STREET, EAST  
CHARLESTON, WEST VIRGINIA 25301

4:30 PM

**RECEIVED**  
SEVENTH DAY OF APRIL

MAR 24 2010

2010

Jefferson County Commission

#23



0000052YPJ

FEIN: 383483729  
Reporting Period: 02/01/2010 to 02/28/2010  
Amount: 52.20

ACN Communications Services, Inc. ME

c/o Thomson Reuters (Tax & Accounting), Inc.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339



0000000000

RECEIVED

MAR 23 2010

Jefferson County Commission

Drawer: Returns  
Company: ACN Communications Services, Inc. ME  
Entity ID: 017364  
Entity Name: ACN Communication Services, Inc.  
Return Code: WV\_JEFF\_E9  
Return Description: West Virginia, Jefferson County E911  
Due Date: 20  
Year: 2010  
Month: 02  
Sequence Number: 1  
Indexed Time: 3/3/2010 4:17:00 PM  
Printed By: SMUTHERSBOUGH  
Printed Time: 3/17/2010 2:51:23 PM

0002219604

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

ACN Communication Services, Inc.  
C/O THOMSON REUTERS (TAX & ACCOUNTING), INC.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
(877) 829-4141

WACHOVIA, NA  
64-022/610

0002219604

VOID AFTER 120 DAYS FROM DATE 3/17/2010

PAY Fifty Two and 20/100\*\*\*\*\*

52.20

TO JEFFERSON COUNTY COMMISSION  
P.O. Box 250  
Charlestown, WV 25414

*Sandra Muthersbough*  
TWO SIGNATURES REQUIRED IF \$250,000 OR OVER

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ORIGINAL WATERMARK - HOLD AT AN ANGLE TO VIEW

0002219604 061000227 200016945827

WV

West Virginia, Jefferson County E911

Reporting Period: February 1, 2010 to February 28, 2010

ACN Communication Services, Inc.

Tax Identification Number

38-3483729

c/o Thomson Reuters (Tax & Accounting), Inc.

3100 Cumberland Boulevard, Suite 900

Atlanta, GA 30339

8778294141 - Phone

7709560700 - Fax

Return Due: 03/20/2010

	Gross Units	Less: Exempt Units	Units Subject to Tax	Tax Rate	Gross Tax
Jefferson County					
E911 SURCHARGES - General-JEFFERSON CO. 911 SURCHARGE	18	0	18	\$2.90	52.20
<b>Return Totals:</b>	18	0	18		52.20

REMIT TO:

Jefferson County Commission

P.O. Box 250

Charlestown, WV 25414

Total Gross Tax Due: 52.20

Less: Vendor's Compensation: (0.00)

Change in Prepayments: 0.00

Less: Tax Credits: (0.00)

Net Tax Amount to be Remitted: 52.20

Deanna Paden, Attorney-in-Fact

3/17/2010

I hereby declare that all information provided herein is true, complete and accurate to the best of my knowledge.

WV

West Virginia, Jefferson County E911

Reporting Period: February 1, 2010 to February 28, 2010

Comtel Telecom Assets LP

Tax Identification Number

203237782

c/o Thomson Reuters (Tax & Accounting), Inc.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
8778294141 - Phone  
7709560700 - Fax

Return Due: 03/20/2010

	Gross Units	Less: Exempt Units	Units Subject to Tax	Tax Rate	Gross Tax
<b>Return Totals:</b>	0	0	0		0.00

**REMIT TO:**

Jefferson County Commission  
P.O. Box 250  
Charlestown, WV 25414

Total Gross Tax Due:	0.00
Less: Vendor's Compensation:	(0.00)
Change in Prepayments:	0.00
Less: Tax Credits:	(0.00)
<b>Net Tax Amount to be Remitted:</b>	<b>0.00</b>



Terrance Pulliam, Attorney-in-Fact

3/16/2010

*I hereby declare that all information provided herein is true, complete and accurate to the best of my knowledge.*

WV\_JEFF\_E9 03/16/2010 13:05:13 TPULLIAM

**RECEIVED**

MAR 23 2010

Jefferson County Commission



0000052KZA



0000000000

Drawer: Returns  
Company: Comtel Telcom Assets LP  
Entity ID: 012438  
Entity Name: Comtel Telcom Assets LP  
Return Code: WV\_JEFF\_E9  
Return Description: West Virginia, Jefferson County E911  
Due Date: 20  
Year: 2010  
Month: 02  
Sequence Number: 1  
Indexed Time: 3/1/2010 8:22:00 PM  
Printed By: TPULLIAM  
Printed Time: 3/16/2010 1:05:13 PM

Comtel Telcom Assets LP  
**c/o Thomson Reuters (Tax & Accounting), Inc.**  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
(877) 829-4141

West Virginia, Jefferson County E911  
P.O. Box 250  
Charlestown, WV 25414

# 24

P.O. Box 2067  
Charleston, WV 25327



Phone: (304) 558-0500  
Fax: (304) 558-3321  
www.wvlottery.com

John C. Musgrave  
Director

To: Controller

Location: Jefferson County Commission

Fax #: (304) 725-7916

Phone #: (304) 728-3284

From: Melissa White ext. 290

**Comments:**

VIDEO LOTTERY WEEKLY SETTLEMENT REPORT

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

Week Ending Date	Week Ending March 20, 2010 FY10 March 26, 2010
<b>To be Deposited on:</b>	
Amount Played	88,648,946.32
Amount Won	79,647,804.29
Amount Promo	381,781.00
MWAP Contribution	<u>35,729.89</u>
<b>Adjusted Gross Terminal Revenue</b>	<u><b>8,603,631.14</b></u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>344,145.25</u>
<b>Net Terminal Revenue</b>	<u><b>9,259,485.89</b></u>
Surcharge @ 10%	825,948.60
State Share Excess @ 58%	479,050.19
Track Share of Capital Reinvestment @ 42%	346,898.41
Track Share of Capital Reinvestment @ 42% - 98%	\$ 339,022.47
Track Share of Capital Reinvestment @ 42% - 4%	\$ 13,875.94
<b>Adjusted Net Terminal Revenue</b>	<u><b>7,433,537.29</b></u>
Racetrack @ 46.50% / 42%	3,122,085.66
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	3,047,750.26
Race Track Purses @ 7% / 14% / 8%	594,662.98
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	37,167.69
Greyhound Development @ .75%	55,751.53
Thoroughbred Development @ .75%	55,751.53
Racing Commission @ 1%	74,335.38
County/Municipality @ 2%	148,670.76
<b>3% Funds:</b>	
Tourism Promotion Fund @ 1.375%	102,211.14
Development Office Promotion Fund @ .375%	27,875.76
Research Challenge Fund @ .5%	37,167.69
Capitol Renovation and Improvement Fund @ .6875%	51,105.57
2004 Capitol Complex Parking Garage Fund @ .0625%	4,645.96
<b>1% Funds:</b>	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>74,335.38</u>
	<u><b>7,433,537.29</b></u>

WEST VIRGINIA LOTTERY

First Benchmark  
Charles Town  
County / City Split  
Fiscal Year 2009

Charles Town  
1999 Net Terminal Revenue \$ 45,803,174  
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 3.85%	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	\$ 155,846.74	\$ 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	\$ 11,608.84
08/22/09	\$ 152,520.62	\$ 76,260.31	\$ 76,260.31	\$ 9,471.53	\$ 26,355.56	\$ 2,783.50	\$ 26,752.12	\$ 10,897.60
08/29/09	\$ 160,945.84	\$ 80,472.92	\$ 80,472.92	\$ 9,984.74	\$ 27,811.44	\$ 2,937.26	\$ 28,228.90	\$ 11,488.58
09/05/09	\$ 151,596.30	\$ 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	\$ 88,286.92	\$ 88,286.92	\$ 10,716.84	\$ 29,820.76	\$ 3,149.47	\$ 30,268.45	\$ 12,330.40
09/19/09	\$ 140,020.30	\$ 70,010.15	\$ 70,010.15	\$ 8,895.26	\$ 24,195.51	\$ 2,555.37	\$ 24,558.58	\$ 10,004.45
09/26/09	\$ 138,833.74	\$ 69,316.87	\$ 69,316.87	\$ 8,609.16	\$ 23,955.91	\$ 2,530.07	\$ 24,316.35	\$ 9,905.36
10/03/09	\$ 144,572.08	\$ 72,288.04	\$ 72,288.04	\$ 8,977.93	\$ 24,982.06	\$ 2,638.44	\$ 25,357.93	\$ 10,329.68
10/10/09	\$ 139,301.26	\$ 69,850.63	\$ 69,850.63	\$ 8,650.81	\$ 24,071.25	\$ 2,542.25	\$ 24,433.44	\$ 9,953.08
10/17/09	\$ 147,120.42	\$ 73,560.21	\$ 73,560.21	\$ 9,136.18	\$ 25,422.41	\$ 2,684.95	\$ 25,804.92	\$ 10,511.75
10/24/09	\$ 135,163.32	\$ 67,581.66	\$ 67,581.66	\$ 8,393.84	\$ 23,356.22	\$ 2,466.73	\$ 23,707.65	\$ 9,657.42
10/31/09	\$ 129,056.60	\$ 64,528.30	\$ 64,528.30	\$ 8,014.41	\$ 22,300.98	\$ 2,355.28	\$ 22,636.54	\$ 9,221.09
11/07/09	\$ 127,483.18	\$ 63,741.59	\$ 63,741.59	\$ 7,916.71	\$ 22,029.09	\$ 2,326.57	\$ 22,360.55	\$ 9,108.67
11/14/09	\$ 131,919.28	\$ 65,959.64	\$ 65,959.64	\$ 8,192.19	\$ 22,795.65	\$ 2,407.53	\$ 23,138.64	\$ 9,425.83
11/21/09	\$ 119,094.10	\$ 59,547.05	\$ 59,547.05	\$ 7,395.74	\$ 20,579.46	\$ 2,173.47	\$ 20,889.11	\$ 8,509.27
11/28/09	\$ 144,799.96	\$ 72,399.98	\$ 72,399.98	\$ 8,992.08	\$ 25,021.43	\$ 2,642.60	\$ 25,397.91	\$ 10,345.96
12/05/09	\$ 102,013.02	\$ 51,006.51	\$ 51,006.51	\$ 6,335.01	\$ 17,627.65	\$ 1,861.74	\$ 17,893.08	\$ 7,288.83
12/12/09	\$ 104,921.16	\$ 52,460.58	\$ 52,460.58	\$ 6,515.60	\$ 18,130.38	\$ 1,914.81	\$ 18,403.17	\$ 7,488.62
12/19/09	\$ 65,868.76	\$ 32,834.39	\$ 32,834.39	\$ 4,078.09	\$ 11,347.57	\$ 1,198.46	\$ 11,518.30	\$ 4,692.03
12/26/09	\$ 106,812.68	\$ 53,406.34	\$ 53,406.34	\$ 6,633.07	\$ 18,457.23	\$ 1,949.33	\$ 18,734.94	\$ 7,631.77
01/02/10	\$ 185,960.80	\$ 92,980.40	\$ 92,980.40	\$ 11,548.17	\$ 32,134.03	\$ 3,393.78	\$ 32,617.52	\$ 13,286.90
01/09/10	\$ 110,040.92	\$ 55,020.48	\$ 55,020.48	\$ 8,833.54	\$ 19,015.07	\$ 2,008.25	\$ 19,301.18	\$ 7,862.42
01/16/10	\$ 121,102.56	\$ 60,551.28	\$ 60,551.28	\$ 7,520.47	\$ 20,926.52	\$ 2,210.12	\$ 21,241.39	\$ 8,652.78
01/23/10	\$ 139,887.06	\$ 69,943.53	\$ 69,943.53	\$ 8,686.99	\$ 24,172.48	\$ 2,552.94	\$ 24,538.19	\$ 9,994.93
01/30/10	\$ 97,056.50	\$ 48,527.75	\$ 48,527.75	\$ 6,027.15	\$ 16,771.19	\$ 1,771.26	\$ 17,023.83	\$ 6,934.62
02/06/10	\$ 74,310.28	\$ 37,155.14	\$ 37,155.14	\$ 4,814.67	\$ 12,840.82	\$ 1,355.16	\$ 13,034.02	\$ 5,309.47
02/13/10	\$ 88,868.00	\$ 44,334.00	\$ 44,334.00	\$ 5,508.28	\$ 15,321.83	\$ 1,618.19	\$ 15,552.37	\$ 6,335.33
02/20/10	\$ 153,892.24	\$ 76,946.12	\$ 76,946.12	\$ 9,558.71	\$ 26,592.58	\$ 2,808.53	\$ 26,892.70	\$ 10,995.80
02/27/10	\$ 144,048.80	\$ 72,024.40	\$ 72,024.40	\$ 8,945.43	\$ 24,891.63	\$ 2,628.89	\$ 25,266.16	\$ 10,292.29
03/06/10	\$ 153,873.70	\$ 76,936.85	\$ 76,936.85	\$ 9,555.56	\$ 26,589.37	\$ 2,808.20	\$ 26,988.44	\$ 10,994.28
03/13/10	\$ 142,014.74	\$ 71,007.37	\$ 71,007.37	\$ 8,819.12	\$ 24,540.15	\$ 2,591.77	\$ 24,909.38	\$ 10,146.95
03/20/10	\$ 148,670.78	\$ 74,335.38	\$ 74,335.38	\$ 9,232.45	\$ 25,890.31	\$ 2,713.24	\$ 26,076.85	\$ 10,622.53
Subtotal	\$ 5,193,125.50	\$ 3,052,694.50	\$ 2,140,531.00	\$ 285,853.98	\$ 739,787.50	\$ 78,129.36	\$ 750,896.25	\$ 305,881.89

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

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

RECEIVED

MAR 22 2010

March 19, 2010

Jefferson County Commission

Please accept my deepest thanks for your vote to not allow the 1.5 million dollar small cities block grant to proceed as currently written. I totally support fixing the mountain problem and hope that 100% funding can be found because we cannot afford any more increases. We are really struggling with the last increases of both water and sewer. This is not a separate issue for us, it all comes from one checking account.

We should not have to pay for 30 years of bad decisions. Even the least expensive option I fear will force many to leave this area because they cannot afford to stay. Since the rate increase in January, several homes have gone up for sale in our neighborhood. It seems to impact the middle class the most because the rich can afford it and the poor already get help with their expenses through government programs.

I liked the man's question that had lived all over the country who wanted to know why it costs so much to provide water and sewer here. I too wonder that. I hope that we can move towards finding that out, which might lead to receivership, consolidation, and/or selling to American Water. I would also welcome a change in the Public Sewer District Board to reflect the rate payers more and/or increasing the board size to lessen the chance for buy-offs and corruption. As it stands now, there is only one who understands what this is really costing us. The more we are squeezed, the less we spend, the less the tax revenues until we are forced out which leaves no tax revenue.

Also, thank you for your phone call regarding my letter of concern about the water rates. It is nice to have someone on the Commission who is also affected by the rates and understands our situation.

Again, please accept my deepest thanks.

Sincerely,



Heidi Parker

**Laura Kuhn**

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**From:** "JCC" <info@jeffersoncountywv.org>  
**To:** <laura@jeffersoncountywv.org>  
**Sent:** Thursday, March 25, 2010 10:31 AM  
**Subject:** Fw: Planning Commission Draft Agenda

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

**From:** "gil narro garcia"  
**Sent:** 3/18/2010 9:39:42 PM  
**To:** info@jeffersoncountywv.org  
**Cc:** lynwidmyer@gmail.com  
**Subject:** Re: Planning Commission Draft Agenda

AS PER YOUR REQUEST THAT CITIZENS COMMENT ON AGENDA ITEMS,  
PLEASE READ CAREFULLY:

I am getting very tired of your tricks. If you can't write in plain English, just move to Manassas! What are readers supposed to intepret by the following: "Mitigation of Visual Impact for Shentel Telecommunications Tower (PC file #S09-03). This project consists of the installation of PCS equipment, support frames, ice bridges, and atenna frames and cables on a proposed 195' self support tower."..? I can tell that what you are being asked to approve is yet another tower that will marr the landscape and the visual integrity (can you understand that?) of the vistas that remain in Jefferson County. Stop this nonsense. I suspect that you've already approved it behind closed doors without any citizen input!

PS: I've copied the County Commission because more and more they too are crafting agendas that use legalese to hide the true facts and thus ram projects down citizens' throats.

Gil N Garcia, Harpers Ferry

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

**From:** Jefferson County Alerts  
**To:** jeffersoncountycommissionalerts@jeffersoncountywv.org  
**Sent:** Monday, March 15, 2010 1:22 PM  
**Subject:** Planning Commission Draft 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.\*\*\*\*