

**AGENDA FOR THURSDAY, APRIL 15, 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
- 5. 10:00 a.m. - Larry & Linda Thompson - Request for Refund of Building Permit Fees - Discussion/Action

**UNFINISHED BUSINESS: (None)**

**10:15 a.m. NEW BUSINESS:**

- 6. Legislative Issues
- 7. Work Session with Commission Clarifying which Agencies have the Police Power to Address Problems that Involve Untagged Vehicles, Accumulated trash, Junk with Value, Such as the Shell of a Mobile Home, and Neglected Dwellings. (JS)
- 8. 10:30 a.m. - Legal Update and Report - (Stephanie Grove)  
- Department Head Policy Update
- 9. 10:45 a.m. - Jennifer S. Maghan - County Clerk's Report
- 10. 11:00 a.m. - Quarterly Fiduciary Review
- 11. 11:15 a.m. - Amy Jones - Jefferson County Health Department - Budget Discussion

- 12. 11:45 p.m. - Recess

~~~~~ **EVENING SESSION** ~~~~~

- 13. 7:00 p.m. - Public Hearing - Zoning Map Amendment

**INFORMATION:**

- 14. Notice of Special Session to Lay the Levy on Tuesday, April 20, 2010, at 9:30 a.m.
- 15. Memorandum received from the Engineering Department concerning an acceptance of bond for SPARC Skid Pad Training Building #1 in the amount of \$15,909.
- 16. Notice received of a public test of the AutoMARK voting machines and the M100 precinct tabulators for early voting on Friday, April 16, 2010, at 10:30 a.m.
- 17. Memorandum received from Sandy Slusher McDonald concerning the list of grant projects for fiscal year 2010.
- 18. Grant information received from Kirk Davis.
- 19. Impact Fee Status report received for March 2010.
- 20. Memorandum received from the Department of Capital Planning and Management concerning transfers of funds.
- 21. Information received from the County Commissioners' Association concerning the marketing agreement with Comvest.
- 22. Notice received of the 2<sup>nd</sup> International Swine Flu Conference on August 18-19, 2010.
- 23. Correspondence received from the West Virginia Department of Environmental Protection concerning the REAP Standard Operating Procedures for 2010.
- 24. E-911 fees received.

- 25. Meeting minutes received from the Jefferson County Public Service District.
- 26. Weekly settlement report for the Charles Town Races and Slots received from the West Virginia Lottery.

*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.*

**Minutes**  
**Jefferson County Commission**  
**Thursday, April 1, 2010**

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A meeting of the Jefferson County Commission was held on Thursday, March 25, 2010 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. The meeting was attended by Commission President Lyn Widmyer; Commissioner Dale Manuel; Commissioner Patsy Noland; Commissioner Frances Morgan; Tim Boyde, County Administrator and Tessa Yvonne Reed.

The Meeting was called to order at 9:30 a. m. by Commissioner Widmyer.

1. PLEDGE OF ALLEGIANCE
  
2. MOTION BY MS. MORGAN to approve the Minutes of the Budget Work Session held on Tuesday, March 10, 2010 at the Old Charles Town Library meeting room. Motion seconded by Ms. Noland and unanimously approved.
  
3. MOTION BY MS. MORGAN to approve the Minutes of the Budget Work Session held on Tuesday, March 16, 2010 at the Old Charles Town Library meeting room. Motion seconded by Ms. Noland and unanimously approved.
  
4. MOTION BY MS. Noland to approve the Minutes of the Regular Session held on Thursday, March 18, 2010 at the Old Charles Town Library meeting room. Motion seconded by Ms. Morgan and unanimously approved.
  
5. MOTION BY MR. MANUEL to approve the weekly Purchase Orders in the amount of \$21,195.74: 48066, 47628, 46796, 47929, 48125, 48126, 47864, 48306, 47146, 47780, 48209, 48210, 48065, 48303, 48304, 48305, 47955, 47956 and 48307. Motion seconded by Ms. Morgan and unanimously approved.
  
6. MOTION BY MS.MORGAN to approve the accounts payable in the amount of \$666,949.13. Motion seconded by Ms. Noland and unanimously approved.
  
7. PUBLIC COMMENT WAS MADE BY SHAWNA MOLINA. Ms. Molina expressed concerns with budgetary cuts for the Council on Aging.

Ms. Molina also reported on the new Jefferson Center Open House being held today and extended an open invite to the Commission.

8. TIM BOYDE, County Administrator reported that he would be presenting the County Clerk's agenda items for the Commission's review and consideration as Ms. Maghan was unable to attend.

Mr. Boyde reported on plumbing issues within the County Courthouse and commended the Maintenance Department from the City of Charles Town for their assistance. The Commission unanimously agreed to authorize Mr. Boyde to send a thank you letter to the City of Charles Town for their assistance.

9. MOTION BY MS. MORGAN to approve an exoneration due to erroneous valuation as presented by Angela Banks, Assessor. Motion seconded by Mr. Manuel and unanimously approved.

| Name                                            | District     | Type              | Ticket # | Amount   |
|-------------------------------------------------|--------------|-------------------|----------|----------|
| Detailed Destinations, LLC<br>Michael L. Bohrer | Charles Town | Personal Property | 301503   | \$984.10 |

10. MR. MANUEL REPORTED that he attended the HEPMO meeting.

Mr. Manuel further reported on agenda item, "Information 14" and requested the Commission's review.

Mr. Manuel further reported on the Jefferson Center Open House being held today.

11. MS. MORGAN REPORTED on her completion of NIMS courses and the FEMA certificates she received, her attendance at the Cherry Blossom Festivities in Washington, D.C. and the Planning Commission sub-committee meeting she attended.

12. MR. SURKAMP REPORTED he attended the Clarion Table-top Exercise on March 31, 2010.

13. MS. WIDMYER REPORTED she attended the County Trails meeting, the Region 9 Trail Blazer meeting, an event hosted by Meals on Wheels and the HEPMO meeting.

Ms. Widmyer requested Tim Boyde, County Administrator coordinate budget workshops for non-profit agencies.

14. MS. NOLAND REPORTED on the specifications of agenda item #19, correspondence received from Kanawha County concerning House Bill #4177 and reported on the status of House Bill #4177 and requested a letter of support be sent to the Senate by Jefferson County.

The Commission authorized Mr. Boyde, County Administrator to draft a letter to the Governor in support of House Bill #4177.

15. MOTION BY MORGAN to approve the Resolution of Participation and Cooperation for the Jefferson County Development Authority and the WV Certified Development Community program as presented by Tom Bayuzik, Development Authority Director. Motion seconded by Mr. Manuel and unanimously approved.

Mr. Bayuzik reported on ongoing projects, training and federal programs available through the Jefferson County Development Authority. Mr. Bayuzik also provided an update on the WES-PEP program and the Jefferson County Workforce program.

16. THE COMMISSION agreed on the following agenda items for the upcoming Roundtable meeting to be held on Wednesday, April 28, 2010 with area municipalities:
- Impact Fee Collections
  - Status of the County Wide Land Coverage study with Jennifer Brockman, Director of Planning and Zoning
  - Cooperative funding strategies for common agencies and organizations.

17. TIM BOYDE, County Administrator provided a report on Jennifer S. Maghan, County Clerk's agenda items for the Commission's review and consideration

Motion by Morgan to authorize the proposed amendment to the Irrevocable Standby Letter of Credit by Wachovia Bank as presented. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Mr. Manuel to approve and authorize the Commission President's signature upon the authorization to release securities for pledges that exceeds that amount required to secure uninsured deposits for Jefferson County by BB&T Bank. Motion seconded by Ms. Morgan and unanimously approved.

The Commission took a 10 minute break at 10:27 a.m.

18. STEPHANIE GROVE, ASSISTANT PROSECUTING ATTORNEY distributed her to do list to the Commission. Ms. Grove reported that she has several contracts, County policies and leases currently under review, and the status of pending Board of Review and Equalization appeals.

JAMES CASIMIRO, ASSISTANT PROSECUTING ATTORNEY provided a status update on the rate case between Jefferson Utilities and the Public Service District. Mr. Casimiro also provided an update on the PATH Intervention case.

THE COMMISSION requested Mr. Boyde coordinate a time for Mr. Bailey, Esquire to appear before the Commission to provide a legal update on the County Clerk's lawsuit.

*The Commission adjourned at 11:24 a.m.*

Upon rising, the Commission recessed until Thursday morning next beginning at 9:30 o'clock a.m.

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LYN WIDMYER, COMMISSION PRESIDENT

# Minutes

## Jefferson County Commission

Thursday, April 8, 2010

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A meeting of the Jefferson County Commission was held on Thursday, April 8, 2010 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. The meeting was attended by Lyn Widmyer, President, and Commissioners: Dale Manuel, Patsy Noland, Frances Morgan and Jim Surkamp, Tim Boyde, County Administrator and Nichelle Hosby.

The Meeting was called to order at 9:30 a. m. by Commissioner Widmyer.

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE for the miners in southern West Virginia.
3. MOTION BY MR. MANUEL to approve the Minutes of the Budget Work Session held Tuesday, March 23, 2010 at the Old Charles Town Library meeting room. Motion seconded by Ms. Noland and unanimously approved.
4. MOTION BY MR. MANUEL to approve the Minutes of the Regular Session held on Thursday, March 25, 2010 at the Old Charles Town Library meeting room as amended. Motion seconded by Ms. Morgan and unanimously approved.
5. MOTION BY MS. NOLAND to approve Purchase Orders in the amount of \$18,166.72 for: 48319, 48912, 48213, 48314, 48315, 48316, 48317, 48318, 48320, 48323, 47957, 48321, 48324. Motion seconded by Ms. Morgan and unanimously approved.
6. MOTION BY MS.MORGAN to approve the accounts payable in the amount of \$42,174.08. Motion seconded by Mr. Manuel and unanimously approved.
7. NO PUBLIC COMMENT was received.
8. TIM BOYDE the County Administrator reported that an Executive Session was needed with Greg Bailey, Attorney to discuss a pending legal matter.
9. MR. MANUEL REPORTED on the League of Woman Voter's meeting he attended.

10. MS. MORGAN REPORTED that she attended a Planning Commission sub-committee meeting.
11. MS. WIDMYER REPORTED that on the Public Service District meeting she attended.
12. TOM BAYUZIK, JR. REQUESTED that the land development fees be waived for any land owned by the County or the Economic Development Authority and that once the land is sold to a private land owner or corporation, all fees will be levied per the applicable fee schedules.

Motion by Mr. Manuel to approve a waiver of the land development fees for the property adjacent to Norm Thompson. Motion seconded by Ms. Noland and unanimously approved.

13. GREG BAILEY, ATTORNEY reported that the he needed to have an Executive Session.

Motion by Mr. Manuel for the Commission to enter into an Executive Session regarding pending litigation. Motion seconded by Ms. Morgan and unanimously approved at 10:10 a. m.

The Commission took a 10 minute break at 10:35 a. m.  
The Commission reconvened at 10:45 a. m.

Motion by Ms. Morgan to come out of Executive Session and enter into Regular Session. Motion seconded by Ms. Noland and unanimously approved.

14. CHEROKEE GRIM REPORTED that a hearing date needs to be scheduled for the resignation of James B. Packard-Gomez, Administrator, cta of the estate of John J. Warfield, deceased.

Motion by Ms. Morgan to set a hearing date at Mr. Boyde's discretion. Motion seconded by Mr. Manuel and unanimously approved.

15. WENDY EVANGELISTI REPORTED on the dates of early voting and testing of the new voting equipment.

16. MR. MANUEL REPORTED that the Governor signed Bill 612.

17. MR. BOYDE REPORTED on the notice of a conditional approval of the levy estimate.

18. MOTION BY MS. WIDMYER to hold a Special Session and to set the time to Lay the Levy on Tuesday, April 20, 2010 at 9:30 a. m. Motion seconded by Mr. Manuel and unanimously approved.

19. MOTION BY MR. SURKAMP to appoint Fire Chief Ben Money to the Jefferson County Property Safety Ordinance Enforcement Agency. Motion seconded by Ms. Morgan and unanimously approved.

20. MOTION BY MR. SURKAMP to authorize the hire of Patrick Corley as a GIS Intern for the summer of 2010. Motion seconded by Ms. Noland and unanimously approved.
21. MOTION BY MS. WIDMYER to hold a West Virginia Ethics Commission work session on May 19, 2010. Motion seconded by Mr. Surkamp and unanimously approved.
22. MOTION BY MR. MANUEL to approve the request to use the County meeting room by the Jefferson County Democratic Women Book Discussion group provided it does not conflict with Commission business and is reviewed on a yearly basis. Motion seconded by Ms. Noland and unanimously approved.
23. MOTION BY MR. SURKAMP to approve the request to use the County meeting room by the Old Charles Town Library provided it does not conflict with Commission business and is reviewed on a yearly basis. Motion seconded by Mr. Manuel and unanimously approved.
24. MOTION BY MR. SURKAMP to have Mr. Boyde and staff to explore other options and to examine the possibility of finding another way to provide court space. Motion seconded by Ms. Noland and unanimously approved.
25. MOTION BY MS. NOLAND to adjourn. Motion seconded by Mr. Manuel and unanimously approved.

Upon rising the Commission recessed until Thursday morning next beginning at 9:30 o'clock a.m.

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LYN WIDMYER, COMMISSION PRESIDENT

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|--------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p> |
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**AGENDA REQUEST FORM**

Name: Larry and Linda Thompson

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: April 15, 2010

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

If a specific date is needed, please provide reason for specific date:  
Mr. and Mrs. Jenkins have been advised this is the date this will be heard by the County Commission.

Subject: Refund of building permit fee for Permit #10-51WD.

Please provide the County Commission with a description of your request or presentation, including any background information:  
Larry and Linda Thompson applied for a building permit for a garage and have asked that it be withdrawn. According to Mr. and Mrs. Thompson they are not able to meet the minimum distance from the septic reserve area, therefore, they are not able to move forward with the construction of the garage.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):  
I authorize a partial refund of the building permit fees (Permit #10-51WD) paid by Larry and Linda Thompson in the amount of \$120.00 based on the memo provided by the Department of Engineering.

Attachments: 2/22/2010 Larry E. Thompson Correspondence  
4/1/2010 Department of Engineering Memo

2-22-10

# 10-5100

LARRY THOMPSON

204-876-6857

P O BOX 189

SHAR. WU

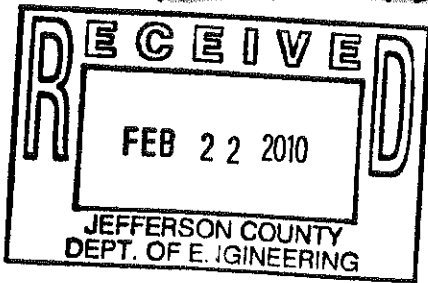
25443

TO WHOM IT MAY CONCERN;

I NEED TO CANCEL MY APPLICATION FOR  
A PERMIT TO BUILD A GARAGE DUE TO THE  
SEPTIC RESERVE IS TOO CLOSE TO THE  
BUILDING SITE.

I WOULD LIKE TO BE REIMBURSED FOR

PERMIT FEES.



SINCERELY,

Larry E. Thompson

Becky-

Paid \$170.00 on Nov 2-2009. Receipt # 6485

If you need anything else - Please let me  
know. Thanks Kim

**JEFFERSON COUNTY, WEST VIRGINIA**

**Engineering Department**

116 East Washington Street

P.O. Box 716

Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

Email: [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org)

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MEMORANDUM

TO: TIMOTHY BOYDE, COUNTY ADMINISTRATOR  
JEFFERSON COUNTY COMMISSION

FROM: REBECCA F. BURNS, OFFICE MANAGER *Rebecca*  
DEPARTMENT OF ENGINEERING

DATE: APRIL 1, 2010

SUBJECT: LARRY E. AND LINDA D. THOMPSON PERMIT FEE REFUND REQUEST  
PERMIT #10-51WD

The Commission has authorized permit fees be refunded in the past when petitioned by the owner of the property based on recommendations from this office. Larry and Linda Thompson applied for a building permit for a garage and paid a permit fee of \$170.00. The fee was computed as follows: a base fee of \$50.00, plus \$120.00 square footage fee, for a total permit fee of \$170.00. In this instance we recommend all fees be refunded with the exception of the \$50.00 base fee, which we would consider this to be the review fee. Therefore the recommended refund for permit #10-51WD is \$120.00.

If you have any questions please give me a call.

AGENDA ITEMS

ADVERTISE VACANCY ON 911 COMMUNICATIONS BOARD FOR APPOINTMENT

WORK SESSION WITH COMMISSION CLARIFYING WHICH AGENCIES HAVE THE POLICE POWER TO ADDRESS PROBLEMS THAT INVOLVE UNTAGGED VEHICLES, ACCUMULATED TRASH, JUNK WITH VALUE, SUCH AS THE SHELL OF A MOBILE HOME, AND NEGLECTED DWELLINGS. INCLUDE GOODWIN, KANEHL OF WVDEP, WHITE WVDNR, AND MASON CARTER OF PLANNING. THE PURPOSE IS TO ENABLE COMMISSIONERS, WHEN APPROACHED WITH SUCH COMPLAINTS TO REFER EXPEDITIOUSLY.

|                                                                                            |
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| <p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p> |
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**AGENDA REQUEST FORM**

Name: Lynn Fields and Karen Olden

Department or Entity: Probate Office-County Clerk

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: ~~April 8<sup>th</sup>, 2010~~

Date Requested – 2<sup>nd</sup> Choice: April 15<sup>th</sup>, 2010

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

**RECEIVED**

MAR 17 2010

*Jefferson County Commission*

Subject: **Quarterly Estate Closings**

Please provide the County Commission with a description of your request or presentation, including any background information: **The probate office comes before the County Commission quarterly (January, April, July and October) each year for the purpose of closing estates.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **To approve the Waivers of Final Settlement and Accountings for estates to be closed April 2010.**

Attachments: **None**

03-15-10 15:15 RCVD

785-7914

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

Name: Amy Jones

Department or Entity: Jefferson County Health Dept.

Estimation of amount of time needed for appointment: 30 minutes

Date Requested - 1<sup>st</sup> Choice: 4-8-10

Date Requested - 2<sup>nd</sup> Choice: 4-15-10

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

Subject: Budget

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

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

Attachments:

7:00pm # 13

**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;

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### 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

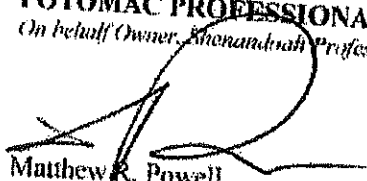
between 2005 through 2007 was primarily driven from buyers who are commuting to and from the Washington DC/Metropolitan area, thus significantly taxing the major roadway systems, especially the Rt. 340 Corridor running from Maryland to West Virginia. In addition, the recent approval of table games at 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 1(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 *promote 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

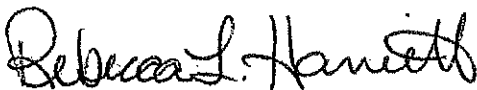
industrial uses of the Fritts property would be out of scale and context with the character of the surrounding rural landscape and the history that occurred there.

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

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**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 onto 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."

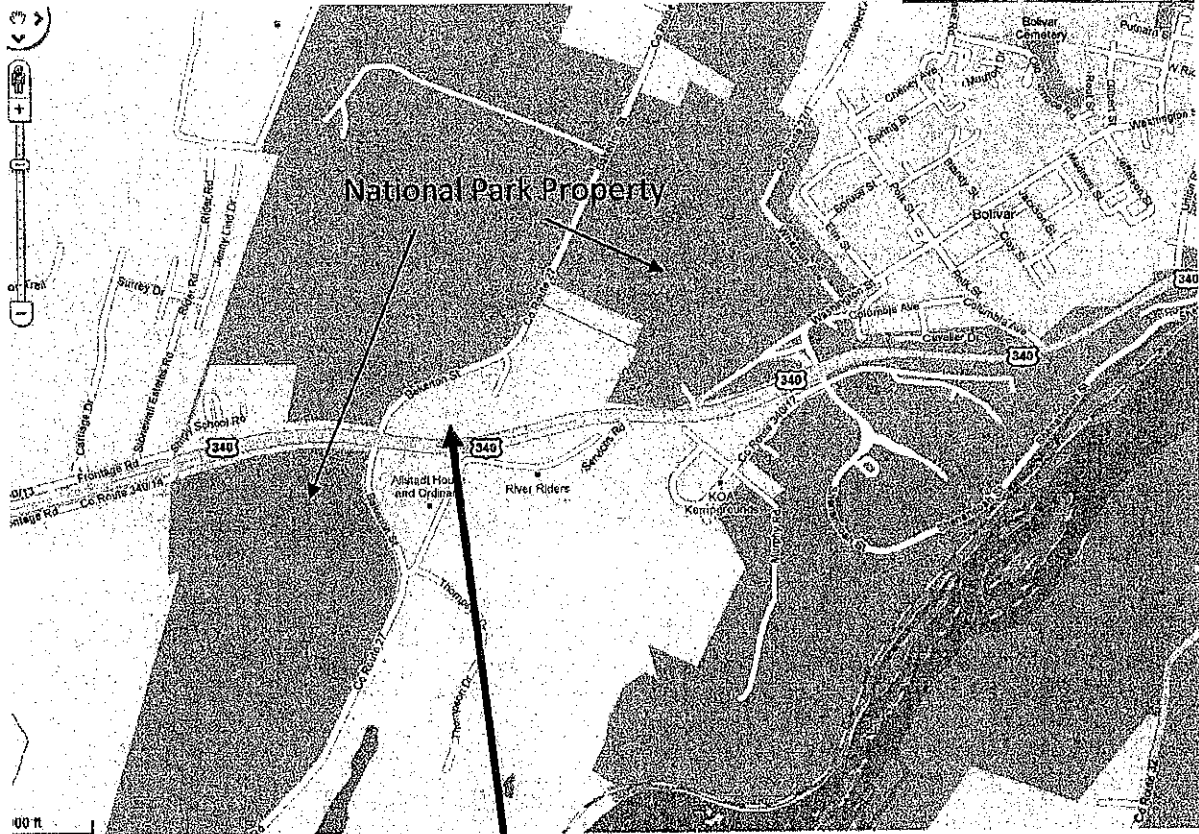
A number of policies, objectives and recommendations provided in the plan, when taken together, provide a compelling argument for denial of this rezoning application. They include:

- 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.

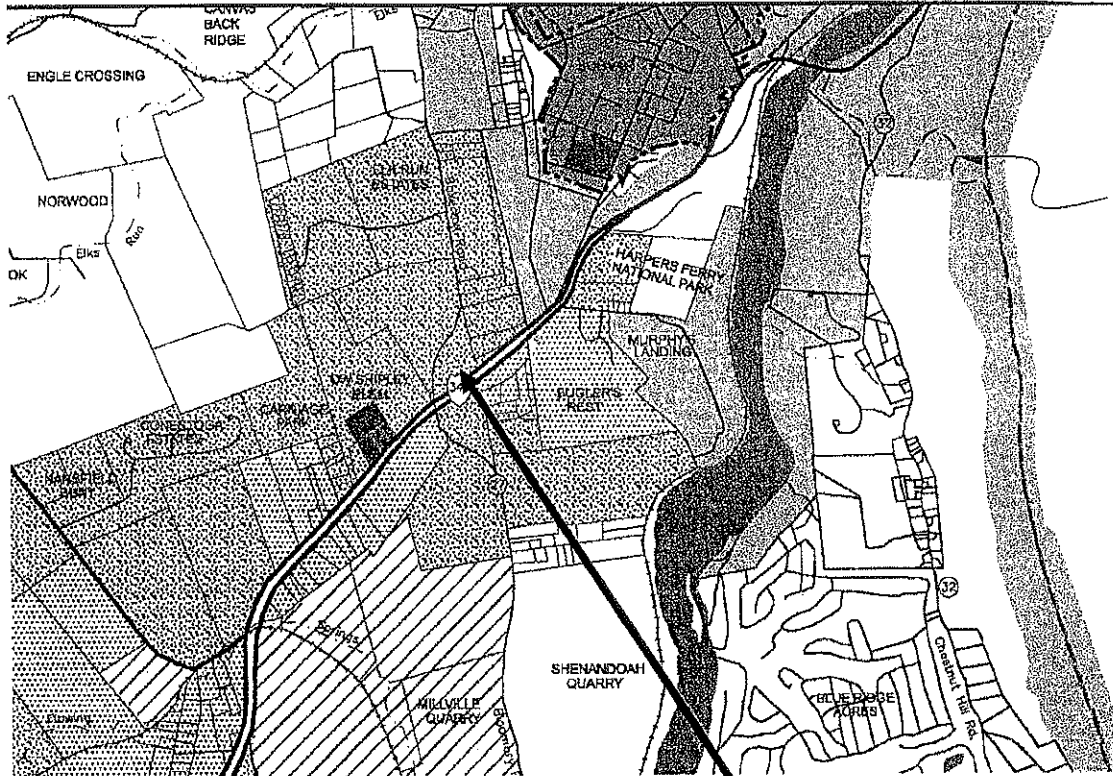
- The site is visible from various areas of the National Park. Considering the subject property's proximity to national historic lands, the views may be considered more than attractive natural features and scenic vistas. They are a part of a greater story in the nation's history worthy of interpretation. 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

**NOTICE OF SPECIAL SESSION OF THE COUNTY COMMISSION OF  
JEFFERSON COUNTY**

**TO LAY THE LEVY**

The County Commission of Jefferson County, will hold a Special Session on Tuesday, April 20, 2010, at 9:30 a.m. in the Old Charles Town Library Meeting Room located at 200 E. Washington Street, (Samuel Street Entrance) Charles Town, West Virginia 25414.

The purpose of the Special Session is to officially Lay the Levy.

The public is invited to attend.

By Order of the County Commission of Jefferson County  
Lyn Widmyer, President

**JEFFERSON COUNTY, WEST VIRGINIA**  
**Engineering Department**  
116 East Washington Street  
P.O. Box 716  
Charles Town, West Virginia 25414

Phone: 304-728-3257  
Fax: 304-728-3953

Email: [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org)

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MEMORANDUM

TO: SANDY SLUSHER McDONALD, DEPUTY COUNTY ADMINISTRATOR  
JEFFERSON COUNTY COMMISSION

FROM: ROGER L. GOODWIN, CHIEF COUNTY ENGINEER  
ENGINEERING DEPARTMENT

DATE: APRIL 2, 2010

SUBJECT: SPARC SKID PAD TRAINING BUILDING #1  
FILE #S09-01

*RLG*

RECEIVED

APR 02 2010

JEFFERSON COUNTY COMMISSION

Please find enclosed the construction bond(s) and security for the following project:

SPARC Skid Pad Training Building #1, which is secured by Letter of Credit #304 with the Bank of Charles Town, located in Charles Town, West Virginia in the amount of \$15,909.00.

The bond(s) is in compliance with the County Bonding Policy. If you have any questions, please give me a call.

RLG:rfb

Public Test of Electronic Tabulation Equipment  
West Virginia §3-4A-26

The Jefferson County Clerk's Office will conduct a public test of the AutoMARK voting machines and the M100 precinct tabulators for Early Voting. The test will take place on **Friday, April 16, 2010** at the county courthouse beginning at 10:30am.

This test is open to representatives of the political parties, candidates, the press and the public.

By Order of the Honorable Jennifer S. Maghan,  
Jefferson County Clerk

# MEMORANDUM

**To:** County Commission

**From:** Sandy Slusher McDonald, Deputy County Administrator

**Date:** April 5, 2010

**Subject:** List of Grant Projects for Fiscal Year 2010

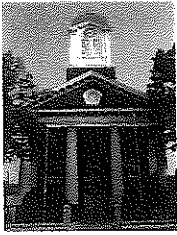
*Sandy*

Please find a list of grant projects to be considered for funding from the Community Participation Program for the Fiscal Year 2010 funding period from the West Virginia Development Office.

|                                                  |                 |
|--------------------------------------------------|-----------------|
| Animal Welfare Society/Spay Neuter Program       | \$5,000         |
| Freedom Runs                                     | \$2,000         |
| Independent Fire Company                         | \$3,500         |
| Jefferson County Convention and Visitor's Bureau | \$2,500         |
| Jefferson County Memorial Park                   | \$6,500         |
| National Humane Society/Briggs Adoption Center   | \$10,000        |
| Eastern Panhandle Inter-County Soccer            | \$2,000         |
| Substance Abuse Coalition                        | \$2,000         |
| FOCUS                                            | \$6,500         |
| Blue Ridge Mountain Library                      | \$3,000         |
| Locke House                                      | \$500           |
| Star Lodge                                       | \$2,000         |
| Webb House/Blessing House                        | \$5,000         |
| Fisherman's Hall                                 | \$4,500         |
| <b>Total</b>                                     | <b>\$55,000</b> |

If you have any questions, please let me know.

cc: Tim Boyde, County Administrator  
Kirk Davis, Capital Projects Manager



# THE COUNTY COMMISSION OF JEFFERSON COUNTY

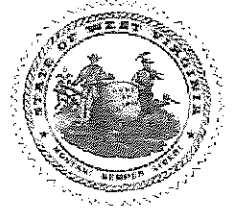
#18

P.O. Box 250  
124 East Washington Street  
Charles Town, WV 25414

Phone: 304/728-3284

www.jeffersoncountywv.org

Fax: 304/725-7916



## JEFFERSON COUNTY GRANT'S PROGRAM

Prepared by Kirk E. Davis, Sr.

April 7, 2010

### Jefferson County Departments

### Total Amount Active

|                                       |                |
|---------------------------------------|----------------|
| Planning and Zoning                   | \$35,000.00    |
| Homeland Security                     | \$260,473.00   |
| Emergency Call Center                 | \$1,082,032.00 |
| Sheriff's Department                  | \$2,022,757.00 |
| County Administrator Pass-thru Grants | \$368,312.00   |
| Maintenance Department                | \$369,900.00   |
| Prosecutor's Office                   | \$53,483.00    |

### Other

|                                         |              |
|-----------------------------------------|--------------|
| Shepherdstown Battlefield               | \$200,000.00 |
| Shepherdstown Battlefield Pending Grant | \$250,000.00 |
| Health Department                       | \$93,881.00  |
| Health Department Pending Grant         | \$19,000.00  |

|                                                                 |            |
|-----------------------------------------------------------------|------------|
| County funds needed for Health Department<br>to complete FY2011 | \$7,254.00 |
|-----------------------------------------------------------------|------------|

---

|                            |                |
|----------------------------|----------------|
| Sub-Total of Active Grants | \$4,485,838.00 |
|----------------------------|----------------|

|                           |            |
|---------------------------|------------|
| Required funds for FY2011 | \$7,254.00 |
|---------------------------|------------|

---

|                         |                |
|-------------------------|----------------|
| Total for Active Grants | \$4,493,092.00 |
|-------------------------|----------------|

|                      |              |
|----------------------|--------------|
| Total Pending Grants | \$269,000.00 |
|----------------------|--------------|

#19

# Impact Fee Status Report March 2010

Department of Capital Planning and Management/Office of Impact Fees

## Summary

Date Range: Monday 1 through Wednesday 31 March 2010

Report Date: 01 April 2010.

Process Number Range: 1000020 - 1000044

RECEIVED

Total Applications: 25

APR 01 2010

Total Non-Exempt: 19

*Of which:*

Commercial: 0

Residential: 19

*Of which:*

County: 18

Municipal: 1 - Ranson

Jefferson County Commission

Total Exempt: 6

*Of which:*

Commercial: 5

Residential: 1

*Of which:*

County: 1

Municipal: 0

Tables 1 through 7 summarize impact fee processing for the month of March 2010:

**Table 1. Form 100 Tallies**

|                        | Exempt | Residential Applications | Commercial Applications | Total        |
|------------------------|--------|--------------------------|-------------------------|--------------|
| 1-31 March 2010        | 0      | 19                       | 0                       |              |
| Fees collected         |        | \$210,308.00             |                         | \$210,308.00 |
| <i>Of which</i>        |        |                          |                         |              |
| School Impact Fee      |        | \$182,763.00             |                         | \$182,763.00 |
| Law Enforcement Fee    |        | \$4,085.00               |                         | \$4,085.00   |
| Parks & Recreation Fee |        | \$12,121.00              |                         | \$12,121.00  |
| Fire & EMS Fee         |        | 11,339.00                |                         | 11,339.00    |

**Table 2. Financial Data – Department of Impact Fees General Account (3111776)**

| Description                                                          | Amount         |
|----------------------------------------------------------------------|----------------|
| Opening Statement Balance (1 March 10)                               | \$142,796.63   |
| March Deposits (1 – 31 March 2010)                                   | \$210,308      |
| Interest Earned (31 Mar 10)                                          | \$253.35       |
| School Feb Transactions (withdraws via transfer on 11 Mar 2010)      | (\$125,360.31) |
| Law Feb Transactions (withdraws via transfer on 11 Mar 2010)         | (\$1,311.03)   |
| Parks & Rec Feb Transactions (withdraws via transfer on 11 Mar 2010) | (\$8,366.16)   |
| Fire & EMS Feb Transactions (withdraws via transfer on 11 Mar 2010)  | (\$7,759.13)   |
| Ending Statement Balance 31 March 2010)                              | \$210,561.35   |
| <i>Outstanding Credits(deposits through 01 April 2010)</i>           | <i>0.00</i>    |

**Table 3. Financial Data – School Impact Fee Account (3107582)**

| Description                                               | Amount           |
|-----------------------------------------------------------|------------------|
| Opening Balance (1 March 2010)                            | \$2,931,256.95   |
| Interest Earned (31 March 2010)                           | \$4,228.37       |
| Feb Transactions (deposits via transfer on 11 March 2010) | \$45,476.84      |
| Withdraw CHK101 Requisition 10R0057 – 18 Mar 10           | (\$230,000.00)   |
| Withdraw CHK 102 Requisition 10R0058 – 31 Mar 10          | (\$1,700,000.00) |
| Withdraw CHK 103 Requisition 10R0059 – 31 Mar 10          | (\$1,000,000.00) |
| Ending Balance (28 February 2010)                         | \$131,176.29     |

**Table 4. Financial Data – Law Enforcement Impact Fee Account (3120120)**

| Description                                             | Amount      |
|---------------------------------------------------------|-------------|
| Opening Balance (1 March 2010)                          | \$26,591.77 |
| Interest Earned (31 March 2010)                         | \$44.34     |
| Feb Transactions (deposits via transfer on 11 Mar 2010) | \$1,311.03  |
| Ending Balance 31 March 2010                            | \$27,947.14 |

**Table 5. Financial Data – Parks & Recreation Impact Fee Account (3122808)**

| Description                                             | Amount       |
|---------------------------------------------------------|--------------|
| Opening Balance (1 March 2010)                          | \$108,415.51 |
| Interest Earned (31 March 2010)                         | \$184.10     |
| Feb Transactions (deposits via transfer on 11 Mar 2010) | \$8,366.16   |
| Ending balance 31 March 2010                            | \$116,965.77 |

**Table 6. Financial Data – Fire & EMS Impact Fee Account (3122816)**

| Description                                               | Amount       |
|-----------------------------------------------------------|--------------|
| Opening Balance (1 March 2010)                            | \$461,751.49 |
| Interest Earned (31 March 2010)                           | \$453.61     |
| Feb Transactions (deposits via transfer on 11 March 2010) | \$7,759.13   |
| Ending Balance (31 March 2010)                            | \$470,264.23 |

**Table 7. Total Impact Fees as of 01 April 2010/1**

| Description                               | Amount              |
|-------------------------------------------|---------------------|
| Department of Impact Fees General Account | \$210,561.35        |
| School Impact Fee Account                 | \$131,176.29        |
| Law Enforcement Fee Account               | \$27,947.14         |
| Parks & Recreation Impact Fee Account     | \$116,965.77        |
| Fire & EMS Impact Fee Account             | \$470,264.23        |
| <b>Total</b>                              | <b>\$956,914.78</b> |

Notes:

/1 These values represent both impact fees collected and interest earned. The general account includes the outstanding credits listed in table 2 and outstanding debits, if any, listed in tables 3-6.

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# Form 100 Transaction Summary

## Jefferson County Government – Department of Impact Fees

Applications with IFC Signature Dates/Form 190 Processing Dates between Monday, March 01, 2010 and Wednesday, March 31, 2010

| Number  | Date       | Last Name       | First Name | Fee District     | Page | Parcel | Fee   | Date       | Exemption Reason                            |
|---------|------------|-----------------|------------|------------------|------|--------|-------|------------|---------------------------------------------|
| 1000021 | 03/04/2010 | Cambridge, LLC. |            | 02 Charles Town  | 1068 | 119 8  | 32.13 | 03/04/2010 | Replacement of habitable DU with another DU |
| 1000022 | 03/04/2010 | Recreational    |            | 04 Harpers Ferry | 824  | 141 9  | 67    | 03/04/2010 | No change in use (commercial)               |
| 1000023 | 03/04/2010 | Recreational    |            | 04 Harpers Ferry | 824  | 141 9  | 67    | 03/04/2010 | No change in use (commercial)               |
| 1000024 | 03/04/2010 | Recreational    |            | 04 Harpers Ferry | 824  | 141 9  | 67    | 03/04/2010 | No change in use (commercial)               |
| 1000025 | 03/04/2010 | Recreational    |            | 04 Harpers Ferry | 824  | 141 9  | 67    | 03/04/2010 | No change in use (commercial)               |
| 1000026 | 03/04/2010 | Recreational    |            | 04 Harpers Ferry | 824  | 141 9  | 67    | 03/04/2010 | No change in use (commercial)               |

**Category Count: 6**

**Category Total**

**\$0.00**

### Subsequent Applications

| Number  | Date       | Last Name       | First Name | Fee District     | Page | Parcel | Fee | Date       | Exemption Reason    |
|---------|------------|-----------------|------------|------------------|------|--------|-----|------------|---------------------|
| 1000020 | 03/04/2010 | Gemcraft Homes  |            | 08 Ranson Corp   |      | 8D     | 4C  | 03/04/2010 | Not in Fee District |
| 1000027 | 03/05/2010 | Ryan Homes      |            | 02 Charles Town  | 1023 | 489 9C | 126 | 03/05/2010 | N/A                 |
| 1000028 | 03/05/2010 | Ryan Homes      |            | 02 Charles Town  | 1023 | 459 9C | 127 | 03/05/2010 | N/A                 |
| 1000029 | 03/05/2010 | Ryan Homes      |            | 02 Charles Town  | 1023 | 459 9C | 128 | 03/05/2010 | N/A                 |
| 1000030 | 03/05/2010 | Ryan Homes      |            | 02 Charles Town  | 1023 | 459 9C | 129 | 03/05/2010 | N/A                 |
| 1000031 | 03/05/2010 | Ryan Homes      |            | 02 Charles Town  | 1023 | 459 9C | 130 | 03/05/2010 | N/A                 |
| 1000032 | 03/05/2010 | Ryan Homes      |            | 02 Charles Town  | 1023 | 459 9C | 131 | 03/05/2010 | N/A                 |
| 1000033 | 03/05/2010 | Ryan Homes      |            | 02 Charles Town  | 1023 | 459 9C | 132 | 03/05/2010 | N/A                 |
| 1000034 | 03/05/2010 | Ryan Homes      |            | 02 Charles Town  | 1023 | 459 9C | 133 | 03/05/2010 | N/A                 |
| 1000035 | 03/10/2010 | THZ Enterprises |            | 09 Shepherdstown | 975  | 69 8C  | 363 | 03/10/2010 | N/A                 |
| 1000036 | 03/16/2010 | Dan Ryan        |            | 07 Middleway     | 1005 | 548 2A | 117 | 03/16/2010 | N/A                 |



JEFFERSON COUNTY, WEST VIRGINIA  
Department of Capital Planning and Management  
114 East Washington Street  
Charles Town, West Virginia 25414

COPY

F. Mark Schiavone  
Director  
Impact Fee Coordinator

Phone: (304) 728-3331  
Fax: (304) 724-2178  
mschiavone@jeffersoncountywv.org

MEMORANDUM

RECEIVED

TO: Tim Boyde, Vivian Fields, and Teresa Hendricks APR 01 2010  
FROM: F. Mark Schiavone *FM*  
DATE: Thursday, 01 April 2010  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's School Impact Fee Account.**

Jefferson County Commission

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County School Impact Fee Account (Bank of Charles Town account 3107582)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of March 2010.

This transfer consists of two components:

- Impact Fee Process Numbers **1000020** through **1000044**, inclusive. Within this range there were 19 non-exempt impact fee payments. This amounts to **\$182,763.00**.
- Interest earned by the Office of Impact Fees General Account in March 2010 amounts to **\$253.35**, of which **\$222.95** is attributed to fees collected for School.

**As per the attached invoice, the total amount of this transfer is \$182,985.95.**

Check # 749

**Jefferson County Commission**

P.O. Box 250  
 Charles Town, WV 25414

**Invoice**

Number: 10012

Date: 4/1/2010

**Bill To:**

Department of Capital Planning and Management  
 114 E. Washington Street  
 Charles Town, WV 25414

**Pay To:**

Jefferson County Sheriff  
 102 Industrial Blvd.  
 Suite 100  
 Kearneysville, WV 25430

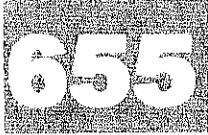
**P.O. Number**

0

**Vendor Number****Dept./Line****Item # Charged****Description****Amount**

|               |                                                                                                                                                                                                         |                     |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
|               | Impact Fee payments collected for month of March 2010 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County School Impact Fees Bank Account (3107582). | \$182,763.00        |
|               | Interest earned by the Office of Impact Fees General Account March 2010.                                                                                                                                | \$222.95            |
|               | Impact Fee Process Numbers 1000020 through 1000044, inclusive. Within this range, there were 19 non-exempt impact fee payments.                                                                         |                     |
| <b>Total:</b> |                                                                                                                                                                                                         | <b>\$182,985.95</b> |

**Notes/Comments: Transfer of funds into School Impact Fee Account (3107582).**



**Account Withdraws**  
**Department of Impact Fees - Jefferson County Government**

Account 3111776

Schools

Check Number 749

Trace 20100401:37493.67

Date 4/1/2010

Series 1

Recipient Sheriff of Jefferson County

Amount \$182,763.00

Account 3107582

Signature 1 Lyn Widmyer

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes: transfer of March fees.

| Deposit Date | Process Number | Ordinance | Enact Date | Amount      |
|--------------|----------------|-----------|------------|-------------|
| 3/5/2010     | 1000020        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 3/8/2010     | 1000027        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 3/8/2010     | 1000028        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 3/8/2010     | 1000029        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 3/8/2010     | 1000030        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 3/8/2010     | 1000031        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 3/8/2010     | 1000032        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 3/8/2010     | 1000033        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 3/8/2010     | 1000034        | 2003-3    | 11/24/2005 | \$8,560.00  |
| 3/11/2010    | 1000035        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 3/17/2010    | 1000036        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 3/18/2010    | 1000037        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 3/22/2010    | 1000038        | 2003-3    | 11/24/2005 | \$703.00    |
| 3/22/2010    | 1000039        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 3/22/2010    | 1000040        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 3/22/2010    | 1000041        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 3/23/2010    | 1000042        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 3/31/2010    | 1000043        | 2003-3    | 11/24/2005 | \$11,358.00 |
| 3/31/2010    | 1000044        | 2003-3    | 11/24/2005 | \$11,358.00 |

**Total amount for this withdraw \$182,763.00**

**Total amount for this account \$182,763.00**

**Total amount all accounts \$182,763.00**

**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Capital Planning and Management**  
114 East Washington Street  
P.O. Box 250  
Charles Town, West Virginia 25414

COPY

F. Mark Schiavone  
Director  
Impact Fee Coordinator

**RECEIVED**  
Phone: (304) 728-3331  
Fax: (304) 724-2178  
mschiavone@jeffersoncountywv.org  
APR 01 2010

**MEMORANDUM**

TO: Tim Boyde, Vivian Fields, and Teresa Hendricks **Jefferson County Commission**  
FROM: F. Mark Schiavone *FM*  
DATE: Thursday, 01 April 2010  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Law Enforcement Impact Fee Account (Bank of Charles Town account 3120120)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of March 2010.

This transfer consists of two components:

- Impact Fee Process Numbers **1000020** through **1000044**, inclusive. Within this range there were 18 non-exempt impact fee payments. This amounts to **\$4,085.00**.
- Interest earned by the Office of Impact Fees General Account in March 2010 amounts to **\$253.35**, of which **\$2.53** is attributed to fees collected for Law Enforcement.

**As per the attached invoice, the total amount of this transfer is \$4,087.53.**

**Check # 750**

**Jefferson County Commission**

P.O. Box 250  
 Charles Town, WV 25414

**Invoice**

Number: 10013  
 Date: 4/1/2010

**Bill To:**

Department of Capital Planning and Management  
 114 E. Washington Street  
 Charles Town, WV 25414

**Pay To:**

Jefferson County Sheriff  
 102 Industrial Blvd.  
 Suite 100  
 Kearneysville, WV 25430

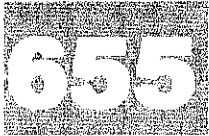
**P.O. Number**

0

**Vendor Number****Dept./Line****Item # Charged****Description****Amount**

|               |                                                                                                                                                                                                                  |                   |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
|               | Impact Fee payments collected for month of March 2010 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Law Enforcement Impact Fees Bank Account (3120120). | \$4,085.00        |
|               | Interest earned by the Office of Impact Fees General Account March 2010.                                                                                                                                         | \$2.53            |
|               | Impact Fee Process Numbers 1000020 through 1000044, inclusive. Within this range, there were 19 non-exempt impact fee payments.                                                                                  |                   |
| <b>Total:</b> |                                                                                                                                                                                                                  | <b>\$4,087.53</b> |

**Notes/Comments:** Transfer of funds into Law Enforcement Impact Fee Account (3120120).



**Account Withdraws**  
 Department of Impact Fees - Jefferson County Government

Account 3111776

Law Enforcement

Check Number 750

Trace 20100401:37590.14

Date 4/1/2010

Series 2

Recipient Sheriff of Jefferson County

Amount \$4,085.00

Account 3120120

Signature 1 Lyn Widmyer

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes: Transfer of March fees.

| Deposit Date | Process Number | Ordinance | Enact Date | Amount   |
|--------------|----------------|-----------|------------|----------|
| 3/5/2010     | 1000020        | 2005-1    | 3/22/2005  | \$0.00   |
| 3/8/2010     | 1000027        | 2005-1    | 3/22/2005  | \$200.00 |
| 3/8/2010     | 1000028        | 2005-1    | 3/22/2005  | \$200.00 |
| 3/8/2010     | 1000029        | 2005-1    | 3/22/2005  | \$200.00 |
| 3/8/2010     | 1000030        | 2005-1    | 3/22/2005  | \$200.00 |
| 3/8/2010     | 1000031        | 2005-1    | 3/22/2005  | \$200.00 |
| 3/8/2010     | 1000032        | 2005-1    | 3/22/2005  | \$200.00 |
| 3/8/2010     | 1000033        | 2005-1    | 3/22/2005  | \$200.00 |
| 3/8/2010     | 1000034        | 2005-1    | 3/22/2005  | \$200.00 |
| 3/11/2010    | 1000035        | 2005-1    | 3/22/2005  | \$262.00 |
| 3/17/2010    | 1000036        | 2005-1    | 3/22/2005  | \$262.00 |
| 3/18/2010    | 1000037        | 2005-1    | 3/22/2005  | \$262.00 |
| 3/22/2010    | 1000038        | 2005-1    | 3/22/2005  | \$127.00 |
| 3/22/2010    | 1000039        | 2005-1    | 3/22/2005  | \$262.00 |
| 3/22/2010    | 1000040        | 2005-1    | 3/22/2005  | \$262.00 |
| 3/22/2010    | 1000041        | 2005-1    | 3/22/2005  | \$262.00 |
| 3/23/2010    | 1000042        | 2005-1    | 3/22/2005  | \$262.00 |
| 3/31/2010    | 1000043        | 2005-1    | 3/22/2005  | \$262.00 |
| 3/31/2010    | 1000044        | 2005-1    | 3/22/2005  | \$262.00 |

**Total amount for this withdraw \$4,085.00**

**Total amount for this account \$4,085.00**

**Total amount all accounts \$4,085.00**

JEFFERSON COUNTY, WEST VIRGINIA  
Department of Capital Planning and Management  
114 East Washington Street  
Charles Town, West Virginia 25414

COPY

F. Mark Schiavone  
Director  
Impact Fee Coordinator

Phone: (304) 728-3331  
Fax: (304) 724-2178  
mschiavone@jeffersoncountywv.org

MEMORANDUM

RECEIVED

TO: Tim Boyde, Vivian Fields, and Teresa Hendricks  
FROM: F. Mark Schiavone *fm*  
DATE: Thursday, 01 April 2010  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Parks & Recreation Impact Fee Account**

APR 01 2010

Jefferson County Commission

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Parks & Recreation Impact Fee Account (Bank of Charles Town account 3122808)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of March 2010.

This transfer consists of two components:

- Impact Fee Process Numbers **1000020** through **1000044**, inclusive. Within this range there were 19 non-exempt impact fee payments. This amounts to **\$12,121.00**.
- Interest earned by the Office of Impact Fees General Account in March 2010 amounts to **\$253.35**, of which **\$15.20** is attributed to fees collected for Parks & Recreation.

As per the attached invoice, the total amount of this transfer is **\$12,136.20**.

Check # 751

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

**Number:** 10014  
**Date:** 4/1/2010

**Bill To:**

Department of Capital Planning and Management  
114 E. Washington Street  
Charles Town, WV 25414

**Pay To:**

Jefferson County Sheriff  
102 Industrial Blvd.  
Suite 100  
Kearneysville, WV 25430

**P.O. Number**

0

**Vendor Number**

**Dept./Line**

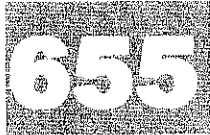
**Item # Charged**

**Description**

**Amount**

|               |                                                                                                                                                                                                                     |                    |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
|               | Impact Fee payments collected for month of March 2010 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Parks & Recreation Impact Fees Bank Account (3122808). | \$12,121.00        |
|               | Interest earned by the Office of Impact Fees General Account March 2010.                                                                                                                                            | \$15.20            |
|               | Impact Fee Process Numbers 1000020 through 1000044, inclusive. Within this range, there were 19 non-exempt impact fee payments.                                                                                     |                    |
| <b>Total:</b> |                                                                                                                                                                                                                     | <b>\$12,136.20</b> |

**Notes/Comments:** Transfer of funds into Parks & Recreation Impact Fee Account (3122808).



**Account Withdraws**  
 Department of Impact Fees - Jefferson County Government

Account 3111776

Parks & Rec

Check Number 751

Trace 20100401:37658.86

Date 4/1/2010

Series 3

Recipient Sheriff of Jefferson County

Amount \$12,121.00

Account 3122808

Signature 1 Lyn Widmyer

Signature 2 Bobby Shirley

Signature 3 Jennifer Mahgan

Notes: Transfer of March fees.

| Deposit Date | Process Number | Ordinance | Enact Date | Amount   |
|--------------|----------------|-----------|------------|----------|
| 3/5/2010     | 1000020        | 2005-2    | 5/12/2005  | \$752.00 |
| 3/8/2010     | 1000027        | 2005-2    | 5/12/2005  | \$575.00 |
| 3/8/2010     | 1000028        | 2005-2    | 5/12/2005  | \$575.00 |
| 3/8/2010     | 1000029        | 2005-2    | 5/12/2005  | \$575.00 |
| 3/8/2010     | 1000030        | 2005-2    | 5/12/2005  | \$575.00 |
| 3/8/2010     | 1000031        | 2005-2    | 5/12/2005  | \$575.00 |
| 3/8/2010     | 1000032        | 2005-2    | 5/12/2005  | \$575.00 |
| 3/8/2010     | 1000033        | 2005-2    | 5/12/2005  | \$575.00 |
| 3/8/2010     | 1000034        | 2005-2    | 5/12/2005  | \$575.00 |
| 3/11/2010    | 1000035        | 2005-2    | 5/12/2005  | \$752.00 |
| 3/17/2010    | 1000036        | 2005-2    | 5/12/2005  | \$752.00 |
| 3/18/2010    | 1000037        | 2005-2    | 5/12/2005  | \$752.00 |
| 3/22/2010    | 1000038        | 2005-2    | 5/12/2005  | \$1.00   |
| 3/22/2010    | 1000039        | 2005-2    | 5/12/2005  | \$752.00 |
| 3/22/2010    | 1000040        | 2005-2    | 5/12/2005  | \$752.00 |
| 3/22/2010    | 1000041        | 2005-2    | 5/12/2005  | \$752.00 |
| 3/23/2010    | 1000042        | 2005-2    | 5/12/2005  | \$752.00 |
| 3/31/2010    | 1000043        | 2005-2    | 5/12/2005  | \$752.00 |
| 3/31/2010    | 1000044        | 2005-2    | 5/12/2005  | \$752.00 |

**Total amount for this withdraw** \$12,121.00

**Total amount for this account** \$12,121.00

**Total amount all accounts** \$12,121.00

JEFFERSON COUNTY, WEST VIRGINIA  
Department of Capital Planning and Management  
114 East Washington Street  
Charles Town, West Virginia 25414

COPY

F. Mark Schiavone  
Director  
Impact Fee Coordinator

Phone: (304) 728-3331  
Fax: (304) 724-2178  
mschiavone@jeffersoncountywv.org

MEMORANDUM

TO: Tim Boyde, Vivian Fields, and Teresa Hendricks  
FROM: F. Mark Schiavone *fmj*  
DATE: Thursday, 01 April 2010  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Fire & EMS Impact Fee Account.**

RECEIVED  
APR 01 2010

Jefferson County Commission

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Fire & EMS Impact Fee Account (Bank of Charles Town account 3122816)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of March 2010.

This transfer consists of two components:

- Impact Fee Process Numbers **1000020** through **1000044**, inclusive. Within this range there were 19 non-exempt impact fee payments. This amounts to **\$11,339.00**.
- Interest earned by the Office of Impact Fees General Account in March 2010 amounts to **\$253.35**, of which **\$12.67** is attributed to fees collected for Fire & EMS.

As per the attached invoice, the total amount of this transfer is **\$11,351.67**.

Check # 752

**Jefferson County Commission**

P.O. Box 250  
 Charles Town, WV 25414

**Invoice**

**Number:** 10015

**Date:** 4/1/2010

**Bill To:**

Department of Capital Planning and Management  
 114 E. Washington Street  
 Charles Town, WV 25414

**Pay To:**

Jefferson County Sheriff  
 102 Industrial Blvd.  
 Suite 100  
 Kearneysville, WV 25430

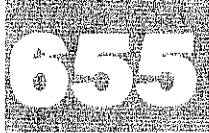
**P.O. Number**

0

**Vendor Number****Dept./Line****Item # Charged****Description****Amount**

|               |                                                                                                                                                                                                             |                    |
|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
|               | Impact Fee payments collected for month of March 2010 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Fire & EMS Impact Fees Bank Account (3122816). | \$11,339.00        |
|               | Interest earned by the Office of Impact Fees General Account March 2010.                                                                                                                                    | \$12.67            |
|               | Impact Fee Process Numbers 1000020 through 1000044, inclusive. Within this range, there were 19 non-exempt impact fee payments.                                                                             |                    |
| <b>Total:</b> |                                                                                                                                                                                                             | <b>\$11,351.67</b> |

**Notes/Comments:** Transfer of funds into Fire & EMS Impact Fee Account (3122816).



**Account Withdraws**  
 Department of Impact Fees - Jefferson County Government

Account 3111776

Fire & EMS

Check Number 752

Trace 20100401:37720.45

Date 4/1/2010

Series 4

Recipient Sheriff of Jefferson County

Amount \$11,339.00

Account 3122816

Signature 1 Lyn Widmyer

Signature 2 Bobby Shirley

Signature 3 Jennifer Maghan

Notes: Transfer of March fees.

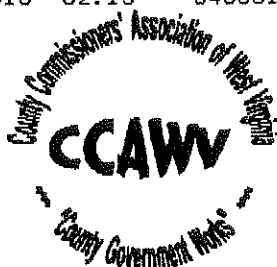
| Deposit Date | Process Number | Ordinance | Enact Date | Amount   |
|--------------|----------------|-----------|------------|----------|
| 3/5/2010     | 1000020        | 2005-3    | 5/12/2005  | \$698.00 |
| 3/8/2010     | 1000027        | 2005-3    | 5/12/2005  | \$533.00 |
| 3/8/2010     | 1000028        | 2005-3    | 5/12/2005  | \$533.00 |
| 3/8/2010     | 1000029        | 2005-3    | 5/12/2005  | \$533.00 |
| 3/8/2010     | 1000030        | 2005-3    | 5/12/2005  | \$533.00 |
| 3/8/2010     | 1000031        | 2005-3    | 5/12/2005  | \$533.00 |
| 3/8/2010     | 1000032        | 2005-3    | 5/12/2005  | \$533.00 |
| 3/8/2010     | 1000033        | 2005-3    | 5/12/2005  | \$533.00 |
| 3/8/2010     | 1000034        | 2005-3    | 5/12/2005  | \$533.00 |
| 3/11/2010    | 1000035        | 2005-3    | 5/12/2005  | \$698.00 |
| 3/17/2010    | 1000036        | 2005-3    | 5/12/2005  | \$698.00 |
| 3/18/2010    | 1000037        | 2005-3    | 5/12/2005  | \$698.00 |
| 3/22/2010    | 1000038        | 2005-3    | 5/12/2005  | \$95.00  |
| 3/22/2010    | 1000039        | 2005-3    | 5/12/2005  | \$698.00 |
| 3/22/2010    | 1000040        | 2005-3    | 5/12/2005  | \$698.00 |
| 3/22/2010    | 1000041        | 2005-3    | 5/12/2005  | \$698.00 |
| 3/23/2010    | 1000042        | 2005-3    | 5/12/2005  | \$698.00 |
| 3/31/2010    | 1000043        | 2005-3    | 5/12/2005  | \$698.00 |
| 3/31/2010    | 1000044        | 2005-3    | 5/12/2005  | \$698.00 |

**Total amount for this withdraw \$11,339.00**

**Total amount for this account \$11,339.00**

**Total amount all accounts \$11,339.00**

# 21




**County Commissioners' Association  
of West Virginia**

2309 Washington Street, East  
Charleston, West Virginia 25311

E-mail [vivian@ccawv.org](mailto:vivian@ccawv.org) (304) 345-4639 Fax (304) 346-3512

April 6, 2010

To: All County Commissioner Association Members  
 From: Vivian Parsons, Executive Director   
 Re: Marketing Agreement with Comvest

CCAWV has had, for several years, an ongoing marketing agreement with Comvest Ltd. Inc. for a lease-purchasing program for county government. Under the program, Comvest helped counties with lease-purchase agreements by matching them with financial institutions. It has come to our attention that Comvest Ltd. Inc. has filed Chapter 11 Bankruptcy.

Based on this information, CCAWV is suspending its endorsement for this program. CCAWV's Services Review Committee will be addressing this marketing agreement at it's meeting at the end of April. Please share this information with those individuals in your county that are involved with deciding your lease-purchase arrangements.

---

**Vivian Parsons, Executive Director**  
 visit our web site [www.polsci.wvu.edu/ccawv](http://www.polsci.wvu.edu/ccawv)

## 2<sup>nd</sup> International Swine Flu Conference

August 18-19, 2010 Washington, DC

April 7, 2010

Dale Manuel  
Commissioner  
Jefferson County, West Virginia

Re: 2<sup>nd</sup> Int'l Swine Flu Conference

via fax 3047257916

Dear Dale Manuel,

We are pleased to invite you to attend the 2<sup>nd</sup> International Swine Flu Conference, August 18-19, 2010 in Washington, DC.

WHO announced last week that more than 213 countries and overseas territories have reported cases of pandemic influenza H1N1, including at least 17, 483 deaths.

In the two-day event, public health officials, policy makers, scientists, and business leaders will focus on effective planning and preparation, improved coordination among all sectors to survive a global pandemic.

Break-out Session include:

- Breakout 1. **Business Continuity Planning**
- Breakout 2. **Continuity of Operations (COOP) and Continuity of Government Planning**
- Breakout 3. **Emergency Management Services**
- Breakout 4. **Law Enforcement Agencies**
- Breakout 5. **School/University Pandemic Planning**
- Breakout 6. **Workplace-based Planning**
- Breakout 7. **Hospital and Emergency Medical Services**
- Breakout 8. **Airlines, Travel, Airport, Quarantine and Border Health Services**
- Breakout 9. **Infectious Medical Waste**
- Breakout 10. **H1N1: Agricultural Perspective & Intervention**

Not registered yet? You may register in any of the following ways:

Call us at 202-536-5000. Or download the PDF registration form:  
<http://www.new-fields.com/2ndISFC/registration.pdf>

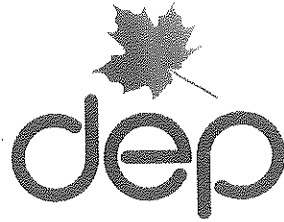
Looking forward to working with you in this global effort to fight this panademic.

Sincerely,

Virginia Blanco, Project Manager  
H1N1 Task Force  
Virginia.Blanco@New-Fields.com

1101 Pennsylvania Avenue, NW, Sixth Floor South, Washington, DC 20004  
Phone (202) 536-5000 Fax (202) 280-1239 [www.New-Fields.com](http://www.New-Fields.com)

If you have received this fax from us in error or no longer wish to receive future fax correspondence from our company call us toll free (877) 485-2242 and follow the prompts.



west virginia department of environmental protection

Rehabilitation Environmental Action Plan  
601 57<sup>th</sup> Street S.E.  
Charleston, WV 25304  
(304) 926-0454 Phone  
(304) 926-0457 Fax

Joe Manchin III, Governor  
Randy C. Huffman, Cabinet Secretary  
www.wvdep.org

April 1, 2010

Jefferson County Commission

Jefferson County Commission  
P.O. Box 250  
110 East Washington Street  
Charles Town, WV 25414

APR 08 2010

RECEIVED

Dear Sir or Madam,

This letter serves as confirmation that Jefferson County has met the requirements set forth by the REAP Standard Operating Procedure for 2010. Jefferson County has implemented fourteen of the sixteen programs to date.

The REAP staff looks forward to assisting your county in its progression toward becoming litter free. Should you have any further questions or need additional information, please contact Travis Cooper at 926-0499, ext.1117.

Sincerely,

Daniel P. Haught, Chief  
Rehabilitation Environmental Action Plan

# 24

FEIN:

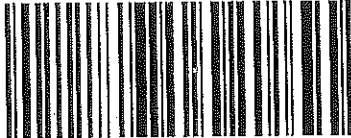
383483729

Reporting Period:

09/01/2009 to 09/30/2009

Amount:

43.50



000004NQJ9

ACN Communications Services, Inc. ME

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

RECEIVED

APR 05 2010

Jefferson County Commission



0000000000

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: 2009  
Month: 09  
Sequence Number: 1  
Indexed Time: 10/8/2009 12:24:00 PM  
Printed By: LANSEL  
Printed Time: 3/31/2010 8:14:32 AM

0002222947

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 BANK  
64-022/610

0002222947

VOID AFTER 120 DAYS FROM DATE 3/31/2010

PAY Forty Three and 50/100\*\*\*\*\*

43.50

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

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

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

0002222947 0610002271 200016945827



THOMSON REUTERS

March 29, 2010

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

RECEIVED

APR 05 2010

Jefferson County Commission

Re: ACN Communications Services  
Account # - 38 3483729

To Whom It May Concern:

This check was returned back to our office (reason unknown) therefore because it was outdated, I placed a void and reissue on it to mail to your office again. Please except this check as timely filing.

Should you have any questions or concerns please contact me at the number below.

Sincerely,

DeAnna M. Paden

Account Associate  
(Sales and Use Tax)  
770-956-7525 ext. 1476



FEIN:  
 Reporting Period: 09/01/2009 to 09/30/2009  
 Amount: 43.50

**RECEIVED**

APR 05 2010

ACN Communications Services, Inc. ME  
 c/o Tax Partners, L.L.C.  
 3100 Cumberland Boulevard, Suite 900  
 Atlanta, GA 30339

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: 2009  
 Month: 09  
 Sequence Number: 1  
 Indexed Time: 10/8/2009 12:24:00 PM  
 Printed By: LANSEL  
 Printed Time: 10/19/2009 8:02:20 AM

0002124733

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

|                                                                                                                                             |                            |            |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------|
| ACN Communication Services, Inc.<br>C/O TAX PARTNERS, L.L.C.<br>3100 Cumberland Boulevard, Suite 900<br>Atlanta, GA 30339<br>(877) 829-4141 | WACHOVIA, NA<br>64-022/610 | 0002124733 |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|------------|

VOID AFTER 120 DAYS FROM DATE 10/19/2009

PAY Forty Three and 50/100\*\*\*\*\* 43.50

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

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

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

⑈0002124733⑈ ⑆061000227⑆ 2000016945827⑈

WV

West Virginia, Jefferson County E911

Reporting Period: September 1, 2009 to September 30, 2009

RECEIVED

ACN Communication Services, Inc.

Tax Identification Number

38-3483729

APR 05 2010

c/o Tax Partners, L.L.C.  
3100 Cumberland Boulevard, Suite 900  
Atlanta, GA 30339  
8778294141 - Phone  
7709560700 - Fax

Jefferson County Commission

Return Due: 10/20/2009

|                                                                                 | Gross Units | Less: Exempt Units | Units Subject to Tax | Tax Rate | Gross Tax |
|---------------------------------------------------------------------------------|-------------|--------------------|----------------------|----------|-----------|
| Jefferson County<br>E911 SURCHARGES -<br>General-JEFFERSON CO. 911<br>SURCHARGE | 15          | 0                  | 15                   | \$2.90   | 43.50     |
| <b>Return Totals:</b>                                                           | 15          | 0                  | 15                   |          | 43.50     |

REMIT TO:

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

|                                       |              |
|---------------------------------------|--------------|
| Total Gross Tax Due:                  | 43.50        |
| 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>43.50</b> |

*Deanna M. Paden*

Deanna Paden, Attorney-in-Fact

10/14/2009

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

# Jefferson County Public Service District

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## Jefferson County Public Service District Special Board Meeting March 22, 2010

The special meeting of the Jefferson County Public Service District was held at 4:00PM on Monday, March 22, 2010 at the District's office in Kearneysville. Those in attendance included: Chairman, Joe Hankins; Treasurer, Peter Appignani (by speakerphone); PSD General Manager, Susanne Lawton; and Administrative Assistant, Ashley Wilt. Mr. Cummins was absent from the meeting.

Chairman Hankins called the meeting to order at 4:04PM.

### Consider approval of a reimbursement agreement for the Uniwest overpayment

**Action:** Motion made by Mr. Appignani and seconded by Mr. Hankins to authorize the initial payment of \$31,349.50 to Uniwest and approve the payment plan of \$3307.48 per month for the next 20 months to reimburse the balance of \$66,149.50.

After the motion was made by the Board, a short discussion was held. The Board will highlight this issue at the April Board meeting when the meeting minutes are approved since the topic has only been discussed in Executive Session at previous meetings.

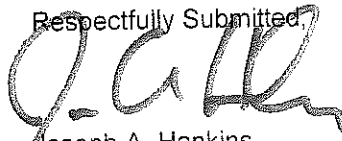
**After discussion, the motion was approved 2-0.**

**Action:** Motion made by Mr. Appignani and seconded by Mr. Hankins to adjourn. Approved 2-0.

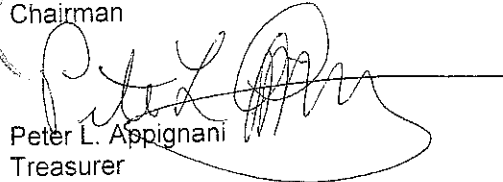
There being no further business at this time, the meeting was adjourned at 4:10PM

The next regular meeting is scheduled for April 5, 2010 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



Joseph A. Hankins  
Chairman



Peter L. Appignani  
Treasurer

# Jefferson County Public Service District

RECEIVED

APR 08 2010

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Jefferson County Public Service District  
Regular Board Meeting  
March 1, 2010  
Jefferson County Commission

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, March 1, 2010 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Joe Hankins; Secretary, Jim Cummins; Treasurer, Peter Appignani; General Manager, Susanne Lawton; Administrative Assistant, Ashley Wilt; Pentree Engineer, Zane Summerfield; District Legal Counsel, Jim Kelsh, and Commission Liaison to the Public Service District, Commissioner Lyn Widmyer.

Chairman Hankins called the meeting to order at 7:02PM.

Public Comments

None.

**OLD BUSINESS**

Review Minutes of December 17, 2009 Public Meeting

The minutes of the December 17, 2009 public meeting on the Mountain were approved as presented.

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to accept the December 17, 2009 minutes as presented. Approved 2-0. (Mr. Cummins refrained from voting since he was absent at the meeting)**

Review Minutes of February 1, 2010 Regular Board Meeting

Mr. Cummins reviewed the minor changes he made to the minutes after they were disbursed to the other Board members. The minutes of the February 1, 2010 regular Board meeting were approved as presented.

**Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to accept the February 1, 2010 minutes as presented. Unanimously approved.**

Review Minutes of February 8, 2010 Special Board Meeting

The minutes of the February 8, 2010 special Board meeting were approved as presented.

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to accept the February 8, 2010 minutes as presented. Unanimously approved.**

Update on Joint Applications to West Virginia Infrastructure and Jobs Development Council with Jefferson Utilities Incorporated for Mountain Water Project

Mr. Kelsh updated the Board. The application was filed with the Infrastructure Council on February 10<sup>th</sup> and will be discussed at the IJDC Funding Committee work session on March 30<sup>th</sup> and again at their meeting on April 2<sup>nd</sup>. If the funding committee recommends the application, it will be voted on at the Infrastructure Council's April 7<sup>th</sup> meeting. The Board also discussed the Small Cities Block Grant public meetings on March 9<sup>th</sup> and March 16<sup>th</sup> hosted by the County Commission. When PSD staff receives the notices of these meetings from Region 9, they will be placed on the mountain water project website.

**Action: No action taken by the Board.**

Update on RFP for Inspection Engineering Firms

Ms. Lawton had no update. She is continuing to work on a draft of the RFP to send out next month.

**Action: No action taken by the Board.**

Update on WV Funding Stakeholder Group Workshop

The group met on February 2<sup>nd</sup> to discuss potential funding sources for Chesapeake Bay requirements. Various members of the group were asked to develop white papers on various concepts including a flush tax, a toilet paper tax, a license plate fee, excess lottery revenue, a fertilizer tax, and dedicated money from the Department of Environmental Protection (DEP) State Revolving Fund (SRF) program. Mr. Kelsh was assigned the task of preparing the fertilizer tax paper, Joe Hankins and Andy Blake, Ranson Attorney, were

assigned the toilet paper tax paper, and John Tuggle and Mr. Kelsh were assigned the funds from DEP SRF paper. The papers are due back by March 15<sup>th</sup> and will be distributed to the group on March 19<sup>th</sup> for comments. DEP will finalize its recommendations and forward to the Legislature by April 30<sup>th</sup>.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to direct Mr. Kelsh and Mr. Tuggle to prepare the DEP SRF paper, Mr. Kelsh to prepare the fertilizer tax paper, and Mr. Hankins to prepare the toilet paper tax paper and be the designated PSD point of contact for the project. Unanimously approved.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins for the Board and Staff to draft a letter of support to all five of West Virginia's Senators and Congresspersons for the Chesapeake Bay Ecosystem Reauthorization Act of 2009 (HR 3852 & SB 1816). Unanimously approved.

## NEW BUSINESS

### Discussion of any expenses over budget

Mr. Hankins stated that there are no items over budget, but the Districts debt coverage is 88%.

**Action:** No action taken by the Board.

### Disbursements

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for Cavaland water expenses in the amount of \$2,086.73 and Glen Haven water expenses in the amount of \$1,303.97. Unanimously approved.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for the Public Service District expenses in the amount of \$188,949.77, with the exception of the line item for Uniwest totaling \$31,349.50 pending further discussion. Unanimously approved.

### Approve Transfer of \$4,265.13 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$4,265.13 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Unanimously approved.

### Consider Refinancing 1998A PSD Bonds

Gregg Issacs, from Crews and Associates in Charleston, WV, presented to the Board an opportunity to refinance the Districts outstanding 1998A bond. Mr. Issacs described the three ways the District could refinance the bond which included upfront savings, level savings, or deferred savings. Chuck Young, from Cox Hollida Price, prepared a savings analysis and was in the audience to answer questions from the Board. The Board preferred the level savings option which would have the reduction in cash flow evenly spread through-out the life of the new bond.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to move forward with refinancing the 1998A bond, to authorize Jim Kelsh to file for approval at the Public Service Commission, and to engage Lee Hill as Bond Counsel when necessary. Unanimously approved.

### Discuss Pump Station 4-5 Generator/Pump

Ms. Lawton informed the Board of maintenance issues staff has had at pump station 4-5. The generator at this pump station is beyond repair and needs to be replaced. District staff received estimates for a new generator totaling \$38,000 and for a Godwin back-up pump and generator for \$50,000. The District started using Godwin pumps a couple years ago for other pump stations and has been extremely pleased with the results. The Godwin pump would help in any situation from power failure to control/pump issues. Mr.

Hankins recommended the Godwin pump and stated they have been reliable in situations the District has encountered in the past.

**Action:** **Motion made by Mr. Cummins and seconded by Mr. Appignani to approve the purchase of a Godwin Pump for pump station 4-5 for up to \$50,000.00. Unanimously approved.**

Discussion and Consideration of the Purchase of Nutrient Offsets to Meet WV NPDES Permitting Requirements for Flowing Springs Project

Mr. Hankins stated the proposed Flowing Springs wastewater treatment plant is being viewed by West Virginia Department of Environmental Protection (WV DEP) as a new source which has to acquire 100% offsets for nutrient discharge. The District assumed it would get credit for net reductions in nutrient discharges from WV DEP when the District's flows were diverted from the Charles Town plant to the Flowing Springs plant. However, in November 2009 WV DEP advised the District that an agreement to that effect would need to be made with the City of Charles Town. The District has been in negotiations with the City of Charles Town, but an agreement has not yet been made. Mr. Hankins stated the other alternative for the District would be to find a market to purchase nutrient offsets. He had contacted the Red Barn Trading Company out of Pennsylvania which pays farmers to take actions to reduce their nutrients and then they sell the offsets. Mr. Hankins had researched the Chesapeake Bay area for companies who offer this program, but only found this company out of Pennsylvania. Mr. Cummins would like it publically known that the District will only be taking offsets from Pennsylvania because West Virginia does not offer a similar program. The Board felt this was a reasonable strategy and critical for the NPDES permit application. The next step would be to work with the Red Barn Trading Company on a contract and get to WV DEP for approval.

**Action:** **Motion made by Mr. Cummins and seconded by Mr. Appignani to direct staff to pursue the contract for nutrient offset credits and negotiate with the Red Barn Trading Company to help fulfill the requirements of the NPDES Permit. The Board would like it known that it was forced to do trading out of state due to the unavailability of a similar program in West Virginia.**

A brief discussion took place after the motion was made on the current and future costs of this endeavor. Mr. Appignani stated he was concerned with the costs of buying the offsets in the future years and how much they could increase, but would like to move forward with drafting a contract. The Board agreed. The Board would like a clause in the contract that it prefers to buy West Virginia credits over Pennsylvania credits when a program becomes available.

**Action:** **Motion was unanimously approved.**

Discussion of Enhanced Infrastructure Relationship with the City of Ranson

Recently at the Charles Town Municipal Appeal hearing, it was made known that Charles Town cannot operate beyond the current flow level, and it is uncertain as to how much capacity is available. Both the District and Ranson have allocation of capacity at the Charles Town plant that they may not be able to use. Mr. Kelsh stated the City of Ranson has expressed interest in working with the District on the Flowing Springs project, possibly as co-owners. There is a possibility that some type of relationship, yet to be established, could enable project costs to be spread across a larger customer base causing District customer rates to reduce or rise at a lower rate. However, it could cause Ranson customer rates to increase. Mr. Kelsh, Mr. Hankins, and Ms. Lawton met with Ranson before the Board meeting and discussed the research necessary to design a relationship. Ranson is going to look into hiring an attorney who specializes in utilities and an engineering firm to investigate where efficiencies may be gained by a relationship with the District. Ranson would like to do an assessment of where they are strategically to compare the similarities & differences to the future plans of the District. The next step would be to define the scope of the relationship and prepare a possible Memorandum of Understanding. The Board had some concerns over territory issues and ownership of certain facilities, but thought overall there could be a good relationship and appreciates the efforts by Ranson. There are many issues that still need to be addressed, but the Board felt this was a positive step.

**Action:** **Motion made by Mr. Cummins and seconded by Mr. Appignani to explore this option and authorize the District's accountant, engineer, and attorney to review the facilities, operations, and finances of Ranson to see where efficiencies may be gained, and to attempt to structure an agreement that helps realize efficiencies, but maintain cost equity where appropriate. The same District**

**staff members should be authorized to share and discuss similar information regarding the District and Ranson officials with the initial form being a possible Memorandum of Understanding drafted as the first step, if deemed appropriate by staff. Unanimously approved.**

Consideration of a Regular PSD Board Work Session Schedule as Supplement to Monthly Board Meetings

Mr. Hankins made the suggestion for the Board to consider holding regular Board Work Sessions supplement to the monthly Board meetings. The District has numerous projects going on, financial and rate difficulties, multiple cases at the Public Service Commission, and a number of annual items that must be completed. The Board meetings are running very long hours and Board members are having trouble making decisions with the limited time and information. Mr. Hankins felt the Board can work more effectively making decisions and have a higher level of understanding if the Board had work sessions for the purpose of information presentation and discussions, not decision making. The Board agreed with Mr. Hankins and will work with staff to draft a work session schedule and possible topics to discuss for the next Board meeting.

**Action: No action taken by the Board.**

Consider the Development of a Policy for Communication between Legal Counsel, Board Members, District Staff & Others

Mr. Kelsh drafted a memo to the Board reviewing the Sunshine Act, attorney-client privilege, and the proper communication between District staff, Board members, and consultants. Mr. Kelsh also discussed the establishment of more formal communication and action procedures. He stated that these procedures need to be consistent with the Sunshine Act and protect the attorney-client privileges. Mr. Kelsh suggested the Board may want to adopt a policy that designates a Board member to be the point of contact for an activity when it concurrently directs staff to undertake that activity. He also suggested the Board adopt a policy that when taking an action on an item, they also state expectations of staff with respect to future activities regarding that item. The Board thought Mr. Kelsh's overview of the communication policies was a great refresher of what communication channels should and should not be used.

Commissioner Widmyer suggested possibly making the Board meeting documents, including agendas, available to the public earlier than the Thursday prior to the meeting. The Board agreed with Commissioner Widmyer's suggestion. Staff will post the agenda by the Monday prior to the Board meeting and have Board books ready by the Wednesday prior to the meeting. Ms. Lawton suggested to the Board and consultants to inform staff on which Board book material is confidential and what is public information.

**Action: No action taken by the Board.**

Update on PSC General Investigation into Berkeley County Capital Improvement Fees

Mr. Kelsh updated the Board. On January 29<sup>th</sup>, the Berkeley County Circuit Court issued an order stating that the Public Service Commission (PSC) lacked authority to establish Capital Improvement Fee's (CIF) and that Public Service Districts lacked the authority to charge CIF's. Mr. Kelsh stated that this ruling does not directly affect Jefferson County, unless and until it is overturned, but it will prevent the issuance of any bonds in the state where the repayment method is the use of CIF's. He also stated that the Berkeley County Public Service District intends to file a petition for appeal to the order to the West Virginia Supreme Court and to seek a stay of the order from the Circuit Court. The Board will act next month on whether to file an amicus brief in regards to this case.

The Board and staff believed this case impacts the decision on how the District should move forward on the Flowing Springs wastewater treatment plant project. If the District wishes to begin construction on the project this calendar year, it will need to do so without using CIF's to guarantee debt coverage. The Districts rates could go up to \$82 a month for 4500 gallons if the CIF's are not used for debt repayment. The District still needs funding commitments, an NPDES permit, and DEP approved plans and specs for PSC approval. PSC staff issued a memo recommending the Flowing Springs project case be dismissed until these items are completed. The Board will discuss further in executive session.

**Action: No action taken by the Board.**

General Manager's Report

Ms. Lawton updated the Board on activities since last month's meeting.

- Small Cities Block Grant – Ms. Lawton updated the Board on the Small Cities Block Grant process. The County Commission will be sponsoring two public hearings in March and will vote on whether or not to accept the grant application on March 18<sup>th</sup>.
- Senate Bill 465 – Ms. Lawton asked the Board for the authority to support this bill earlier in the month, but received no response. The bill did pass the Senate and going to the House later this month. The Board expressed its concern of giving support for legislative bills through email and would prefer to have them on the agenda if an action is needed. The Board and Ms. Lawton recognize that it is a challenge for the Board to make decisions on whether or not to support any legislative action due to the timing of the monthly Board meetings and the timeline of legislative bills.

**Action:**            **No action taken by the Board.**

Correspondence  
None discussed.

Public Comments  
-Jacqueiyn Milliron, Breckenridge resident

Update on Kevin Wilt PSC Case  
No update.

**Action:**            **No action taken by the Board.**

City of Martinsburg NPDES Permit Appeal before WV EQB  
No update.

**Action:**            **No action taken by the Board.**

Update on PSC Review of Agreement with Jefferson Utilities for Mountain Water Project Case # 09-2030-PWD-W-PC

No update.

**Action:**            **No action taken by the Board.**

**Action:**            **Motion made by Mr. Cummins and seconded by Mr. Appignani to convene in executive session for the purpose of discussing litigation and contract negotiations. Unanimously approved.**

**Action:**            **Motion made by Mr. Cummins and seconded by Mr. Appignani to return to public session. Unanimously approved.**

**Action:**            **Motion made by Mr. Cummins and seconded by Mr. Appignani to authorize the payment of \$31,349.50 to Uniwest for a refund overpayment contingent on the agreement from Uniwest to credit the balance toward future Capital Improvement Fee's in Jefferson Crossing. Unanimously approved.**

**Action:**            **Motion made by Mr. Cummins and seconded by Mr. Appignani to direct Counsel to ask the Public Service Commission for a 90 day extension for the Flowing Springs wastewater treatment plant certificate case #09-0347-PSD-PC-N. Unanimously approved.**

**Action:**            **Motion made by Mr. Cummins and seconded by Mr. Appignani to direct Counsel to file an exception to the decision of the non-project related sewer rate increase case #09-1915-PSD-42T-PC. Unanimously approved.**

**Action:**            **Motion made by Mr. Cummins and seconded by Mr. Appignani to adjourn. Unanimously approved.**

There being no further business at this time, the meeting was adjourned at 11:25PM

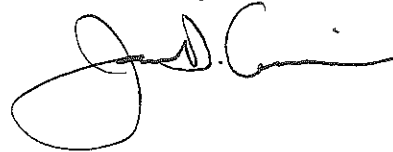
The next regular meeting is scheduled for April 5, 2010 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "J. Hankins", written in a cursive style.

Joseph A. Hankins  
Chairman

James D. Cummins  
Secretary

A handwritten signature in black ink, appearing to read "James D. Cummins", written in a cursive style.

426

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                |
|---------------------------------------------------|----------------------------|
|                                                   | April 3, 2010              |
|                                                   | FY10                       |
|                                                   | April 9, 2010              |
| <b>To be Deposited on:</b>                        |                            |
| Amount Played                                     | 83,404,332.90              |
| Amount Won                                        | 74,865,785.05              |
| Amount Promo                                      | 309,763.00                 |
| MWAP Contribution                                 | <u>33,288.62</u>           |
| <b>Adjusted Gross Terminal Revenue</b>            | <b><u>8,175,495.23</u></b> |
| Administrative Costs @ 4%                         | 0.00                       |
| Excess Lottery Fund @ 4%                          | <u>327,019.60</u>          |
| <b>Net Terminal Revenue</b>                       | <b><u>7,848,475.43</u></b> |
| Surcharge @ 10%                                   | 784,847.54                 |
| State Share Excess @ 58%                          | 455,211.57                 |
| Track Share of Capital Reinvestment @ 42%         | 329,635.97                 |
| Track Share of Capital Reinvestment @ 42% - 95%   | \$ 318,450.53              |
| Track Share of Capital Reinvestment @ 42% - 4%    | \$ 13,185.44               |
| <b>Adjusted Net Terminal Revenue</b>              | <b><u>7,063,627.98</u></b> |
| Racetrack @ 46.50% / 42%                          | 2,986,723.71               |
| Lottery Fund @ 30% / 0%                           | 0.00                       |
| Excess Lottery Fund @ 0% / 41%                    | 2,896,087.44               |
| Race Track Purses @ 7% / 14% / 8%                 | 565,090.23                 |
| Workers' Compensation Debt Reduction @ 7%         | 0.00                       |
| Employee Pension Fund @ 1% / .5%                  | 35,318.14                  |
| Greyhound Development @ .75%                      | 52,977.21                  |
| Thoroughbred Development @ .75%                   | 52,977.21                  |
| Racing Commission @ 1%                            | 70,636.26                  |
| County/Municipality @ 2%                          | 141,272.56                 |
| <b>3% Funds:</b>                                  |                            |
| Tourism Promotion Fund @ 1.375%                   | 97,124.88                  |
| Development Office Promotion Fund @ .375%         | 26,468.60                  |
| Research Challenge Fund @ .5%                     | 35,318.14                  |
| Capitol Renovation and Improvement Fund @ .6875%  | 48,562.44                  |
| 2004 Capitol Complex Parking Garage Fund @ .0625% | 4,414.77                   |
| <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>70,636.28</u>           |
|                                                   | <b><u>7,063,627.69</u></b> |

WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
 County / City Split  
 Fiscal Year 2009

Charles Town  
 1999 Net Terminal Revenue \$ 45,903,174  
 Benchmark Goal @ 2% \$ 912,063.46

| DATE                             | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>12.42% | CHARLES<br>TOWN<br>34.58% | HARPERS<br>FERRY<br>3.65% | RANSON<br>35.08% | SHEPHERDS<br>TOWN<br>14.28% |
|----------------------------------|------------------------------|---------------------------|----------------------|-------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 4 days ending:<br>7/1/09- 7/4/09 | \$ 128,262.42                | \$ 128,262.42             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Week ending:                     |                              |                           |                      |                   |                           |                           |                  |                             |
| 07/1/09                          | \$ 168,815.08                | \$ 168,815.08             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/18/09                         | \$ 160,652.88                | \$ 160,652.98             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/25/09                         | \$ 158,669.08                | \$ 158,669.08             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/01/09                         | \$ 174,493.08                | \$ 174,493.08             | \$ -                 | \$ -              | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/08/09                         | \$ 155,646.74                | \$ 138,408.80             | \$ 17,437.94         | \$ 2,185.79       | \$ 6,026.55               | \$ 836.48                 | \$ 6,117.24      | \$ 2,491.86                 |
| 08/15/09                         | \$ 162,444.26                | \$ 81,222.14              | \$ 81,222.14         | \$ 10,087.79      | \$ 28,070.37              | \$ 2,964.61               | \$ 28,492.73     | \$ 11,606.64                |
| 08/22/09                         | \$ 152,520.62                | \$ 76,260.31              | \$ 76,260.31         | \$ 9,471.53       | \$ 26,355.56              | \$ 2,763.50               | \$ 26,752.12     | \$ 10,897.60                |
| 08/29/09                         | \$ 160,945.84                | \$ 80,472.92              | \$ 80,472.92         | \$ 9,994.74       | \$ 27,811.44              | \$ 2,937.26               | \$ 28,229.90     | \$ 11,499.58                |
| 09/05/09                         | \$ 161,596.30                | \$ 80,798.15              | \$ 80,798.15         | \$ 10,035.13      | \$ 27,923.84              | \$ 2,949.13               | \$ 28,343.99     | \$ 11,546.06                |
| 09/12/09                         | \$ 172,573.84                | \$ 86,288.92              | \$ 86,288.92         | \$ 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               | \$ 24,558.56     | \$ 10,004.45                |
| 09/26/09                         | \$ 138,633.74                | \$ 69,316.87              | \$ 69,316.87         | \$ 8,609.16       | \$ 23,955.91              | \$ 2,530.07               | \$ 24,316.35     | \$ 9,905.38                 |
| 10/03/09                         | \$ 144,572.08                | \$ 72,286.04              | \$ 72,286.04         | \$ 8,977.93       | \$ 24,982.06              | \$ 2,638.44               | \$ 25,357.93     | \$ 10,329.68                |
| 10/10/09                         | \$ 139,301.26                | \$ 68,650.63              | \$ 68,650.63         | \$ 8,850.61       | \$ 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                | \$ 67,561.66              | \$ 67,561.66         | \$ 8,393.64       | \$ 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       | \$ 22,300.99              | \$ 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               | \$ 22,380.55     | \$ 9,108.67                 |
| 11/14/09                         | \$ 131,819.28                | \$ 65,959.64              | \$ 65,959.64         | \$ 8,192.19       | \$ 22,795.65              | \$ 2,407.53               | \$ 23,138.64     | \$ 9,425.63                 |
| 11/21/09                         | \$ 119,094.10                | \$ 59,547.05              | \$ 59,547.05         | \$ 7,395.74       | \$ 20,578.46              | \$ 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              | \$ 2,642.80               | \$ 25,387.91     | \$ 10,345.96                |
| 12/05/09                         | \$ 102,013.02                | \$ 51,008.51              | \$ 51,008.51         | \$ 6,335.01       | \$ 17,627.85              | \$ 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     | \$ 7,486.62                 |
| 12/19/09                         | \$ 65,668.78                 | \$ 32,834.39              | \$ 32,834.39         | \$ 4,078.03       | \$ 11,347.57              | \$ 1,198.46               | \$ 11,518.30     | \$ 4,692.03                 |
| 12/26/09                         | \$ 106,812.88                | \$ 53,408.34              | \$ 53,408.34         | \$ 6,833.07       | \$ 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                | \$ 55,020.46              | \$ 55,020.46         | \$ 6,833.54       | \$ 18,015.07              | \$ 2,008.25               | \$ 19,301.18     | \$ 7,862.42                 |
| 01/16/10                         | \$ 121,102.58                | \$ 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                | \$ 68,943.53              | \$ 68,943.53         | \$ 8,686.99       | \$ 24,172.48              | \$ 2,552.94               | \$ 24,536.19     | \$ 9,884.93                 |
| 01/30/10                         | \$ 97,055.50                 | \$ 48,527.75              | \$ 48,527.75         | \$ 6,027.15       | \$ 16,771.19              | \$ 1,771.26               | \$ 17,023.53     | \$ 6,934.82                 |
| 02/06/10                         | \$ 74,310.28                 | \$ 37,155.14              | \$ 37,155.14         | \$ 4,814.67       | \$ 12,840.82              | \$ 1,356.16               | \$ 13,034.02     | \$ 5,309.47                 |
| 02/13/10                         | \$ 68,668.00                 | \$ 44,334.00              | \$ 44,334.00         | \$ 5,506.28       | \$ 15,321.83              | \$ 1,618.19               | \$ 15,552.37     | \$ 6,335.33                 |
| 02/20/10                         | \$ 153,892.24                | \$ 76,946.12              | \$ 76,946.12         | \$ 9,556.71       | \$ 28,592.58              | \$ 2,808.53               | \$ 28,992.70     | \$ 10,995.60                |
| 02/27/10                         | \$ 144,048.80                | \$ 72,024.40              | \$ 72,024.40         | \$ 8,945.43       | \$ 24,991.63              | \$ 2,628.89               | \$ 25,266.16     | \$ 10,292.29                |
| 03/06/10                         | \$ 153,873.70                | \$ 76,936.85              | \$ 76,936.85         | \$ 9,555.58       | \$ 26,589.37              | \$ 2,808.20               | \$ 26,989.44     | \$ 10,994.28                |
| 03/13/10                         | \$ 142,014.74                | \$ 71,007.37              | \$ 71,007.37         | \$ 8,818.12       | \$ 24,540.15              | \$ 2,591.77               | \$ 24,909.38     | \$ 10,146.95                |
| 03/20/10                         | \$ 148,870.76                | \$ 74,335.38              | \$ 74,335.38         | \$ 9,232.45       | \$ 25,680.31              | \$ 2,713.24               | \$ 26,076.85     | \$ 10,622.53                |
| 03/27/10                         | \$ 139,893.76                | \$ 69,941.88              | \$ 69,941.88         | \$ 8,688.76       | \$ 24,171.81              | \$ 2,652.88               | \$ 24,535.82     | \$ 9,994.69                 |
| 04/03/10                         | \$ 141,272.56                | \$ 70,636.28              | \$ 70,636.28         | \$ 8,773.03       | \$ 24,411.80              | \$ 2,578.22               | \$ 24,779.21     | \$ 10,093.92                |
| Subtotal                         | \$ 5,474,281.82              | \$ 3,193,172.66           | \$ 2,281,109.16      | \$ 283,313.78     | \$ 788,351.31             | \$ 83,260.48              | \$ 800,213.08    | \$ 325,870.50               |

Benchmark Goal @ 2% \$ 912,063.46

Remainder until 1% / 1% Split \$