

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**THURSDAY, APRIL 22, 2010**  
**9:30 A.M.**  
Old Charles Town Library Meeting Room  
200 E. Washington Street, Charles Town, WV

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

**APPROVAL OF PURCHASE ORDERS**

**APPROVAL OF ACCOUNTS PAYABLE**

**PUBLIC COMMENT**

**COUNTY ADMINISTRATOR REPORTS**

**COUNTY COMMISSION REPORTS**

**PRESENTATIONS**

- 1.- 10:00 a.m. Commissioner Randall Reid-Smith - West Virginia Division of Culture and History - Presentation
- 2.- 10:15 a.m. J. Michael Cassell, Esq. - Cambridge, LLC - Presentation on Affordable Housing in Jefferson County
- 3.- 10:30 a.m. Barbara Miller, Director of Homeland Security and Emergency Management
  - Contract with JH Consulting, LLC for Project-Specific Activities - Discussion/Action
  - Total Cost of "Storm"
- 4.- 10:45 a.m. Mark Schiavone, Director of Capital Planning and Management
  - Budget Updates
  - OPEB - Discussion/Action
- 5.- 11:00 a.m. Legal Update and Report - (Stephanie Grove)

- 6.- 11:15 a.m. Jennifer S. Maghan - County Clerk's Report
- 7.- 11:30 a.m. Robert E. Shirley, Sheriff - Request to Waive the Subdivision Fee for Subdividing the Firing Range from the Jefferson County Fire and Rescue Association Training Facility - Discussion/Action

**NEW BUSINESS:**

- 8.- Legislative Issues
- 9.- Approval of New Appointment to the Jefferson County Deputy Sheriff Reserve - Phillip Osborne Drish - Discussion/Action
- 10.- Bakerton Fire Department - Request to Bill for Services - Discussion/Action
- 11.- Request for Use of the County Meeting Room - Tusawilla-Locust Hill Garden Club of Jefferson County - Annual Flower Show - Discussion/Action
- 12.- Approval of Temporary Employment - Deborah Stellato - Discussion/Action
- 13.- Approval of Employment - Denise Lambiotte - Animal Control Supervisor - Discussion/Action

**Beak for Lunch**

**~~~~~ AFTERNOON SESSION ~~~~~**

- 14.- 1:30 p.m Jennifer Brockman - Recommendation to Approve Contract to Hire Downstream Strategies as the Consultant to Implement the National Fish and Wildlife Foundation Grant - Discussion/Action
- 15.- 1:45 p.m. Jennifer Brockman & Roger Goodwin - Work Session

**CORRESPONDENCE:**

Information received from the Association of Counties concerning NACo Steering Committees.

Newsletter received from the County Commissioners' Association.

Information received from the Foundation for Improvement of Justice, Inc. concerning nominations for the 2010 Paul H. Chapman Awards.

Weekly settlement report for the Charles Town Races and Slots received from the West Virginia Lottery.

**ELECTION ANNOUNCEMENTS:**

April 20 Deadline: Voter Registration Deadline (3-2-6 3-2-7)

April 21 - May 8: Early Voting in Person (3-3-1 3-3-3)

April 21 - 27: Correct Incomplete Applications for Voter Registrations (3-2-6)

April 23 Deadline: Accept Postcard Registrations by Mail Without Postmark (3-2-6)

April 26 - 30: Pre-Primary Financial Reports Due (3-8-5 CSR 146-3-8)

April 26 - May 10: Last Minute Independent Expenditures Reported (3-8-2)

**ANNOUNCEMENTS:**

Notice of a Jefferson County Roundtable Meeting on Wednesday, April 28, 2010 at 5:00 p.m.

Invitation received from Friendship Fire Company to attend their Annual Membership Awards Banquet on Saturday, May 22, 2010.

**RECESS**

*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 15, 2010

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A meeting of the Jefferson County Commission was held on Thursday, April 15, 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, 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. MOTION BY MR. MORGAN to approve the Minutes of the Regular Session held Thursday, April 1, 2010 at the Old Charles Town Library meeting room. Motion seconded by Mr. Manuel and unanimously approved.
3. MOTION BY MR. MORGAN to approve the Minutes of the Regular Session held on Thursday, April 8, 2010 at the Old Charles Town Library meeting room as amended. Motion seconded by Mr. Manuel and unanimously approved.
4. MOTION BY MR. MANUEL to approve Purchase Orders in the amount of \$15,475.26 for 48332, 47629, 48127, 48128, 47765, 47113, 48328, 48329, 48330, 48334, 48335, 47374. Motion seconded by Ms. Noland and unanimously approved.
5. MOTION BY MS. NOLAND to approve the accounts payable in the amount of \$240,552.18. Motion seconded by Mr. Manuel and unanimously approved.
6. MOTION BY MR. MANUEL to approve an exoneration due to erroneous assessment as presented by Angela Banks, Assessor. Motion seconded by Ms. Noland and unanimously approved.

Name	District	Type	Ticket #	Amount
Alfred R. Dunn	Charles Town	Personal Property	301615	\$10.72

7. NO PUBLIC COMMENT was received.
8. TIM BOYDE the County Administrator reported that a department head meeting was held on April 14, 2010.

Mr. Boyde reported that a work session for Public Service Agencies will be held on May 20, 2010 for agencies to provide an over view of services they provide.

Mr. Boyde requested to hire a temporary assistant in the Commission office.

The Commission will defer this topic until Thursday, April22, 2010.

**Commissioner Surkamp arrived at 9:45 a. m.**

9. MS.NOLAND REPORTED on the Affordable Housing meeting she attended and the Luncheon at the Charles Town Races and Slots regarding table games.
10. MR.MANUEL REPORTED on the Affordable Housing meeting he attended and the Luncheon at the Charles Town Races and Slots regarding table games.
11. MR. SURKAMP REPORTED on the Luncheon at the Charles Town Races and Slots regarding table games.
12. MS. MORGAN REPORTED that she attended a Planning Commission meeting.
13. MS. WIDMYER REPORTED that on the Hagerstown Eastern Panhandle Metropolitan Organization.
14. LINDA THOMPSON REQUESTED a partial refund of her building permit fees.

Motion by Mr. Manuel to authorize a partial refund of the building permit fees paid by Larry and Linda Thompson in the amount of \$120.00 based on the recommendation provided by the Department of Engineering. Motion seconded by Ms. Noland and unanimously approved.

15. MS. NOLAND REPORTED on Senate Bill 627 which is referred to as the "Litter Bill".

Mr. Manuel reported that Davitt McAteer will be investigating the West Virginia Mining Accident.

16. JENNIFER MAGHAN REPORTED that the early voting begins April 21 – May 8, 2010 and that Carmen Creamer will be assisting to remove the historical items from the walls during early voting and to replace them once early voting is over.

Ms. Maghan reminded the Commission that the testing of the new machines will be Friday, April 16, 2010.

17. LYNN FIELDS REPORTED to the Commission a list of estates to be closed and to ask for the President's signature.

Motion by Ms. Noland to approve the Waivers of Final Settlement for estates to be closed April 2010 and authorize the President to affix her signature upon the required documents. Motion seconded by Mr. Manuel and unanimously approved.

18. STEPHANIE GROVE DISTRIBUTED her to do list and reported on the winning of the Jefferson Orchard case and the loss of the Rissler case before the Supreme Court.

19. AMY JONES REPORTED on balance of the Jefferson County Health Departments checking account and the intent of the remaining funds.

Willis Nowell and Bob Johnson were present and both gave comment.

Upon rising the Commission recessed until 7:00 o'clock p.m.

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LYN WIDMYER, COMMISSION PRESIDENT

**Minutes**  
**Jefferson County Commission**  
**Thursday, April 15, 2010**  
**Public Hearing**

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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 Lyn Widmyer, President, and Commissioners: Dale Manuel, Patsy Noland, Frances Morgan and Jim Surkamp and Tim Boyde, County Administrator and Sandy Slusher McDonald, Deputy County Administrator.

The Meeting was called to order at 7:00 p. m. by Commissioner Widmyer.

The purpose of the hearing is to discuss a Zoning Map Amendment (Rezoning) for property designated as Tax District Harpers Ferry, Map 9, Parcels 37 and 37.2 – 340 and Bakerton.

Seth Rivard, Jefferson County Planner gave a staff report.

John Maxey, Jefferson County Planning Commission President made comments.

Matthew Powell, Vice President of Potomac Professional Services, LLC made a presentation.

Commissioner Widmyer asked for any public comments. Comments were made by the following:

Karla Hanes

Paul Rosa, Harpers Ferry Conservancy

Al Alsdorf, Harpers Ferry Civil War Roundtable

Joy Oakes, National Parks Conservation Association

Vicki Faulkner

Dennis Frye, Historian National Park Service

The Commission agreed to schedule a work session in two weeks and make a decision at that time.

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

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LYN WIDMYER, COMMISSION PRESIDENT

**SPECIAL SESSION:**

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

At a Special Session of the County Commission of said County and State continued and held at the Old Charles Town Library Ground Floor meeting room thereof on Wednesday, March 24, 2010, beginning at 9:30 o'clock a.m.

**PRESENT:** Lyn Widmyer; President  
James Surkamp; Frances Morgan;  
Patsy Noland; Dale Manuel; Commissioners

**In re: PUBLIC HEARING - BUDGET FY2011**

Commissioner Widmyer opened the Public Hearing for the FY2011 Budget.

Mark Schiavone, Director of Capital Planning was present and gave comments.

Tim Boyde, County Administrator was present and gave comments.

Doug Pittinger was present and gave comments.

Jennifer Maghan was present and gave comments.

Motion by Morgan, second by Noland to accept staff recommendations for the FY2011 Budget and reduce line items of Fire and Emergency Services, Elections and Department of Health. Motion carried 3-1. Commissioner Manuel voted no and Commissioner Surkamp abstained.

Commissioner Manuel called Point Of Order regarding the abstained vote by Commissioner Surkamp as per West Virginia Code § 7-1-5a.

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

## West Virginia Boundary Commission Display Plaque Presentation Background

As the settlement and population density of Northern Virginia (then called the “Northern Neck”) increased during the early days of the Virginia Colony, the size of the original counties of Virginia decreased.

Loudoun County was originally a part of Stafford County from 1730 – 1742. It was included in the New Fairfax County from 1742 to 1757. In 1754 a petition by Cameron Parish, formed in 1748, to the Virginia Assembly asked that a new county be created. This first petition was denied; a second petition in 1756 was successful. Jefferson County, then a part of the new state of Virginia, was created from annexed royal lands in 1801.

The description of the boundary between the two counties was spelled out at the time as, “the crest of the Blue Ridge.” Since that time there was some question as to exactly where that line was located. From the formation of Jefferson County, even through the separation of West Virginia during the Civil War in 1862, no survey was made. As Jefferson County grew questions arose as to which state provided fire protection and where some children would attend school. The two states then agreed to once and for all survey the boundary using the latest satellite technology, global information systems, aerial photography and computer modeling.

West Virginia authorized their Boundary Commission in 1989 – “to consist of three members who shall be residents and citizens of the state, all of whom shall have experience involving map reading or surveying.” The charge further read, “Commission members shall investigate state, county and municipal boundary disputes when requested to do so by the Governor or Legislature.”

The survey was contracted and performed in 1996 by Patton, Harris, Rust & Associates, “to establish the top of the watershed along the Blue Ridge Mountain from the corner monument with Clarke County and Loudoun County, Virginia and Jefferson County, West Virginia northeastward to the Washington County, Maryland, Jefferson County, West Virginia and Loudoun County, Virginia corner (the mean low water mark of the Potomac River on the Virginia side.)” Their report was prepared March 1997 and revised March 1998.

In February, 2008, Governor Joe Manchin III, of West Virginia, asked that four boundary displays be placed in Charleston (capitol), Richmond (archives), Charles Town (Jefferson County Courthouse) and Leesburg (Loudoun County Courthouse).

The displays are in place in Charleston and Richmond and on Thursday, January 7<sup>th</sup>, 2010, Mr. Randall Reid-Smith, West Virginia Commissioner of Culture and History, will present the two remaining displays to Jefferson County officials at the historic Courthouse in Charles Town and Loudoun officials at the Old Courthouse in Leesburg.

Boundary Commission – appointed by Chapter 29, Acts, Regular Session, 1989 – to consist of three members who shall be residents and citizens of the state, all of whom shall have experience involving map reading or surveying. The Commission members shall investigate state, county and municipal boundary disputes when requested to do so by the Governor or Legislature.

Members in 1998 were Charles W. Stultz, chairman; John Doyle; Herbert A. Russell

Work contracted and performed by Patton Harris Rust & Associates, pc – contracted on Nov. 26, 1996 “to establish the top of the watershed along the Blue Ridge Mountain from the corner monument with Clarke County and Loudoun County, Virginia and Jefferson County, West Virginia northeastward to the Washington County, Maryland, Jefferson County, West Virginia and Loudoun County, Virginia corner (the mean low water mark of the Potomac River on the Virginia side.)”

Report was prepared March 1997 and revised March 1998 – letter to Governor Underwood declaring work finished in April 1998. No mention in that letter of displays.

Letter Feb. 25, 2008 to Governor Manchin letting him know that Mr. Russell had arranged for Fred Armstrong to get the 4 boundary displays – letter states that intent of members was to place in Charleston (capitol or archives), Richmond (archives), Charles Town (Jefferson County Courthouse) and Leesburg (Loudon County Courthouse). Wanted Governor Manchin to notify all former members of commission as well as Mr. Stultz’ widow of “much anticipated and long awaited ceremony recognizing this historic milestone” – Fred had picked up the displays as well as the maps and supporting documentation in Leesburg sometime around Sept. 2006, and I accessioned the collection into our holdings in June 2007.

Sept. 21, 2009

The Honorable Tim Kaine  
Governor  
Commonwealth of Virginia  
Capitol, Office of the Governor  
Patrick Henry Building, 3<sup>rd</sup> Floor  
1111 East Broad Street  
Richmond, VA 23219

Dear Gov. Kaine:

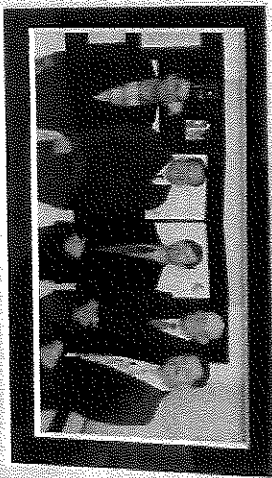
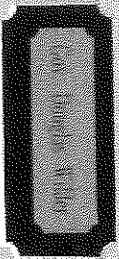
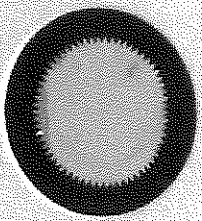
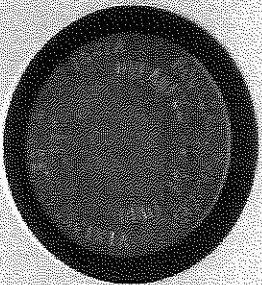
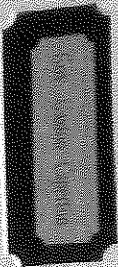
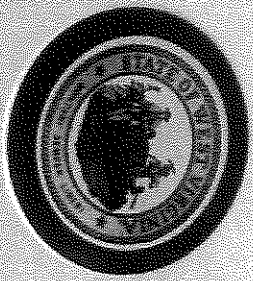
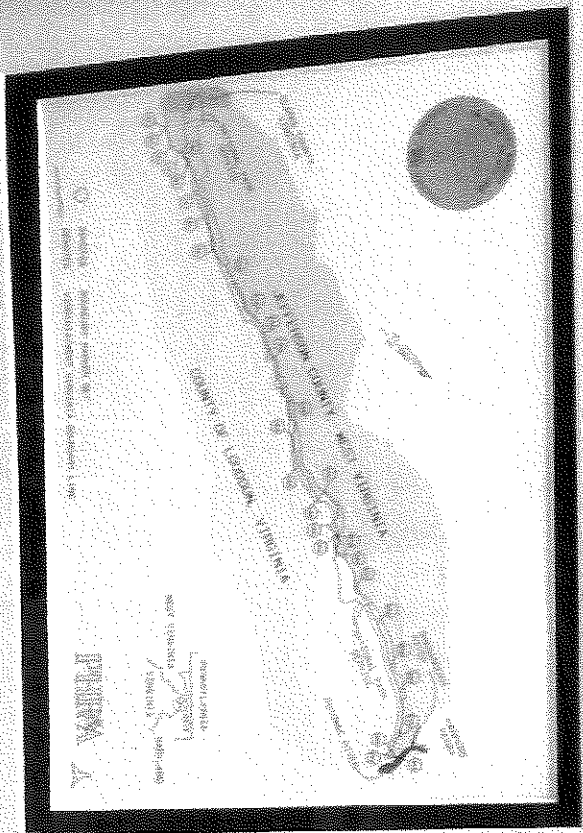
As a fellow Governor, you understand the importance of the hard work and dedication of our state employees and various appointed commissions. The West Virginia and Virginia Boundary Commissions worked diligently for nearly a decade to determine exactly where the boundary line lies between Loudon County, Virginia and Jefferson County, West Virginia, and we have completed the commemorative display that honors their achievements. It is my desire to show them how much we truly appreciate their efforts.

The display includes a plaque with a photo and the names of both the Virginia and West Virginia Boundary Commission members, as well as both state seals, a map of the boundary and several other items. Our frame will be exhibited in our State Capitol, and I believe that upon seeing yours you will wish to put it on display as well.

These frames represent the years of invaluable service that each of these individuals provided our states, as well as the successful relationship between West Virginia and Virginia. I hope that you will enjoy this gift and thank the members of the Virginia Boundary Commission on behalf of all West Virginians.

With warmest regards,

Joe Manchin III  
Governor  
State of West Virginia



*Virginia Board of Commissioners  
 1776 - 1792  
 The Board of Commissioners  
 1776 - 1792*

**Fixing a Last Boundary, Better Late Than Never**

Ever since Virginia's last boundary survey was created in 1792 and proclaimed Jefferson County in 1801, "everybody" knew that the posted surveying line was "the great one" that had to be followed. But when the surveyors were hired in 1862 and 1863, they discovered that the line was not where they thought it was. The surveyors found that the line was actually 100 feet to the west of where they had thought it was. This discovery led to the creation of Jefferson County in 1863.

Jefferson County found the new line that was 100 feet from the old line. The people who were in charge of the surveying were not happy about the new line. They thought that the old line was the right one. But the new line was the one that was actually there. The people who were in charge of the surveying had to follow the new line. This led to the creation of Jefferson County in 1863.

**Sandy McDonald**

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**From:** "Cline, Bethany K" <Bethany.K.Cline@wv.gov>  
**To:** "'Sandy McDonald'" <sandy@jeffersoncountywv.org>  
**Sent:** Friday, April 16, 2010 10:39 AM  
**Subject:** FW: Questions regarding boundary frame presentations  
More information...☺

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**From:** Basham, Debra A  
**Sent:** Tuesday, December 29, 2009 11:59 AM  
**To:** Cline, Bethany K  
**Cc:** Geiger, Joe N; Ward, Bryan E  
**Subject:** RE: Questions regarding boundary frame presentations

Bethany:

Work contracted and performed by Patton Harris Rust & Associates, pc – contracted on Nov. 26, 1996 “to establish the top of the watershed along the Blue Ridge Mountain from the corner monument with Clarke County and Loudoun County, Virginia and Jefferson County, West Virginia northeastward to the Washington County, Maryland, Jefferson County, West Virginia and Loudoun County, Virginia corner (the mean low water mark of the Potomac River on the Virginia side.)”

I don't know if there was some dispute that prompted this or not - the commission was established by a 1989 Act of the Legislature, and the final report was delivered to the two governors in 1998.

Jefferson, Berkeley and Frederick counties were offered the opportunity to vote on whether to join West Virginia or stay with Virginia. Frederick opted to stay, while Jefferson was admitted by Act of the Legislature Nov. 2, 1863 and Berkeley a little earlier that year. After the war, there was some question about whether they would stay or not. Mr. Nusbaum may want to look at <http://www.wvculture.org/history/government/berkjeff01.html>, <http://www.wvculture.org/history/government/berkjeff02.html>, and <http://www.wvculture.org/history/government/berkjeff03.html>

Hope this helps some.

Debra

## Nichelle Hosby

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**From:** Cline, Bethany K [Bethany.K.Cline@wv.gov]  
**Sent:** Monday, April 05, 2010 9:53 AM  
**To:** 'Nichelle Hosby'  
**Subject:** RE: Boundary Commission - Border Frame presentation/press conference - POSTPONED!!!  
**Attachments:** image001.jpg

Nichelle,

Happy spring! Now that the weather is nice and the legislature isn't in session I am looking to reschedule this event.  
How's April 22? Or anytime on May 5, 6 or 7?

Tim

Thanks!

### Bethany K. Cline

Executive Assistant to the Commissioner  
West Virginia Division of Culture and History  
1900 Kanawha Boulevard East  
Charleston, WV 25305  
(304) 558-0220 ext. 113  
(304)558-2779 (Fax)



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**From:** Nichelle Hosby [mailto:nhosby@jeffersoncountywv.org]  
**Sent:** Wednesday, January 06, 2010 9:50 AM  
**To:** Cline, Bethany K  
**Subject:** RE: Boundary Commission - Border Frame presentation/press conference - POSTPONED!!!

Bethany,

I am so sorry that the weather is not wanting to cooperate with our schedules. I have given this to the Administrator and we will check the schedule and get back with you ASAP.

Stay dry and be careful.

Working to serve you better,

Nichelle Hosby  
Administrative Assistant  
PO Box 250  
Charles Town, WV 25414  
Phone: 304-728-3284  
Fax: 304-725-7916

**From:** Cline, Bethany K [mailto:[Bethany.K.Cline@wv.gov](mailto:Bethany.K.Cline@wv.gov)]  
**Sent:** Wednesday, January 06, 2010 9:29 AM  
**To:** 'nhosby@jeffersoncountywv.org'  
**Subject:** RE: Boundary Commission - Border Frame presentation/press conference - POSTPONED!!!

Michelle,

Thanks for all that you've done on the press conference scheduled for tomorrow (1/7/10) at your court house at 1:30 PM; however, due to the inclement weather, Commissioner Reid-Smith has decided that it would be best to postpone this trip until the spring. I'm terribly sorry for the inconvenience. Would you please check your calendar for an April date to reschedule? Again, thank you for all that you've done.

Sincerely,

*Bethany K. Cline*

Executive Assistant to the Commissioner  
West Virginia Division of Culture & History  
1900 Kanawha Blvd. East, Bldg. 9  
Charleston, WV 25305  
(304)558-0220 Ext. 113  
Fax: (304)558-2779  
[bethany.k.cline@wv.gov](mailto:bethany.k.cline@wv.gov)

## Nichelle Hosby

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**Sent:** Monday, April 05, 2010 9:53 AM  
**To:** 'Nichelle Hosby'  
**Subject:** RE: Boundary Commission - Border Frame presentation/press conference - POSTPONED!!!  
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Nichelle,

Happy spring! Now that the weather is nice and the legislature isn't in session I am looking to reschedule this event. How's April 22? Or anytime on May 5, 6 or 7?

Thanks!

**Bethany K. Cline**  
Executive Assistant to the Commissioner  
West Virginia Division of Culture and History  
1900 Kanawha Boulevard East  
Charleston, WV 25305  
(304) 558-0220 ext. 113  
(304)558-2779 (Fax)



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**From:** Nichelle Hosby [mailto:nhosby@jeffersoncountywv.org]  
**Sent:** Wednesday, January 06, 2010 9:50 AM  
**To:** Cline, Bethany K  
**Subject:** RE: Boundary Commission - Border Frame presentation/press conference - POSTPONED!!!

Bethany,

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Stay dry and be careful.

Working to serve you better,

Nichelle Hosby  
Administrative Assistant  
PO Box 250  
Charles Town, WV 25414  
Phone: 304-728-3284  
Fax: 304-725-7916

**From:** Cline, Bethany K [mailto:[Bethany.K.Cline@wv.gov](mailto:Bethany.K.Cline@wv.gov)]

**Sent:** Wednesday, January 06, 2010 9:29 AM

**To:** 'nhosby@jeffersoncountywv.org'

**Subject:** RE: Boundary Commission - Border Frame presentation/press conference - POSTPONED!!!

Michelle,

Thanks for all that you've done on the press conference scheduled for tomorrow (1/7/10) at your court house at 1:30 PM; however, due to the inclement weather, Commissioner Reid-Smith has decided that it would be best to postpone this trip until the spring. I'm terribly sorry for the inconvenience. Would you please check your calendar for an April date to reschedule? Again, thank you for all that you've done.

Sincerely,

*Bethany K. Cline*

Executive Assistant to the Commissioner  
West Virginia Division of Culture & History  
1900 Kanawha Blvd. East, Bldg. 9  
Charleston, WV 25305  
(304)558-0220 Ext. 113  
Fax: (304)558-2779  
[bethany.k.cline@wv.gov](mailto:bethany.k.cline@wv.gov)



**J. Michael Cassell**

Attorney at Law

[JCassell@CampbellFlannery.com](mailto:JCassell@CampbellFlannery.com)

201 North George Street, Suite 202

Charles Town, West Virginia 25414

Telephone: (304) 725-5325

Facsimile: (304) 724-8009

April 14, 2010

Lyn Widmyer, President  
County Commission of Jefferson County  
Hunter House  
Charles Town, West Virginia

RECEIVED

APR 14 2010

JEFFERSON COUNTY COMMISSION

*Re: Cambridge, LLC – Cambridge Manufactured Homes  
Affordable Housing*

Dear Ms. Widmyer:

Cambridge, LLC is the owner and operator of Cambridge Manufactured Homes located in Jefferson County. Cambridge operates a high quality manufactured housing development which provides new homes at an affordable price.

Cambridge wishes to make a brief presentation to the County Commission to discuss the important issue of affordable housing in Jefferson County in light of the imposition of significant fees including Impact Fees and Capital Improvement Fees.

Please place Cambridge, LLC on the agenda for your meeting on April 22, 2010 for this important discussion.

I thank you.

Sincerely,

J. Michael Cassell, Esq.

Cc: Cambridge, LLC

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

**AGENDA REQUEST FORM**

Name: Barbara Miller

Department or Entity: Homeland Security and Emergency Management

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: April 22, 2010

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

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

Subject: **Contract with JH Consulting, LLC for Project-Specific Activities. (See Page 3, Scope of Work in contract attached.)**

Please provide the County Commission with a description of your request or presentation, including any background information: **One of the requirements for the EMGP (Emergency Management Planning Grant) is to update, revise or develop 4 sections of the County’s EOP (Emergency Operations Plan) each year. This requirement will be met through this planning project. Additionally, the scope of work calls for additions to the County’s Resource Book, and updating the COOP (Continuity of Operations Plan) from where particular departments have either moved the physical location of their offices and/or had changes to their critical information, and adding the new section of COOP planning that was completed by the Court system. The funding for this project is within our regular county budget. Assistant Prosecuting Attorney, Stephanie Grove, has reviewed this document and has no issues with the contract.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **I move that we approve the contract with JH Consulting, LLC in the amount of \$10,000**

Attachments: **Contract**

## AGREEMENT

County Commission of Jefferson County, West Virginia

and

JH Consulting, LLC

This Contract, effective **March 15, 2010** is between the County Commission of Jefferson County, West Virginia, hereinafter referred to as "Commission", and JH Consulting, LLC, hereinafter referred to as "Contractor", who shall be used to complete the scope of work detailed in Attachment A.

The County Commission of Jefferson County, West Virginia and JH Consulting, LLC agree to the following:

1. **Provision of Services.** See Attachment A below.
2. **Agreement Amount.** The Contractor shall be paid by the Commission in an amount not to exceed \$10,000.00 for the completion of the duties, completed to the satisfaction of the Commission, for the scope of work detailed in Attachment A.
3. **Agreement Term.** The Agreement shall begin March 15, 2010 and continue until June 30, 2010 unless either party serves written notice thirty (30) days in advance of its intent to cancel the Agreement.
4. **Invoices.** The Contractor will provide the Commission with an invoice for services rendered by June 30, 2010.
5. **Data Ownership and Security.** The Commission retain ownership of the data and all work produced by the Contractor and will be transferred upon completion of the contractual obligations.
6. **Confidentiality.** The Contractor and all support staff agree to comply with all federal and state laws concerning the confidentiality of information concerning individuals rendering services by the Commission. Such information shall only be used for the purpose of carrying out this Agreement. Disclosure of information for any other purpose is prohibited except upon the written consent of the eligible individual or appropriate order or a court.
7. **Amendment of Agreement.** This Agreement is the entire Agreement between the parties and may not be amended at any time except by a written Agreement signed by both parties.

8. **Signatures.** Each person executing this Agreement represents and warrants that he has the authority to act for and bind the entity on whose behalf he purports to act.
9. **Severability.** Should any portion of this Agreement be found unenforceable to operation of statute or by administrative or judicial decision, the operation of the balance of this Agreement is not affected thereby, provided, however, the absence of the illegal provision does not render the performance of the remainder of the Agreement impossible.

**Contractor**

\_\_\_\_\_  
Jeffery W. Harvey, Managing Member  
JH Consulting, LLC of West Virginia

\_\_\_\_\_  
Date

**Commission**

\_\_\_\_\_  
Lyn Widmyer, President  
County Commission of Jefferson County, WV

\_\_\_\_\_  
Date

**ATTACHMENT A**  
**Scope of Work**

The following tasks will comprise our services to you for the project.

1. General

- a. The Contractor will meet with the Jefferson County Homeland Security and Emergency Management (JCHSEM) and other applicable parties to gain a thorough understanding of all project requirements.
- b. The Contractor will maintain appropriate communications with necessary local representatives, as well as state/federal representatives, to ensure the project proceeds smoothly and to ensure that all necessary requirements for the project are satisfied.
- c. Upon the conclusion of the Project, the Contractor will provide the JCHSEM with one (1) reproducible paper copy of the completed documents as well as two (2) interactive compact discs (one [1] master copy for editing and one [1] distributable copy in .pdf format) for use at the JCHSEM's discretion.

2. Project-Specific Activities

- a. The Contractor will develop a "flood warning plan" as an annex to the county's Emergency Operations Plan (EOP).
- b. The Contractor will update the continuity of operations annex to the county's EOP, to include the addition of the court system, a continued review of essential functions, and a continuation of alternate operating site designation.
- c. The Contractor will work with the JCHSEM and law enforcement agencies throughout the county to update the public safety annex of the county's EOP.
- d. The Contractor will update the mass care annex of the county's EOP.
- e. The Contractor will update the public health and medical services annex of the county's EOP.
- f. The Contractor will ensure that ESF #1: Transportation (per the *National Response Framework*) elements are appropriately integrated into the county's EOP.
- g. The Contractor will update the county's resource manual, to include entering new resources into the Eteam database.

**Laura Kuhn**

---

**From:** "Sandy McDonald" <sandy@jeffersoncountywv.org>  
**To:** "Laura Kuhn" <laura@jeffersoncountywv.org>  
**Sent:** Thursday, April 15, 2010 8:47 AM  
**Subject:** Fw: County Commission Agenda Request

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

**From:** Tim Boyde  
**To:** 'Barbara Miller'  
**Cc:** 'Sandy S. McDonald'  
**Sent:** Thursday, April 15, 2010 8:12 AM  
**Subject:** RE: County Commission Agenda Request

The contract has been reviewed and approved by legal, we will place it on the agenda.

---

**From:** Barbara Miller [mailto:bmiller@jeffersoncountywv.org]  
**Sent:** Wednesday, April 14, 2010 5:33 PM  
**To:** 'Tim Boyde'  
**Subject:** County Commission Agenda Request

Mr. Boyd:

I am requesting to be on the April 22 County Commission Agenda for the purpose of having a contract approved. Attached is the completed Agenda Request Form and a copy of the contract.



Barbara J. Miller, CEM, CFM  
Director,  
Jefferson County Homeland Security and Emergency Management  
28 Industrial Blvd., Suite 101  
Kearneysville, WV 25430  
(304) 728-3290 Phone  
(304) 728-3320 Fax  
(304) 283-4227 Blackberry  
bmiller@jeffersoncountywv.org

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

AGENDA REQUEST FORM

Name: Robert Shirley

Department or Entity: Sheriff

Estimation of amount of time needed for appointment: 5-10 min

Date Requested - 1<sup>st</sup> Choice: April 22, 2010

Date Requested - 2<sup>nd</sup> Choice: April 29, 2010

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

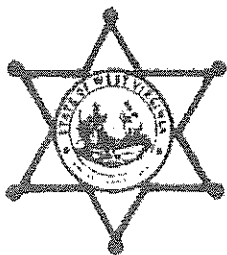
Subject:  
Subdivision of Firing Range  
Requesting waiver of fee.

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):

I move to waive the subdivision fee for subdividing the Firing Range from the Jefferson County Fire/Rescue training facility.

Attachments:



Telephone: 728-3205  
Tax Office: 728-3220  
Fax: 728-3299

## SHERIFF and TREASURER of Jefferson County

Robert E. Shirley  
P.O. Box 9  
Charles Town, WV 25414

April 9, 2010

### MEMORANDUM

TO: Jefferson County Commission

FROM: Lt. T. H. Hansen

SUBJECT: Approval of new appointment

RECEIVED

APR 09 2010

JEFFERSON COUNTY COMMISSION

The Jefferson County Deputy Sheriff Reserve is a wholly volunteer organization and has become invaluable to the Jefferson County Sheriff's Office. Phillip Osborne Drish has applied for appointment to the Deputy Sheriff Reserve. A background investigation has been completed on Mr. Drish, and he has been deemed suitable for appointment. I am requesting permission to appoint Phillip Osborne Drish to this exceptional organization.

Pending your approval, we anticipate Mr. Drish will be appointed soon thereafter.

Thank you for your consideration and attention to this matter.

Respectfully submitted,

Thomas H. Hansen  
Administrative Lieutenant  
JCSO



# BAKERTON FIRE DEPARTMENT

PO Box F  
Bakerton, WV 25410  
304-876-0007

James Johnson, Chief • Ken Nusbaum, President

10  
**CO. 7**

**RECEIVED**

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

APR 13 2010

2 April 2010

Jefferson County Commission

Dear County Commission Members:

The Bakerton Fire Department respectfully requests permission from the Jefferson County Commission to bill for services rendered to individuals in need, to the extent of the coverage provided by their respective insurance providers. The billing would be in accordance with West Virginia State Code and we submit this letter of request to obtain your authorization.

Thank you in advance for your attention to this matter. If you have any questions or require further information, please do not hesitate to contact me at the above number at your convenience.

Sincerely,

James Johnson  
Chief, BFD7

**§7-1-3d. Levy for, establishment and operation of fire prevention units; financial aid.**

The county commission in any county may levy for and may erect, maintain and operate fire stations and fire prevention units and equipment therefor in the county: *Provided*, That if a county commission establishes a separate fire protection unit in any city in West Virginia that is now operating under the provisions of the state civil service act for paid fire departments, then the new unit shall be operated in accordance with the provisions of the civil service act. Any county commission may render financial aid to any one or more public fire protection facilities in operation in the county for the general benefit of the public in the prevention of fires. Any county commission may also authorize volunteer fire companies or paid fire departments to charge reasonable reimbursement fees for personnel and equipment used in performing fire-fighting services, victim rescue or cleanup of debris or hazardous materials by department personnel. The rate for any such fees to be charged to property owners or other persons responsible or liable for payment for such services must be approved by the county commission and must be reasonable: *Provided, however*, That no fee for any single incident or accident shall exceed five hundred dollars, except an incident or accident involving hazardous materials. The county commission shall require that any fees charged pursuant to the authority conferred by this section must be in writing and be itemized by specific services rendered and the rate for each service.

**Laura Kuhn**

---

**From:** <weste7607@frontiernet.net>  
**To:** <Laura@jeffersoncountywv.org>  
**Sent:** Tuesday, April 13, 2010 11:48 AM  
**Subject:** Garden cCub use of community room-Aug. 17,2010  
April 13, 2010

Dear Laura and Jefferson County Commissioners,

On behalf of the Tuscawill-Locust Hills Garden Club of Jefferson County, I would like to formally request the use of the Community room located on the lower floor of the Old Charles Town Library. We are requesting the use of this room on August 17, 2010, from 6:00 p.m. to 9:30 p.m. to hold our annual flower show which is open to all of the residents of Jefferson County.

Additionally, we are requesting the use of the rest rooms for our members, along with several folding tables (used by the Library for the book sale) and chairs as needed. We would, of course, remove anything we bring in for this show and leave the room in the same condition as we received it. If for any reason this room would not be available on August 17, 2010, would August 31, 2010, (same time) be possible? Thank you for your consideration in this matter and we would appreciate hearing your decision as soon as possible. You may contact either myself at 304-728-6254 or via e-mail, at [Weste7607@frontiernet.net](mailto:Weste7607@frontiernet.net) or Maxine Gettler at 304-728-7648 (no e-mail available). Sincerely, Margaret W. Davies Recording Secretary, Tuscawill-Locust Hills Garden Club

*date is available*

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

**AGENDA REQUEST FORM**

Name: Tim Boyde

Department or Entity: County Commission

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:

Subject: **Hiring of a Temp to cover the absence of Tessa Reed for 8-12 weeks**

Please provide the County Commission with a description of your request or presentation, including any background information: **Tess will possible be out for 8 – 12 weeks.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Approve the hiring of Deborah Stellato as a temp during the absence of Tessa Reed.**

Attachments:

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

**AGENDA REQUEST FORM**

Name: Bill Polk

Department or Entity: Maintenance Department

Estimation of amount of time needed for appointment: 15 Min

Date Requested – 1<sup>st</sup> Choice: 04/22/10

Date Requested – 2<sup>nd</sup> Choice: 04/29/10

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

Subject: **New Business**

Please provide the County Commission with a description of your request or presentation, including any background information: **Hiring of the Animal Control Supervisor**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Approve to hire Denise Lambiotte as the Animal Control Supervisor**

Attachments:

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

**RECEIVED**

APR 08 2010  
12:19 p.m.

**AGENDA REQUEST FORM**

**Jefferson County Commission**

Name: Jennifer Brockman

Department or Entity: Planning

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: 4/15/10

Date Requested – 2<sup>nd</sup> Choice: 4/22/10

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

**Contract to initiate Blue Ridge Mountain Communities Watershed Plan.**

**Subject: Recommendation to approve contract to hire Downstream Strategies as the consultant to implement the National Fish and Wildlife Foundation grant.**

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

**A Request for Proposals (RFP) was issued to hire the facilitator and provide the engineering input for the grant received from the National Fish and Wildlife Foundation for the development of the Blue Ridge Mountain Communities Watershed Plan. The Planning Commission appointed a subcommittee to review the response to the RFPs that were received. The subcommittee unanimously recommended the hiring of Downstream Strategies, based in Morgantown, WV.**

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

**I move to authorize the Commission President to sign the contract with Downstream Strategies for the purpose of conducting the tasks outlined in the National Fish and Wildlife Foundation grant and the attached contract, pending review and approval by the staff of the Jefferson County Prosecuting Attorney.**

Attachments:

- Draft Contract date 04/07/10
- Draft Scope of Work

## AGREEMENT FOR ENVIRONMENTAL CONSULTING SERVICES

Consulting Company:

Downstream Strategies, L.L.C. ("Downstream")  
 219 Wall Street  
 Morgantown, WV 26505  
 Ph: 304-292-2450  
 Fax: 304-292-2452

Client:

County Commission of Jefferson County,  
 West Virginia ("Client")  
 116 East Washington St., PO Box 338  
 Charles Town, WV 25414  
 Ph: 304-728-3228  
 Fax: 304-728-8126

**The parties agree as follows:**

"Project Description Summary"	Downstream Strategies will provide watershed planning expertise to support the development of the Blue Ridge Mountain Communities Watershed Plan by facilitating public involvement in a visioning process and providing engineering expertise, publishing reports and outreach materials that summarize the stakeholder input and consensus process, providing engineering recommendations, and synthesizing this information to create a common vision for the watershed. As part of this project, Downstream Strategies will work alongside officials, specialists, residents, and other stakeholders to develop the shared vision for watershed protection efforts. The visioning process and document will be informed by the engineering expertise provided by sub-contractor Harbor Engineering.
"Start Date"	The 7 day of April, 2010.
"Estimated Completion Date"	The 7 day of April, 2011.
"Estimated Cost"	\$ 16,000.00 plus reimbursements for copies of outreach and educational materials

1. SCOPE OF WORK. "Scope of Work" means the work and services described in Exhibit A, including all services provided by Downstream that are reasonably necessary and appropriate for the effective and prompt fulfillment of Downstream's duties under this Agreement. Unless otherwise indicated in Exhibit A, Scope of Work does not include Non-Contemplated Work, Client or architectural revisions, or revisions due to changes in governmental policy. If the information described above is incomplete or inaccurate, or if unexpected conditions are discovered, the Scope of Work may change, even as the work is in progress. Additional services requested by Client are also deemed changes to the Scope of Work.

(A) If Downstream believes an immediate and materially significant change is necessary to protect human health or the environment, Downstream shall execute a written amendment incorporating the change as soon as is practicable, and Client shall not unreasonably withhold its consent.

(B) When Client requests a change in the Scope of Work, Client shall execute a written amendment to this Agreement prior to Downstream commencing the change in the work or services.

2. PAYMENTS & INVOICES.

(A) Retainer. Intentionally omitted.

(B) Estimated Cost. Client shall pay for all services rendered in regard to the Scope of Work, including Direct Expenses, up to the amount of the Estimated Cost.

(1) Direct Expenses. Client shall reimburse Downstream, at an amount equal to Downstream's cost multiplied by the multiplier(s) set forth in Exhibit A, if any, for "Direct Expenses," which means and includes the following:

(i) outside expenses of suppliers, sub-consultants, and subcontractors, and for direct costs including, but not limited to, travel costs (air fares, taxi, car rentals, fuel, mileage fees for personal or company vehicles, parking, tips, room charges, meal charges, etc.), long distance telephone charges, postage and shipping fees, expedited delivery services, printing and reproduction charges, special

instruments or equipment rental, disposable field supplies (bailers, sample containers, clean gloves and suits, etc.), and other customary expenses, graphics, and computer and technology expenses.

(C) Non-Contemplated Work Costs. "Non-Contemplated Work Costs" means costs for work exceeding the Scope of Work. If the project requires work outside the Scope of Work ("Non-Contemplated Work"), Client shall pay for Non-Contemplated Work Costs upon notification to Client and Client's execution of an agreement for Non-Contemplated Work.

(D) Invoices.

(1) Monthly invoices will be issued for services rendered, Direct Expenses, and Non-Contemplated Work Costs, if any. Client shall pay each invoice within thirty (30) days from the date of the invoice.

(2) All questions regarding the invoice items or amounts must be brought to the attention of the other party by written notice, addressed, and resolved within sixty (60) days of the date of the invoice. Otherwise, the invoice is considered correct and payable.

(E) Late payment.

(1) Client shall pay an additional charge of one and one-half percent (1.5%) (or the maximum percentage allowed by law, whichever is higher) of the invoiced amount per month for any payment received by Downstream more than thirty (30) days from the date of the invoice, excepting any portion of the invoiced amount in dispute and resolved in favor of Client. Downstream shall first apply payments to accrued interest and then to the unpaid principal amount.

(2) If Client fails to pay invoiced amounts within thirty (30) days of the date of the invoice, or sixty (60) days if proper notice was provided in accordance with Section 2(D)(2) of this Agreement, Downstream may at any time, without waiving any other claim against Client and without thereby incurring any liability to Client, suspend or terminate performance under this Agreement; provided, any Hazardous Substance or Condition created by Downstream's previously performed services are rendered non-hazardous to Client's employees, agents, sub-consultants, and subcontractors, the general public, and the environment. Such termination does not relieve Client of its obligation to pay amounts incurred up to termination.

3. MATTERS AFFECTING PERFORMANCE & PAYMENT. If Downstream determines during the performance of the Scope of Work that the Estimated Cost of completing the Scope of Work or the Estimated Completion Date will be substantially more than any estimate made by Downstream, Downstream shall promptly notify Client in writing of the reason for the increase and allow Client an opportunity to evaluate whether to have Downstream proceed with the Scope of Work.

4. CONDITIONS OF SERVICE. Client shall obtain and provide to Downstream all documentation, approvals, facility and/or work site rules and regulations, maps, surveys, plats, approvals, reports, other materials, and proofs of compliance by Client regarding all applicable ordinances, rules, regulations, and design standards necessary for the performance of services under this Agreement. Downstream hereby relies on all items provided under this Section, and Client indemnifies and holds Downstream harmless from any change in interpretation of such applicable items. Furthermore, Client shall furnish information specified in the Scope of Work and shall render approvals and decisions as expeditiously as necessary for the orderly progress of the services.

5. ACCESS. Unless otherwise stated, Client grants and shall provide Downstream, its sub-consultants, and its subcontractors with access to the facility and/or work site for activities necessary for the performance of the Scope of Work. If Client does not own the facility or work site on which services are to be performed, Client shall obtain permission from the party controlling the property for Downstream's entry and the performance of the Scope of Work, and Client shall furnish copies of the same to Downstream.

6. STANDARD OF PERFORMANCE.

(A) Downstream, under this Agreement, shall use that degree of care and skill ordinarily exercised under similar circumstances by members of Downstream's profession currently practicing in the State of West Virginia. DOWNSTREAM PROVIDES NO WARRANTIES, NEITHER EXPRESSED NOR IMPLIED, OR GUARANTEES REGARDING ITS SERVICES.

(B) Client acknowledges that subsurface or other concealed conditions on, below, or about the facility and/or work site may vary from those conditions encountered in specific borings, surveys, or explorations performed by Downstream and that the information and recommendations developed by Downstream are based solely on the information available from such borings, surveys, and explorations.

7. HAZARDOUS SUBSTANCES & CONDITIONS; SUBTERRANEAN STRUCTURES.

Intentionally omitted.

8. OWNERSHIP & USE OF DOCUMENTS. All plans, drawings, survey notes, reports to Client, and other original documents, materials, and analyses, along with the documents normally included in such items (laboratory results, boring logs, plume maps, etc.), are instruments of service and remain the property of Downstream. Client may retain copies for Client's records. Client shall not reuse such documents without prior written consent from Downstream. Client acknowledges that any reuse, not related to the project contemplated under this Agreement, of said items is at Client's own risk, and Client shall indemnify and defend Downstream from all expenses and damages arising out of such reuse.

9. INSURANCE. Downstream represents that it, its sub-consultants, and its subcontractors are protected by and have in place professional liability or commercial general liability, workers compensation, and automobile liability insurance in forms and amounts necessary to protect Downstream regarding performance under this Agreement.

10. TERMINATION. This Agreement may be terminated by either party at any time upon thirty (30) days written notice to the other party. Upon such termination, Client shall pay all monies owed under this Agreement for all services performed up to the effective date of termination, plus any applicable termination costs.

11. LIMITATION OF LIABILITY.

(A) Downstream's liability for damages of any kind due to material breach of contract or warranty, error, omission, or professional negligence or any tort is limited to a maximum of the Estimated Cost or the total amount paid under this Agreement, whichever is lesser. The parties acknowledge that these fixed damages are a reasonable forecast of just compensation in the event of a material breach.

(B) The services to be performed under this Agreement are intended solely for the benefit of Client. Client shall not hold Downstream responsible for supervision of any other consultant, sub-consultant, contractor, subcontractor, or their employees or agents nor for the means, methods, procedures, techniques, or sequences of construction, consulting, services, and work nor for safety on the facility and/or work site. Client shall not hold Downstream responsible for failure of any party not bound by this Agreement to carry on work in accordance with the documents produced under this Agreement. Client shall not hold Downstream liable for any delay damages.

12. FORCE MAJEURE. Downstream shall be liable for failure to perform the services under the Scope of Work in a timely manner, except when failure is caused by circumstances beyond Downstream's reasonable control including, without limitation, acts of God, acts and/or omissions of federal, state, or local governmental authorities or regulatory agencies, strikes, riots, civil unrest, and war. For delays caused by Client or circumstances beyond the reasonable control of Downstream, Client shall give Downstream a reasonable time extension of the Estimated Completion Date.

13. SURVIVAL. The provisions of Sections 7, 11, and 12 expressly survive the completion and/or the termination of this Agreement. All of this Agreement's provisions allocating responsibility or liability between Client and Downstream are to survive completion of services and/or this Agreement's termination.

14. INDEMNIFICATION. In addition to the specific provisions set forth above, Client shall defend, indemnify, and hold harmless Downstream and its representatives, agents, employees, and successors and assigns from and against any and all claims, suits, actions, losses, penalties, fines, and damages of any nature whatsoever, including reasonable attorneys' fees, expert witness fees, and consultant fees, and court costs arising or resulting from the following: (1) Client's breach of this Agreement; (2) Client's negligence or intentional misconduct; and (3) the existence of any Hazardous Substance or Condition or Subterranean Structure at the facility and/or work site(s) where Downstream is performing the work and

services under the Scope of Work, unless the negligent conduct of Downstream exacerbates and causes the spread of the hazardous substance(s) or the development of a hazardous condition.

15. ARBITRATION & CHOICE OF LAW. All claims, disputes, or controversies arising out of, or in relation to the interpretation, application, or enforcement of this Agreement are to be decided through arbitration, pursuant to the then most current rules of the American Arbitration Association for Commercial or Construction matters, as appropriate. The substantially prevailing party in any claim, dispute, or controversy is entitled to recover its expenses incurred in resolving the dispute including, without limitation, reasonable attorneys' fees, consulting fees, court costs, expert witness fees, and similar expenses. This Agreement is to be interpreted according to the laws of the State of West Virginia.

16. SEVERABILITY. If any provision of this Agreement is later held to be unenforceable, all remaining provisions are to continue in force and shall be construed as a whole.

17. TITLES. The section titles used in this Agreement are for general reference only. Parties to this Agreement are advised to read each provision and rely on the guidance of legal counsel as necessary to help assure a complete understanding of all provisions and the obligations imposed through acceptance.

18. NOTICES. Any notice required or permitted by this Agreement is to be deemed duly given if sent to the address of the requisite party at the top of this Agreement, or to the last-known address of the party to whom the notice is to be given, in writing by certified or registered mail with return receipt requested.

19. ASSIGNMENT. Client shall not assign its rights under this Agreement to a third party without the prior written consent of Downstream. If assigned, Client shall remain liable, jointly and severally, with the third party for the performance of Client's obligations hereunder, unless specifically released by Downstream.

The parties sign on and date this Agreement for Environmental Consulting Services the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**CLIENT**

County Commission of Jefferson County, WV

By: \_\_\_\_\_, Its: \_\_\_\_\_

**CONSULTANT**

**DOWNSTREAM STRATEGIES, L.L.C.,**  
a West Virginia limited liability company

By: \_\_\_\_\_  
Evan Hansen, Its Manager

**Exhibit A**

**Scope of Work**

Scope of Work:

# ***Jefferson County Blue Ridge Mountain Communities Area Watershed Plan***

Prepared for:

County Commission of  
Jefferson County, West Virginia  
116 East Washington St.  
P.O. Box 338  
Charles Town, WV 25414

Attention: Seth Rivard

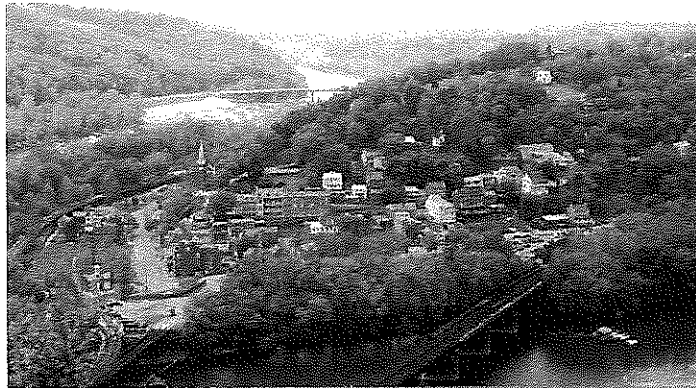


Photo courtesy: <http://www.jeffersoncounty-westvirginia.com/images/HF-Jefferson-County.jpg>

Prepared by:

**Downstream  
Strategies**

building capacity for sustainability

Downstream Strategies  
Attention: Sera Zegre, Project Manager  
219 Wall Street  
Morgantown, WV 26505  
(304) 292-2450  
sera@downstreamstrategies.com

In Collaboration with:

**HARBOR**  
Engineering, Inc.

Harbor Engineering, Inc.  
41 South Main Street  
P.O. Box 100  
Manheim, PA 17545

## TABLE OF CONTENTS

<b>1. PROJECT UNDERSTANDING.....</b>	<b>1</b>
<b>2. SCOPE OF WORK.....</b>	<b>2</b>
2.1 APPROACH.....	2
2.2 PHASE I: DATA AND LITERATURE REVIEW.....	3
2.3 PHASE II: STAKEHOLDER VISIONING: ISSUES AND ASSETS .....	3
2.4 PHASE III: STAKEHOLDER VISIONING: SOLUTIONS AND COMMON VISION .....	4
2.5 PHASE IV: TOWARD A COMMON VISION .....	4
<b>3. MANAGEMENT PLAN.....</b>	<b>4</b>
3.1 STAFFING PLAN .....	5
<b>4. PROJECT TIMELINE .....</b>	<b>7</b>
4.1 PROJECT SCHEDULE.....	7
4.2 DELIVERABLES.....	7
4.2.1 <i>Summaries of public meetings.....</i>	<i>7</i>
4.2.2 <i>Process of consensus building report.....</i>	<i>7</i>
4.2.3 <i>Draft shared vision .....</i>	<i>8</i>
4.2.4 <i>Final engineering recommendations .....</i>	<i>8</i>
4.2.5 <i>Final shared vision .....</i>	<i>8</i>
4.2.6 <i>Progress reports.....</i>	<i>8</i>
<b>5. COST PROPOSAL.....</b>	<b>9</b>
5.1 BUDGET.....	9

## **1. PROJECT UNDERSTANDING**

The Blue Ridge Mountain community area seeks to protect one of its most valuable assets—its watershed. Not only do area residents depend on their watershed; the Shenandoah River, which serves as the community's western border, serves as a major tributary that affects the water quality of Chesapeake Bay. Localized planning and mitigation efforts can improve water quality locally and regionally.

Current and future development in the Blue Ridge Mountain community area threatens its watershed. Current subdivisions on the mountain, for example, pre-date development standards for water supply and wastewater treatment. Beyond the current impacts and issues, future development threatens environmental protection. Residents and other stakeholders seek to allow future development and improvement to the area to take place while maintaining or improving water quality of this major Chesapeake Bay tributary. They seek a plan with mechanisms to address threats to the watershed from current and future development of infrastructure such as sewer and roads.

Jefferson County has taken an active role in the planning work and data analysis necessary to protect the watershed. The 2008 Green Infrastructure Assessment, with help from the Fresh Water Institute, as well as the 2009 Geographic Information Systems (GIS) project, both provide a foundation for analysis and planning. The Blue Ridge Mountain Communities planning initiative provides a positive step toward Chesapeake Bay watershed protection and has the potential to serve as a model for watershed protection.

We understand that Jefferson County seeks a facilitator with experience in helping communities develop a shared vision for watershed protection efforts. We also understand that Jefferson County envisions a cooperative, stakeholder-driven, grassroots community process that will bring together various parties into a common vision for a healthy watershed and a healthy economy. Developing such a plan will require understanding current assets and issues in the watershed, identifying a vision for the future, and agreeing on steps to take to make this vision a reality. This important part of the planning process will help residents and other stakeholders identify and build on their assets by stimulating community involvement and developing a stakeholder-driven vision to address watershed issues and concerns. This process also requires important outreach elements such as providing information on an interactive website. We also understand that Jefferson County seeks engineering expertise to provide information regarding communities addressing similar issues and best management practices for development on steep slopes, as well as recommendations for impervious surface cover limits and improved road access and future transportation connections. Downstream Strategies can provide unified support in the outreach, facilitation, and engineering tasks requested by Jefferson County.

The Blue Ridge Mountain Communities planning process has presented a unique opportunity to involve many different stakeholders during the planning process. This watershed is a model that could be used across the state for practicing proactive measures of conservation and sustainable economic development. It is the goal of this process to gather ideas and information that will guide policymakers' decisions. Additionally, we hope to facilitate the creation of lasting partnerships within the watershed; this will help ensure that the unique features of the Shenandoah River watershed are protected.

We will work closely with other interested groups and government entities. This project will include input from the Jefferson County Planning Commission, Jefferson County Commission, and the appointed Citizen's Committee, as well as residents and stakeholders of the Blue Ridge Mountain Communities. We will also seek input from various specialists, such as the Freshwater Institute, to incorporate existing knowledge and data. This input gathered from various stakeholders will highlight and utilize existing project assets and increase community capacity. Although Downstream Strategies will provide key knowledge regarding watershed monitoring and protection, we will work closely with experts from the sub-contracted firm Harbor Engineering to provide requested engineering expertise.

## 2. SCOPE OF WORK

This proposed project serves to support the development of the Blue Ridge Mountain Communities Watershed Plan (BRCWP), a locally supported management plan for the Shenandoah River watershed on the Blue Ridge in Jefferson County, West Virginia. Downstream Strategies will provide watershed planning expertise to develop the BRCWP by facilitating public involvement in a visioning process and providing engineering expertise, publishing reports and outreach materials that summarize the stakeholder input and consensus process, providing engineering recommendations, and synthesizing this information to create a common vision for the watershed. As part of this project, Downstream Strategies will work alongside officials, specialists, residents, and other stakeholders to develop the shared vision for watershed protection efforts. The visioning process and document will be informed by the engineering expertise provided by sub-contractor Harbor Engineering.

Downstream Strategies will provide or facilitate the expertise necessary to accomplish the following objectives adapted from the *Request for Proposals: Jefferson County Blue Ridge Mountain Communities Area Watershed Plan*, dated March 17, 2010:

- ③ Engage residents and stakeholders in development of shared vision
- ③ Synthesize community workshops
- ③ Identify economic opportunity mechanisms for landowners
- ③ Create and distribute materials for communication of shared vision
- ③ Provide review of communities addressing similar issues
- ③ Identify best management practices for steep slope watershed management
- ③ Develop recommendations for impervious surface cover limits
- ③ Develop recommendations regarding improved road access and future transportation connections
- ③ Coordinate with appointed Jefferson County webmaster

Because watershed planning is unique for each community, Downstream Strategies will employ an adaptive approach to the implementation of this project. Open communication and continuous feedback from the planning commission and stakeholders will be crucial to the success of this project.

### 2.1 Approach

Downstream Strategies proposes an asset-based approach to creating a common vision with residents and other stakeholders. By accentuating positive attributes already in a community, this approach opens productive and empowering dialogue with community members. Traditional needs-oriented approaches teach people to see themselves as having special problems to be addressed by outsiders. An asset-based approach encourages community members to recognize, actively develop, and mobilize their own assets. Asset-based approaches often uncover locally appropriate solutions. In watershed planning efforts, this approach can help empower stakeholders to uncover localized solutions to watershed protection.

In addition to this approach, Downstream Strategies strives to facilitate with cultural humility. By acknowledging our knowledge limitations, as well as the desire to broaden it, we can encourage involved parties to engage openly. The facilitated stakeholder process will provide a respectful and structured platform for stakeholders to voice their opinions, learn from each other, and ultimately reach agreement on a common vision for the watershed that can protect both the watershed and local economy.

Four facilitated stakeholder meetings will be held; each meeting will build upon the results of the previous meeting. To facilitate a successful community planning process, Downstream Strategies proposes that the public meetings be held at various times/dates/locations to allow for diverse participation from the general public. To maximize the project's budget, we propose that face-to-face project meetings coincide with the facilitated stakeholder meetings. Downstream Strategies will also support the meeting dissemination of information through various public forums, such as media and the proposed county website. The county-

developed interactive website will serve multiple objectives: (a) broaden the cross section of involved stakeholders, (b) provide for a less invasive (i.e., than a public meeting) means of public participation, and (c) reduce time and costs associated with education and outreach. Downstream Strategies will capitalize on these efforts and utilize the website to gather public input and help to promote the BRCWP.

## 2.2 Phase I: Data and literature review

Gathering and organizing background information and available data will provide the platform for a productive visioning process. This phase includes the following tasks:

- ☞ Kick off meeting with project sponsors via conference call
  - Introduce team members
  - Discuss work plan
  - Gather background information
  - Overview of citizen's committee
  - Finalize project schedule and public meeting details
- ☞ Collect and review of existing data
  - Collect existing data and maps
  - Review existing reports and data
  - Develop and map preliminary watershed issues and concerns
  - Discuss planning process with Jefferson County Planning Commission
- ☞ Initial research for engineering tasks
  - Similar communities
  - Steep slope BMPs
  - Surface cover limits
  - Road access
- ☞ Development of visioning process outreach plan
  - Stakeholder identification
  - Information dissemination plan
  - Website coordination plan





## 2.3 Phase II: Stakeholder visioning: issues and assets

It is proposed that the initial two stakeholder meetings will focus on current assets and their current real or perceived threats, and an initial discussion of vision into the future. These initial meetings will rely on the available data and background gathered and organized in the first phase of the project. The exact format of these meetings will be adapted to optimize stakeholder feedback. This phase includes, for example, the creation of working groups based on topics. We propose that the first of these facilitated meetings be held with a committed and representative subsection of interested stakeholders: the citizen's committee. The second meeting would include the citizen's committee but would also be advertised to the public.

These meetings will begin with an educational speaker(s) on a topic(s) directly relevant to the development of a common watershed vision. A facilitated discussion will follow the educational component of the meeting. In addition to thoughts raised by the residents and stakeholders, topics for discussion will include slope, water, sanitation, stormwater, access, and road conditions.

This phase includes the following tasks and/or deliverables:

- ☞ Implement the process outreach plan to stakeholders
- ☞ Facilitate Meeting 1 with citizen's committee to identify issues and assets
- ☞ Draft and post summary of Meeting 1 (deliverable, post to website)
- ☞ Asset and issue categorization and refinement
- ☞ Facilitate Meeting 2 with stakeholders to identify issues and assets






-  *Draft and post summary of Meeting 2 (deliverable, post to website)*
-  Asset and issue categorization and refinement
-  Draft of engineering solutions
-  Public feedback via website (ongoing)

#### **2.4 Phase III: Stakeholder visioning: solutions and common vision**

In this phase, Downstream Strategies will rely on categorized and refined topics (i.e., issues and assets) communicated by the residents and stakeholders during the initial stakeholder meetings. Focusing on solutions and visions, this meeting (i.e., Meeting 3) will focus on how the identified assets serve in a common vision for the future. Best management practices will also be discussed in this meeting.

The exact format of this meeting can be adapted to optimize stakeholder feedback, but can also include the creation of working groups based on topics. One preferred facilitated visioning exercise is asking stakeholders to draw and describe their vision. Regardless of skill level, visual images enable a less argumentative platform to communicate a vision and create a foundation for common ground.











This phase includes the following tasks and/or deliverables:

-  Implement the process outreach plan
-  Develop a draft of engineering recommendations
-  Facilitate a stakeholder meeting, which focuses on solutions and a common vision
-  *Draft and post summary of Meeting 3 (deliverable, post to the website)*
-  Public feedback via website (ongoing)

#### **2.5 Phase IV: Toward a common vision**

This phase will compile and refine all information gathered from the facilitated stakeholder meetings into a written vision document. This document will compile all issues, assets, solutions, and visions into a unified document that will be made available for comment, and then refined during a public comment period. The fourth and final facilitated stakeholder meeting will include an unveiling of the vision and the engineering recommendations, as well as a facilitated discussion regarding the implementation of the vision.

This phase includes the following tasks and/or deliverables:

-  Asset and issue categorization, refinement
-  *Consensus building process report (deliverable, post to the website)*
-  Develop a draft of the final common vision *(deliverable, post to the website)*
-  Sharing common vision draft with Planning Commission and the citizen's committee
-  Refining common vision draft based on feedback from the Planning Commission and the citizen's committee
-  Provide a public comment period for the final draft of common vision
-  *Final common vision (deliverable, post to website)*
-  *Final engineering recommendations (deliverable, post to website)*
-  Facilitate final stakeholder meeting to share common vision and engineering recommendations; discuss implementation
-  *Draft and post summary of Meeting 4: Implementation (deliverable, post to the website)*

### **3. MANAGEMENT PLAN**

Downstream Strategies will provide status reports on the progress of the project to the Planning Commission project contact in a manner that supports project objectives. Refer to the "Deliverables" section for proposed

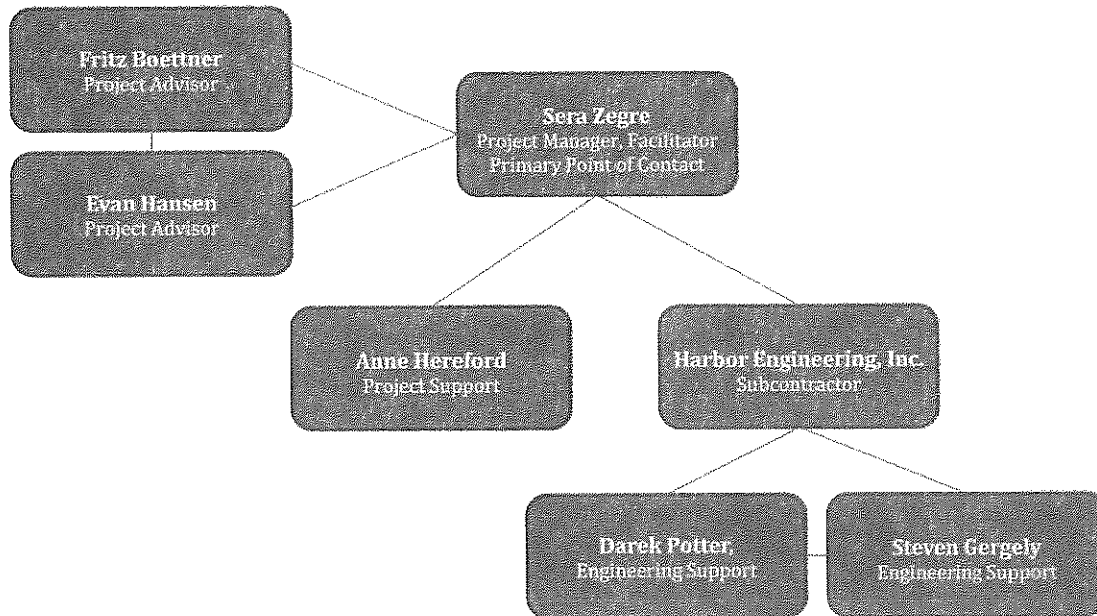
strategy. The format, content, and method (i.e., email, phone, and draft reports) will be determined during the kick off meeting, and will serve to meet the needs of all involved parties.

Downstream Strategies plans to communicate with a combination of formal progress reports and more frequent informal dialog. In terms of our informal dialog, we will communicate frequently with Jefferson County as we plan upcoming meetings, review progress from recently completed meetings, and interact with key stakeholders. We will calibrate our communication to a level appropriate given Jefferson County's available time and resources. We are comfortable moving forward independently, but at the same time we value input and communication with staff. Verbal and e-mail communication will be used most often to ensure two-way communication and avoid miscommunication. Travel costs and time serve as constraints to frequent face-to-face meetings; we are skilled communicators, however, who feel comfortable communicating via telephone, e-mail, and web conferencing. E-mail communication serves as an effective means to schedule, provide brief updates, and share documents. Respectful communication, honoring both time and ideas, is top priority for the Downstream Strategies team.

### 3.1 Staffing Plan

Four key Downstream Strategies staff members will contribute to this project. Sera Zegre will be the primary point of contact for this project, and will have periodic project team meetings with staff both at Downstream Strategies and HEI. She will manage the project, provide facilitation expertise, and draft all reports and materials related to the facilitation and visioning. Fritz Boettner will provide facilitation expertise and assist with data analysis and GIS interpretation. Evan Hansen will act as project advisor on issues related to water science and policy. Anne Hereford will provide project support for the engineering-related research tasks. Our project team will also include two subcontractors from Harbor Engineering (HEI), Darek Potter and Steven Gergely, who will provide expertise and oversight for the engineering-related tasks. Additional personnel are also available should the project workload warrant their involvement.

Figure 1: Staff organization chart



**Sera Zegre, Project Manager, Facilitator.** Mrs. Zegre is a social scientist and project manager with a background in public land management, natural resource policy and law, and asset-based community planning. She offers expertise in issues related to communities and natural resources, including: community visioning and planning, education and interpretation, outdoor recreation and tourism, social science research, environmental behavior, natural resource economics, and brownfields/community redevelopment. Mrs. Zegre has participated in leadership and contributing roles in asset-based community visioning and planning in brownfields redevelopment efforts throughout northern West Virginia. She also has experience in asset-based community visioning and planning in NEPA processes while working for the Bureau of Land Management.

**Fritz Boettner, Project Advisor.** Mr. Boettner has nine years of professional experience in a wide array of environmental consulting activities. He has successfully managed and coordinated numerous multi-disciplinary projects, including organizing resources, outlining project scopes, and developing and working within project budgets. He has worked on several watershed plans across the state of West Virginia and has helped facilitate stakeholder processes. He also has experience in applying GIS and computer visualization to a variety of projects at the local, regional, and national levels. He offers clients expertise in applying computer-based GIS systems, computer-based simulations, and computer animation. Mr. Boettner also has extensive experience with other professional consulting activities including wetland delineation, sample collection, Environmental Health and Safety Audits, Phase I and II Site Investigations, and Environmental Management System development and maintenance.

**Evan Hansen, Project Advisor.** Mr. Hansen has been performing work for government agencies and watershed organizations in West Virginia for over 12 years. He has developed relationships with many state officials and academic institutions. His experience will add to the unique qualifications of the project team as one of the state's leading water quality experts and watershed planners. Mr. Hansen is president of Downstream Strategies and focuses on resource and environmental problems and solutions in two program areas: water resources and water quality, and energy and greenhouse gases. He performs policy and scientific analyses; develops computer tools; and provides training and has expertise in water resources and Clean Water Act policy development, implementation, and review. Mr. Hansen has been a key participant on various West Virginia stakeholder committees, including the nutrient criteria committee, which provided recommendations that were ultimately adopted by the legislature for nutrient criteria in West Virginia waters; the water quality trading committee, which recommended a statewide policy for implementing trading to help facilitate cost-effective pollution reductions; and the TMDL committee, which helped establish the state's TMDL program within the West Virginia Department of Environmental Protection (WVDEP). He has also completed numerous watershed plans in West Virginia; provided expert testimony for permitting appeals; and conducted economic benefit analyses in Pennsylvania and West Virginia.

**Anne Hereford, Environmental Scientist.** Ms. Hereford has authored watershed plans and has a strong background in GIS, environmental science, and geology. Ms. Hereford has a diverse background including work in aqueous geochemical modeling, GIS development, mapping, science education, and visualization of demographic data.

**Darek W. Potter, P.E., LEED-AP.** Mr. Potter holds a Bachelor of Science degree in Civil Engineering from Tennessee Technological University and a Master of Science degree in Civil Engineering from Vanderbilt University. He has over 15 years of experience in the practice of civil engineering and site development design and currently serves as President of Harbor Engineering, Inc. Darek has worked on a variety of projects ranging from basic single lot residential subdivisions to multi-million dollar land developments. He has also filled a variety of positions throughout his career ranging from a field survey crew chief to president of a civil engineering company, which gives him a well rounded perspective on all aspects of civil engineering. Darek's experience in the water resources field includes extensive hydrologic and hydraulic modeling of existing systems and the design of both simple and complex new systems. In addition to his hands-on experience, Darek has also taught Hydraulic Design (ENVE 417) and Hydrology (ENVE 415) as an adjunct professor for The Pennsylvania State University at their Harrisburg campus, and Engineering Statics and the

York College of Pennsylvania. Darek is also certified under the Leadership in Energy and Environmental Design (LEED-AP) program.

**Steven P. Gergely, RLA.** Mr. Gergely holds a Bachelor of Science degree in Landscape Architecture from West Virginia University. He has over nine years of practical experience in the practice of landscape architecture and site development design and has been serving as a project manager for Harbor Engineering since 2004. Steve has a strong understanding of the local land planning process and has been very successful in working with both HEI clients and local municipalities to produce a successful outcome for everyone involved. His technical skills include master planning and the design of stormwater management and erosion/sedimentation control plans.

## 4. PROJECT TIMELINE

### 4.1 Project schedule

As shown in the table below, we plan to start as soon as the project is awarded.

Proposed schedule by month

Phases and tasks	1	2	3	4	5	6	7	8	9	10	
<i>Project awarded</i>	[Key tasks]										
<b>I: Data and literature review</b>	Kickoff meeting Process plan	[Key tasks]									
<b>II: Visioning - issues and assets</b>	[Key tasks]		Meeting 1&2	Summary		[Key tasks]					
<b>III: Visioning - solutions and vision</b>	[Key tasks]				Meeting 3	Summary		[Key tasks]			
<i>Draft vision document</i>	[Key tasks]					Post to site	[Key tasks]			Review	[Key tasks]
<b>IV: Toward a common vision</b>	[Key tasks]						Comment period	[Key tasks]		Meeting 4	[Key tasks]
<i>Public feedback via website</i>	<i>Ongoing</i>										
<i>Final products</i>	[Key tasks]									Final Reports Summary	
Key:	[Key tasks]		[Deliverables]			[Key tasks]					

### 4.2 Deliverables

#### 4.2.1 Summaries of public meetings

Downstream Strategies will develop written summaries of the concerns raised at each of the four facilitated meetings. Each summary will be provided to the Department of Planning in digital format within one week of each meeting. Downstream Strategies will also coordinate posting these summaries on the website in the same timeframe. A single paper copy will be provided for the file.

#### 4.2.2 Process of consensus building report

Downstream Strategies will develop a report discussing the consensus building process among residents and other stakeholders at the facilitated meetings. This report will address the creation of a shared vision for watershed protection. The topics to be addressed in the report will include, but are not limited to

longstanding concerns among those in the mountain communities related to slope, sanitation, stormwater, and road conditions. The report will describe the process of creating goals and objectives, desired outcomes and products, as well as determining the roles and responsibilities of the facilitator and stakeholders.

The report will be provided to the Department of Planning in digital format within four weeks of the final facilitated meeting. Downstream Strategies will also coordinate posting this report on the website in the same timeframe. A single paper copy will be provided for the file.

#### **4.2.3 Draft shared vision**

Downstream Strategies will develop a draft shared vision composed through the stakeholder process, and compiled into a document that provides for future implementation. The report will outline shared goals and objectives, desired outcomes and products, as well as anticipated future actions and needs.

The report will be provided to the Department of Planning and citizen's commission with adequate review time for feedback and comments. These feedback and comments will be incorporated into the draft vision within one week of the comment deadline, and posted to the project website for a public comment period.

#### **4.2.4 Final engineering recommendations**

Downstream Strategies will coordinate with HEI to provide a final written report detailing landscape engineering recommendations. The report will include the following components:

- Best management practices for steep slope watershed management, including recommendations for impervious service cover limits based on slope and sub-water conditions;
- Incorporation of sub-watershed map provided to the consulting firm by the County; and
- Recommendations regarding improved road access and potential future transportation connections, including a discussion of public input and consensus building effort.

Downstream Strategies will provide the report to the Department of Planning in digital format no more than eight weeks of the final facilitated meeting. Downstream Strategies will also coordinate posting this report on the website in the same timeframe. A single paper copy will be provided for the file.

#### **4.2.5 Final shared vision**

Downstream Strategies will incorporate all comments into the final report and present it to the Planning Commission and County Commission for approval. The report will outline shared goals and objectives, desired outcomes and products, as well as anticipated future actions and needs. Downstream Strategies will facilitate a final stakeholder meeting that will include an unveiling of the vision and the engineering recommendations, as well as a facilitated discussion regarding the implementation of the vision. Downstream Strategies will also coordinate the posting of the final documents on the website. A single paper copy will be provided for the file.

#### **4.2.6 Progress reports**

We propose submitting progress reports at least monthly. To streamline the reporting process, we propose that all deliverables, in part or whole, will serve as progress reports: summary reports from each of the four stakeholder meetings, draft vision and process documents, final vision and process documents, and draft and final engineering reports. Notes from initial meetings can serve to document progress. If a month passes without producing a written deliverable, we are willing to submit a brief written progress report of 1-2 pages upon request.

## 5. COST PROPOSAL

### 5.1 Budget

Our budget of \$16,000 includes the following hourly breakdown:

#### Proposed hourly breakdown by role

Role	Hours
Facilitator	120
Engineer	40
Project Support	20
Project Oversight	30

This cost breakdown includes mileage reimbursement for travel to and from Jefferson County, including four trips from Morgantown, West Virginia, and one trip from Manheim, Pennsylvania.

Sera Zegre will serve as the project facilitator and primary contact. Mrs. Zegre will conduct research and outreach tasks, and assume the responsibility for completion of all written summaries and reports.

Evan Hansen and Fritz Boettner will serve in a project oversight capacity, providing key support in project management, meeting facilitation, and document delivery.

Anne Hereford will provide project support in the initial research and drafting of the engineering task report.

Harbor Engineering will contribute to and review engineering report, including information regarding communities addressing similar issues and best management practices for development on steep slopes, as well as recommendations for impervious surface cover limits and improved road access and future transportation connections. They will also perform one site visit and meeting attendance to provide expertise for the implementation of key solutions.

Our "direct expense multipliers" are 1.15 for subcontractor labor, and 1.05 for travel and other expenses.

This budget does not include reimbursements for copies of outreach and educational materials related to communication of the shared vision and project objectives.

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MEMORANDUM

**Date:** March 18, 2010  
**To:** County Commission  
**From:** Jennifer M. Brockman, AICP, Director, Planning & Zoning  
 Roger Goodwin, County Engineer  
**RE:** Proposed Fee Changes

On Tuesday, March 9, 2010, the Planning Commission voted unanimously to recommend to the County Commission that fees associated with land development processing be reviewed for the purpose of determining if they should be changed. As you may know, this is the first time the County is considering a fee review since January 1, 2001. As such, the Planning Commission has asked that you be presented with the attached documentation that will assist you in making a decision regarding fees. Attached are the following documents for your review:

1. Memorandum to Planning Commission, dated February 19, 2010 (modified)
2. Three Tables:
  - a. Comparison of Site Plan Fees (Current vs. Proposed)
  - b. Planning and Zoning Departments Proposed Land Development Fees (modified)
  - c. Engineering Department Proposed Land Development Fees (modified)
3. Comparison and Proposal for Building Permit Fee Schedule

We are asking the County Commission to review the documents provided and schedule a workshop or public hearing, as soon as possible, for staff to discuss and answer all questions. If the Commission determines that the fees should be changed, the Planning Commission is requesting the fees be reviewed again six months after adoption.

*WORK SESSION*

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MEMORANDUM

Date: February 19, 2010  
To: Planning Commission  
From: Jennie Brockman, Planning & Zoning Director  
RE: Proposed Fee Changes

**History**

In November 2008, the proposed Zoning Ordinance and proposed Subdivision Regulations went into effect. On November 25, 2008, a draft Processing Fees document for Planning, Zoning & Engineering was presented by Planning & Zoning Staff to the Planning Commission for their review and consideration. On December 9, 2008, the Planning Commission adopted a resolution to recommend a final draft of the Processing Fees be forwarded to County Commission for their consideration and requested that said fees be reviewed on an annual basis.

In January 2009, the proposed Zoning Ordinance had a stay and the departments reverted to using the 1988 Zoning Ordinance. A new draft Processing Fees document was initiated, but a review of how the old Zoning Ordinance and new Subdivision Regulations would interact took priority.

During FY2010's budget process, Mark Schiavone, Director of Capital Planning & Management, asked Roger Goodwin, Chief County Engineer, to look at the fees charged by his department for land development projects and building permits. The intent was to consider raising fees in order to raise additional revenue. Through April and May 2009, Roger Goodwin and Jennilee Hartman, Senior Planning Clerk, completed extensive research into fees charged for similar tasks in surrounding jurisdictions, such as Berkeley County, WV; Clarke County, VA; Frederick County, VA; Washington County, MD; and Frederick County, MD. The City of Ranson, the City of Martinsburg, the City of Charles Town, and the City of Hagerstown were also consulted. Due to the wide variety in processes as well as fees, this research provided more of a "big picture" view of how land development was being handled in our area than a side-by-side comparison of fees charged.

Also during the month of April, the Planning Commission drafted specific recommendations for presentation to the County Commission as part of the Annual Report and Budget Statement. The decision tree included in this material expressed an understanding that changes in the fee structure would have to occur once the County Commission set a date for the referendum. A joint meeting to discuss the Planning Commission's Report was tentatively scheduled for May 17, 2009, but the County Commission chose to delay scheduling the joint meeting until the new Director was hired. Both the Planning & Zoning and Engineering departments moved locations over the next two months.

On May 21, 2009, Roger Goodwin presented his draft fee schedule to the County Commission. At that meeting, the Commissioners placed the matter on the following week's agenda for a combined report with the Planning Commission. May 28, 2009 was Ms. Brockman's first appointment in front of the County Commission since being hired. She addressed staff vacancies and scheduling the joint Planning Commission/County Commission meeting for July 6, 2009. At the joint meeting, the group agreed that

Planning & Zoning should work with Engineering to review all land development fees and establish a timeline for revising those fees.

Throughout August and September, Ms. Brockman and related Staff were engaged in filling the vacancies within the department, orienting her with the issues related to the necessary referendum, organizing public education on the zoning ordinance differences, bringing her up-to-speed on serious conflicts between the 1988 Zoning Ordinance and the newly adopted Subdivision Regulations, handling outside counsel concerns that the County Commission had, discussions regarding the Urban Growth Boundary enabled by the state, and researching how land development review extensions were being handled in surrounding jurisdictions.

In October, after prompting during a County Commission meeting, Mr. Goodwin again forwarded to Planning & Zoning the draft fee schedule he had presented to the County Commission in May. At that time, Mr. Goodwin and Ms. Brockman agreed that waiting until the referendum occurred in the first week of November was the most sensible course of action. Once the referendum was held, the 1988 Zoning Ordinance was re-established and shortly thereafter Judge Steptoe's decision to remove the amendments from April 2005 was reversed. Staff now had a clearer course of action and immediately began work on clarifying the issues that had been raised over the year previous, while working with the mismatched documents. Of key importance, is the conflict between the processing of subdivisions and site plans within the Subdivision Regulations and the new ability to handle either of these types of developments via a minor process. Thus, the previously created fee schedules contained holes which could not be fixed until Staff had the opportunity to meet with the Planning Commission in regards to amendments. This work began in January and is currently underway. Presented in this document is the culmination of fees from the Planning, Zoning and Engineering Departments, which now addresses those serious issues. Please note, a general methodology for setting fees was utilized, but due to the differences between the Planning & Zoning functions and the Engineering & Building Permit functions, the actual process for calculating staff involvement differed slightly.

### Methodology

As mentioned above, during 2009, research was conducted by Staff to obtain a "big picture" look at how Jefferson County's fee schedule compared with the surrounding area. While there was no consistency among the jurisdictions in cost or tasks to be charged for, what was evident was that Jefferson County's fees appeared to be some of the lowest in the area. In order to create a more realistic fee schedule for our county, the following was taken into consideration.

In the first step of estimating costs, we determined both the personnel involved and estimated the time involved in the processing and reviewing of land development submissions. For Engineering and Building Permits, this also included an estimation of time for administration and inspections once the submission is approved. In estimating the time involved, we considered the economy of scale that results from processing and administering a Major Subdivision (i.e., 100 lot subdivision) versus a Minor Subdivision (i.e., 5 lot subdivision); or a Limited Site Plan versus a Full Site Plan. The cost for each type of personnel is based on a rate of 2x the hourly wage. This is to cover salary, fringe benefits and overhead associated with each project. For both residential and non-residential subdivisions (and apartment/rental unit site plans for Engineering and Building Permits), we tried to establish a base or minimum fee plus an additional fee to be charged as the size of the project grows. As such, the total permit fee cost per lot/unit decreases, as the number of lots/units increases and the economies of scale are realized.

It was determined that most Minor/Limited Site Plans and Minor/Full Site Plans, require the same amount of work for each plan. Therefore, a single set fee was established for each. Since the processing for Major Site Plans is more extensive, Planning & Zoning set fees for each step. Engineering included costs associated with the size of the development as well.

## Discussion

In establishing the fee schedule, we kept the process simple by not creating a system that requires the tracking of staff time or invoicing and collecting of additional fees. The fee schedule is based on the average time typically involved in a project from beginning to end. The fees are paid up front at each stage and, with few exceptions, no additional fees are anticipated. This reduces staff time for invoicing and collecting fees.

An exact comparison of fees, between the jurisdictions, is somewhat difficult because the basis for calculating fees varies. This makes it difficult to make an “apples to apples” comparison. In addition, the fee data does not reflect whether or not the intent of each jurisdiction is to fully cover the processing costs; or if the intent is to partially cover processing costs with the jurisdiction subsidizing part of the cost with tax/revenue sources.

### *Subdivisions Fees:*

The proposed fees for Minor & Major and Residential & Non-Residential Subdivisions include a “base fee” plus a “per-lot-fee” which results in an increase in the total fee as the size of the subdivision increases. The fees appear to be reasonable compared to other jurisdictions.

### *Site Plan Fees:*

Under the current fee schedule, a single fee is charged by the Planning, Zoning & Engineering Departments for site plan (commercial/industrial projects) projects, to cover all the work in processing the site plan under the land development ordinances. This fee also covers the work involved in processing a building permit application, reviewing the building plans and performing the building inspections under the Building Code Enforcement Ordinance. *Table 1* has examples of fees charged on typical site plan projects under the current fee schedule. These fees appear low, considering the amount of work required by staff in processing them as both a land development project and then a building permit project. It appears that the fees generated by the larger volume of residential development in recent years and the fees generated by the larger site plan projects (i.e., Charles Town Races, Martins Grocery Store Expansion, etc.) may have been subsidizing the costs of processing smaller commercial site development projects.

Under the proposed fee schedule, there will be a site plan fee charged by Planning & Zoning and a separate site plan fee charged by Engineering. In addition, Engineering will charge a separate building permit fee for the structure on the site. Building permit fees are also under review and will be provided to the County Commission for their consideration.

Minor/Limited Site Plans are limited in scope, compared to a Minor/Full Site Plan or a Major Site Plan. However, all Minor/Limited Site Plans usually involve approximately the same amount of work in processing relative to each other. As a result, a set fee is proposed by both departments for Minor/Limited Site Plans. The fee is less than that proposed for a Major Site Plan.

For Major Site Plans, the amount of work involved in processing is relatively the same for typical projects. Therefore, a set fee is proposed for typical projects. However, when there is a project of larger magnitude, it will involve additional engineering review. The additional costs are accounted for by charging an additional engineering fee for projects that are greater than 4 acres in impervious area/disturbed area footprint. Due to the nature and scope of the Planning & Zoning Department’s review of site plans, the additional costs are not figured into their proposed fees.

Apartment/Multiplex/Condominium Site Plans require a “base fee” plus a “per-unit-fee” that results in an increase in the total engineering fee as the number of apartment units or condominium units increases. Self-Storage Unit Site Plans include a “base fee” plus a “per sq. ft. of building footprint fee” that results in an increase in the total engineering fee as the number of storage units increases. Due to the nature and scope of the Planning & Zoning Department’s review of these particular types of development, the additional costs were not figured into their proposed fees.

Cell Tower Site Plans are limited in scope and involve less work than to a Major Site Plan. However, all Cell Tower Site Plans involve approximately the same amount of work for processing. As a result, a set fee is proposed for Cell Tower Site Plans. Planning and Zoning assumed these fees under the Minor/Limited Site Plan category.

**Summary & Fee Schedule**

Since land development fees have not increased since January 2001, and in light of the recent decrease in development in Jefferson County resulting in a reduction in permit fee revenue, the Planning & Zoning Department and the Engineering Department were asked to consider increasing the land development fees.

Attached are proposed fee schedules for fees to be charged by the Planning & Zoning Department and the Engineering Department for land development projects in Jefferson County. The proposed fee schedule reflects an increase in fees charged by both departments for both subdivision and site plan projects. These fees are in addition to fees that will be charged for the building permit, if applicable.

The proposed fees are a starting point for discussion. We believe the proposed subdivision fees are reasonable. However, the increases in site plan fees are significant and probably warrant further discussion by staff, the Planning Commission, the County Commission and any other stakeholders; especially with regard to their potential impact on commercial and industrial site development and future economic growth in Jefferson County.

**Attachments Provided**

- Table 1 Comparison of Site Plan Fees (Current vs. Proposed)
- Table 2 Planning and Zoning Departments Proposed Land Development Fees (3 pages)
- Table 3 Engineering Department Proposed Land Development Fees (3 pages)
- Memo Brief Introduction to Building Permit Fee Proposal
- Chart 1 Comparison and Proposal of IRC Building Permit Fees Schedule
- Chart 2 Comparison and Proposal of IBC Building Permit Fees Schedule

**Table 1**  
Site Plan  
Current vs. Proposed Permit Fee Comparison\*\*\*

File No.	Project Name	Total Current Fee	Proposed Engineering Fee	Proposed Building Permit Fee	Proposed P&Z Fee	Total Proposed Fees
S02-18	AT&T Wireless Cell Tower	\$1,474	\$3,500	\$750	\$1,000	\$5,250
S03-11	C.T. Self-storage (20,400 sq.-ft.)	\$7,496	\$6,672	\$4,172	\$3,000	\$13,844
S03-09	Cingular Wireless Cell Tower	\$1,250	\$3,500	\$750	\$1,000	\$5,250
S04-18	Long John Silver's Restaurant (1 ac)	\$1,007	\$5,300	\$976	\$1,000	\$7,276
S04-22	Jefferson Security Bank (2.41 ac)	\$1,796	\$5,300	\$2,455	\$3,000	\$10,755
S01-04	Ruby Tuesday's Restaurant (1.5 ac)	\$850	\$5,300	\$1,418	\$1,000	\$7,718
S05-08	Applebee's Restaurant (1.3 ac)	\$1,423	\$5,300	\$1,578	\$1,000	\$7,878
S05-09	Route 340 Business Center (7.95 ac)	\$9,631	\$5,300	\$8,861	\$1,000	\$15,161
S05-11	Martin's Grocery Store Expansion	\$15,313	\$5,300	\$10,873	\$3,000	\$19,173
S05-13	Rock Spring Church (14.5 ac parcel)	\$1,890	\$5,300	\$3,110	\$1,000	\$9,410
S06-11	Jefferson Crossing II Office Buildings Complex (3.54 ac)	\$4,888	\$5,300	\$5,876	\$3,000	\$14,176
	Total Fees =	\$47,018	\$56,072	\$40,819	\$19,000	\$115,891

\*\*\* Note: "Total Current Fee" is the combined fee charged by P, Z & E and **only** reflects building permit fees as required by Building Code. No site plan review fees were ever charged.

**Table 2 (Page 1 of 3)**

**Planning & Zoning Department's  
Proposed Land Development Fee Schedule\*\*  
(March 18, 2010)**

<b>Minor Residential Subdivision</b>	<b>Pre-Proposal Review (Eligibility)</b>	<b>Final Plat</b>	<b>Review for Recording</b>
Base Fee Per Plat	\$100	\$250	\$50
Plus Per Lot Fee	\$0	\$200	\$25

<b>Minor Non-Residential Subdivision</b>	<b>Pre-Proposal Review (Eligibility)</b>	<b>Final Plat</b>	<b>Review for Recording</b>
Base Fee Per Plat	\$100	\$300	\$50
Plus Per Lot Fee	\$0	\$250	\$25

<b>Major Residential Subdivision</b>	<b>Pre-Proposal Review</b>	<b>Concept Plan</b>	<b>Preliminary Plat (each phase)</b>	<b>Final Plat (each phase)</b>	<b>Review for Recording</b>
Base Fee Per Plat	\$0	1-50 Lots \$750 51-100 \$1250	\$500	\$300	\$100
Plus Per Lot Fee	\$0	101 – up \$1750	\$250	\$150	\$50

<b>Major Non-Residential Subdivision</b>	<b>Pre-Proposal Review</b>	<b>Concept Plan</b>	<b>Preliminary Plat (each phase)</b>	<b>Final Plat (each phase)</b>	<b>Review for Recording</b>
Base Fee Per Plat	\$0	\$1000	\$500	\$300	\$100
Plus Per Lot Fee	\$0	\$500	\$400	\$250	\$50

<b>Minor/Limited Site Plan</b>	<b>Pre-Proposal Review</b>	<b>Site Plan</b>
Base Fee Per Plat	\$0	\$750

<b>Minor/Full Site Plan</b>	<b>Pre-Proposal Review</b>	<b>Site Plan</b>
Base Fee Per Plat	\$0	\$1,000

<b>Major/Full Site Plan</b>	<b>Pre-Proposal Review</b>	<b>Concept Plan</b>	<b>Site Plan</b>
Base Fee Per Plat	\$0	\$1,000	\$2,000

<b>Redline Revision Review</b>	<b>Preliminary Plat</b>	<b>Site Plan</b>
Base Fee Per Plat (up to 3 different revisions on one submission)	\$250	\$250

**Table 2 (Page 2 of 3)**  
**Additional Planning & Zoning Department Fees**  
(March 18, 2010)

<u>Zoning Items</u>	<u>Fee</u>
Zoning Ordinance Text Amendment Application	\$3,000 + \$15 per Certified Letter
Zoning Ordinance Map Amendment Application (Rezoning)	\$2,500 + \$15 per Certified Letter
Conditional Use Permit (CUP) Application without LESA	\$2,000 + \$15 per Certified Letter
Conditional Use Permit (CUP) Application with LESA	\$2,500 + \$15 per Certified Letter 50% returned if the project fails LESA 0% returned if the project fails LESA & loses and appeal to BZA
Modification of existing CUP requiring Board/Commission Approval	\$250
Appeal of CUP once issued by Board/Commission	\$250 per appeal filed
Zoning Variance Application	\$250 per section varied
Zoning Variance Application (construction/use has commenced prior to BZA approval)	\$350
Administrative Appeal Application	\$250/per item
Zoning Map Interpretation	Free (Verbal) \$75 (Written)
Zoning Text Interpretation	Free (Verbal) \$75 (Written)
Zoning Certificate	\$150 (Sign, Animated) \$75 (Sign, Non-animated) \$75 (All others)

**Table 2 (Page 3 of 3)**  
**Additional Planning & Zoning Department Fees**  
(March 18, 2010)

<u>Subdivision Items</u>	<u>Fee</u>
Lot Line Adjustment/Merger	\$150
Subdivision Ordinance Waiver Request	\$200 per section waived
Minor Final Plat or Site Plan Amendment	\$150
Clerical/Scrivener Error	Free (Staff error) \$50 (Non-Staff error)
<u>Miscellaneous Items</u>	<u>Fee</u>
Aerial Photograph	\$25
Comprehensive Plan	\$15
Zoning Map (small)	\$10
Zoning Map (medium)	\$15
Zoning Map (large)	\$20
CD (copy of meetings, electronic copy of files, etc.)	\$10
Zoning Ordinance	\$15
Subdivision Regulations	\$25
Copies (letter, legal & 11"x17")	\$1/page*
Copies (plan sheets, maps, etc.)	\$7.50/sheet*
*Note: The charge for copies is subject to change and shall be the prevailing rate as set by the County Commission of Jefferson County	

\* Note: These fees do not include any Engineering or Building Permit fees.

\*\* Note: All projects vested in process prior to the adoption of this fee schedule will utilize the fee schedule last amended in January 2001.

Table 3 (Page 1 of 3)

**Engineering Department's  
Proposed Land Development Fee Schedule  
(March 18, 2010)**

<b>Minor Residential Subdivision &amp; Minor Process</b> (≤ 5 Lots; 4+Residue Lot maximum)	Eligibility/Concept	Final Plat
Base Fee	\$100	\$500
Plus Per Lot Fee	\$0	\$100/lot

<b>Minor Non-Residential Subdivision &amp; Minor Process</b> (≤ 5 Lots; 4+Residue Lot maximum; and only in existing approved Commercial/Ind. Park)	Eligibility/Concept	Final Plat
Base Fee	\$100	\$500
Plus Per Lot Fee	\$0	\$100/lot

<b>Major Residential Subdivision &amp; Major Process</b> (>5 Lots or not eligible for Minor Subdivision)	Pre-Proposal Conference	Concept Plan	Preliminary Plat (each phase)	Final Plat (each phase)	Bonding & Milestone Inspections (Re-inspection fees apply)
		Public Workshop	Public Hearing	Public Hearing	
Base Fee	\$0	\$300	\$300	\$300	\$0
Plus Per Lot Fee	\$0	\$0	\$175/per lot	\$100/lot	\$0

<b>Major Non-Residential Subdivision &amp; Major Process</b> (>5 Lots or not eligible for Minor Subdivision)	Pre-Proposal Conference	Concept Plan	Preliminary Plat (each phase)	Final Plat (each phase)	Bonding & Milestone Inspections (Re-inspection fees apply)
		Public Workshop	Public Hearing	Public Hearing	
Base Fee	\$0	\$300	\$600	\$400	\$0
Plus Per Lot Fee	\$0	\$0	\$275/per lot	\$225/lot	\$0

**Table 3 (Page 2 of 3)**  
**Engineering Department's**  
**Proposed Land Development Fee Schedule**  
(March 18, 2010)

<b>Limited Site Plan &amp; Minor Process</b> (Limited Site Plan if eligible under ILP Ord.)	Pre-Proposal Conference	Site Plan, Bonding & Milestone Inspections (Re-inspection fees apply)	
Base Fee	\$0	\$3,500	
<b>Full Site Plan &amp; Minor Process</b> (≤ 20,000 sq.-ft. on undeveloped site, or ≤10% of sq.-ft. of building on developed site, however not > 50,000 sq.-ft.; and not eligible for Limited Site Plan.)	Pre-Proposal Conference	Site Plan, Bonding & Milestone Inspections (Re-inspection fees apply)	
Base Fee	\$0	\$5,300	
Plus fee for area greater than 20,000 sq.-ft. of impervious area + disturbed area.	\$0	\$0.02/sq.-ft. of impervious + disturbed area over 20,000 sq.-ft.	
<b>Full Site Plan &amp; Major Process</b> (> 20,000 sq.-ft. on undeveloped site; or >10% of sq.-ft. of building on developed site, or > 50,000 sq.-ft.)	Pre-Proposal Conference	Concept Plan	Site Plan, Bonding & Milestone Inspections (Re-inspection fees apply)
		Public Workshop	Public Hearing
Base Fee	\$0	\$300	\$5,300
Plus fee for area greater than 20,000 sq.-ft. of impervious area + disturbed area.	\$0	\$0	\$0.04/sq.-ft. of impervious + disturbed area over 20,000 sq.-ft.
<b>Apartment/Multiplex/Condominium Site Plan &amp; Minor (≤ 8 units) or Major Process</b>	Pre-Proposal Conference	Concept Plan (only applicable under Major Process)	Site Plan, Bonding & Milestone Inspections (Re-inspection fees apply)
		Public Workshop	Public Hearing under Major Process only
Base Fee	\$0	\$300	\$3,000
Plus Per Unit Fee	\$0	\$0	\$200/unit
<b>Self-Storage Units Site Plan &amp; Minor or Major Process</b>	Pre-Proposal Conference	Concept Plan (only applicable under Major Process)	Site Plan, Bonding & Milestone Inspections (Re-inspection fees apply)
		Public Workshop	Public Hearing under Major Process only
Base Fee	\$0	\$300	\$3,000
Plus Per sq.-ft. of Building Footprint Fee	\$0	\$0	\$0.18/sq.-ft. of building footprint
<b>Cell Tower Site Plan Site Plan &amp; Minor Process</b>	Pre-Proposal Conference	Site Plan, Bonding & Milestone Inspections (Re-inspection fees apply)	
Base Fee	\$0	\$3,500	

**Table 3 (Page 3 of 3)**

**Engineering Department's  
Proposed Land Development Fee Schedule  
(March 18, 2010)**

Jefferson County Engineering Department (March 18, 2010)		
<b>Proposed Miscellaneous Fees</b>		
No.	Item	Fee
1	Major Redline Revision – Preliminary Plat & Site Plans  Note: Major Redline Revision examples include: revisions to SWM plan & drainage, roadway design, water & sewer design, changes to parking layout, and/or more than 3 different minor revisions on one submission.	\$300
2	Minor Redline Revision – Preliminary Plat & Site Plans  Note: Minor Redline Revision examples include revisions to easements, addition of notes to plan sheets, revisions to sediment & erosion control plan, addition of bus shelter, changes to landscaping plan, and no more than 3 different minor revisions on one submission.	\$200
3	Re-inspection – Land Development failed inspections	\$75
4	Construction Bond – Time Extension Request (by staff or CC)	\$400
5	Construction Bond – Surety Renewal	\$300
6	Subdivision Ordinance Variance Request	\$50
7	Minor Final Plat Amendment review	\$75
8	Floodplain Ordinance – Floodplain Delineations	\$20
9	Floodplain Ordinance – 100 Yr. Flood Elevation Determination	\$25
10	Floodplain Ordinance – Review of LOMA, LOMR or LOMR-F requests	\$100
11	Small Format Document Copies (letter, legal & 11"x17")	\$1/page*
12	Large Format Document Copies (plan sheets, maps, etc.)	\$7.50/sheet*
	*Note: The charge for copies is subject to change and shall be the prevailing rate as set by the County Commission of Jefferson County	

## MEMORANDUM

### Comparisons and Proposed Building Permit Fee Schedule March 18, 2010

The authority of a county commission to adopt a building code is provided in West Virginia State Code, Section 7-1-3n, Authority of Certain Counties as to Building and Housing Codes; State Building Code, which states:

*“...county commissions are hereby authorized and empowered, by order duly entered of record, to adopt building and housing codes establishing and regulating minimum building housing standards for the purpose of improving the health, safety and well-being of its citizens.”*

Section 108, Fees, of each of the various building codes provides for permit fees. It states:

*“On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the applicable governing body.”*

Since March 29, 2001, when Jefferson County adopted the Building Code Enforcement Ordinance, building permit fees have not been reviewed or increased. As mentioned in the Memorandum to the Planning Commission dated, February 19, 2010, and in attached *Table 1*, a site plan review fee was not included in the processing of a site plan. The entire site plan fee consisted only of building permit fees. To address this issue, staff has proposed a separate plan review fee, but has also proposed the following fee revisions for building permits. The building permit fees were reviewed and adjusted in the same manner as all other fees proposed in this packet.

**Chart 1**

Jefferson County, West Virginia  
 Engineering Department  
 Office of Building Permits & Inspections  
**IRC - Residential Building Permit Fee Schedule**

**PROPOSED IRC BUILDING PERMIT FEE SCHEDULE**  
**FINAL DRAFT**  
 (As of Feb. 22, 2010)

Date: 5/21/2009

Residential Permit Type	Current Fee			Proposed Fee		
	Base Fee	Fee per Sq.-Ft. of Finished Area	Fee per Sq.-Ft. of Un-finished Area	Base Fee	Fee per Sq.-Ft. of Finished Area	Fee per Sq.-Ft. of Un-finished Area
Single-Family Dwelling	\$25.00	\$0.18	\$0.10	\$50.00	\$0.18	\$0.10
Mobile/Manufactured Home	\$25.00	\$0.18	\$0.10	\$50.00	\$0.18	\$0.10
Townhouse & Duplex (less than 4 story)	\$25 per unit	\$0.20	\$0.10	\$50 per unit	\$0.20	\$0.10
Residential Dwelling Addition	\$50.00	\$0.18	\$0.00	\$50.00	\$0.18	\$0.00
Residential Interior Room/Basement Renovation	\$100.00	\$50 + \$50/inspection		\$150 + \$50/inspection		
Chimney/Fireplace (added to existing dwelling)	\$50.00	plus \$0.08/sq.-ft.		\$150.00	plus \$0.08/sq.-ft.	
Sheds/Garage/Structure ancillary to Residence	\$50.00	plus \$0.08/sq.-ft.		\$150.00	plus \$0.08/sq.-ft. of deck area	
Decks	\$50.00	plus \$0.08/sq.-ft. of pool area and patio area.		\$150.00	plus \$0.08/sq.-ft. of pool area and patio area.	
Swimming Pool	\$50.00			\$150.00		
Demolition - Residential Dwelling	\$50.00	plus \$0.08/sq.-ft.		\$150.00	\$0.00	
Retaining Wall (4' or more from footer to top wall)	\$50 plus \$50/lineal foot of wall			\$150 plus \$0.08/lineal foot of wall		
Fence (6' or more in height above ground surface)	\$50 plus \$0.08/lineal foot of fence			\$150 plus \$0.08/lineal foot of fence		
Re-inspection Fee	\$50/each re-inspection, paid prior to re-inspection			\$50/each re-inspection, paid prior to re-inspection		
Plan change after permit issued	\$50 plus \$50 for each additional inspection due to plan change.			\$50 plus \$50 for each additional inspection due to plan change.		
Permit Application Denied & Resubmitted within 90 days for review	\$75 re-application fee			\$75 re-application fee		
Beginning Construction Without a Permit	1st time = \$50 2nd time = \$150 3rd time = \$300			1st time = \$50 2nd time = \$150 3rd time = \$300		

**Chart 2**

Jefferson County, West Virginia  
Engineering Department  
Office of Building Permits & Inspections

**PROPOSED IBC BUILDING PERMIT FEE SCHEDULE**  
**FINAL DRAFT**  
(As of Feb. 22, 2010)

**IBC - Commercial/Industrial Building Permit Fee Schedule**

Date: 5/21/2009

Commercial Permit Type	Current Fee			Proposed Fee		
	Base Fee	Fee per Sq.-Ft. of Finished Area	Fee per Sq.-Ft. of Un-finished Area	Base Fee	Fee per Sq.-Ft. of Finished Floor Area	Fee per Sq.-Ft. of Un-finished Floor Area
Commercial/Industrial/Multi-Family Buildings (Value less than \$50,000)	\$250.00	\$0.18	\$0.18	\$250.00	\$0.18	\$0.18
Commercial/Industrial/Multi-Family Buildings (Value greater than \$50,000)	\$500.00	\$0.18	\$0.18	\$500.00	\$0.18	\$0.18
Commercial Interior Room Renovation	\$1,000 plus \$50 per required inspection			\$1,000 plus \$50 per required inspection		
Church Building	\$500.00	\$0.18	\$0.18	\$500.00	\$0.18	\$0.18
Church Addition, Pavilions & Ancillary Structures (Value less than \$25,000)	\$50 plus \$50 per required inspection			\$200 + \$50/inspection per required inspection		
Church Addition, Pavilions & Ancillary Structures (Value greater than \$25,000)	\$250.00	\$0.18	\$0.18	\$350	\$0.18	\$0.18
Institutional (hospital, school, fire hall, etc.)	none	none	none	\$500	\$0.18	\$0.18
Commercial Swimming Pool	none	none	none	\$1,000 per pool & \$200 per Whirlpool/Hot Tub		
Demolition Permit	\$200.00	\$0.00	\$0.00	\$300.00	\$0.00	\$0.00
Cell Tower or Electric Substation & Equipment	\$250.00	\$0.00	\$0.00	\$750.00	\$0.00	\$0.00
Temporary Construction Trailers	\$50.00	\$0.00	\$0.00	\$350.00	\$0.00	\$0.00
Sign Permit: Value less than \$25,000	\$50.00	N/A	N/A	\$250.00	N/A	N/A
Sign Permit: Value \$25,000 or more	\$250.00	N/A	N/A	\$400.00	N/A	N/A
Retaining Wall (4' or more from footer to top wall)	\$50 plus \$0.08/lineal foot of wall			\$150 plus \$0.08/lineal foot of wall		
Fence (6' or more in height above ground surface)	\$50 plus \$0.08/lineal foot of fence			\$150 plus \$0.08/lineal foot of fence		
Re-inspection Fee	\$50/each re-inspection, paid prior to re-inspection			\$50/each re-inspection, paid prior to re-inspection		
Plan change after permit application reviewed	\$50 plus \$50 for each additional inspection due to plan change.			\$50 plus \$50 for each additional inspection due to plan change.		
Permit Application Denied & Resubmitted within 90 days for review, \$75 re-application fee.				Permit Application Denied & Resubmitted within 90 days for review, \$100 re-application fee.		
Beginning Construction Without a Permit	1st time = \$50 2nd time = \$150 3rd time = \$300			1st time = \$50 2nd time = \$150 3rd time = \$300		



MEMORANDUM

To: ALL COUNTY OFFICIALS  
 LIST OF STEERING  
 COMMITTEES INCLUDED

TO: NACo Members  
 FROM: President-elect Glen Whitley

*Glen Whitley* From: WVACO

DATE: April 8, 2010

RE: 2010 - 2011 Presidential Leadership and Committee Appointments

Looking ahead to my year as NACo president, I wanted to take this opportunity to let you know about the appointments that I will have the privilege of making to NACo's leadership team. These appointments are for one to three year terms and membership on some of these committees has specific requirements. Following are the appointments along with the qualifications required for each.

**IMPORTANT:** Steering committee membership is not a part of this application process. The NACo president appoints **only the steering committee leadership**. The State Associations of Counties are responsible for nominating the general steering committee members. If you are interested in becoming a member of a steering committee you must contact your state association directly.

**PLEASE COMPLETE AN ONLINE APPLICATION IF YOU ARE INTERESTED IN BEING CONSIDERED FOR A PRESIDENTIAL APPOINTMENT TO ANY OF THE FOLLOWING COMMITTEES OR TO THE NACo BOARD.**

**Steering Committee Leadership**

The eleven steering committees will each have a leadership team consisting of a chair, an appropriate number of vice-chairs, and subcommittee chairs and vice-chairs. Those applicants who have been active members of the steering committee will be given preference in consideration for these appointments. The applicant should be willing to help coordinate leadership conference calls, develop the meeting agendas, and testify before Congress if necessary. These appointments are for one year.

**Caucus Steering Committee Leadership and Members**

The Rural Action Caucus Steering Committee and the Large Urban County Caucus Steering Committee will each have a chair and an appropriate number of vice-chairs and committee members. Applicants who have been active members of these caucuses will be given preference in consideration for these appointments. These appointments are for one year.

**At-Large Appointments to the NACo Board of Directors**

Each president appoints ten at-large directors to the NACo Board of Directors for a one-year term. These appointments are to add balance to the board with respect to any inequities between urban and rural, gender, geography and minority representation. As with our communities, our strength is in our diversity. These appointments are for one year.

**Standing Committees**

The Standing committees are as follows:

- **Finance Committee.** Advises the Officers on the annual budget of the association before it is presented to the Board of Directors and provides oversight on other financial issues as directed by the Officers. (Appoints three members for a three-year term with a background in finance and/or investment.)
- **Information Technology Committee.** Advises the Officers on information technology issues and provides oversight on NACo information technology projects. (Appoints the chair, two vice chairs, and 22 members for a one-year term.)
- **Programs and Services Committee.** Advises the Officers regarding the development and evaluation of programs and services for NACo members. (Appoints the chair for a one-year term and eight members for three-year terms. Selects one or two vice-chairs from the membership of the committee.)
- **Membership Committee.** Actively recruits and retains member counties, parishes and boroughs in order to increase NACo's total membership. (Appoints the chair, vice-chairs and one member from each state for a one-year term.)

**Ad Hoc Committees**

The Ad Hoc committees are as follows:

- **Deferred Compensation Advisory Committee.** (Appoints the chair for a one-year term and five members from participating entities for a three-year term. In 2010, the open slots are for three appointed county officials, one elected county official, and one executive director of an endorsing state association.)
- **NACo Financial Services Center Advisory Committee.** (Appoints nine members for a one-year, renewable term, as follows: county administrator or county executive; county clerk; county commissioner or supervisor; county purchasing manager; county treasurer or finance officer; state association executive; NACo first vice president; and two members from county government.)
- **Arts and Culture Commission.** (Appoints the chair, vice-chair and 25 members for a one-year term.)
- **Geospatial Information Systems Committee.** (Appoints the chair and vice-chair for a one-year term.)
- **Green Government Advisory Board.** Provides information, guidance and support to the NACo Green Government Initiative. (Appoints the chair and 25 county officials as members.)

The Presidential Appointments Application Form must be completed by everyone who wants to be considered for a leadership or committee appointment on a standing or ad hoc committee for the 2010 - 2011 presidential year. The application form will be available online at NACo's web site, [www.naco.org](http://www.naco.org) beginning April 16, 2010. You will find it under "About NACo, Committees and Caucuses, Presidential Appointments."

If you prefer, you may go directly to the application by clicking on this link [Presidential Appointment Application](#).

The deadline for submitting your application is June 4, 2010. I look forward to receiving your application and to your active participation in NACo.

Please direct any questions you may have to Karen McRunnel at 202/942-4238 or by email at [kmcrunne@naco.org](mailto:kmcrunne@naco.org).

Go to [NACo.org](http://NACo.org)

Committees + Caucuses for  
more information.



#### NACo Steering Committees

NACo's policies and legislative positions are developed and reviewed by eleven policy steering committees and adopted by the Board of Directors. The Steering Committees meet at least twice per year to review legislation and update NACo positions. They are staffed by NACo's lobbyists.

- **Agriculture and Rural Affairs Steering Committee**  
All matters pertaining to legislation affecting the economy of agricultural counties; rural development programs; and conservation and environmental programs affecting agriculture. In addition, the committee is responsible for oversight of platform amendments and resolutions from other steering committees that have a significant impact on rural counties.

  - **Staff Liaison:** Erik Johnston
  - **List of Current Members**
- **Community and Economic Development Steering Committee**  
All matters pertaining to general community development and redevelopment; residential, commercial, and industrial development; housing programs; building and housing codes; subdivision regulation; and public works and economic development.

  - **Staff Liaison:** Daria Daniel
  - **List of Current Members**
- **Environment, Energy and Land Use Steering Committee**  
All matters pertaining to air, water, and noise pollution control; solid and hazardous waste management and disposal; the preservation and proper utilization of water resources; energy; and the use of land resources, including comprehensive planning, coastal zone management, growth management, energy facilities siting, and recreation.

  - **Staff Liaison:** Julie Ufner
  - **List of Current Members**
- **Finance and Intergovernmental Affairs Steering Committee**  
All matters pertaining to the financial resources of counties; fiscal management; federal assistance; municipal borrowing; county revenues; federal budget; federal tax reform; and Native American issues.

  - **Staff Liaison:** Stephen Traylor
  - **List of Current Members**
- **Health Steering Committee**  
All matters pertaining to health care delivery and financing including indigent care; health care for the uninsured; Medicaid; Medicare; long term care; local public health programs; mental health; substance abuse; and developmental disabilities.

  - **Staff Liaison:** Paul Beddoe
  - **List of Current Members**
- **Human Services and Education Steering Committee**  
All matters pertaining to immediate and long-range welfare reform, income maintenance, older Americans, community action, food stamps, rights of the handicapped, de-institutionalization, low-income energy assistance, illegal aliens, refugees, domestic violence, and administration of county

welfare programs.

- **Staff Liaison:** Marilina Sanz
  - **List of Current Members**
- 
- **Justice and Public Safety Steering Committee**  
All matters pertaining to criminal justice and public safety systems, including criminal justice planning; law enforcement; courts; corrections; homeland security; community crime prevention; juvenile justice and delinquency prevention; emergency management; fire prevention and control; and civil disturbances.
    - **Staff Liaison:** Donald Murray      Dalen Harris
    - **List of Current Members**
- 
- **Labor and Employment Steering Committee**  
All matters pertaining to employer-employee relations, including personnel policy and practice; merit systems; equal employment opportunity; collective bargaining; pensions; fringe benefits; occupational safety and health; workers' compensation and Social Security. All matters pertaining to employment programs and the jobs aspects of welfare reform including youth employment; public service employment; vocational education; migrant and Native American programs; rural manpower; employment security; and unemployment insurance.
    - **Staff Liaison:** Deseree Gardner
    - **List of Current Members**
- 
- **Public Lands Steering Committee**  
All matters relating to federally owned public lands, including tax immunity problems; shared natural resource payments; payments in lieu of taxes; and federal land management programs.
    - **Staff Liaison:** Ryan Yates
    - **List of Current Members**
- 
- **Telecommunications & Technology Steering Committee**  
All matters pertaining to telecommunications and technology policy, including, but not limited to, the county role as a telecommunications regulator, service provider and consumer; cable services technology and implementation; information technology development and implementation; information technology innovation; e-governance; and Geospatial data collection and utilization.
    - **Staff Liaison:** Jeffrey Arnold
    - **List of Current Members**
- 
- **Transportation Steering Committee**  
All matters pertaining to comprehensive transportation planning; rights of way; highway finance and safety; public transit development and finance; airport development; railroads; waterways; research and development of new modes of transportation.
    - **Staff Liaison:** Robert Fogel
    - **List of Current Members**

[Back](#)

# Commissioners' Corner

RECEIVED  
APR 13 2010  
Jefferson County Commission

Vol. 14 No. 1  
March, 2010

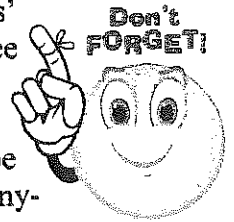
County Commissioners' Assoc. of WV ~ Brad Tuckwiller, President ~ Vivian Parsons, Exec Dir

## INSIDE

Directors' Discussion.....	2
Pics from Legislative Mtg.....	3
Spring Bd Mtg Registration.....	4
Director's Discussion.....	5
CAWV Calendar.....	5
Spotlight on a County Commission.....	6

## CCAWV Plans 2010 Spring Board Meeting in Jefferson County...

It's time to make plans to attend the County Commissioners' Association of WV's Spring Board & Legislative Committee meeting scheduled for May 23-24, 2010, at the Clarion Hotel & Conference Center, Shepherdstown, WV. This is a beautiful facility with a lot of amenities for your pleasure. We hope that you will be able to attend. We would like to encourage anyone to attend. CCAWV board members are always open to our membership. If you have any questions, please give us a call.



The Tentative Agenda and Registration Form are enclosed.



## Happy Easter!!!

**Commissioners' Corner**  
County Commissioners' Association of  
West Virginia

Brad Tuckwiller, President  
Greenbrier County Commissioner  
(304) 647-6689

Vivian Parsons  
Executive Director  
2309 Washington St. East  
Charleston, WV 25311  
(304) 345-4639  
Fax (304)346-3512  
E-Mail: info@ccawv.org  
www.ccawv.org

This is a monthly publication for county commissioners and their staff, Associate members and other interested parties.

## NEW CCAWV Services Review Committee...

The County Commissioners' Association of WV has recently created a "Services Review Committee" for the purpose of reviewing all services and programs endorsed or otherwise reviewed by CCAWV.

Several County Commissions have brought to our attention, that they have been contacted by vendors, seeking time on the commission agenda regarding health benefits, actuarial studies, post employment benefits and liabilities and other personnel related benefit issues. CCAWV has been asked if the association has reviewed or endorsed anyone. At this time, we have not. However, this issue has been assigned to our CCAWV Services Review Committee.

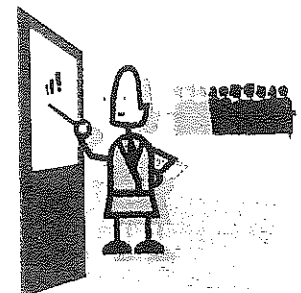
So for those of you who are seeking feedback regarding this issue, the Committee will report back with recommendation to the CCAWV Board at the Spring Board meeting in May.

### Members of the Services Review Committee are as follows:

- Donnie Tenney, Upshur County, Chairman
- Fran King, Clay County
- Bernie Fazzini, Harrison County
- Jinks Hinkle, Nicholas County
- Chuck Armentrout, Webster County
- Ron Watson, Harrison County

### Advisory:

- Willie Parker, Upshur County Administrator
- Cindy Whetsell, Lewis County Administrator
- Chris Carey, Administrator WVCORP



## 2009-2010 CCA Board of Directors

### President

Brad Tuckwiller, Greenbrier (647-6689)

### Vice-President

Ron Watson, Harrison (624-8500)

### Immediate Past President

Karen Disibbio, Mercer (487-8306)

### Ex Officio Members

Joe Coburn, Mercer (487-8306)

### District 1-- Western Division

**Chair:** Tim McCormick, Ohio  
(234-3628)

Don Mason, Marshall (845-0482)  
Bob Bell, Monongalia (291-7257)

### District 1 -- Eastern Division

Janice LaRue, Mineral (355-2613)  
Bernie Fazzini, Harrison (624-8500)

### District 2 -- Western Division

**Chair:** Fran King, Clay (587-4259)  
Jinks Hinkle, Nicholas (872-7830)  
Pat Boyle, Lewis (269-8200)

### District 2 -- Eastern Division

J.R. Keplinger, Hardy (530-0284)  
Donnie Tenney, Upshur (472-0535)

### District 3 -- Western Division

**Chair:** Art Kirkendoll, Logan  
(792-8626)  
Mickey Brown, Boone (369-1561)

### District 3 -- Eastern Division

Reta Griffith, Pocahontas (799-6063)  
Chuck Armentrout, Webster (847-5780)  
Ken Eskew, Fayette (574-4290)

County Commissioners'  
Association of WV  
2309 Washington Street East  
Charleston, WV 25311  
(304) 345-4639  
info@ccawv.org

Vivian Parsons, Executive Director  
Jennifer Webb, Admin. Assistant

## Director's Discussion...

Vivian Parsons, Executive Director

### In case your were wondering...The Bills That Died!

As I reported earlier, this was a session of playing defense against bad bills for the most part, although there were a couple of good bills for counties that didn't make it as well. As always, I will summarize all bills of county interest that passed and are signed into law by the Governor when enrolled copies are available. But until then I thought you might like to know what happened to some bills that didn't pass. Again I want to thank each of you for your time and effort to help with the CCAWV legislative agenda proving again, that together, we can accomplish good things for county government.

First a couple of bills that failed that we had hoped would survive....

**SB 537** would have allowed counties to keep all real property transfer tax collected in the county, instead of sending half to the state. A phase-in over 5 years was added to the bill in hopes of making it more passable, however the bill died in Senate Finance.

**HB 4382** was a forfeiture bill that would have distributed 20% of the cash from the sale of forfeited property to the Regional Jail Authority. Any additional money to RJA would keep per diems lower. This bill passed the House but died in Senate Judiciary and the committee instead offered a resolution to study the issue over the interims.

Following is a list of bills that CCAWV wasn't so crazy about and what happened to them....

**SB 333** This bill would have removed the employer contribution cap on the Deputy Sheriff Retirement System which is currently at 10 ½ %. CCAWV opposed the bill and it died in Senate Finance.

**SB 383** would have increased the Enhanced 911 Wireless Tower Access Assistance Fund allocation by taking another 1 million dollars from the fees. CCAWV and the 911 Council opposed this legislation and it died in Senate Finance.

**SB 458** would have changed the process for distributing minimum share of severance tax to coalbed methane-producing counties. CCAWV had some concerns with this bill that as the funds distributed in this fund grow, some counties would be removed from the distribution. The bill died in House Finance.

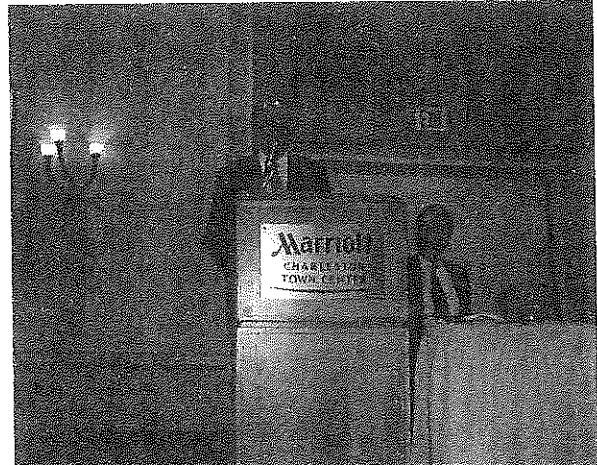
**SB 493** would have created the Twenty-First Century Business Technologies Property Valuation Act. This act would have further reduced property tax revenues for counties. CCAWV opposes lost county revenues. The bill died in House Finance.

(Continued on page5)

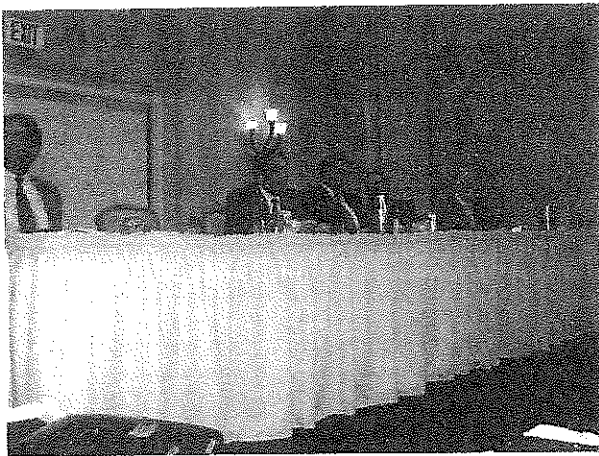
## 2010 Legislative Meeting Pictures



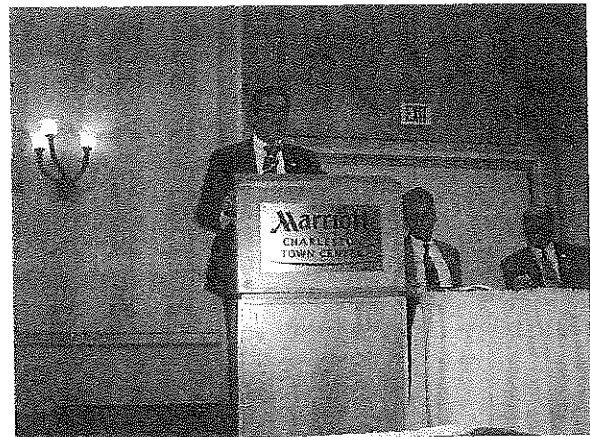
CCA Board Members, Ken Eskew, Jinks Hinkle, Bob Bell, Cindy Pyles and Asel Kennedy



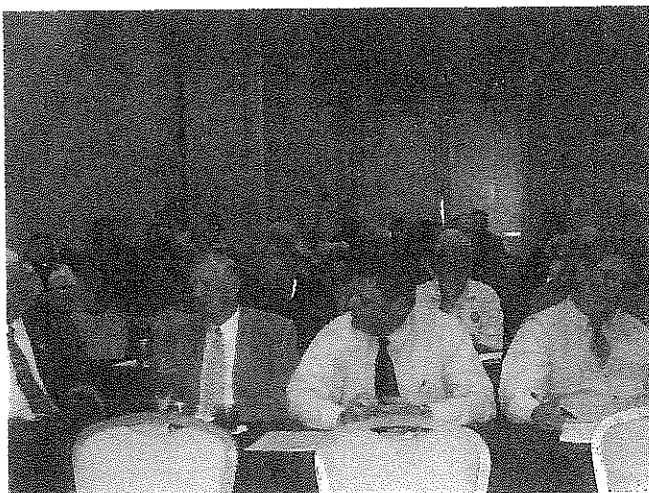
Senate President Earl Ray Tomblin address the membership!!!



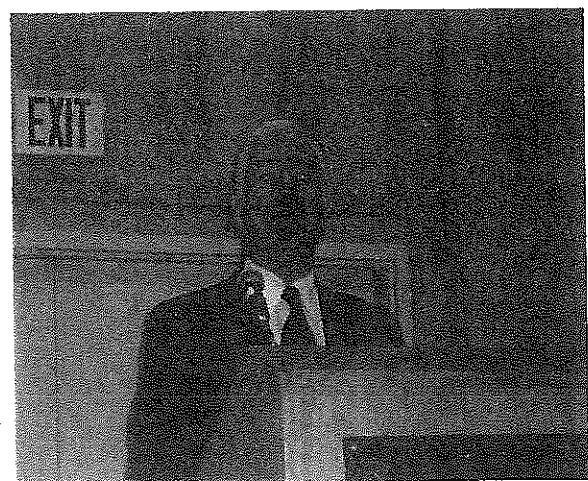
Commissioner Brad Tuckwiller, Speaker Thompson, House Judiciary Chairman Miley, Commissioners Dan Greathouse and Ron Watson.



Speaker of the House Rick Thompson addresses legislative issues with the group!!!



Members discuss legislative issues!!!



Congressman Rahall speaks to the membership regarding coal issues!!!



*County Commissioners' Association  
of West Virginia*

2309 Washington Street, East  
Charleston, West Virginia 25311  
E-mail [info@ccawv.org](mailto:info@ccawv.org) (304) 345-4639 Fax (304) 346-3512

March 31, 2010

Dear County Commissioners and Staff:

It's time to make plans to attend the County Commissioners' Association of WV's Spring Board & Legislative Committee meeting scheduled for May 23-24, 2010, at the Clarion Hotel & Conference Center, Shepherdstown, WV. A block of rooms have been reserved at \$81.00 per night. Reservations should be made by calling The Clarion at 304-876-7000. April 30<sup>th</sup> is the reservation cutoff date. Check in time on Sunday is after 4:00 p.m. and checkout is 11:00 a.m.

Following is the "tentative meeting schedule..."

Sunday – May 23, 2010

- 4:00 p.m.-6:00 p.m. Legislative Meeting
- 7:00 p.m. Dinner

Monday –May 24, 2010

- 8:00 a.m.-9:00 a.m.- Breakfast
- 9:00 a.m.-12:00 p.m. – CCA Board Meeting
- 12:00 noon- Lunch
- 1:30 p.m. – 5:00 p.m. – CCA Board Meeting continued

**The registration fee for the board meeting will be \$125.00 per county attendee/ \$45.00 for guests. Registration for guests includes dinner, breakfast, and lunch. Please clip the registration form below and return to this office by May 7, 2010 or fax your registration to 346-3512.**

***Cancellation Policy: There will be no penalty for cancellations received on or before May 7, 2010! May 8, 2010, and there after, all no-shows will be charged the full registration amount. We apologize for the need to adopt this policy, but on this date, the costs for room rentals, refreshments, etc. are incurred on your behalf even when you cancel and the Association is stuck with covering the cost. Thanks for your cooperation!***

---

Name	Title	County
------	-------	--------

- I will attend Spring Board & Legislative Mtg./ Bill my County \$125.00 Registration Fee
- I will attend/ Check enclosed for \$125.00 Registration Fee
- I am unable to attend

\_\_\_\_\_ My Guest(s) will attend

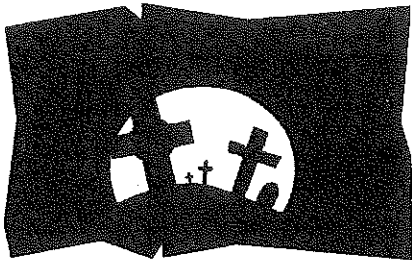
- Name \_\_\_\_\_
- Will pay (\$45.00 per guest) at door (Includes Dinner on Sunday, breakfast and lunch on Monday)
- Check for Guest(s) enclosed (\$45.00 per guest)

## Director's Discussion...

Vivian Parsons, Executive Director  
(Continued from page 2)

**HB 4222** this bill would have limited the personal property value of antique motor vehicles to no more than \$200 on any car over 25 yrs old. **CCAWV opposes any loss of county revenue. The bill died on the House Floor.**

**HJR 101** the Governor's Resolution, the Commercial and Industrial Tangible Personal Property Tax Exemption Amendment. CCAWV had supported this resolution in its amended form to leave the decision of exempting commercial and industrial tangible personal property to county commissioners. **The county option was removed in the Senate Finance Committee and changed CCAWV's support to opposition. The resolution died when Senate leadership removed the resolution from the Senate floor agenda.**



## CCAWV Calendar of Events



**April 10-11, 2010**  
Local Government Leadership  
Academy  
Morgantown, WV

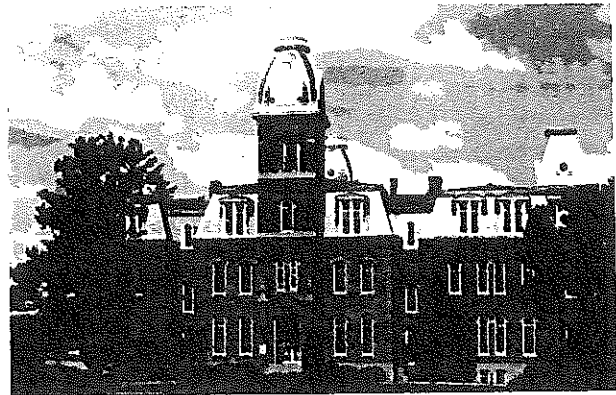
**May 23-24, 2010**  
CCAWV Spring Board Meeting  
Clarion Hotel, Shepherdstown, WV

**July 31-August 3, 2010**  
CCAWV Annual Meeting  
Stonewall Jackson Resort, Roanoke, WV

## Save this Date...Great Training Opportunity!!!

 West Virginia University

## Local Government Leadership Academy



## Spring 2010

April 10th & 11th

Historic Clarion Hotel Morgan  
Morgantown, West Virginia

### Sponsored by:

The Institute for Public Affairs  
Eberly College of Arts and Sciences  
West Virginia University

### Co-Sponsored by:

West Virginia Association of Counties  
County Commissioners' Association of WV  
West Virginia Municipal League

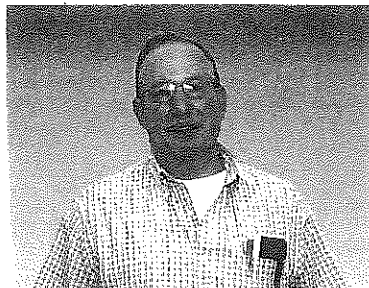
### Questions?

Contact Dr. Robert Duval or Thomas K. Bias  
Email: [IPA@mail.wvu.edu](mailto:IPA@mail.wvu.edu)  
Phone: (304) 293 - 5432  
<http://IPA.wvu.edu>



# Spotlight on a County Commission

## Pendleton County Commission



Bob Armentrout



Judy Hott



Carl Hevener

**Crowning Achievement:** Has not happened yet.

**Biggest, debacle or most embarrassing moment:** Karen thought she was going to visit Senior Centers in Randolph and Tucker Counties. Instead it was the animal shelters. The person who invited her is on the committees of both organizations in our county.

**Best advice for County Commissions:** Always listen and treat your citizens with respect.

**Funniest thing to ever happen at a commission meeting:** A note was slipped to us during a commission meeting that one of our visitors "was pickled"!

**Commission Staff:** Karen Pitsenbarger

### Bob Armentrout

**Place where I grew up:** Kline, WV

**Real Life Occupation:** Retired from self employment, currently working in produce dept. of Great Valu Grocery store.

**Years Experience as a County Commissioner:** 5 years

**You would be surprised to know that I:** At one time copied Morse Code in excess of 40 w.p.m.

**My personal philosophy:** Treat others as you would like to be treated.

**What I like most about being a County Commissioner:** Monthly luncheon get together with all courthouse offices and employees.

**What I like least about being a County Commissioner:** Unfunded state and federal mandates that take monies away from counties.

**I would invite (living or dead) to the next County Commission meeting and what I would discuss:** Gov. Manchin-to show him that tourism alone will not support Pendleton County. We need business and industry.

### Judy Hott

**Place where I grew up:** Deer Run, WV

**Real Life Occupation:** Grocery Market Manager

**Years Experience as a County Commissioner:** 3 years

**You would be surprised to know that I:** Love bluegrass music.

**My personal philosophy:** Treat others as you want to be treated.

**What I like most about being a County Commissioner:** Meeting and talking with people. Helping to solve problems.

**What I like least about being a County Commissioner:** Not having the funds for necessary projects.

**Who I would invite (living or dead) to the next County Commission meeting and what I would discuss:** Jay Rockefeller, Robert Byrd, Joe Manchin -Jobs, Jobs, Jobs for Pendleton County.

### Carl Hevener

**Place where I grew up:** Deer Run, WV.

**Real Life Occupation:** Farmer/Field Sales Associate for Southern States.

**Years Experience as a County Commissioner:** 1 year.

**You would be surprised to know that I:** My principal thought I would be the last of his students to run for county commissioner.

**My personal philosophy:** Do my best and learn from my mistakes.

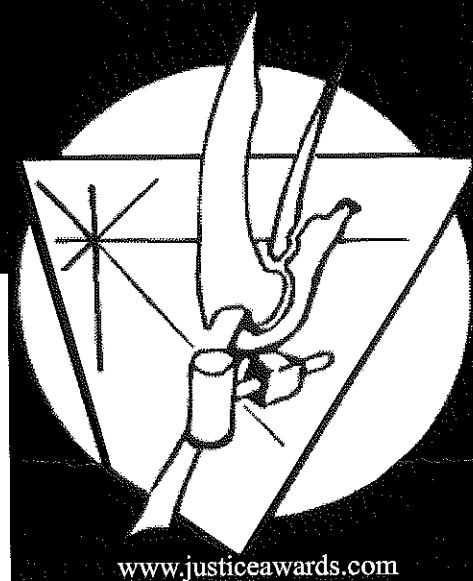
**What I like most about being a County Commissioner:** Getting to meet other people from around the state and working with the people of the county.

**What I like least about being a County Commissioner:** Not being able to bring jobs in the county like we need.

**Who I would invite (living or dead) to the next County Commission meeting and what I would discuss:** Morris Homan, former County Commissioner-The way he did business with a smile always on his face.

# FOUNDATION FOR IMPROVEMENT OF JUSTICE, INC.

## Is Searching for Nominations for the 2010 Paul H. Chapman Awards



### FOUNDATION FOR IMPROVEMENT OF JUSTICE, INC.

is a private not-for-profit institution founded in 1985 for the purpose of improving local, state, and federal systems of justice within The United States of America.

**Up to six nominees will be awarded with a prestigious awards package which includes:**

- \* A check for \$10,000
- \* The Paul H. Chapman Medal
- \* Commendation Bar Pin
- \* Certificate of Appreciation
- \* An invitation to the awards banquet in Atlanta, Georgia

**RECEIVED**

APR 13 2010

Jefferson County Commission

**This distinguished award is open to all individuals, programs, and organizations within the United States of America. The Foundation accepts annual nominations for successful accomplishments in at least one of the following categories.**

- |                         |                             |
|-------------------------|-----------------------------|
| * Legal reform          | * Crime victims' rights     |
| * Crime prevention      | * Alternative sentencing    |
| * Child protection      | * Reducing recidivism       |
| * Speeding the process  | * Lowering the cost         |
| * Effecting restitution | * Other significant efforts |

**Self-nominations will not be accepted. Members of the Foundation, their relatives and previous winners are not eligible for nominations.**

### **To nominate your candidate, please follow instructions below:**

1. In your cover letter, give your name as nominator, your position, address, telephone, fax numbers, and e-mail address. Include the same information for the person or organization you are nominating. Nominators must sign the cover letter.
2. Enclose a two-page (8 ½ x 11), double-spaced, typewritten (10 to 12 pitch standard font: 1" margins) summary of your nominee's accomplishment. Cite specific action and results with a time frame given. *Do not identify the nominee or the nominator in this summary, in any manner. Information as to location, political affiliation, race, religion, etc., must be omitted in order that these may be judged without concern of prejudice.* Refer to "nominee", "city", or "state". Do not use letterhead for this summary. The initial stage of judging is based on this summary alone.
3. Enclose evidence of your nominee's accomplishment such as commendations, endorsements, newspaper/magazine articles, TV clips, or other. The purpose of these is verification. An elaborate presentation is not necessary. Substance counts.

*If nomination procedures are not followed exactly, the nomination will be rejected.*

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

Charles Town  
 1999 Net Terminal Revenue \$ 45,803,174  
 Benchmark Goal @ 2% \$ 912,063.48

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 12.42%	CHARLES TOWN 34.56%	HARPERS FERRY 3.65%	RANSON 35.08%	SHEPHERDS TOWN 14.28%
4 days ending: 7/1/09 - 7/4/09	\$ 128,262.42	\$ 128,262.42	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
07/11/09	\$ 168,815.08	\$ 168,815.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/18/09	\$ 160,652.98	\$ 160,652.98	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/25/09	\$ 158,869.08	\$ 158,869.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/01/09	\$ 174,493.08	\$ 174,493.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/08/09	\$ 155,848.74	\$ 138,408.80	\$ 17,437.94	\$ 2,165.79	\$ 6,028.55	\$ 638.48	\$ 6,117.24	\$ 2,491.88
08/15/09	\$ 162,444.28	\$ 81,222.14	\$ 81,222.14	\$ 10,087.79	\$ 28,070.37	\$ 2,864.61	\$ 28,492.73	\$ 11,606.64
08/22/09	\$ 152,520.82	\$ 76,260.31	\$ 76,260.31	\$ 9,471.53	\$ 26,355.58	\$ 2,783.50	\$ 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	\$ 11,548.08
09/12/09	\$ 172,573.84	\$ 86,286.92	\$ 86,286.92	\$ 10,716.84	\$ 29,820.76	\$ 3,149.47	\$ 30,289.45	\$ 12,330.40
09/19/09	\$ 140,020.30	\$ 70,010.15	\$ 70,010.15	\$ 8,695.26	\$ 24,195.51	\$ 2,555.37	\$ 24,559.56	\$ 10,004.45
09/26/09	\$ 138,633.74	\$ 69,316.87	\$ 69,316.87	\$ 8,609.16	\$ 23,955.91	\$ 2,530.07	\$ 24,318.35	\$ 9,805.38
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	\$ 69,650.63	\$ 69,650.63	\$ 8,650.61	\$ 24,071.25	\$ 2,542.25	\$ 24,433.44	\$ 9,853.08
10/17/09	\$ 147,120.42	\$ 73,560.21	\$ 73,560.21	\$ 9,136.18	\$ 25,422.41	\$ 2,684.95	\$ 25,804.92	\$ 10,511.75
10/24/09	\$ 135,163.32	\$ 67,581.66	\$ 67,581.66	\$ 8,393.64	\$ 23,556.22	\$ 2,466.73	\$ 23,707.65	\$ 9,657.42
10/31/09	\$ 128,056.60	\$ 64,528.30	\$ 64,528.30	\$ 8,014.41	\$ 22,300.98	\$ 2,355.28	\$ 22,636.54	\$ 9,221.09
11/07/09	\$ 127,483.18	\$ 63,741.59	\$ 63,741.59	\$ 7,916.71	\$ 22,029.08	\$ 2,326.57	\$ 22,360.55	\$ 8,108.67
11/14/09	\$ 131,919.28	\$ 65,959.64	\$ 65,959.64	\$ 8,192.19	\$ 22,795.65	\$ 2,407.53	\$ 23,136.64	\$ 9,425.63
11/21/09	\$ 119,084.10	\$ 59,547.05	\$ 59,547.05	\$ 7,395.74	\$ 20,579.48	\$ 2,173.47	\$ 20,889.11	\$ 8,509.27
11/28/09	\$ 144,799.86	\$ 72,399.98	\$ 72,399.98	\$ 8,992.08	\$ 25,021.43	\$ 2,642.60	\$ 25,397.91	\$ 10,345.96
12/05/09	\$ 102,013.02	\$ 51,006.51	\$ 51,006.51	\$ 6,335.01	\$ 17,827.85	\$ 1,861.74	\$ 17,893.08	\$ 7,288.93
12/12/09	\$ 104,921.16	\$ 52,460.58	\$ 52,460.58	\$ 6,515.60	\$ 18,130.36	\$ 1,914.81	\$ 18,403.17	\$ 7,496.62
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	\$ 106,812.68	\$ 53,406.34	\$ 53,406.34	\$ 6,633.07	\$ 16,457.23	\$ 1,949.33	\$ 18,734.94	\$ 7,631.77
01/02/10	\$ 185,960.80	\$ 92,880.40	\$ 92,880.40	\$ 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	\$ 19,015.07	\$ 2,008.25	\$ 19,301.18	\$ 7,862.42
01/16/10	\$ 121,102.56	\$ 60,551.28	\$ 60,551.28	\$ 7,520.47	\$ 20,926.52	\$ 2,210.12	\$ 21,241.39	\$ 8,652.78
01/23/10	\$ 139,887.06	\$ 69,943.53	\$ 69,943.53	\$ 8,686.99	\$ 24,172.48	\$ 2,552.94	\$ 24,538.19	\$ 9,994.83
01/30/10	\$ 97,055.50	\$ 48,527.75	\$ 48,527.75	\$ 6,027.15	\$ 16,771.19	\$ 1,771.28	\$ 17,023.53	\$ 6,934.62
02/06/10	\$ 74,310.28	\$ 37,155.14	\$ 37,155.14	\$ 4,614.67	\$ 12,840.82	\$ 1,356.16	\$ 13,034.02	\$ 5,309.47
02/13/10	\$ 88,668.00	\$ 44,334.00	\$ 44,334.00	\$ 5,506.28	\$ 15,321.83	\$ 1,618.19	\$ 15,562.37	\$ 6,335.33
02/20/10	\$ 153,892.24	\$ 76,946.12	\$ 76,946.12	\$ 9,556.71	\$ 26,582.58	\$ 2,806.53	\$ 26,992.70	\$ 10,995.60
02/27/10	\$ 144,048.80	\$ 72,024.40	\$ 72,024.40	\$ 8,945.43	\$ 24,891.63	\$ 2,628.89	\$ 25,266.16	\$ 10,292.29
03/06/10	\$ 153,873.70	\$ 76,936.85	\$ 76,936.85	\$ 9,555.58	\$ 26,589.37	\$ 2,808.20	\$ 26,989.44	\$ 10,994.28
03/13/10	\$ 142,014.74	\$ 71,007.37	\$ 71,007.37	\$ 8,819.12	\$ 24,540.15	\$ 2,591.77	\$ 24,909.38	\$ 10,146.95
03/20/10	\$ 148,670.76	\$ 74,335.38	\$ 74,335.38	\$ 9,232.45	\$ 25,690.31	\$ 2,713.24	\$ 26,076.85	\$ 10,622.53
03/27/10	\$ 139,883.76	\$ 69,941.88	\$ 69,941.88	\$ 8,666.78	\$ 24,171.91	\$ 2,552.86	\$ 24,535.82	\$ 9,994.69
04/03/10	\$ 141,272.56	\$ 70,636.28	\$ 70,636.28	\$ 6,773.03	\$ 24,411.90	\$ 2,578.22	\$ 24,779.21	\$ 10,093.92
04/10/10	\$ 139,385.58	\$ 69,692.78	\$ 69,692.78	\$ 8,655.84	\$ 24,065.83	\$ 2,543.79	\$ 24,448.23	\$ 9,959.10
<b>Subtotal</b>	<b>\$ 5,813,887.40</b>	<b>\$ 3,282,855.45</b>	<b>\$ 2,350,801.95</b>	<b>\$ 291,969.63</b>	<b>\$ 812,437.14</b>	<b>\$ 85,804.27</b>	<b>\$ 824,661.31</b>	<b>\$ 335,929.60</b>

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

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

Week Ending Date	Week Ending
	April 10, 2010
	FY10
<b>To be Deposited on:</b>	April 16, 2010
Amount Played	81,964,289.08
Amount Won	73,559,424.18
Amount Promo	306,405.00
MWAP Contribution	<u>32,165.11</u>
<b>Adjusted Gross Terminal Revenue</b>	<b><u>8,066,294.79</u></b>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>322,651.80</u>
<b>Net Terminal Revenue</b>	<b><u>7,743,642.99</u></b>
Surcharge @ 10%	774,364.31
State Share Excess @ 58%	449,131.30
Track Share of Capital Reinvestment @ 42%	325,233.01
Track Share of Capital Reinvestment @ 42% - 84%	\$ 312,223.69
Track Share of Capital Reinvestment @ 42% - 4%	\$ 13,009.32
<b>Adjusted Net Terminal Revenue</b>	<b><u>6,969,278.68</u></b>
Racetrack @ 46.50% / 42%	2,927,097.05
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,057,404.25
Race Track Purses @ 7% / 14% / 8%	557,542.20
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	34,846.39
Greyhound Development @ .75%	52,269.59
Thoroughbred Development @ .75%	52,269.59
Racing Commission @ 1%	69,692.79
County/Municipality @ 2%	139,385.58
<b>3% Funds:</b>	
Tourism Promotion Fund @ 1.375%	95,827.58
Development Office Promotion Fund @ .375%	26,134.80
Research Challenge Fund @ .5%	34,846.39
Capitol Renovation and Improvement Fund @ .6875%	47,913.79
2004 Capitol Complex Parking Garage Fund @ .0625%	4,355.80
<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>69,692.79</u>
	<b><u>6,969,278.68</u></b>

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

**REVISED - 4/12/10**  
**NOTICE OF MEETING**  
**Jefferson County Roundtable Meeting**

The County Commission of Jefferson County will be meeting with the Jefferson County Municipalities on Wednesday, April 28, 2010 at 5:00 p.m. at the Old Charles Town Library Meeting Room, 200 E. Washington Street (Samuel Street Entrance), Charles Town, West Virginia 25414.

The following topics will be discussed:

- Presentation of LIDAR Tree Cover Analysis of Jefferson County
- Multi-Jurisdictional Impact Fees - Update
- Cooperative funding for community agencies & organizations

Future topics:

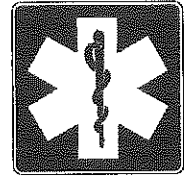
- Parks and Recreation
- Cooperative Water & Sewer Agreements

The public is invited to attend. No decisions will be made at this meeting.

By Order of The County  
Commission of Jefferson County  
Lyn Widmyer



**Friendship Fire Company**  
P.O. Box 126  
Harpers Ferry, WV 25425  
Phone: 304-535-2211  
Fax: 304-535-1382



**RECEIVED**

APR 13 2010

Jefferson County Commission

*Friendship Fire Company, Inc. of Harpers Ferry, WV  
cordially invites you and a guest to attend our  
Annual Membership Awards Banquet  
on Saturday, May 22, 2010 at the  
Quality Inn (formerly Cliffside Inn) Ballroom  
in Harpers Ferry.*

*Social hour will begin at 6:00 p.m. with dinner being served  
at 7:15 p.m., followed by award presentations. Dance will  
follow after the awards banquet and will be open to all  
fire company members.*

*If you plan to attend, please respond by  
May 7, 2010 with the attached form.*

*Hope to see you there!*

*FFC Banquet Committee*

Friendship Fire Company, Inc.  
P.O. Box 126  
Harpers Ferry, WV 25425

I/We plan to attend \_\_\_\_\_ (number of people attending)  
(limit 1 person and guest)

Organization Represented \_\_\_\_\_

Name(s) \_\_\_\_\_

Title(s) \_\_\_\_\_