

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, MAY 27, 2010
9:30 A.M.

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

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. Jennifer Brockman, Director of Planning and Zoning - Shenandoah Professional Center Zoning Map Amendment - Discussion/Action
2. 10:30 a.m. Jennifer Brockman, Director of Planning and Zoning - Subdivision Regulation Amendments - Schedule a Public Hearing
3. 10:45 a.m. Jennifer Brockman, Director of Planning and Zoning - Land Development Fees Update - Schedule a Public Hearing
4. 11:00 a.m. Hearing - Petition of James B. Packard-Gomez, Administrator, c.t.a., of the Estate of John J. Warfield, Deceased, to Resign
5. 11:45 a.m. Legal Update and Report - (Stephanie Grove)
 - Goff Estate: Order Accepting Resignation of Executrix and Order on Elective Share - Approve orders as presented by staff
 - Victim Advocate Assistant Grant - Discussion/Action
6. 12:00 p.m. Jennifer S. Maghan - County Clerk's Report

7. 12:15 p.m. Roger Goodwin, Chief County Engineer
- Westridge Hills Potable Water Test Wells Project - Permission to Enter into a Discussion with the two Primary Firms to Finalize the Scope of Work and Obtain a Final Price
8. 12:30 p.m. Mark Schiavone, Director of Capital Planning and Management
- Revisions 006 and 007 to the General Fund - Discussion/Action

Break for Lunch

~~~~~ AFTERNOON SESSION ~~~~~

NEW BUSINESS:

9. Legislative Issues
10. Approval of Employment - Jefferson County Sheriff's Department- Part-Time Bailiffs - Gerald Koogle, Sr. and Jeffrey Bresee - Discussion/Action
11. City of Martinsburg - Approval of Mutual Aid Agreement - Discussion/Action
12. 1:45 p.m. Mark Schiavone, Director of Capital Planning and Management
Charlotte Hernandez-Velez, IT Support Specialist
- Demonstration of Proposed new Jefferson County Website

CORRESPONDENCE:

Press release received concerning the FirstEnergy and Allegheny Energy file merger application with the Federal Energy Regulatory Commission.

Training News and Calendar received from Volunteer West Virginia.

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

ANNOUNCEMENTS:

Jefferson County offices will be closed Monday, May 31, 2010, in observance of Memorial Day.

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
Friday, May 14, 2010

The County Commission of Jefferson County, sitting as a Board of Canvassers, met this 14th day of May, 2010 at the Jefferson County Courthouse located at 100 E. Washington Street, Charles Town, WV 25414 for the purpose of canvassing ballots cast in the May 11th, 2010 Primary Election. The meeting was attended by Commissioner Patsy Noland, President Pro Tem, and Commissioners Dale Manuel and Frances Morgan. Jennifer Maghan, County Clerk, was present with employees from her Voter Registration office Nikki Painter and Wendy Evangelisti.

The Commission randomly selected precincts 21A and 4B to be hand counted. The Commission agreed to have the hand count performed when they reconvened to continue the Canvass on Monday, May 17, 2010 by a counting board.

The Commission proceeded with the Canvass by reviewing each precinct one at a time, checking to make sure the counts were accurate and to review the provisional ballots from the polls. The Commission reviewed each provisional ballot to determine if the ballot could or could not be accepted to be counted.

Precinct 2: No provisional ballots were cast.

Precinct 3:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Thomas Grait	Manuel	Morgan	✓		Voter was registered correctly.	Motion carried

Precinct 4A: No provisional ballots were cast.

Precinct 6: No provisional ballots were cast.

Precinct 7: No provisional ballots were cast. The ballot and poll slip totals provided by the poll workers appeared to be erroneous so the Commission agreed to have this precinct added to the precincts chosen to be hand counted.

Precinct 12: No provisional ballots were cast.

Precinct 13A: No provisional ballots were cast.

Precinct 13B: No provisional ballots were cast.

Precinct 14:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Julie Ott	Manuel	Noland	✓		Poll Worker	Motion carried

The Commission recessed as a Board of Canvassers at 10:18 a.m.

The Commission reconvened as a Board of Canvassers on Monday, May 17, 2010, at 1:00 p.m.

Precinct 15: No provisional ballots were cast.

Precinct 16:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Deborah Gravatt	Manuel	Morgan	✓		Poll Worker	Motion carried

Precinct 17: No provisional ballots were cast.

Precinct 19: No provisional ballots were cast.

Precinct 20:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Sally Fitzgerald	Morgan	Noland	✓		Ballot Received on time	Motion carried

Precinct 21B:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Dorothy Ott	Morgan	Manuel	✓		Poll Worker	Motion Carried

Precinct 22A:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Evelyn Johnson	Morgan	Widmyer		✓	Voter at wrong precinct	Motion carried
Trixana Carter	Morgan	Widmyer	✓		Poll Worker	Motion carried
Mercie Turner	Manuel	Widmyer	✓		Poll Worker	Motion carried
Elizabeth Stagner	Manuel	Morgan	✓		Poll Worker	Motion carried
Jennifer Jones	Morgan	Widmyer	✓		Poll Worker	Motion carried
Gerald Dost	Morgan	Widmyer	✓		Poll Worker	Motion carried

Precinct 22B:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Demica Vigil	Morgan	Widmyer		✓	Not registered	Motion carried

Precinct 23A: No provisional ballots were cast.

Precinct 23B: No provisional ballots were cast.

Precinct 25A: No provisional ballots were cast.

Precinct 25B: No provisional ballots were cast.

Precinct 26:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Frances Ney, Jr	Morgan	Widmyer	✓		Received on time	Motion carried

Nancy Jo Upwright	Morgan	Manuel	✓		Emergency absentee ballot	Motion carried
Donald Cutlip	Morgan	Widmyer	✓		Voted in new precinct	Motion carried

Precinct 27: No provisional ballots were cast.

The Commission took a break at 2:00 p. m.

The Commission reconvened at 2:10 p.m.

Precinct 28: No provisional ballots were cast.

Precinct 31:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Sue Herendeen	Morgan	Manuel	✓		Voted in new precinct	Motion carried
Edward Herendeen	Morgan	Manuel	✓		Voted in new precinct	Motion carried

Precinct 32: No provisional ballots were cast.

Precinct 33:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Claire Gibson	Manuel	Morgan	✓		Poll Worker	Motion carried

Precinct 34:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Jan Christine Hafer	Manuel	Widmyer	✓		Registration okay	Motion carried
Clarissa Banks	Morgan	Manuel	✓		Did not receive absentee ballot	Motion carried

Trudi Tooke	Morgan	Noland		✓	Voted wrong party	Motion carried
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Precinct 35A: No provisional ballots were cast.

Precinct 35B:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Troy Pierce	Manuel	Morgan	✓		New Precinct	Motion carried
Frances Myers	Morgan	Manuel	✓		Absentee ballot received on time	Motion carried
Mary Maxine Wilson	Morgan	Manuel	✓		Absentee ballot received on timw	Motion Carried

Precinct 7: No provisional ballots were cast.

The Commission took a break at 3:00 p. m.

The Commission reconvened at 4:02 p. m.

Miscellaneous:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
No Name	Noland	Manuel		✓	Unmarked Ballot	Motion carried

The Commission took a break at 4:05 p.m

The Commission reconvened at 5:02 p.m.

Precinct 21A: No provisional ballots were cast.

Precinct 4B: No provisional ballots were cast.

After all provisional and absentee ballots were reviewed, the Commission added 20 ballots to the count.

The hand counts that were conducted on Precincts 4B, 21A and 7 were determined to be acceptable.

Motion by Manuel, second by Morgan to set the bond amount for requesting a recount to \$300 and to set the date to Certify the Results of the Election to Thursday, May 20, 2010, at 11:00 a.m. Motion carried.

The Commission recessed as a Board of Canvassers at 5:15p.m.

LYN WIDMYER, COMMISSION PRESIDENT

Minutes

Jefferson County Commission

Thursday, May 20, 2010

A meeting of the Jefferson County Commission was held on Thursday, May 20, 2010 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. Present were Lyn Widmyer, President, Commissioners Patsy Noland, Frances Morgan and Dale Manuel, Tim Boyde, County Administrator and Nichelle Hosby and Debbie Stellato. Commissioner Jim Surkamp was not in attendance.

The Meeting was called to order at 9:35 a. m. by Commissioner Widmyer.

1. PLEDGE OF ALLEGIANCE
2. Item No. 9 of the Minutes of the Regular Session held on Thursday, May 13, 2010 was amended to include July 31, 2010 as the date of the Clean Harbors and PC Renewals event. Item No. 15 was amended to reflect that Ms. Morgan voted "no" to the approval of Budget Revision 00D.

MOTION BY MS. MORGAN to approve the Minutes of the Regular Session held on Thursday, May 13, 2010 as amended. Motion seconded by Mr. Manuel and unanimously approved.

3. MOTION BY MR. MANUEL to approve Purchase Orders in the amount of \$134,559.57, for purchase order numbers: 47914, 47935, 47934, 48139, 48368, 48422, 48423, 47119, 47120, 47121, 46950, 46949, 48,373, 48374, 48415, 48416, 48418, 48421, 48424, 47376, 48411, 47961, 47962, 48234, 48235, 48236, 48237, 48238, 48239, 48241, 48242, 48243, 48244, 48245, 48246, 48247, 48249, 48412, 48413, 47797, 48414 and 47122, pending clarification of Purchase Order No. 47119 for \$550.00 for "shirts." Motion seconded by Ms. Morgan and unanimously approved.
4. MOTION BY MR. MANUEL to approve the accounts payable in the amount of \$102,573.20 pending clarification of hotel expenditure in the amount of \$214.00. Motion seconded by Ms. Morgan and unanimously approved.
5. PUBLIC COMMENT BY MS. LAURA RATTENNI, Circuit Clerk. Ms. Rattenni reported that the Circuit Clerk's Office now has a credit card program which was implemented as a convenience for the public.
6. TIM BOYDE reported that he attended a meeting with the City Managers of the City of Ranson, Charles Town and Shepherdstown.

Mr. Boyde reported that the Engineering Department will be reporting next week on the progress of the Westridge Hills Potable Water Test Wells Project.

Mr. Boyde recommended that the Commission wait another week or two before addressing the County Clerk's revised budget request.

7. MS. NOLAND REPORTED on the Economic Development meeting that she attended.

Ms. Noland reported on the Ethics Presentation she attended.

8. MR. MANUEL REPORTED on the election canvass.

Mr. Manuel reported on the Jefferson County Emergency Services Agency dedication he attended.

Mr. Manuel reported on the Eastern Panhandle Transit Authority meeting that was rescheduled.

Mr. Manuel reported on two meetings he attended at the Jefferson County Council on Aging.

Mr. Manuel reported on the emergency court security meeting that he attended.

Mr. Manuel reported on the Economic Development meeting he attended.

Mr. Manuel reported on the Parks and Recreation meeting that he attended.

Mr. Manuel reminded the Commission of the "Bark in the Park" being held at Sam Michael's Park from 11:00 a.m. to 3:00 p.m. on Saturday, May 22, 2010.

9. MS. MORGAN REPORTED on the Farmland Protection meeting she attended.

Ms. Morgan reported on the Planning Commission meeting she attended.

10. MS. WIDMYER REPORTED that she had joined the Building Safety Committee to look at the courthouse security issue.

Ms. Widmyer reported on the Economic Development Committee meeting she attended.

Ms. Widmyer reported on the Ethics Workshop she attended.

The Commission took a break at 10:15 a. m.

The Commission meeting reconvened at 10:23 a.m.

11. JENIFER MAGHAN, COUNTY CLERK, requested that the Commission postpone the Special Session of PROBATE scheduled to begin at 10:00 a.m. until the end of the agenda.

Motion by Mr. Manuel to place the Probate Session at the end of the agenda at 2:30 p.m. or 3:00 p.m. Motion seconded by Ms. Morgan and unanimously approved.

12. MS. NOLAND reported on legislation recently passed and advised that a Special Session of the Legislature would be held on June 7, 2010 regarding education bills.

13. MS. WIDMYER REPORTED that a rate increase was not approved for the Hagerstown Eastern Panhandle Metropolitan Organization at this time.

14. STEPHANIE GROVE provided an update on pending legal issues.

15. PUBLIC HEARING. ROGER GOODWIN REPORTED on the Property Safety Ordinance Amendments.

FRANK BLACKMER of Shepherdstown, West Virginia offered comments.

Ms. Widmyer adjourned the Public Hearing.

MOTION BY MR. MANUEL to approve the Property Safety Ordinance Amendments as recommended by Staff. Motion seconded by Ms. Noland and unanimously approved.

16. ROGER GOODWIN REQUESTED a complete release of the construction bond for Bakerton Fire Department.

17. MOTION BY MS. NOLAND to approve the complete release of the construction bond amount for Bakerton Fire Department, Inc. – Bakerton Fire Department (File #S07-11), for project on the north side of Carter Avenue (Rt. 30) just east of its intersection with Maple Avenue (Route 30/1). Motion seconded by Ms. Morgan and approved unanimously.

18. JENNIFER MAGHAN, COUNTY CLERK certified the canvass for 2010 and produced documents for the Commissioners' signatures.

LYNN FIELDS of the County Clerk's Office – Probate requested that the Commission close the estates of Morrison and Wait.

MOTION BY MS. NOLAND to close the estates of Morrison and Wait. Ms. Morgan seconded the motion and the motion was approved unanimously.

The Commission recessed at 10:50 a.m.

The Commission reconvened at 11:33 p.m.

19. TIM BARR, DIRECTOR OF PARKS & RECREATION introduced ZACHARY LETTE, Principal & Vice President of Land Planning & Design Associates, who provided a power point presentation on the Hite Park Master Plan.

The Commission adjourned for lunch at 12:07 p.m.

The Commission reconvened at 1:30 p.m.

20. Beginning at 1:30 p.m. the Commission and several members of community groups participated in a round table discussion concerning Community Alternatives to Violence.

Work session was adjourned by Ms. Widmyer at 3:20 p.m.

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

LYN WIDMYER, COMMISSION PRESIDENT

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: 3/11/10

Date Requested – 2nd Choice: 3/18/10

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

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

Subject:

Planning Commission recommendation regarding Bakerton and 340 Zoning Map Amendment Request

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

See attached staff report

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

Attachments:

Applicants Application and supporting documents

Letter from US Park Service

Staff Report to Planning Commission and County Commission

Planning Commission motion and minutes to be distributed at CC meeting

**NOTICE OF PUBLIC HEARING
ZONING MAP AMENDMENT**

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

Anyone wishing to provide comment may do so at this meeting or by email at info@jeffersoncountywv.org

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

The Planning Commission of Jefferson County, West Virginia

In re: Rezoning for Shenandoah Professional Center, LLC

Denial of Rezoning Request

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

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

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

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

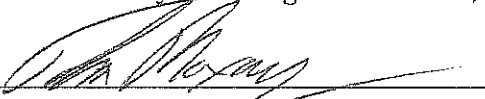
Whereas, the Planning Commission finds that the requested rezoning does not conform with the 2004 Comprehensive Plan for the reasons outlined in the Staff report presented at the public hearing;

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

Whereas, the requested rezoning should be denied based upon testimony received, the conditions outlined in the staff report and after careful consideration of all factors involved.

WHEREFORE, the Jefferson County Planning Commission hereby recommends to the Jefferson County Commission that the request for rezoning of the subject property be denied.

Jefferson County Planning Commission,

By: 
John Maxey, President



RECEIVED

DEC 22 2009

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

November 24, 2009

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

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

Re: Zoning Map Amendment Request

Dear Ms. Brockman,

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

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

1. Substantiation for the Request

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

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

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

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

2. Tax District, Map and Parcel Number

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

3. Deed Book Reference

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

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

- a. See attached

5. Tract Size

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

6. Discussion on:

- a. Comprehensive Plan compatibility of the proposed change.

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

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

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

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

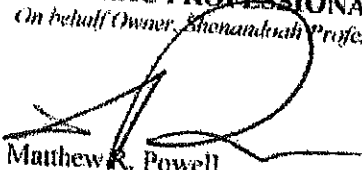
between 2005 through 2007 was primarily driven from buyers who are commuting to and from the Washington DC/Metropolitan area, thus significantly taxing the major roadway systems, especially the Rt. 340 Corridor running from Maryland to West Virginia. In addition, the recent approval of table games at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

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

If you have any further questions or comments, please contact the undersigned at 1(304) 725-3712, ext. 217.

Sincerely,

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


Matthew R. Powell
Vice President Development



United States Department of the Interior

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

IN REPLY REFER TO:

L1425 (HAFE)

February 3, 2010

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

RECEIVED

FEB 12 2010

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Dear Mr. Maxey:

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

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

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

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

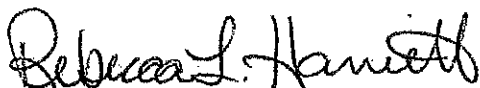
industrial uses of the Fritts property would be out of scale and context with the character of the surrounding rural landscape and the history that occurred there.

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

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

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

Sincerely,



Rebecca L. Harriett
Superintendent

cc: Members, Jefferson County Planning Commission:

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

Amy Puetz

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

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

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

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

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

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

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

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

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

Gil Narro Garcia

881 Elk Run Dr.

Harpers Ferry WV

304-535-2235

Staff Assessment

Shenandoah Professional Services Rezoning Application

Submitted By:
Jefferson County Department of Planning and Zoning

Prepared for:
Jefferson County Planning Commission
&
The Jefferson County Commission

Request at a Glance:

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

Address: 36 Bakerton Road, Harpers Ferry, WV 25425

Current Zoning: Residential Growth

Proposed Zoning: Residential-Light Industrial-Commercial

Acreage: 9.676 on two contiguous parcels

Background

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

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

Introduction and Purpose

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

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

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

Statutory Authority and Requirements

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

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

Scope of this Assessment

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

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

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

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

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

Relevant Comprehensive Plan Elements and Commentary

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

Page 8: Jefferson County – A Vision

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

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

Staff Comment:

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

Page 8 – Plan Policies

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

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

Staff Comment

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

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

Staff Comment

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

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

Staff Comment

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

Page 12 – The Role of the Comprehensive Plan

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

Staff Comment

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

Page 19 – Statement of Goals

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

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

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

Staff Comment

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

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

Pages 26-28 – Transportation Planning

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

Staff Comment:

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

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

Page 26 – Transportation – General Goals

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

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

Page 27 – Planning for a Responsible Transportation Network

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

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

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

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

Staff Comment:

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

Page 32 – Highway Problem Areas

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

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

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

Staff Comment:

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

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

Pages 32 and 33 – The Harpers Ferry Water Gap

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

Staff Comment:

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

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

Page 34

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

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

Staff Comment:

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

Page 41 – Water and Service

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

Staff Comment:

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

Page 48 – Natural Resources

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

Page 52 - Other Natural Resources

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

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

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

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

Staff Comment:

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

Page 55 and 56 - Historic Preservation

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

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

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

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

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

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

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

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

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

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

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

Staff Comment:

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

Page – 63 – Business and Industry

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

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

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

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

Staff Comment:

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

Page 66

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

Staff Comment:

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

Page 71 – Residential Growth-Light Industrial-Commercial

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

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

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

Staff Comment:

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

Page 72 – Historic Gateway Special Study Area

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

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

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

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

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

Staff Comments:

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

Staff Recommendation

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

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

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

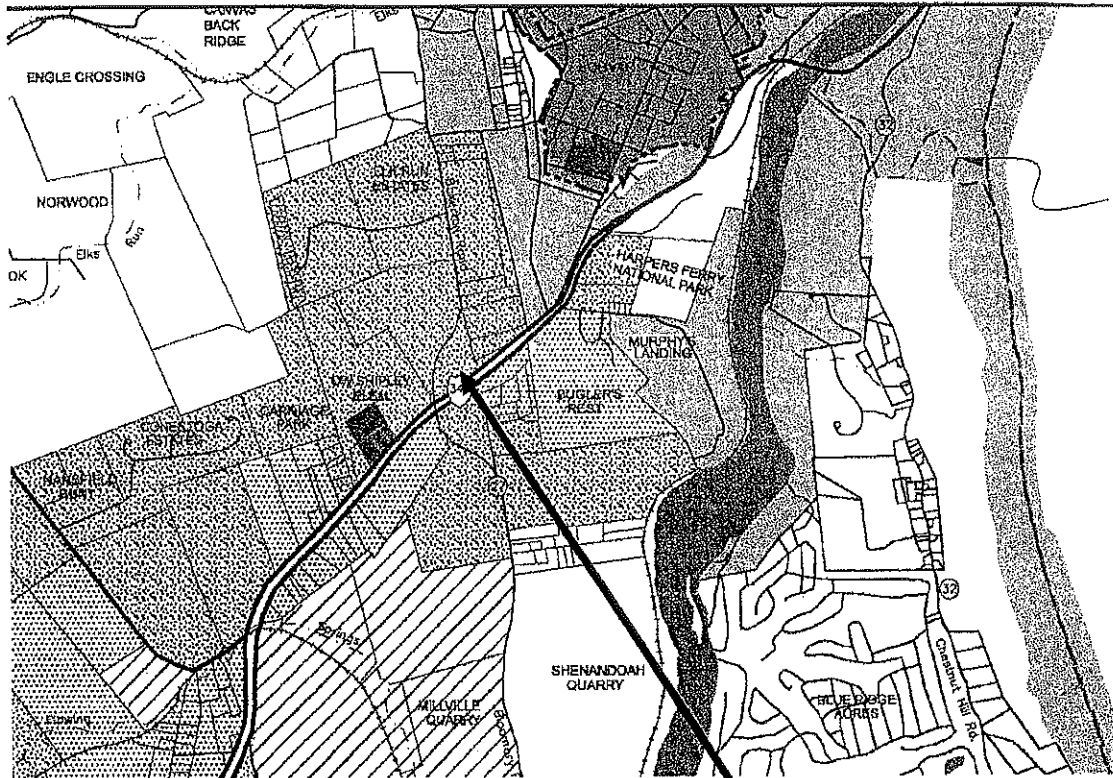
A number of policies, objectives and recommendations provided in the plan, when taken together, provide a compelling argument for denial of this rezoning application. They include:

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

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

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

Map 2



Districts

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



Subject Property

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

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

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

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

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

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

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

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

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

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

John Maxey, Commission President

NATIONAL PARKS CONSERVATION ASSOCIATION

Protecting Our National Parks for Future Generations®

April 15, 2010

Ms. Lyn Widmyer, President
Ms. Patsy Noland, Vice President
Mr. Dale Manuel, Commissioner
Mr. Jim Surkamp, Commissioner
Ms. Frances Morgan, Commissioner
Jefferson County Commission
PO Box 250
Charles Town, WV 25414

Dear President Widmyer and Members of the Commission:

Thank you for the opportunity to comment on the petition to rezone the property designated as Harpers Ferry Tax District, Map 9, Parcels 37 and 37.2 – locally known as the Fritts property, on the corner of Bakerton Road and Highway 340. The following is submitted on behalf of the nonpartisan National Parks Conservation Association (NPCA), the nation's leading nonprofit advocacy organization solely dedicated to protecting, restoring, and enhancing America's national parks for this and future generations. NPCA has more than 325,000 members, more than 1,200 of whom are West Virginia residents, including residents of Jefferson County.


The property's owners, Shenandoah Professional Center, LLC, have requested that the approximately 9.7-acre property be rezoned from Residential Growth to Residential/Light Industrial/Commercial. The Fritts property currently features a business operating inside a beautifully rehabilitated 19th-century house consistent with the area's rural residential character. Much of the adjacent property is owned by the National Park Service as part of Harpers Ferry National Historical Park, a local as well as national treasure.

Harpers Ferry National Historical Park features extraordinary human history and outstanding scenic beauty. For decades, West Virginia leaders have worked with local and national interests including the NPCA to preserve and protect this extraordinary place, with notable success to date.

The park attracts approximately 300,000 visitors each year, people who travel not only to the park itself to learn about America's Civil War, civil rights, industrial, and transportation history, but many of whom then also visit other historical and cultural attractions in the area. They spend a night or more at an area inn or motel, eat meals at local restaurants, boat or fish



1300 19th Street, N.W., Washington, D.C. 20036
Telephone (202) 223-NPCA (6722) • Fax (202) 659-0650

 PRINTED ON RECYCLED PAPER

the Shenandoah and Potomac rivers with a local outfitter, and otherwise contribute to the region's heritage and eco-tourism economy. A 2006 NPCA report, *The U.S. National Park System: An Economic Asset at Risk*, found that every federal dollar invested in national parks generates an average of four dollars of value in an area's economy. In other words, national parks not only feed our spirits and provide living classrooms about our American history, parks also put bread on the table in local homes.

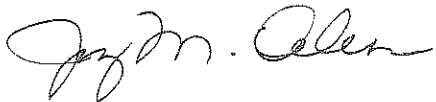
We have reviewed the assessment regarding this request prepared by county staff for the county planning commission and for this commission. The staff report is thorough and compelling. The staff analysis provides many substantive reasons for the County Commission to deny this re-zoning request, as recommended by the Planning Commission.

The key points we would like to emphasize are:

1. In recent years, land use and management changes in the area have enhanced preservation and protection. In 2004, Congress approved and President George W. Bush signed a bill to authorize adding 1,200 acres to Harpers Ferry National Historical Park's boundary. Since then, almost all of the lands inside that authorized boundary have been added to the national park. In contrast, the proposed re-zoning would take this area in a different direction, towards greater commercialization and development.
2. While economic development can be sited at numerous locations in Jefferson County, the national park is – and must be -- located in the setting where the historic events it commemorates occurred, where the rivers flow, and where the scenic beauty remains.
3. People interested in heritage tourism value and seek out areas that not only have great meaning, but also possess high integrity. It is in the park's and the region's long-term interest to protect the remaining integrity of the park setting, so that generations to come will travel here to experience and learn more about the American stories of Harpers Ferry.

NPCA respectfully requests that you deny this petition. Thank you for the opportunity to submit these comments.

Sincerely,



Joy M. Oakes, Senior Regional Director
Mid-Atlantic Region
202.454.3386



1300 19th Street, N.W., Washington, D.C. 20036
Telephone (202) 223-NPCA (6722) • Fax (202) 659-0650

#2

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

Name: Jennie Brockman

Department or Entity: Planning & Zoning

Estimation of amount of time needed for appointment: 10-15 min.

Date Requested – 1st Choice: May 27th

Date Requested – 2nd Choice: June 17th

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

I would prefer May 27th as I will be out of town June 3rd and June 10th.

Subject: Subdivision Regulation Amendments

Please provide the County Commission with a description of your request or presentation, including any background information: At the May 25th Planning Commission Meeting, the Planning Commission recommended to forward the draft Subdivision Regulation Amendments, dated May 25, 2010, to the County Commission for a public hearing and adoption.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I move to schedule a public hearing for the draft Subdivision Regulation Amendments, dated May 25, 2010, on MM/DD/YYYY.

Attachments: *see link:* <http://www.jeffersoncountywv.org/Planning%20and%20Zoning.html>
see document titled: 05-25-10 Draft Subdivision Regulation Amendment
Paper copies will be provided at the meeting.

#3

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

Name: Jennie Brockman

Department or Entity: Planning & Zoning

Estimation of amount of time needed for appointment: 15 min.

Date Requested – 1st Choice: May 27th

Date Requested – 2nd Choice: June 17th

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

I would prefer May 27th as I will be out of town June 3rd and June 10th.

Subject: Land Development Fees Update

Please provide the County Commission with a description of your request or presentation, including any background information: At County Commissions request the Planning Department staff held a Fee Stakeholders Meeting on Wednesday, May 19th. Two people were in attendance. There were no comments that specifically impacted the drafted fees. Staff respectfully requests that the County Commission hold a public hearing regarding the Land Development Fees. (draft attached)

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I move to schedule a public hearing for the Land Development Fees on MM/DD/YYYY.

Attachments: Planning, Zoning, Engineering & Building Fees

**Planning & Zoning Department's
Proposed Land Development Fee Schedule**
(April 22, 2010)**

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

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

Major Residential Subdivision	Pre-Proposal Review	Concept Plan	Preliminary Plat (each phase)	Final Plat (each phase)	Review for Recording
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

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

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

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

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

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

(Page 2 of 3)
Additional Planning & Zoning Department Fees
(April 22, 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)

(Page 3 of 3)
Additional Planning & Zoning Department Fees
(April 22, 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.

**Engineering Department's
Proposed Land Development Fee Schedule
(April 22, 2010)**

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

Minor Non-Residential Subdivision & Minor Process (≤ 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

Major Residential Subdivision & Major Process (>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

Major Non-Residential Subdivision & Major Process (>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

(Page 2 of 3)
Engineering Department's
Proposed Land Development Fee Schedule
 (April 22, 2010)

Limited Site Plan & Minor Process (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	
Full Site Plan & Minor Process (≤ 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.	
Full Site Plan & Major Process (> 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.
Apartment/Multiplex/Condominium Site Plan & Minor (≤ 8 units) or Major Process	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
Self-Storage Units Site Plan & Minor or Major Process	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
Cell Tower Site Plan Site Plan & Minor Process	Pre-Proposal Conference	Site Plan, Bonding & Milestone Inspections (Re-inspection fees apply)	
Base Fee	\$0	\$3,500	

**Engineering Department's
Proposed Land Development Fee Schedule
(April 22, 2010)**

Jefferson County
Engineering Department
(March 18, 2010)

Proposed Miscellaneous Fees

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	Inspection Fee – Land Development Site Inspection	\$50
4	Re-inspection – Land Development failed inspections	\$75
5	Construction Bond – Time Extension Request (by staff or CC)	\$400
6	Construction Bond – Surety Renewal	\$300
7	Subdivision Ordinance Variance Request	\$50
8	Minor Final Plat Amendment review	\$75
9	Floodplain Ordinance – Floodplain Delineations	\$20
10	Floodplain Ordinance – 100 Yr. Flood Elevation Determination	\$25
11	Floodplain Ordinance – Review of LOMA, LOMR or LOMR-F requests	\$100
12	Small Format Document Copies (letter, legal & 11"x17")	\$1/page*
13	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	

Jefferson County, West Virginia
Department of Planning & Zoning
116 East Washington Street, 2nd Floor
P.O. Box 338
Charles Town, West Virginia 25414

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228
Fax: (304) 728-8126

May 5, 2010

Please be advised that you are cordially invited to attend a FEE STAKEHOLDERS MEETING that will be held by the Jefferson County Departments of Planning and Zoning on Wednesday, May 19, 2010 from 2:00 p.m. – 4:00 p.m. The intent of this meeting is to provide a proposed Fee Schedule to those who most frequently process through the office and afford the public the opportunity to express their opinion regarding this matter. All comments received will be presented to the County Commission for consideration. For your convenience, a copy of said proposed Fee Schedule has been included for review prior to your attendance.

In anticipation of a sizeable turnout, this meeting will be held in the Charles Town Library Conference Room which is located at 200 East Washington Street, at the side entrance on Samuel Street.

Should you have any questions, please contact the office. We are happy to assist.

Sincerely,

Jennifer M. Brockman, AICP
Director
Jefferson County Departments of Planning & Zoning

JMB/clc
Enclosure

**39 copies forwarded –
refer to attached list.**

Company/Person	St. Address/P.O. Box	City	State	Zip
Alpha Associates, Inc.	535 W. King St.	Martinsburg	WV	25401
Appalachian Surveys, PLLC	P.O. Box 342	Charles Town	WV	25414
Associated Engineering Sciences, Inc.	34 W. Franklin St.	Hagerstown	MD	21740
Berkeley Associates	651 Foxcroft Ave.	Martinsburg	WV	25401
Civil Planning & Design	10764 Buchanan Trail East	Waynesboro	PA	17268
Dewberry	1503 Edwards Ferry Road, Suite 200	Leesburg	VA	20176
Dunn Land Survey's Inc.	220 First Street	Berryville	VA	22611
Ed Johnson & Associates, Inc.	P.O. Box 1277	Charles Town	WV	25414
Gates Associated	288 Venice Way	Shepherdstown	WV	25443
Gordon & Associates (W.H.)	301 N. Mildred St., Ste. 1	Charles Town	WV	25414
Greenway Engineering	151 Windy Hill Ln.	Winchester	VA	22602
Harris Land Surveying, LLC	56 Coach Court	Harpers Ferry	WV	25425
Harris, Smariga & Associates, Inc.	125 S. Carroll St., Ste. 100	Frederick	MD	21701
Huron Consulting	20410 Century Boulevard, Ste. 230	Germantown	MD	20874
Keller Engineers, Inc.	115 West Washington Street	Hagerstown	MD	21740
Lavelle & Associates Inc.	5732 Industry Lane	Frederick	MD	21704
Loiderman, Soltesz & Associates, Inc.	2 Research Place, Ste. 100	Rockville	MD	20850
P.C. DiMagno	61 Eagle School Rd.	Martinsburg	WV	25401
Painter-Lewis, P.L.C., Consult. Eng.	817 Cedar Creek Grade	Winchester	VA	22601
Patton, Harris, Rust & Associates, P.C.	208 Church St., S.E.	Leesburg	VA	20175
Peter H. Lorenzen	P.O. Box 316	Summit Point	WV	25446
Resource International Inc.	6350 Presidential Gateway	Columbus	OH	43231
Triad Engineering Inc.	1075 Sherman Ave., Ste. D	Hagerstown	MD	21740
Urban Engineering & Associates Inc.	210 Front Royal Pike	Winchester	VA	22602
Warren C. French, PS, LLC	2549 Cherry Run Road	Hedgesville	WV	25427
Wayne Stotler, Stotler & Associates	P.O. Box 519	Martinsburg	WV	25401
Western Maryland Associates	P.O. Box 178	Frostburg	MD	21532
Carla Coffey, Arcadia Building Company	P.O. Box 1150	Purcellville	VA	20134
Jane Tabb	2 Old Leetown Pike	Kearneysville	WV	25430
Michael Wiley, Wormald Company	5283 Corporate Dr., Suite 300	Frederick	MD	21703
Jim Dorsey, Dan Ryan Builders	60 Thomas Johnson Drive	Frederick	MD	21702
Paul Raco	P.O. Box 548	Charles Town	WV	25414
Mark Alexander Smith	352 Elk Run Estates Drive	Harpers Ferry	WV	25425
Tom Bayusik	P.O. Box 237	Charles Town	WV	25414
Bill Zalewski	48 Wiltshire Road, Suite 1	Kearneysville	WV	25430
B.C. Partners	24012 Frederick Road, Suite 200	Clarksburg	MD	20871
RAI Properties	179 East Burr Boulevard, Suite M	Kearneysville	WV	25430
Mark Schiavone, Coordinator	Department of Capital Planning & Management	Charles Town	WV	25414

Commission Office Use Only

Date on Agenda: 4-8-10

Appt Time or New Business:

10:30 Am

RECEIVED

MAR 31 2010

03-31-10 09:26 RCVD

AGENDA REQUEST FORM
Jefferson County Commission

Name: Lynn Fields and Karen Olden

Department or Entity: Probate Office

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: April 8th

Date Requested – 2nd Choice: April 15th

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

Subject: **Petition of James B. Packard-Gomez, Administrator, cta of the estate of John J. Warfield, deceased to resign**

Please provide the County Commission with a description of your request or presentation, including any background information: **Request that the County Commission on April 8th, 2010, to set a future date for a hearing of the petition of James B. Packard-Gomez to resign**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **To set a date for a hearing for petition of James B. Packard-Gomez to resign**

Attachments: **petition from John K. Dorsey, counsel for petitioner**

COPY

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA
IN RE: the Estate of John J. Warfield

PETITION OF JAMES B. PACKARD-GOMEZ, ADMINISTRATOR, c.t.a.,
OF THE ESTATE OF JOHN J. WARFIELD, DECEASED, TO RESIGN

COMES NOW, James Packard-Gomez, acting in his capacity as Administrator, c.t.a., for the Estate of John J. Warfield, deceased, and tenders this Petition of Administrator for leave to resign as Administrator, c.t.a., of the Estate of John J. Warfield, deceased, and states as follows:

1. That by order of this Commission entered on the 3rd day of March, 2006, the Clerk of this Commission duly appointed your Petitioner, James Packard-Gomez, as Administrator, c.t.a., of the estate of the said John J. Warfield.

2. That on the 3rd day of March, 2006, your Petitioner accepted the said appointment and qualified as such administrator, c.t.a., by taking the oath and by entering into bond conditioned as provided by law, in the penal sum of Ninety Thousand Dollars (\$90,000.00), with The Travelers Casualty and Surety Company of America, a corporation, as surety thereon.

3. That the said estate was referred to David A. DeJarnett, one of the Fiduciary Commissioners of this Commission.

4. That your Petitioner entered upon his duties as such administrator, c.t.a., and caused the real and personal estate of the said John J. Warfield to be appraised, and that he has continued to act as such administrator, c.t.a., of said estate.

5. That your Petitioner as such administrator, c.t.a., has filed an interim accounting of his activities as administrator, c.t.a., of the estate of John J. Warfield as of January 30, 2008, and a second interim accounting as of December 31, 2008, with David A. DeJarnett, Fiduciary Commissioner.

6. That the aforesaid interim accountings of his activities as administrator, c.t.a. of the estate of John J. Warfield, are pending and subject to outstanding objections of one or more of the beneficiaries under the Will of John J. Warfield.

7. That this Commission entered an order dated November 20, 2008, increasing the required bond of your Petitioner to the penal sum of Four Million Six Hundred Twenty Nine Thousand Six Hundred Sixty Four Dollars (\$4,629,664.00).

8. That your Petitioner is unable to obtain surety on his required bond and consequently desires to voluntarily resign as such administrator, c.t.a.

9. That the persons and/or entities interested in the estate of the said John J. Warfield in his hands or under his control are as follows:

Beneficiaries:

Barbara Drozier
P.O. Box 671
St. Paris, OH 43072

Mary E. Lilly
62419 Hawthorn Hills Road
Jacobsburg, OH 43933

Mark Buzek
c/o Patty Buzek
3006 30th Lane
Lakeworth, FL 33463

Todd Buzek
c/o Patty Buzek
3006 30th Lane
Lakeworth, FL 33463

Edmund Buzek
3480 Concord Ave.
Lakeworth, FL 33463

John T. Buzek
5941 Pinex Court
Lakeworth, FL 33463

Jeanne Busack
121 4th Avenue
Bel Air, OH 43906

Creditors or Potential Creditors:

PNC Bank, National Association
10480 Little Patuxent Parkway, Suite 400
Columbia, MD 21044

Department of Treasury
Internal Revenue Service
c/o The United States of America
c/o Sharon L. Potter, United States Attorney
P.O. Box 591, Wheeling, WV 26003
and
The United States of America
c/o Hon. Eric Holder,
United States Attorney General
U. S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

West Virginia State Tax Department
ATTN: Katherine A. Schultz, Esq.
c/o Hon. Darrell V. McGraw, Jr.,
West Virginia Attorney General
Building 1, Room W-435
State Capitol Complex
Charleston, WV 25305

and

ATTN: Christopher G. Morris, State Tax Commissioner
WV Department of Tax & Revenue
Building 1, Room W-300
State Capitol Complex
Charleston, WV 25305

Stefanou & Co., Ltd
401 S. Frederick Ave.
Gaithersburg, MD 20877

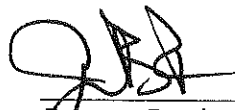
Tobin, O'Connor & Ewing
Chevy Chase Pavilion
5335 Wisconsin Avenue, NW
Suite 700
Washington, DC 20015

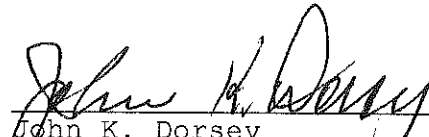
Campbell Miller Zimmerman, PC
201 North George Street, Suite 202
Charles Town, WV 25414

John K. Dorsey
P.O. Box 42
Charles Town, WV 25414

Wherefore, your Petitioner prays that summons be issued against all interested persons, requiring them to appear and answer this Petition, and state to the Commission the reasons, if any they have, why the prayer of this Petition should not be granted; that your Petitioner be permitted to resign as such administrator, c.t.a.; that a suitable person be appointed administrator, c.t.a., d.b.n., of the estate of the said John J. Warfield in the place and stead of your Petitioner; and that your Petitioner may have such other and further relief, both general and special, as the nature of the case may require.

Respectfully submitted this 26th day of March, 2010.

 cta for John J. Warfield estate
James Packard-Gomez, Administrator, c.t.a.
For the Estate of John J. Warfield


John K. Dorsey
Counsel for the Estate of John J. Warfield
West Virginia State Bar I.D. No. 1044
104 W. Congress Street
Charles Town, WV 25414

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of March, 2010, I served the foregoing Motion by (1) e-mail, (2) facsimile and/or (3) depositing true copies thereof in the United States mail, postage pre-paid in envelopes addressed to the following:

Ray A. Byrd, Esquire
Schrader, Byrd & Companion, PLLC
The Maxwell Centre
32 - 20th Street, Suite 500
Wheeling, WV 26003
(304) 233-2769
rab@schraderlaw.com

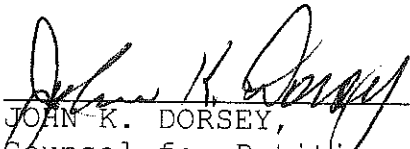
Barbara Drozier
P.O. Box 671
St. Paris, OH 43072

Mary E. Lilly
62419 Hawthorn Hill Road
Jacobsburg, OH 43933

Mark Buzek
c/o Patty Buzek
3006 30th Lane
Lakeworth, FL 33463

Todd Buzek
c/o Patty Buzek
3006 30th Lane
Lakeworth, FL 33463

David A. DeJarnett, Esq.
Fiduciary Commissioner
P.O. Drawer 1419
Martinsburg, WV 25402-1419



JOHN K. DORSEY,
Counsel for Petitioner
West Virginia State Bar I.D. No. 1044
104 W. Congress Street
Charles Town, WV 25414

Laura Kuhn

From: "Sandy McDonald" <sandy@jeffersoncountywv.org>
To: "Laura Kuhn" <laura@jeffersoncountywv.org>
Sent: Thursday, May 20, 2010 9:52 AM
Subject: Fw: Agenda

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

From: Stephanie Grove
To: 'Sandy McDonald'
Cc: 'Nichelle Hosby'
Sent: Thursday, May 20, 2010 9:42 AM
Subject: Agenda

Sandy,
Not sure if I should send this to you or someone else. But I need to put something specific on the agenda under my legal update for next week. Could you please put the Goff Estate: Order Accepting Resignation of Executrix and Order on Elective Share? Let me know if you need anything else. Also, could you let me know when the deadline for submitting the accompanying materials is?

Thanks,

Stephanie

Stephanie F. Grove
Assistant Prosecutor
Jefferson County Civil Division

Commission Office Use Only
Date on Agenda:
Appt Time or New Business:

AGENDA REQUEST FORM

Name: Stephanie Grove

Department or Entity: County/Commission/Prosecuting Attorney

Estimation of amount of time needed for appointment: 15 minutes

Date Requested - 1st Choice: 05/27/2010

Date Requested - 2nd Choice: _____

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

I would request that this item be placed as a specific topic of discussion under my legal reports and report, which report is a standing appointment on the agenda

Subject: *Groff Estate, Resignation of Executive, Dismissal of Petition for Elective Share*

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

This is a continuation of the Groff estate that was on the agenda on May 13, 2010. I will be presenting the order ~~the County Commission~~ confirming the County Commission's decision on that date

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): *Move to approve orders as presented by counsel*

Attachments:

*Order dismissing Petition for Elective Share
Final order from Jefferson County Circuit Court
Order Accepting Resignation of Executive*

BEFORE THE COUNTY COMMISSION OF
JEFFERSON COUNTY, WEST VIRGINIA

IN THE MATTER OF THE ESTATE
OF WILLIAM T. GOFF, JR., DECEASED

ORDER ACCEPTING RESIGNATION OF EXECUTRIX

ON A PREVIOUS DAY CAME NOW the Petitioner, Mary Ellen Goff, Executrix of the Estate of William T. Goff, Jr., deceased, by counsel, and filed a Petition for Resignation of Executrix, and informed the Commission of the availability of a substitute personal representative. The County Commission makes the following findings in support of its decision:

Petition Has Support of Interested Parties

1. The only persons known to the Petitioner to have a beneficial interest in the Estate are William T. Goff, III, of Jefferson County, West Virginia, as beneficiary of the William T. Goff, III, Trust, created under the Last Will and Testament of William T. Goff, Jr. ("Trust"), and Iris Ann Custer, of Berkeley County, West Virginia, as the holder of the contingent remainder interest under the Trust.
2. William T. Goff, III, as beneficiary of the Trust, supports Petitioner's Petition for Resignation of Executrix.
3. Iris Ann Custer, as the holder of the contingent remainder interest under the Trust, supports Petitioner's Petition for Resignation of Executrix.
4. The only person known to the Petitioner to have a legal interest in the Estate is the Trustee of the Trust, which is the Petitioner.

5. Iris Ann Custer, the person appointed by the Last Will and Testament of the deceased as the alternate personal representative, has declined to serve as Executrix of the Estate.

6. Henry E. Worcester, III, of Jefferson County, West Virginia, wishes to serve as the personal representative of the Estate and has made an appearance before the County Clerk of Jefferson County, West Virginia, and has provided, or will provide, the necessary information to qualify for appointment as Administrator with will annexed of the Estate.

7. William T. Goff, III, as beneficiary of the Trust, supports the appointment of Henry E. Worcester, III, as Administrator with will annexed of the Estate.

8. Iris Ann Custer, as the holder of the contingent remainder interest under the Trust, supports the appointment of Henry E. Worcester, III, as Administrator with will annexed of the Estate.

9. All interested parties agree that they will not require that Mary Ellen Goff submit any accounting of the Estate.

10. Mary Ellen Goff is named as Trustee of the Trust.

11. Mary Ellen Goff has declined to serve as Trustee of the Trust.

12. William T. Goff, III, as beneficiary of the Trust, supports Mary Ellen Goff's declination of trusteeship.

13. Iris Ann Custer, as the holder of the contingent remainder interest under the Trust, supports Mary Ellen Goff's declination of trusteeship.

14. Henry E. Worcester, III, will petition the Circuit Court of Jefferson County, West Virginia, to be appointed as Substitute Trustee.

15. William T. Goff, III, as beneficiary of the Trust, supports the appointment of Henry E. Worcester, III, to trusteeship.

16. Iris Ann Custer, as the holder of the contingent remainder interest under the Trust, supports the appointment of Henry E. Worcester, III, to trusteeship.

17. The Fiduciary Commissioner appointed to the Estate recommends that the County Commission accept the resignation of the Petitioner and not require that the Petitioner file any accounting as the parties interested in the Estate have agreed that no such accounting is necessary.

CONCLUSION

Accordingly, it is ORDERED that the Petition for Resignation of Executrix shall be ACCEPTED, pending the completion of the appointment by the County Clerk of Henry E. Worcester, III, as Administrator with will annexed of the Estate. The resignation of the Executrix shall be effective, and the Petitioner will be released, without the necessity of any further action of the County Commission, from her duties as Executrix of the Estate as of the date that Mr. Worcester's appointment by the County Clerk as Administrator with will annexed of the Estate is completed.

President of the County Commission of
Jefferson County, West Virginia

BEFORE THE COUNTY COMMISSION OF
JEFFERSON COUNTY, WEST VIRGINIA

IN THE MATTER OF THE ESTATE
OF WILLIAM T. GOFF, JR., DECEASED

ORDER DISMISSING PETITION FOR ELECTIVE SHARE

On December 2, 2009, the Petitioner, Debra J. Goff, by counsel, filed a Petition for Elective Share with the County Commission. On December 22, 2009, the Respondent, Mary Ellen Goff, Executor of the Estate of William T. Goff, Jr., deceased, by counsel, filed a Motion to Dismiss said Petition for Elective Share. On January 15, 2010, the Petitioner filed an Amended Petition for Declaratory Judgment asking the Circuit Court of Jefferson County, West Virginia to determine the Petitioner's right to an elective share in light of an Agreement that she entered into with the decedent in which she waived her right to an elective share. Further, the Petitioner asked the Circuit Court to determine the amount of her elective share, if any.

On February 18, 2010, the Petitioner and the Respondent, both individually and by counsel, appeared before the County Commission on the Petitioner's Petition for Elective Share and the Respondent's Motion to Dismiss the Petition for Elective Share. Upon the advice of Stephanie Grove, the County Attorney, the County Commission deferred any ruling on the Petition for Elective Share until the Circuit Court determined the validity of the Agreement which waived the Petitioner's right to an elective share of the deceased's Estate.

On March 18, 2010, the Circuit Court found that the subject Agreement waiving the Petitioner's right to an elective share is valid and enforceable. The Circuit Court also directed the County Commission to dismiss the Petition for Elective Share, with prejudice. *See* March 18, 2010 *Final Order*, attached hereto as Exhibit A.

Accordingly, it is hereby so ADJUDGED and ORDERED that the Petition for Elective Share is DISMISSED WITH PREJUDICE.

The Clerk shall provide an attested copy of this Order to the following counsel of record:

David A. DeJarnett, Esq.
Julie R. Shank, Esq.
Bowles Rice McDavid Graff & Love LLP
101 S. Queen Street
Post Office Box 1419
Martinsburg, West Virginia 25402

David A. Camilletti, Esq.
Campbell Miller Zimmerman, PC
201 North George Street, Suite 202
Charles Town, West Virginia 25414

ENTERED this _____ day of _____, 2010.

President of the County Commission of
Jefferson County, West Virginia

DeJarnett

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

DEBRA J. GOFF,
Petitioner,

v.

CIVIL ACTION NO. 09-C-496

MARY ELLEN GOFF, Executrix of
THE ESTATE OF WILLIAM T. GOFF, JR.,
Respondent.

RECEIVED

MAR 18 2010

JEFFERSON COUNTY
CIRCUIT COURT

JK

FINAL ORDER

On March 12, 2010 came the Petitioner, Debra J. Goff, in person and by her counsel David Camilletti, and the Respondent, Mary Ellen Goff, in person and by her counsel, David A. DeJarnett and Julie R. Shank.

WHEREUPON, the Court conducted a bench trial, and as a result of the evidence received and the Petition and the Answer filed herein and the Court's evaluation of the applicable law and relevant facts, the Court did make the following findings of fact and conclusions of law.

1. The Petitioner and the deceased were married in April, 2003.
2. There was admitted into evidence as Exhibit 1 a certain agreement titled "Pre-Marital Agreement" defining the financial rights and obligations of the parties pursuant to the laws of the State of West Virginia. The Petitioner signed the signature page of Exhibit 1 on May 12, 2003, and the deceased signed the signature page of Exhibit 1 on June 5, 2003.
3. The Petitioner is the surviving spouse of the decedent, William T. Goff, Jr. There were no children born of the marriage.
4. William T. Goff, Jr. died testate on March 2, 2009. By his last will, Mr. Goff left his entire estate to a trust for the benefit of his minor son from a previous relationship.

5. The Respondent is the personal representative of the Estate of William T. Goff, Jr., as she is the Executrix of the Estate.

6. During the Petitioner's testimony, she admitted that she signed the signature page of Exhibit 1, but asserted that the entire document was only two pages when she signed it.

7. During the Petitioner's testimony, she stated that she recalled that the document she signed mentioned the assets of the decedent, including the Millenium Club and the Finish Line Corporation, and addressed the obligations of the parties if the marriage would end in divorce.

8. Exhibit 1 contains in paragraph 1 on page 1 a list of the decedent's assets which includes the Millenium Club and the Finish Line Corporation, and paragraph 12 on page 4 of Exhibit 1 provides the obligations of the parties if the marriage would end in divorce.

9. By the Agreement admitted as Exhibit 1, the Petitioner and the deceased fully disclosed their financial situation and approximate net worth.

10. Paragraph 3(a) of the Agreement admitted as Exhibit 1 states that the Petitioner waives any and all rights of elective share of the deceased's augmented estate. Specifically, the Agreement states:

Release of Marital Rights.

Except as specifically provided herein, Mr. Goff and Ms. Smith agree that neither, upon surviving the other, shall claim any part or share of the separate property owned by the other. Mr. Goff and Ms. Smith waive and release all right, title and interest to any of the separate property of the other to which they might be entitled after the death of the other spouse, as an omitted spouse, heir-at-law, next of kin, or distributee, including but not limited to such rights as dower or curtesy or its statutory equivalent, family, or other statutory allowance to the spouse of a decedent, homestead rights, quarantine, intestacy distributions, rights of election to take against the other's will, or an elective share of the deceased spouse's augmented estate, under laws in effect of the State Of West Virginia or any other applicable

jurisdiction in effect on the execution of this agreement or hereafter in force. (emphasis added)

11. By the Agreement admitted as Exhibit 1, the Petitioner and the deceased acknowledged that they: (1) received full and fair disclosure of each other's financial situation and waived any and all rights to receive any further financial disclosures; (2) had the opportunity to seek and obtain independent legal counsel prior to entering into the Agreement; and (3) were waiving rights of potentially great value.

12. W. Va. Code § 42-3-3a states that "[t]he right of election of a surviving spouse may be waived, wholly or partially, before or after marriage, by a written contract, agreement, or waiver signed by the surviving spouse."

13. W. Va. Code § 42-3-3a states that the burden is placed on the surviving spouse to prove that a waiver of elective share is unenforceable.

14. The Agreement is a written contract, entered into after the marriage, in which the Petitioner clearly, unequivocally, and with full knowledge waived her right to elective share of the deceased's Estate.

15. The Court finds that the Petitioner did not meet her burden to show that the waiver of elective share contained in the Agreement is unenforceable.

RULING

The Court finds that the Agreement admitted as Exhibit 1 is valid and enforceable and that the Petitioner waived her right to an elective share of the deceased's Estate. Accordingly, it is hereby so ADJUDGED and ORDERED.

It is further ORDERED that the Petition for Elective Share filed by the Petitioner before the County Commission of Jefferson County, West Virginia be DISMISSED WITH PREJUDICE.

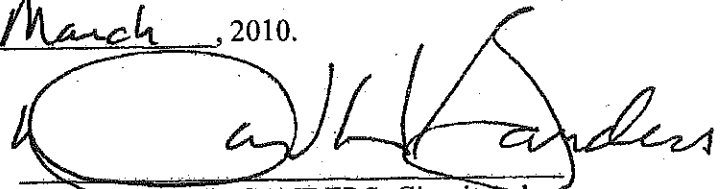
The Court notes the objections and exceptions of the Petitioner.


It is further ORDERED that the Clerk of the Court shall provide an attested copy of this Order to the following counsel of record and remove this case from the docket:

David A. DeJarnett, Esq.
Julie R. Shank, Esq.
Bowles Rice McDavid Graff & Love LLP
101 S. Queen Street
Post Office Box 1419
Martinsburg, West Virginia 25402

David A. Camilletti, Esq.
Campbell Flannery, PC
201 North George Street, Suite 202
Charles Town, West Virginia 25414

ENTERED this 18th day of March, 2010.


HON. DAVID H. SANDERS, Circuit Judge

Prepared by: 

David A. DeJarnett, Esq.
WV State Bar Id. No. 5190
Julie R. Shank, Esq.
WV State Bar Id. No. 10675
Bowles Rice McDavid Graff & Love LLP
Counsel for Defendant

D. Camilletti
D. DeJarnett

A TRUE COPY
ATTEST:

LAURA E. RATTENNI
CLERK, CIRCUIT COURT
JEFFERSON COUNTY, W.VA.

BY 
DEPUTY CLERK

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

AGENDA REQUEST FORM

Name: Stephanie Grove

Department or Entity: Prosecutors Office

Estimation of amount of time needed for appointment: 15 min.

Date Requested - 1st Choice: May 27, 2010

Date Requested - 2nd Choice: _____

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

Specific date requested due to a deadline.

Subject:

Victim Assistance Program - Amended Budget Due To Increase In State Funding

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

Victim Assistance Program is a vital program & it has just begun to cost more. So the request is that the budget be adjusted to continue funding for this essential program.

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

Approved Motion to amend the budget to fully fund the victim assistance program due to the increase placed on the grant by the State.

Attachments:

- ① Letter received from Governor Joe Manchin, II informing the Commission of the increase in the budget necessary to continue program.
- ② Letter from Criminal Justice Services which stipulates changes to be made, how they are to be applied, who these changes are to effect, etc.



State of West Virginia

Joe Manchin III

Governor

May 14, 2010

Office of the Governor
State Capitol
1900 Kanawha Boulevard, East
Charleston, WV 25305

Telephone: (304) 558-2000
Toll Free: 1-888-438-2731
FAX: (304) 342-7025
www.wv.gov

The Honorable Lyn Widmyer
President
Jefferson County Commission
Post Office Box 250
Charles Town, West Virginia 25414

Dear Commissioner Widmyer:

I am pleased to approve a Victims of Crime Assistance (VOCA) Grant to the Jefferson County Commission for \$59,381 based upon the recommendation of the West Virginians Against Violence Committee.

This grant provides for the salaries of two full-time Victim Advocates in the Jefferson County Prosecuting Attorney's Office to provide direct services to crime victims in Jefferson County.

The partnership effort involves the use of federal and local funds and allows Jefferson County Commission to continue providing direct services to crime victims and their children. It is essential to the well-being of all West Virginians that we continue to do all that is possible to provide for the safety and protection of victims of crime.

Please let me know if our Division of Criminal Justice Services' staff or I can be of further assistance.

With warmest regards,

Joe Manchin III
Governor

JM/ih

c: Mr. Ralph A. Lorenzetti

copy

MEMORANDUM

TO: VOCA Project Directors

FROM: Sarah J. Brown *SJB*
Senior Justice Programs Specialist

DATE: May 17, 2010

RE: Revise 2010 VOCA Budgets

Please be advised the West Virginians Against Violence Committee made the following recommendations for 2010 Victim of Crime Act (VOCA) Victim Assistance Sub-grant Awards:

- o \$500 across the board for Travel and Training
- o 10% increase to be used in salary/benefits.

We are requesting a new budget be submitted to our office no later than June 1, 2010 so we can begin to complete final contracts. The following rules apply to all VOCA sub-grantees:

2. Travel/Training:

- o Cannot move \$500 Travel/Training funds to any other category.
- o All new advocates with 5 years or less experience must apply to attend the WV State Victim Assistance Academy. If they are not accepted they must send a letter to DCJS or a memo explaining why they cannot attend and then the funds may be approved by DCJS for other allowable in-state training or direct service mileage.
- o No out-of-state trainings will be approved.

3. Benefits:

- o FICA/MICA: cannot be higher than 7.65%
- o Retirement: cannot be higher than 11% of salary

When completing your budgets we will need to know if they are salary or hourly and the breakdown of benefits, such as FICA, Worker's Compensation, Insurance, etc. and the percentage amount for each funded VOCA staff. We will also need their title and/or the county (if they are an outreach advocate).



Project Directors
May 17, 2010
Page 2 of 2

Of your total award amount \$500 must be allocated to Travel/Training. Also, your match requirement will increase, so include match, the amount and which category and list what match will be used for such as, office space, volunteer hours, etc. A CD is enclosed with blank budget pages for your use. Please e-mail to Nick Leftwich at Nicholas.W.Leftwich@wv.gov or mail the revised budget pages to DCJS, attention Nick Leftwich by June 1, 2010.

Thank you for your assistance with this matter. Should you have any questions please contact me at (304) 558-8814, extension 53337 or Nick Leftwich at extension 53334.

SJB/aw

c: Nick Leftwich, VOCA Program Specialist

#7

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

AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Engineering

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: May 27, 2010

Date Requested – 2nd Choice: _____

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

Subject: Westridge Hills Potable Water Test Wells Project

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

The Commission directed that I solicit Requests for Qualifications from interested qualified professional engineering consulting firms detailing their qualifications to drill four (4) test wells and perform a study to determine the capacity of groundwater sources for the purpose of providing an improved water source to the Westridge Hills Subdivision area of Jefferson County. The selection of firms has been narrowed down to two firms. We are now at the point of finalizing the scope of services and obtaining final price.

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

I move to give the Chief County Engineer permission to enter into a discussion with the two primary firms to finalize the scope of work and obtain a final price.

Attachments:

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

AGENDA REQUEST FORM

Name: F. Mark Schiavone

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 10

Date Requested – 1st Choice: 27 May 2010

Date Requested – 2nd Choice: 3 June 2010

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

Subject: Revisions 006 and 007 to the General Fund.

Please provide the County Commission with a description of your request or presentation, including any background information: Revision 006 accounts mainly for overtime charges, increase in state computer network, increases in worker’s comp/unemployment, and other small overages. Revision 007 accounts for increase in hotel occupancy tax revenues. Both revisions require SAO approval as they modify department totals.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I move to approve the resolution concerning revision (fill in number) to the General Fund.

Attachments: for each proposed revision: (1) SAO Request for Revision to Approved Budget, (2) detailed revision worksheet, (3) Draft Resolution to approve request to revise budget.

REQUEST FOR REVISION TO APPROVED BUDGET

CONTROL NUMBER

Ora Ash, Director
 West Virginia State Auditor's Office
 200 West Main Street
 Clarksburg, WV 26302

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

2010
 FY
001
 FUND
006
 REV. NO.
1 of 2
 PG. OF NO.

Jefferson County Commission

GOVERNMENTAL ENTITY

Phone: 627-2415 ext. 5114
 Fax: 627-2417

112 E. Washington Street / PO Box 250

STREET OR P.O. BOX

Person To Contact Regarding
 Budget Revision:

F. Mark Schiavone

Phone: (304) 728-3331

Charles Town

25414

Fax: (304) 724-2178

CITY

ZIP CODE

RECEIPTS: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT

NET INCREASE/(DECREASE) Revenues

EXPENDITURES: (net each account category)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
401	County Commission	2,408,093	182,151	18,340	2,244,282
403	Circuit Court Clerk	562,208		1,500	563,708
408	State Computer Net	52,894		4,552	57,446
424	Court House	1,718,623		123,800	1,842,423
711	Emergency Services	238,505		26,624	265,129
712	Communication Center	1,872,145		18,835	1,890,980
976	Circuit Clerk Cap/Outlay	28,500	1,500		27,000

NET INCREASE/(DECREASE) Expenditures

APPROVED DATE: _____ BY: _____
POSTED: _____ BY: _____
APPROVED BY THE STATE AUDITOR
BY: _____ Local Government Services Division

AUTHORIZED SIGNATURE _____ ENTITY APPROVAL DATE _____
 FOR GOVERNING BODY

COUNTIES ONLY

TRANSFERS TO THE GENERAL FUND FROM SPECIAL FUNDS CREATED PURSUANT TO WEST VIRGINIA CODE § 7-1-9, MUST BE ACCOMPANIED BY PRIOR WRITTEN APPROVAL FROM THE STATE AUDITOR.

Account	Description	Curr Approp	MTD Exp	YTD Exp	Unenc Bal	Credit	Debit	Finat Approp
001-401-02-214-000-GG-000	CO COMM TRAVEL	7,500		7,732	(232)	500		8,000
001-401-02-224-000-GG-000	CO COMM AUDIT COSTS	30,000		47,840	(17,840)	17,840		47,840
001-403-02-223-000-GG-000	CIR CLK PROF SERVICES	500	153	1,495	(995)	1,500		2,000
001-408-03-349-000-GG-000	ST COMPNET CHG BO GOV UN	52,894		57,446	(4,552)	4,552		57,446
001-424-01-108-001-GG-000	CTHSE OVERTIME	30,000	941	48,582	(18,582)	10,000		40,000
001-424-02-211-000-GG-000	CTHSE TELEPHONE	210,000	18,255	219,206	(9,206)	32,400		242,400
001-424-02-226-001-GG-000	CTHSE INSUR-WORKERS COMP	102,676		140,047	(37,371)	81,400		184,076
001-711-01-104-000-PS-000	EMERG SVC FICA EXPENSE	8,107	306	8,631	(524)	524		8,631
001-711-01-104-001-PS-000	EMERG SVC MEDICARE EXPNS	1,896	72	2,019	(123)	123		2,019
001-711-01-106-000-PS-000	EMERG SVC RETIREMENT	14,163	550	15,260	(1,097)	1,097		15,260
001-711-01-108-001-PS-000	EMERG SVC OVERTIME			24,880	(24,880)	24,880		24,880
001-712-01-108-001-PS-911	COMM CTR OVERTIME	40,000	1,130	74,447	(34,447)	9,447		49,447
001-712-01-108-002-PS-911	COMM CTR PARTTIME	10,000	720	19,388	(9,388)	9,388		19,388
001-401-05-568-000-GG-000	CO COMM OTHR CONTRIBUTIO	1,386,265		110,282	1,275,983		182,151	1,204,114
001-976-04-459-000-CP-000	CIR CLK CAP/OUTLAY EQUIP	28,500.00		6,454.00	22,046.00		1,500	27,000
001-987-04-459-000-CP-000	Court House Cap/Outlay	25,000					10,000	15,000
CHECKSUMS		1,947,501				193,651	193,651	1,947,501

Notes:
County Commission Audit Costs: FY 2010 included two major audits plus financial statement.
State Computer Network: Budget comes from State Tax Department estimate. Additional costs are incurred with additional data traffic/printing by assessor.
Workers Comp: Rate increase due to recalculation that involved a year with several serious accidents. Also includes current unemployment burden.

For SAO

Account Number	Account Description	Approved Amount	Debit	Credit	Revised Amount
401	County Commission	2,408,093	182,151	18,340	2,244,282
403	Circuit Court Clerk	562,208		1,500	563,708
408	State Comp Network	52,894		4,552	57,446
424	Court House	1,718,623		123,800	1,842,423
711	Emergency Services	238,505		26,624	265,129
712	Communication Center	1,872,145		18,835	1,890,980
976	Circuit Clerk Cap/Outlay	28,500	1,500		27,000
987	Court House Cap/Outlay	25,000	10,000		15,000
CHECKSUMS		6,905,968	193,651	193,651	6,905,968

RESOLUTION

At a regular session of the Jefferson County Commission, held 27th May, 2010, the following order was made and entered:

SUBJECT: The revision of the General Fund (Fund 001) Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 006, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by _____, and duly seconded by _____, the vote thereon was as follows:

_____	Yes
_____	Yes
_____	Yes
_____	Yes
_____	Yes

WHEREUPON, _____, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and _____ is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

REQUEST FOR REVISION TO APPROVED BUDGET

CONTROL NUMBER

Ora Ash, Director
 West Virginia State Auditor's Office
 200 West Main Street
 Clarksburg, WV 26302

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

2010
 FY
001
 FUND
007
 REV. NO.
1 of 1
 PG. OF NO.

Phone: 627-2415 ext. 5114
 Fax: 627-2417

Jefferson County Commission
 GOVERNMENTAL ENTITY

Person To Contact Regarding Budget Revision:

112 E. Washington Street / PO Box 250
 STREET OR P.O. BOX

F. Mark Schiavone

Phone: **(304) 728-3331**
 Fax: **(304) 724-2178**

Charles Town 25414
 CITY ZIP CODE

RECEIPTS: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	APPROVED AMOUNT	DEBIT (INCREASE)	CREDIT (DECREASE)	REVISED AMOUNT
309	Hotel Occupancy Tax	400,000	40,000		440,000

NET INCREASE/(DECREASE) Revenues 40,000

EXPENDITURES: (net each account category)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	APPROVED AMOUNT	DEBIT (DECREASE)	CREDIT (INCREASE)	REVISED AMOUNT
900	Parks & Recreation	354,270		16,666	370,936
903	Arts & Humanities	33,333		1,667	35,000
909	Historical Commission	30,070		1,667	31,737
911	Visitor's Bureau	200,000		20,000	220,000

NET INCREASE/(DECREASE) Expenditures 40,000

APPROVED	
DATE: _____	BY: _____
POSTED: _____	BY: _____
APPROVED BY THE STATE AUDITOR	
BY: _____	
Local Government Services Division	

 AUTHORIZED SIGNATURE ENTITY APPROVAL DATE
 FOR GOVERNING BODY

COUNTIES ONLY

TRANSFERS TO THE GENERAL FUND FROM SPECIAL FUNDS CREATED PURSUANT TO WEST VIRGINIA CODE § 7-1-9, MUST BE ACCOMPANIED BY PRIOR WRITTEN APPROVAL FROM THE STATE AUDITOR.

Account	Description	Curr Approp	MTD Exp	YTD Exp	Unenc Bal	Credit	Debit	Final Approp
001-309-OT-000	Hotel Occupancy Tax	400,000				40,000		440,000
NET REVENUE GAIN/LOSS						40,000.00		
001-900-05-567-000-CR-000	P/REC HOTEL/MOTEL CONTRI	166,666		170,279	(3,613)		16,666	183,332
001-911-05-567-000-CR-000	VIS CTR CONT OTH GOV UNI	200,000		202,901	(2,901)		20,000	220,000
001-903-05-567-000-CR-000	ART/HMNTS HTL/MTL CONTRI	33,333.00		33,333.00			1,667.00	35,000
001-909-05-567-000-CR-000	HIS COM CONT OTH GOV UNI	30,070.00		30,070.00			1,667.00	31,737
NET REVENUE GAIN/LOSS						40,000		

Checksum	Rev Increase/Decrease	Expenditure Increase/Decrease
	40,000	40,000

Note:
This revision is necessary to account for greater-than budgeted revenues in Hotel Occupancy Tax. If this revision is not made it would appear that the county overexpended on the expenditure side. Refer to SAO adverse findings for FY 2008/09 for details.

For SAO

Account Number	Account Description	Approved Amount	Rev Increase	Revised Amount
309	Hotel Occupancy Tax	400,000	40,000	440,000
Net Increase/Decrease Revenues			40,000	
Account Number	Account Description	Approved Amount	Exp Decrease	Revised Amount
900	Parks & Recreation	354,270		370,936
903	Arts & Humanities	33,333		35,000
909	Historical Commission	30,070		31,737
911	Visitor's Bureau	200,000		220,000
Net Increase/Decrease Expenditures				40,000

RESOLUTION

At a regular session of the Jefferson County Commission, held 27th May, 2010, the following order was made and entered:

SUBJECT: The revision of the General Fund (Fund 001) Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 007, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by _____, and duly seconded by _____, the vote thereon was as follows:

_____	Yes
_____	Yes
_____	Yes
_____	Yes
_____	Yes

WHEREUPON, _____, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and _____ is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

<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: JCSO

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

Date Requested - 1st Choice: 5/27/2010

Date Requested - 2nd Choice: 6/3/2010

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

Subject:

Bailiff Hires

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

Hire 2 part time Bailiffs to fulfill the shortage of coverage made by 2 current Bailiffs that have requested decrease in hours.

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

I move to approve the hire of Gerald Keogle Sr and Jeffrey Bresee as part time Bailiffs.

Attachments:

Request letter



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

May 18, 2010

Jefferson County Commission
124 East Washington St
Charles Town WV 25414

Re: Bailiff Hires

Dear Commissioners:

I would like to request your permission to hire two new part time Bailiffs. The hire of these Bailiffs will not create an increase in the Bailiff Salary line item.

Two currently employed bailiffs have requested a decrease in their weekly hours; therefore I will need to hire two new bailiffs to fill in the time gap created. Due to the fact that all but one Bailiff is considered part time, it is impossible to increase any other currently employed bailiff's hours without creating more full time positions and paying benefits. Favorable consideration will also allow me to continue to honor Judge Sander's requirement of having a minimum of two bailiffs in his court room during normal business and three bailiffs in his court room during trials.

That being said, I would like to hire Jeffrey Bresee and Gerald Koogle Sr to fill these positions.

Their hire is contingent on successful qualification with their firearm and taser.

If you have any questions, please let me know.

Respectfully,

Robert E. Shirley
Sheriff and Treasurer

CITY OF MARTINSBURG FIRE DEPARTMENT

PAUL E. BRAGG
FIRE CHIEF



PHONE NUMBERS
FIRE & EMERGENCY
911

OFFICIAL BUSINESS
FIRE INSPECTIONS
304-264-2111
FAX 304-264-2115

200 NORTH RALEIGH STREET
MARTINSBURG, WEST VIRGINIA 25401

18 May 2010


Lyn Widmyer, President
The Commission of Jefferson County
P.O. Box 250
Charles Town, West Virginia 25414

Dear Commissioner Widmyer:

It is time to renew the Mutual Aid Agreement between the City of Martinsburg and Jefferson County. Enclosed is the Agreement adopted by the City Council on May 13, 2010 with an effective date of July 1, 2010.

If you desire any changes to the Agreement, please feel free to contact me at (304) 264-2111. Once the Commission has signed the Agreement, make yourself a copy, and return the signed original to me.

Sincerely,


Paul E. Bragg, Fire Chief
Martinsburg Fire Department

cc: Mark S. Baldwin, City Manager

RECEIVED

MAY 19 2010

Jefferson County Commission

MUTUAL AID AGREEMENT

FIRE, EMERGENCY MEDICAL SERVICES, SPECIALIZED RESCUES, AND DISASTERS

BETWEEN THE CITY OF MARTINSBURG

AND JEFFERSON COUNTY, WEST VIRGINIA

This AGREEMENT made and entered into this 1st day of July, 2010, by and between the CITY OF MARTINSBURG, WEST VIRGINIA AND JEFFERSON COUNTY, WEST VIRGINIA.

WITNESSETH:

WHEREAS, each of the parties hereto has an interest in the control of fires, emergency medical services, specialized rescues, disasters and/or other emergency support; and,

WHEREAS, in the event of a major fire, mass casualty event, specialized rescue, disaster or other emergency, either party may need the assistance of the other party to this Agreement, to provide supplemental fire suppression, emergency medical services equipment and personnel, specialized rescue personnel, and/or other emergency support; and,

WHEREAS, the CITY OF MARTINSBURG, and JEFFERSON COUNTY are desirous of providing more adequate protection within their respective territories in the event of a major fire, mass casualty event, specialized rescue, disaster and/or other emergency.

NOW THEREFORE, in consideration of the respective covenants and promises herein, the parties agree as follows:

1. DEFINITIONS: as used herein:

- (a) "Requesting Party" shall mean that party requesting aid; and,
- (b) "Responding Party" shall mean that party affording or responding to a call for aid.

2. AUTHORITY TO REQUEST AID:

- (a) Each party authorizes their respective fire chiefs, agency directors, or in their absence the senior officer or other member in charge to request and afford mutual aid from and to the other party upon request.

(b) Each party agrees that the request for mutual aid shall comply with the following guidelines:

- (1) The Requesting Party must have personnel on scene at the emergency incident at the time of the request; or,
- (2) The Requesting Party must have all their resources involved on another emergency incident at the time of the request; or,
- (3) The Requesting Party must be requesting a special piece of equipment or expertise the Requesting Party does not have; or,
- (4) The Requesting Party is responding to an emergency that from information received during the initial dispatch it is believed that the incident will overwhelm the resources of the Requesting Party.

3. LIABILITY:

- (a) Each party agrees that the Requesting Party shall assume liability for and hold the Responding Party harmless from all liabilities which arise out of command decisions and judgments.
- (b) Each party agrees to assume responsibility for liabilities arising out of the actions of its' own personnel and to hold the other party harmless as to the actions relating to performance.

4. INSURANCE:

- (a) Each party agrees to maintain adequate insurance coverage for its' own personnel and equipment.

5. COMPENSATION:

- (a) Each party agrees that it will not seek from the other party compensation for services rendered under this Agreement.
- (b) Each party shall at all times be responsible to its' own personnel for payment of wages and other compensation and for carrying worker's compensation upon said personnel.
- (c) Each party shall be responsible for its' own equipment and shall bear the risk of loss or damage.
- (d) However, if fire suppression chemicals are utilized by the Responding Party, the Requesting Party shall compensate the other party for the replacement cost of such chemicals.
- (e) Each party agrees that this agreement does not prevent either party from billing third parties for services when such billing is appropriate.

6. TRAINING:

- (a) Each party agrees that personnel of the Responding Party answering a request for mutual aid under this Agreement will meet all training requirements of the West Virginia State Fire Commission, the West Virginia Office of Emergency Medical Services, and/or any other state or federal requirements that may apply.

7. INCIDENT MANAGEMENT:

- (a) Each party agrees that the Requesting Party shall assume management of the emergency incident; unless, they specifically request the Responding Party to assume management responsibility. The Responding Party has the right to accept or reject this request.
- (b) Each party agrees that the management system to be used during the emergency incident shall be based on the National Incident Management System (NIMS), which is endorsed by the Department of Homeland Security.
- (c) Each party agrees that personnel of the Responding Party answering a request for mutual aid shall be trained in the use of the National Incident Management System (NIMS).
- (d) Each party agrees that personnel from the Responding Party shall work directly under a supervisor from their own department; but, that the supervisor shall be operating within the National Incident Management System (NIMS).

8. SAFETY:

- (a) Each party agrees that SAFETY is the number one priority at any incident.
- (b) Each party agrees that if members of the Responding Party feel an unsafe act is taking place or is about to take place they can withdraw from participation in the operation.

9. OBLIGATION TO RESPOND:

- (a) Each party agrees that provisions of this agreement shall not be construed to impose an obligation to respond to a request for mutual aid. At any time the Responding Party may, for any reason, deem it advisable not to respond and may so inform the Requesting Party.
- (b) Each party agrees that the Responding Party shall determine the amount of apparatus and personnel to send to a request for aid.

10) TERMINATION:

- (a) This agreement shall remain in full force and effect until the first day of July of each year. At which time, if desirable by both parties, the Agreement with any agreed upon changes can be renewed by the two parties.
- (b) A party desiring to terminate this Agreement prior to the first day of July shall serve in written notice upon the other party of its' intention to terminate this Agreement. Such notice shall be served not less than thirty calendar days prior to the termination date set forth in said written notice.

The Jefferson County Commission shall act as an agent for all Jefferson County Volunteer Fire Departments and Jefferson County Emergency Medical Services.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement the day and year first above written.

ATTEST: Sharon A. Thiel
CITY RECORDER

BY: George Karos
MAYOR, GEORGE KAROS
CITY OF MARTINSBURG

DATE: May 13, 2010

BY: Paul E. Bragg
FIRE CHIEF, PAUL E. BRAGG
CITY OF MARTINSBURG
FIRE DEPARTMENT

ATTEST: _____
COUNTY CLERK

BY: _____
COUNTY COMMISSION
PRESIDENT, LYN WIDMYER
JEFFERSON COUNTY

DATE: _____

BY: _____
FIRE AND RESCUE
ASSOCIATION PRESIDENT,
JEFFERSON COUNTY

BY: _____
AMBULANCE AUTHORITY
PRESIDENT,
JEFFERSON COUNTY



Contacts for FirstEnergy:

For Investors:
Ronald Seeholzer
(330) 384-5415

For Media:
Ellen Raines
(330) 384-5808

Contacts for Allegheny:

For Investors:
Max Kuniansky
(724) 838-6895

For Media:
David Neurohr
(724) 838-6020

**FIRSTENERGY AND ALLEGHENY ENERGY FILE MERGER APPLICATION
WITH FEDERAL ENERGY REGULATORY COMMISSION**

AKRON, OH AND GREENSBURG, PA -- May 11, 2010 -- FirstEnergy Corp. (NYSE: FE) and Allegheny Energy, Inc. (NYSE: AYE) today filed an application with the Federal Energy Regulatory Commission (FERC) for approval of their proposed merger. The application provides additional detail and analysis related to competition in wholesale electric power markets, FERC jurisdictional rates, and state and federal regulation of both companies and their subsidiaries. Under the Federal Power Act, the FERC has 180 days to rule on a merger application.

The companies plan to make filings for state regulatory approval in Pennsylvania, West Virginia and Maryland this month, and in Virginia later in the second quarter.

The merger is expected to close in the first half of 2011, subject to customary closing conditions, including shareholder and regulatory approvals, as outlined in the preliminary S-4 Registration Statement, which was filed in March.

INFORMATION CONCERNING FORWARD-LOOKING STATEMENTS

In addition to historical information, this document may contain a number of "forward-looking statements" as defined in the Private Securities Litigation Reform Act of 1995. Words such as anticipate, expect, project, intend, plan, believe, and words and terms of similar substance used in connection with any discussion of future plans, actions, or events identify forward-looking statements. Forward-looking statements relating to the proposed merger include, but are not

limited to: statements about the benefits of the proposed merger involving FirstEnergy and Allegheny Energy, including future financial and operating results; FirstEnergy's and Allegheny Energy's plans, objectives, expectations and intentions; the expected timing of completion of the transaction; and other statements relating to the merger that are not historical facts. Forward-looking statements involve estimates, expectations and projections and, as a result, are subject to risks and uncertainties. There can be no assurance that actual results will not materially differ from expectations. Important factors could cause actual results to differ materially from those indicated by such forward-looking statements. With respect to the proposed merger, these factors include, but are not limited to: risks and uncertainties relating to the ability to obtain the requisite FirstEnergy and Allegheny Energy shareholder approvals; the risk that FirstEnergy or Allegheny Energy may be unable to obtain governmental and regulatory approvals required for the merger, or required governmental and regulatory approvals may delay the merger or result in the imposition of conditions that could reduce the anticipated benefits from the merger or cause the parties to abandon the merger; the risk that a condition to closing of the merger may not be satisfied; the length of time necessary to consummate the proposed merger; the risk that the businesses will not be integrated successfully; the risk that the cost savings and any other synergies from the transaction may not be fully realized or may take longer to realize than expected; disruption from the transaction making it more difficult to maintain relationships with customers, employees or suppliers; the diversion of management time on merger-related issues; the effect of future regulatory or legislative actions on the companies; and the risk that the credit ratings of the combined company or its subsidiaries may be different from what the companies expect. These risks, as well as other risks associated with the merger, are more fully discussed in the preliminary joint proxy statement/prospectus that is included in the Registration Statement on Form S-4 (Registration No. 333-165640) that was filed by FirstEnergy with the SEC in connection with the merger. Additional risks and uncertainties are identified and discussed in FirstEnergy's and Allegheny Energy's reports filed with the SEC and available at the SEC's website at www.sec.gov. Forward-looking statements included in this document speak only as of the date of this document. Neither FirstEnergy nor Allegheny Energy undertakes any obligation to update its forward-looking statements to reflect events or circumstances after the date of this document.

ADDITIONAL INFORMATION AND WHERE TO FIND IT

In connection with the proposed merger, FirstEnergy filed a Registration Statement on Form S-4 (Registration No. 333-165640) with the SEC that includes a preliminary joint proxy statement of FirstEnergy and Allegheny Energy and that also constitutes a preliminary prospectus of FirstEnergy. FirstEnergy and Allegheny Energy will mail the definitive joint proxy statement/prospectus to their respective shareholders. **FirstEnergy and Allegheny Energy urge investors and shareholders to read the definitive joint proxy statement/prospectus regarding the proposed merger when it becomes available, as well as other documents filed with the SEC, because they will contain important information.** You may obtain copies of all documents filed with the SEC regarding this proposed transaction, free of charge, at the SEC's website (www.sec.gov). You may also obtain these documents, free of charge, from FirstEnergy's website (www.firstenergycorp.com) under the tab "Investors" and then under the heading "Financial Information" and then under the item "SEC Filings." You may also obtain these documents, free of charge, from Allegheny Energy's website (www.alleghenyenergy.com) under the tab "Investors" and then under the heading "SEC Filings."

PARTICIPANTS IN THE MERGER SOLICITATION

FirstEnergy, Allegheny Energy and their respective directors, executive officers and certain other members of management and employees may be soliciting proxies from FirstEnergy and Allegheny Energy shareholders in favor of the merger and related matters. Information

regarding the persons who may, under the rules of the SEC, be deemed participants in the solicitation of FirstEnergy and Allegheny Energy shareholders in connection with the proposed merger is set forth in the preliminary joint proxy statement/prospectus contained in the above-referenced Registration Statement on Form S-4. You can find information about FirstEnergy's executive officers and directors in its definitive proxy statement filed with the SEC on April 1, 2010 and Annual Report on Form 10-K filed with the SEC on February 19, 2010. You can find information about Allegheny Energy's executive officers and directors in its definitive proxy statement filed with the SEC on March 19, 2010 and Annual Report on Form 10-K filed with the SEC on March 1, 2010. Additional information about FirstEnergy's executive officers and directors and Allegheny Energy's executive officers and directors can be found in the above-referenced Registration Statement on Form S-4. You can obtain free copies of these documents from FirstEnergy and Allegheny Energy using the website information above.

The Skill Builder



Training News and Calendar
A publication of Volunteer West Virginia

Prevention as Community Development: An Initiative of the WV Prevention Resource Center and the WV Community Development Hub

Prevention, sometimes used synonymously with “promotion of well-being,” seeks to change communities by establishing environments that promote health and well-being for all citizens.

The West Virginia Prevention Resource Center (PRC), an affiliate of Marshall University, and the West Virginia Community Development Hub are partnering on a project called *Prevention as Community Development*, which has two linked aims:

1. To develop learning opportunities that will build the capacity of individuals, organizations, and agencies to promote the well-being of their communities; and
2. To expand ideas about what community development and well-being can be.

Prevention as Community Development will support this change by developing, in collaboration with other West Virginia organizations, colleges, and universities, a range of “hands-on” Community Development learning opportunities. These advanced learning opportunities will be designed with community development workers in mind, especially those working in rural areas across West Virginia and Appalachia. The program will also work with community and higher education partners to design undergraduate, continuing education, and independent certificate and degree programs in community development and related fields.

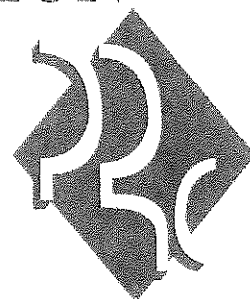
Prevention as Community Development uses an assets-based approach to community development as a way of promoting and sustaining community well-being,” Wayne Coombs, director for Research and Development at the West Virginia Prevention Resource Center, said. “In this kind of approach, people and communities build on their strengths; they identify the assets and opportunities they already have and use those assets and opportunities to build healthier, stronger futures. We are convinced that supporting communities in their prevention and well-being efforts is integral to sustainable community development—development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

Prevention as Community Development is also developing a web site that will highlight the variety of successful and innovative community development work being done around the state and encourage people to think about how their own work and lives fit into these efforts. The web site will profile the broad range of community development efforts that create jobs, reclaim derelict buildings, revitalize towns and cities, improve the environment, promote local arts, celebrate local culture, help communities get and stay healthy, and more.

During the course of the next year, a team of Hub and PRC researchers will be criss-crossing the state, evaluating community learning needs, designing relevant curricula and looking for inspiring stories about community development projects and personalities in West Virginia. We want to hear YOUR STORIES about building stronger communities and better lives. We invite you to tell us about what you need, and about the people, places, and projects that are helping to make your communities better.

Prevention as Community Development is a Program of Regional and National Significance, the funding for which comes from a major Substance Abuse and Mental Health Services Administration grant recently received by the Prevention Resource Center. If you have an idea or story about community development that you'd like to share, contact Elizabeth Campbell at the West Virginia Prevention Resource Center by calling (304)766-6301 or by emailing campbelle@marshall.edu.

WEST VIRGINIA
PREVENTION
RESOURCE
CENTER



Training for Non-Profits

The SkillBuilder

This training calendar is published three times a year in February, May and September by Volunteer West Virginia, the state's Commission for National and Community Service. It is also updated regularly on our website: www.volunteerwv.org

Training information for The SkillBuilder may be submitted at any time by using the convenient online submission form found in the SkillBuilder section of our website www.volunteerwv.org

Next deadline:
August 23, 2010
for events taking place
September 2010 - January 2011
Deadlines apply to print version only

Social Emotional Learning and Conflict Resolution Education

WVU Division of Social Work

May 4, 10am-12pm: Monongalia General Hospital, Morgantown

Instructor(s): Eveldora Wheeler, MSW, MBA

Registration Fee: \$25/\$50 (Approved for CE hours)

Contact: Shelley Hopple, 304-293-3780

Email: shelley.hopple@mail.wvu.edu

Society is perplexed when young students prescribe to a communication method which constitutes bullying, harassment, and violence. Come and explore current research on Social Emotional Learning (SEL). Will all students be prepared for life and succeed at learning? Which student will most likely succumb to the vicious "Culture of Poverty" cycle? SEL identifies strengths and skills youth need to develop healthy social capacities for school and preparation for life. Attend this workshop to learn more about SEL and how to achieve the goal of limiting delinquent behaviors by connecting young students to the community. Case studies will be utilized to identify potential solutions and barriers to change.

Confidentiality, Privacy, and Privileged Communication: Ethical Practice, Better Practice

WVU Division of Social Work

May 4, 1-4pm: Monongalia General Hospital, Morgantown

Instructor: Jennifer Powell, MSW, LGSW, JD

Registration Fee: \$35/\$50 (Approved for CE hours)

Contact: Shelley Hopple, 304-293-3780

Trainings

Email: shelley.hopple@mail.wvu.edu

Social workers are routinely entrusted with highly sensitive, confidential information. How can we meet our legal and ethical responsibilities to maintain confidentiality and minimize the risks of having a complaint filed against us? This workshop will review relevant federal and state statutes and the provisions of the NASW Code of Ethics that govern confidentiality and privileged communication in social work practice. We will also discuss privacy and discuss how we can meet the legal and ethical obligations that all social workers have to maintain for their clients' privacy. This will be a lively, interactive workshop where participants will leave with practical information they can apply in their practice.

Incarcerated Veterans: Justice Programming and Forensic Social Work

WVU Division of Social Work

May 5, 10am-3pm: Ohio Valley Medical Center, Wheeling

Instructor: Brad Schaffer, LMSW, BCD

Registration Fee: \$45 (Approved for CE hours)

Contact: Shelley Hopple, 304-293-3780

Email: shelley.hopple@mail.wvu.edu

Studies have revealed that incarcerated veterans who return to the community frequently encounter difficulties with housing, employment, substance abuse, domestic violence, and sexual, medical, and psychiatric problems. This workshop will inform participants about the dynamics of incarcerated veterans and potential reentry problems. Participants will learn about Veterans Administration services and approaches, such as reentry outreach, jail diversion, and veteran courts that are in place to facilitate reentry and provide support services. Strategies for reentry that result in the most desirable outcomes will be discussed, including the importance of community collaboration.

Fiscal Distress

WVU Division of Social Work

May 7, 10am-12pm: Gaston Caperton Center, Clarksburg

Instructor: Roger Lohmann, PhD, MA, BA

Registration Fee: \$25/\$40 (Approved for CE hours)

Contact: Shelley Hopple, 304-293-3780

Email: shelley.hopple@mail.wvu.edu

Concerns and even fears are widespread today that nonprofit social services may be unable to cope when faced with increasingly hostile and unforgiving resource environments. Is it

possible for an agency or board to predict, with any confidence, whether or not they are in financial trouble before the bottom drops out? To a surprising degree, the answer is "yes." This workshop will review current research-based examples.

Tax Obligations of Tax Exempt Organizations

WVU Division of Social Work

May 7, 1-3pm: Gaston Caperton Center, Clarksburg

Instructor(s): Steven Hoffman, MT, CFP, EA and Joanne Dennison, MS in Ed., CMP

Registration Fee: \$25/\$40 (Approved for CE hours)

Contact: Shelley Hopple, 304-293-3780

Email: shelley.hopple@mail.wvu.edu

Tax obligations of tax exempt organizations can be confusing to nonprofit managers and board members alike. This session will clarify the tax withholding, tax reporting and required tax disclosure obligations of nonprofits. This will help the organization to become and stay compliant with tax laws to maintain the tax exempt status. This workshop is essential for nonprofit managers and board members to gain knowledge of how to protect their most valuable asset -- the tax exemption status of the organization.

The ABCs of ACT: Acceptance and Commitment Therapy

WVU Division of Social Work

May 8 and 22: Robert C. Byrd Health Sciences Center, Charleston

Instructor: Sam Farley, MSW, LCSW

Registration Fee: \$125 (Approved for CE hours)

Contact: Shelley Hopple, 304-293-3780

Email: shelley.hopple@mail.wvu.edu

Acceptance and Commitment Therapy (ACT) is a new model of behavioral intervention to help people learn strategies to live life in the present, more focused on important values and goals and less focused on painful thoughts, feelings and experiences. This two day workshop will provide participants with a basic understanding of ACT skills using personal experience that will allow for further development of those skills.

Community Development Institute East

WVU Extension Service

May 10-14: Bridgeport Conference Center

Instructor(s): Various

Registration Fee: \$550

Contact: Michael Dougherty, 304-293-2559

Email: CDIEast@mail.wvu.edu

CDI East is a five-day event that will feature

thought-provoking topics relevant to the work of leaders and groups in both the public and private sector. The Institute focuses on building alliances and infrastructures to increase a community's economic and social growth by expanding an individual's ability to identify community and economic problems, set goals, encourage liaisons with outside agencies, stimulate community interaction, and bring groups together to respond to a wide range of economic and quality-of-life issues.

Grant Writing & Grantor Research

Nonprofit Education & Training (N.E.T.)

May 12, 9:30am-3:30pm: Scarborough Library, Shepherd University, Shepherdstown
Instructor(s): Amy Owen and Barbara Maxwell

Registration Fee: \$35

Contact: Felicia Fuller, 304-264-0353

Email: ffuller@EWVCF.org

This one-day workshop is a beginner's course on researching prospective corporate and foundation funders (using the Shepherd's Scarborough Library's Foundation Center "Cooperating Collection" resources) and the elements that create a fundable grant request.

Jr. Leadership-Service Summit

HI-Y Leadership Center

June 1-July 3: YMCA Camp Horseshoe

Instructor(s): David King, Doug Wetsch, Charlie Myers and others

Registration Fee: \$350 (Financial aid available)

Contact: Sharon Cassidy, 304-478-2481

Email: sharon@hi-y.org

Middle school teens build a state-wide peer network focused on civic leadership in six days of active learning. Teens return home focused on becoming their best and helping others turn their lives to achievement. Volunteer service, effective student organizations, and learning how to create successful local HI-Y teen civic leadership groups are all part of the six days. The mountain setting also allows one to focus on life, purpose, the future and one's calling.

Entrepreneurship Summit

HI-Y Leadership Center

June 13-19: YMCA Camp Horseshoe

Instructor(s): David King, Susan Rice, Charlie Myers, Doug Wetsch and others

Registration Fee: \$350 (Financial aid available)

Contact: Sharon Cassidy, 304-478-2481

Email: sharon@hi-y.org

High school students engage in six days of active learning focused on entrepreneurship, civic leadership and volunteer service. Teens return home with new insights into careers, education and commitments to take voluntary actions to improve their schools and communities. Sponsorships provided by business, industry, foundations and others

pay \$320 of the student fee with students investing \$30.

Leadership Service Summit

HI-Y Leadership Center

June 20-26: YMCA Camp Horseshoe

Instructor(s): David King, Doug Wetsch, Charlie Myers and others

Registration Fee: \$350

Contact: Sharon Cassidy, 304-478-2481

Email: sharon@hi-y.org

High school students from WV, Ohio and other states engage in six days of active community building, sharpening communication skills, and teamwork as teens identify actions to take back home to improve their schools and communities. Special training sessions focus on strengthening the governance, financing and programming of student organizations. Teens are prepared to participate in HI-Y Youth in Government, Model United Nations and Youth Action Council.

Time Management - Get Organized for Peak Performance

Faces of Leadership Conference

July 20, 1:30-3pm: Charleston Civic Center

Instructor: Timothy Johnson

Registration Fee: Part of conference fee

Contact: Moya Doneghy, 304-558-0111

Email: moya.doneghy@wv.gov

Time is money, the adage goes, and lots of it gets lost in disorganization and disruption. This workshop will help you organize and prioritize for greater workplace efficiency. You'll learn to get a grip on your office space, organize your work flow, say no without guilt, and delegate some of your work to other people.

Be Prepared! How to Keep your Organization Running after an Emergency

Faces of Leadership Conference

July 20, 1:30-3pm: Charleston Civic Center

Instructor: Alexandra Podolny

Registration Fee: Part of conference fee

Contact: Moya Doneghy, 304-558-0111

Email: moya.doneghy@wv.gov

What if there was a serious fire or flood at your organization's building? How would you continue to provide services? Contact employees and volunteers? Continuity of Operations Planning (COOP) ensures that an organization can maintain essential functions during and after any emergency. Learn the key elements of a functional COOP plan. Leave with planning tools for your agency.

Skills that Lead to Action!

Faces of Leadership Conference

July 20, 3:30-5pm: Charleston Civic Center

Instructor: Renee Verbanic

Registration Fee: Part of conference fee

Contact: Moya Doneghy, 304-558-0111

Email: moya.doneghy@wv.gov

Strong communities are built from the gifts and talents of neighbors on Main Street and out in the hollers. Sharing that wisdom (whether it's planting potatoes or learning how to be assertive) makes up the backbone of the community. Come learn, through discussion and small group activities, about the foundation basics of life skills, and how to teach and model skills.

Building a Financial Fortress: Strengthening Communities through Personal Financial Education

Faces of Leadership Conference

July 21, 1:30-5pm: Charleston Civic Center

Instructor: Ronald Hatfield

Registration Fee: Part of conference fee

Contact: Moya Doneghy, 304-558-0111

Email: moya.doneghy@wv.gov

Whether seeking personal financial education or looking for a program to deliver in your community, Financial Fortress may be the program for you! For communities to grow and develop, its members must have the financial wherewithal to contribute with pride. This is a Train the Trainer session. Participants will leave with the materials needed to repeat this program in their communities.

Using GIS in Support of Community-Based Efforts

Faces of Leadership Conference

July 21, 1:30-3pm: Charleston Civic Center

Instructor: Michael Dougherty

Registration Fee: Part of conference fee

Contact: Moya Doneghy, 304-558-0111

Email: moya.doneghy@wv.gov

Discover the "whys" and "hows" of using Geographic Information Systems (GIS) in your work in communities. Why is GIS so powerful? Learn the different ways it can be used, and how to incorporate the technology into a wide range of community efforts such as mapping service locations or needs. Anyone who works in communities in any capacity should be aware of this powerful tool!

Safety Net: Internet Safety Issues

Faces of Leadership Conference

July 22, 11am-12:30pm: Charleston Civic Center

Instructor: Anne Martin

Registration Fee: Part of conference fee

Contact: Moya Doneghy, 304-558-0111

Email: moya.doneghy@wv.gov

Do you know your ASL? WYRN? Can you navigate the Internet confidently and safely... and teach young people to do the same? Become familiar with internet slang, varieties of online communication, cell phone safety, cyber bullying and more. Learn methods of maintaining safety online and evaluate new technology etiquette.



Volunteer
West Virginia

The State's Commission for National and Community Service

P.O. Box 11778
Charleston, WV 25339
1-800-WV HELPS

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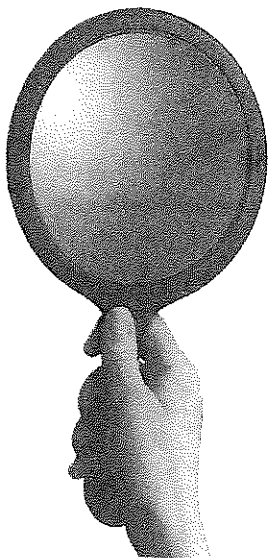
Need Volunteers? Want to Volunteer?

www.volunteerwv.org

Your link to making a difference.

Reflect. Act. Impact.

2010 Faces of Leadership Conference



Join us **July 20-22** at the **Charleston Civic Center** for the state's annual gathering of people strengthening communities through volunteerism and service. This year's state conference on volunteerism, community service and service-learning offers a variety of interesting and innovative presentations and workshop sessions.

- **Renee Verbanic, Luther Snow** and **Timothy Johnson** will provide insightful and inspirational keynote addresses throughout the conference.
- As always, **networking opportunities** abound! Catch up with old friends and make new ones from among the many government officials, business and community leaders, nonprofit and national service staff and volunteers, and members of faith-based organizations who attend the conference.
- More than **50 diverse workshops** guarantee something for everyone.
- Learn about **new state initiatives** from the many exhibitors who attend.

To register, contact Moya Doneghy at (304) 558-0111 or moya.doneghy@wv.gov.
For more information, visit www.volunteerwv.org.

1.800.WVHELPS

www.volunteerwv.org

WEST VIRGINIA LOTTERY

First Benchmark
Charles Town
County / City Split
Fiscal Year 2009

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

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 12.42%	CHARLES TOWN 34.56%	HARPERS FERRY 3.65%	RANSON 35.08%	SHEPHERDS TOWN 14.28%
4 days ending: 7/1/09- 7/14/09	\$ 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	\$ 174,483.08	\$ 174,483.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/08/09	\$ 155,846.74	\$ 138,408.80	\$ 17,437.94	\$ 2,165.79	\$ 6,026.55	\$ 636.48	\$ 6,117.24	\$ 2,481.88
08/15/09	\$ 162,444.28	\$ 61,222.14	\$ 61,222.14	\$ 10,087.79	\$ 26,070.37	\$ 2,984.61	\$ 26,492.73	\$ 11,605.64
08/22/09	\$ 152,520.62	\$ 76,260.31	\$ 76,260.31	\$ 9,471.53	\$ 26,355.56	\$ 2,783.50	\$ 26,752.12	\$ 10,997.60
08/29/09	\$ 160,945.84	\$ 60,472.92	\$ 60,472.92	\$ 9,994.74	\$ 27,811.44	\$ 2,937.26	\$ 26,343.99	\$ 11,548.06
09/05/09	\$ 181,586.30	\$ 60,798.16	\$ 60,798.16	\$ 10,035.13	\$ 27,923.84	\$ 2,948.13	\$ 30,269.45	\$ 12,330.40
09/12/09	\$ 172,573.84	\$ 86,288.92	\$ 86,288.92	\$ 10,716.84	\$ 29,620.76	\$ 3,149.47	\$ 24,559.56	\$ 10,004.45
09/19/09	\$ 140,020.30	\$ 70,010.15	\$ 70,010.15	\$ 8,895.26	\$ 24,195.51	\$ 2,555.37	\$ 24,316.36	\$ 9,905.38
09/26/09	\$ 138,633.74	\$ 69,316.87	\$ 69,316.87	\$ 6,609.16	\$ 23,955.91	\$ 2,530.07	\$ 25,357.93	\$ 10,328.68
10/03/09	\$ 144,572.08	\$ 72,286.04	\$ 72,286.04	\$ 6,977.93	\$ 24,982.08	\$ 2,638.44	\$ 24,433.44	\$ 9,958.08
10/10/09	\$ 139,301.26	\$ 68,650.63	\$ 68,650.63	\$ 6,650.81	\$ 24,071.25	\$ 2,542.25	\$ 25,804.92	\$ 10,511.75
10/17/09	\$ 147,120.42	\$ 73,560.21	\$ 73,560.21	\$ 9,138.16	\$ 25,422.41	\$ 2,684.85	\$ 23,707.65	\$ 8,657.42
10/24/09	\$ 135,163.32	\$ 67,581.66	\$ 67,581.66	\$ 8,393.84	\$ 23,356.22	\$ 2,466.73	\$ 22,636.54	\$ 8,221.09
10/31/09	\$ 129,056.60	\$ 64,528.30	\$ 64,528.30	\$ 8,014.41	\$ 22,300.98	\$ 2,355.28	\$ 22,360.55	\$ 8,108.67
11/07/09	\$ 127,483.18	\$ 63,741.59	\$ 63,741.59	\$ 7,916.71	\$ 22,029.09	\$ 2,326.57	\$ 23,138.64	\$ 9,425.63
11/14/09	\$ 131,919.28	\$ 65,959.64	\$ 65,959.64	\$ 8,192.18	\$ 22,796.65	\$ 2,407.53	\$ 20,889.11	\$ 6,509.27
11/21/09	\$ 119,094.10	\$ 59,547.05	\$ 59,547.05	\$ 7,395.74	\$ 20,579.46	\$ 2,173.47	\$ 25,397.91	\$ 10,345.98
11/28/09	\$ 144,798.98	\$ 72,399.98	\$ 72,399.98	\$ 8,992.08	\$ 25,021.43	\$ 2,642.60	\$ 17,893.08	\$ 7,288.63
12/05/09	\$ 102,013.02	\$ 51,008.51	\$ 51,008.51	\$ 6,335.01	\$ 17,627.85	\$ 1,861.74	\$ 18,403.17	\$ 7,496.62
12/12/09	\$ 104,921.16	\$ 52,460.58	\$ 52,460.58	\$ 6,515.60	\$ 18,130.38	\$ 1,914.81	\$ 15,156.30	\$ 4,692.03
12/19/09	\$ 65,668.76	\$ 32,834.39	\$ 32,834.39	\$ 4,078.03	\$ 11,347.67	\$ 1,198.46	\$ 18,734.94	\$ 7,631.77
12/26/09	\$ 106,812.88	\$ 53,406.34	\$ 53,406.34	\$ 6,833.07	\$ 18,457.23	\$ 1,949.33	\$ 32,617.52	\$ 13,286.90
01/02/10	\$ 185,960.80	\$ 92,980.40	\$ 92,980.40	\$ 11,548.17	\$ 32,134.03	\$ 3,393.78	\$ 19,301.18	\$ 7,862.42
01/09/10	\$ 110,040.92	\$ 55,020.46	\$ 55,020.46	\$ 6,833.54	\$ 19,016.07	\$ 2,008.25	\$ 21,241.39	\$ 8,652.78
01/16/10	\$ 121,102.56	\$ 60,551.28	\$ 60,551.28	\$ 7,520.47	\$ 20,926.52	\$ 2,210.12	\$ 24,538.10	\$ 9,994.93
01/23/10	\$ 138,887.06	\$ 69,943.53	\$ 69,943.53	\$ 8,886.99	\$ 24,172.48	\$ 2,552.94	\$ 17,023.53	\$ 6,934.62
01/30/10	\$ 97,055.50	\$ 48,627.75	\$ 48,627.75	\$ 6,027.15	\$ 16,771.19	\$ 1,771.28	\$ 13,034.02	\$ 5,309.47
02/06/10	\$ 74,310.28	\$ 37,155.14	\$ 37,155.14	\$ 4,614.87	\$ 12,640.82	\$ 1,356.16	\$ 15,562.37	\$ 6,335.33
02/13/10	\$ 86,668.00	\$ 44,334.00	\$ 44,334.00	\$ 5,506.28	\$ 15,321.83	\$ 1,618.19	\$ 26,992.70	\$ 10,995.60
02/20/10	\$ 153,882.24	\$ 76,846.12	\$ 76,846.12	\$ 8,556.71	\$ 28,582.58	\$ 2,808.53	\$ 25,266.16	\$ 10,292.29
02/27/10	\$ 144,048.80	\$ 72,024.40	\$ 72,024.40	\$ 8,945.43	\$ 24,891.63	\$ 2,628.89	\$ 26,988.44	\$ 10,994.28
03/06/10	\$ 153,873.70	\$ 76,936.85	\$ 76,936.85	\$ 9,555.56	\$ 26,589.37	\$ 2,608.20	\$ 24,809.38	\$ 10,146.95
03/13/10	\$ 142,014.74	\$ 71,007.37	\$ 71,007.37	\$ 8,819.12	\$ 24,540.15	\$ 2,591.77	\$ 26,078.95	\$ 10,622.53
03/20/10	\$ 148,670.76	\$ 74,335.98	\$ 74,335.98	\$ 9,232.45	\$ 25,680.31	\$ 2,713.24	\$ 24,535.62	\$ 9,994.69
03/27/10	\$ 138,863.78	\$ 69,941.88	\$ 69,941.88	\$ 8,686.76	\$ 24,171.91	\$ 2,552.68	\$ 24,779.21	\$ 10,093.82
04/03/10	\$ 141,272.56	\$ 70,636.28	\$ 70,636.28	\$ 8,773.03	\$ 24,411.80	\$ 2,576.22	\$ 24,448.23	\$ 9,969.10
04/10/10	\$ 139,385.58	\$ 69,682.79	\$ 69,682.79	\$ 8,665.84	\$ 24,085.83	\$ 2,543.79	\$ 24,323.04	\$ 9,908.10
04/17/10	\$ 138,671.84	\$ 69,335.92	\$ 69,335.92	\$ 8,611.52	\$ 23,952.50	\$ 2,530.76	\$ 24,104.91	\$ 9,819.25
04/24/10	\$ 137,428.22	\$ 68,714.11	\$ 68,714.11	\$ 8,534.29	\$ 23,747.80	\$ 2,508.06	\$ 24,134.71	\$ 9,831.39
05/01/10	\$ 137,598.12	\$ 68,799.06	\$ 68,799.06	\$ 8,544.84	\$ 23,776.95	\$ 2,511.17	\$ 23,846.18	\$ 9,631.97
05/08/10	\$ 134,807.08	\$ 67,403.54	\$ 67,403.54	\$ 8,371.52	\$ 23,294.68	\$ 2,480.23	\$ -	\$ -
Subtotal	\$ 6,162,172.66	\$ 3,537,119.96	\$ 2,626,054.58	\$ 328,031.80	\$ 907,218.65	\$ 96,614.48	\$ 820,859.13	\$ 375,120.31

Benchmark Goal @ 2% \$ 912,063.48
Remainder until 1% / 1% Split \$ -

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

Week Ending Date	Week Ending May 8, 2010 FY10 May 17, 2010
To be Deposited on:	
Amount Played	80,263,787.57
Amount Won	72,121,472.63
Amount Promo	298,137.00
MWAP Contribution	<u>42,842.69</u>
Adjusted Gross Terminal Revenue	<u>7,801,335.35</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>312,058.42</u>
Net Terminal Revenue	<u>7,489,281.93</u>
Surcharge @ 10%	748,928.19
State Share Excess @ 58%	434,378.35
Track Share of Capital Reinvestment @ 42%	314,549.84
Track Share of Capital Reinvestment @ 42% - 96%	\$ 301,987.86
Track Share of Capital Reinvestment @ 42% - 4%	\$ 12,561.98
Adjusted Net Terminal Revenue	<u>6,740,353.74</u>
Racetrack @ 46.50% / 42%	2,830,948.57
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,763,545.03
Race Track Purses @ 7% / 14% / 8%	539,228.30
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	33,701.77
Greyhound Development @ .75%	60,552.65
Thoroughbred Development @ .75%	60,552.65
Racing Commission @ 1%	67,403.54
County/Municipality @ 2%	134,807.08
3% Funds:	
Tourism Promotion Fund @ 1.375%	92,679.86
Development Office Promotion Fund @ .375%	26,276.33
Research Challenge Fund @ .5%	33,701.77
Capitol Renovation and Improvement Fund @ .8675%	46,339.93
2004 Capitol Complex Parking Garage Fund @ .0625%	4,212.72
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>67,403.54</u>
	<u>6,740,353.74</u>

P.O. Box 2067
Charleston, WV 25327



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

John C. Musgrave
Director

To: Controller

Location: Jefferson County Commission

Fax #: (304) 725-7916

Phone #: (304) 728-3284

From: Melissa White ext. 290

Comments:

VIDEO LOTTERY WEEKLY SETTLEMENT REPORT

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

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

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 12.42%	CHARLES TOWN 34.56%	HARPERS FERRY 3.65%	RANSON 35.08%	SHEPHERDS TOWN 14.29%
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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	\$ 174,483.08	\$ 174,483.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
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08/15/09	\$ 162,444.28	\$ 81,222.14	\$ 81,222.14	\$ 10,087.79	\$ 28,070.37	\$ 2,964.81	\$ 28,492.73	\$ 11,806.64
08/22/09	\$ 152,520.82	\$ 78,260.31	\$ 76,280.31	\$ 8,471.53	\$ 26,355.56	\$ 2,783.50	\$ 26,752.12	\$ 10,887.60
08/29/09	\$ 180,945.84	\$ 60,472.92	\$ 80,472.92	\$ 9,994.74	\$ 27,811.44	\$ 2,937.28	\$ 28,229.80	\$ 11,499.58
09/05/09	\$ 161,598.30	\$ 80,798.15	\$ 80,798.15	\$ 10,035.13	\$ 27,823.84	\$ 2,849.13	\$ 28,343.99	\$ 11,546.08
09/12/09	\$ 172,573.84	\$ 86,286.92	\$ 86,286.92	\$ 10,716.84	\$ 29,820.76	\$ 3,148.47	\$ 30,289.45	\$ 12,330.40
09/19/09	\$ 140,020.30	\$ 70,010.15	\$ 70,010.15	\$ 8,685.26	\$ 24,195.51	\$ 2,556.37	\$ 24,559.56	\$ 10,004.45
09/26/09	\$ 198,833.74	\$ 69,316.87	\$ 69,316.87	\$ 9,608.10	\$ 23,955.91	\$ 2,530.07	\$ 24,316.35	\$ 9,905.38
10/03/09	\$ 144,572.08	\$ 72,286.04	\$ 72,286.04	\$ 8,877.93	\$ 24,982.06	\$ 2,638.44	\$ 25,357.93	\$ 10,329.58
10/10/09	\$ 139,301.26	\$ 68,650.63	\$ 68,650.63	\$ 8,650.81	\$ 24,071.25	\$ 2,542.25	\$ 24,433.44	\$ 9,953.08
10/17/09	\$ 147,120.42	\$ 73,560.21	\$ 73,560.21	\$ 9,136.18	\$ 25,422.41	\$ 2,684.95	\$ 25,804.92	\$ 10,511.75
10/24/09	\$ 135,163.32	\$ 67,581.66	\$ 67,581.66	\$ 8,836.84	\$ 23,356.22	\$ 2,466.73	\$ 23,707.65	\$ 9,657.42
10/31/09	\$ 129,056.60	\$ 84,528.30	\$ 84,528.30	\$ 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	\$ 7,818.71	\$ 22,029.09	\$ 2,326.57	\$ 22,360.55	\$ 8,108.87
11/14/09	\$ 131,918.28	\$ 65,959.64	\$ 65,959.64	\$ 8,182.19	\$ 22,795.65	\$ 2,407.58	\$ 23,138.84	\$ 9,425.63
11/21/09	\$ 119,084.10	\$ 59,547.05	\$ 59,547.05	\$ 7,395.74	\$ 20,579.46	\$ 2,173.47	\$ 20,869.11	\$ 8,509.27
11/28/09	\$ 144,799.98	\$ 72,399.98	\$ 72,399.98	\$ 8,992.08	\$ 25,021.43	\$ 2,842.80	\$ 25,397.91	\$ 10,345.95
12/05/09	\$ 102,013.02	\$ 51,006.51	\$ 51,006.51	\$ 8,335.01	\$ 17,627.85	\$ 1,661.74	\$ 17,893.08	\$ 7,268.83
12/12/09	\$ 104,921.16	\$ 52,460.58	\$ 52,460.58	\$ 8,515.60	\$ 18,130.38	\$ 1,914.81	\$ 18,403.17	\$ 7,496.62
12/19/09	\$ 66,888.78	\$ 32,834.39	\$ 32,834.39	\$ 4,078.03	\$ 11,347.57	\$ 1,188.46	\$ 11,516.30	\$ 4,692.03
12/26/09	\$ 106,812.68	\$ 53,406.34	\$ 53,406.34	\$ 6,633.07	\$ 18,457.23	\$ 1,849.33	\$ 18,734.94	\$ 7,631.77
01/02/10	\$ 185,860.80	\$ 92,980.40	\$ 92,980.40	\$ 11,548.17	\$ 32,134.03	\$ 3,393.78	\$ 32,617.52	\$ 13,288.90
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	\$ 121,102.58	\$ 60,551.28	\$ 60,551.28	\$ 7,520.47	\$ 20,926.52	\$ 2,210.12	\$ 21,241.39	\$ 8,652.78
01/23/10	\$ 139,887.06	\$ 69,943.53	\$ 69,943.53	\$ 8,686.99	\$ 24,172.48	\$ 2,552.94	\$ 24,536.19	\$ 9,994.93
01/30/10	\$ 87,055.50	\$ 48,527.75	\$ 48,527.75	\$ 6,027.15	\$ 16,771.19	\$ 1,771.26	\$ 17,023.53	\$ 6,834.62
02/06/10	\$ 74,310.28	\$ 37,155.14	\$ 37,155.14	\$ 4,814.67	\$ 12,840.82	\$ 1,356.18	\$ 13,034.02	\$ 5,309.47
02/13/10	\$ 88,888.00	\$ 44,334.00	\$ 44,334.00	\$ 6,506.28	\$ 15,921.63	\$ 1,618.19	\$ 16,552.37	\$ 6,335.33
02/20/10	\$ 153,892.24	\$ 76,946.12	\$ 76,946.12	\$ 9,556.71	\$ 28,592.58	\$ 2,608.53	\$ 28,992.70	\$ 10,895.80
02/27/10	\$ 144,048.80	\$ 72,024.40	\$ 72,024.40	\$ 8,845.43	\$ 24,881.83	\$ 2,628.89	\$ 25,266.16	\$ 10,292.29
03/06/10	\$ 153,873.70	\$ 76,936.85	\$ 76,936.85	\$ 9,555.56	\$ 25,589.37	\$ 2,808.20	\$ 26,889.44	\$ 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	\$ 10,146.85
03/20/10	\$ 148,870.76	\$ 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	\$ 8,686.78	\$ 24,171.91	\$ 2,552.88	\$ 24,535.82	\$ 9,984.69
04/03/10	\$ 141,272.58	\$ 70,638.28	\$ 70,638.28	\$ 8,773.03	\$ 24,411.90	\$ 2,578.22	\$ 24,779.21	\$ 10,093.92
04/10/10	\$ 139,365.58	\$ 69,682.79	\$ 69,682.79	\$ 8,655.84	\$ 24,065.83	\$ 2,543.79	\$ 24,448.23	\$ 9,859.10
04/17/10	\$ 138,671.84	\$ 69,335.92	\$ 69,335.92	\$ 8,611.52	\$ 23,962.50	\$ 2,530.76	\$ 24,323.04	\$ 9,806.10
04/24/10	\$ 137,598.12	\$ 68,714.11	\$ 68,714.11	\$ 8,534.29	\$ 23,747.60	\$ 2,508.08	\$ 24,104.91	\$ 9,819.25
05/01/10	\$ 134,807.08	\$ 67,403.54	\$ 67,403.54	\$ 8,544.64	\$ 23,776.95	\$ 2,511.17	\$ 24,134.71	\$ 9,831.99
05/08/10	\$ 140,372.84	\$ 70,186.32	\$ 70,186.32	\$ 8,717.14	\$ 24,258.39	\$ 2,661.80	\$ 24,621.35	\$ 10,029.63
Subtotal	\$ 6,302,545.30	\$ 3,607,304.40	\$ 2,695,240.80	\$ 334,746.94	\$ 931,475.24	\$ 98,378.29	\$ 945,480.49	\$ 385,149.94

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

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

Week Ending Date	Week Ending May 15, 2010 FY10 May 21, 2010
To be Deposited on:	
Amount Played	81,079,529.85
Amount Won	72,608,936.06
Amount Promo	301,972.00
MWAP Contribution	<u>45,205.75</u>
Adjusted Gross Terminal Revenue	<u>8,123,417.03</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>324,936.67</u>
Net Terminal Revenue	<u>7,798,480.36</u>
Surcharge @ 10%	779,848.04
State Share Excess @ 58%	452,311.86
Track Share of Capital Reinvestment @ 42%	327,536.18
Track Share of Capital Reinvestment @ 42% - 96%	\$ 314,434.73
Track Share of Capital Reinvestment @ 42% - 4%	\$ 13,101.45
Adjusted Net Terminal Revenue	<u>7,018,632.32</u>
Racetrack @ 45.50% / 42%	2,947,825.59
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,877,639.25
Race Track Purses @ 7% / 14% / 8%	561,490.59
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	36,093.16
Greyhound Development @ .75%	52,639.74
Thoroughbred Development @ .75%	52,639.74
Racing Commission @ 1%	70,188.32
County/Municipality @ 2%	140,372.64
3% Funds:	
Tourism Promotion Fund @ 1.375%	96,506.19
Development Office Promotion Fund @ .375%	26,319.87
Research Challenge Fund @ .5%	35,093.16
Capitol Renovation and Improvement Fund @ .6875%	48,253.10
2004 Capitol Complex Parking Garage Fund @ .0625%	4,386.65
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>70,188.32</u>
	<u>7,018,632.32</u>

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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