

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, JANUARY 20, 2011
9:30 A.M.

County Commission Meeting Room
located at the Old Charles Town Library
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 (sign up form enclosed)

PRESENTATIONS:

1. **9:45 a.m.** **Interviews and Appointments to the Water Advisory Committee**
 - Four 3-year terms ending January 31, 2014 - Discussion/Action

2. **10:00 a.m.** **Interviews and Appointments to the Zoning Board of Appeals**
 - Two 3-year terms ending January 1, 2014 - Discussion/Action

3. **10:15 a.m.** **Lynn Fields and Karen Olden, Probate Office**
 - Quarterly Estate Closings - Discussion/Action

4. **10:30 a.m.** **Break**

5. **10:40 a.m.** **Roger Goodwin, Chief County Engineer**
 - Bond Reduction/Bond Release - WV Hunter LLC and National Land Partners
 LLC - The Point Subdivision, Lots 1-45 (File #04-42) - Discussion/Action

6. **11:00 a.m.** **Public Hearing - Petition for Closing Unused Road, Streets & Travel Ways -**
 Martin and Brenda Lookingbill (David Camilletti, Esq.) - Discussion/Action 11.

7. **11:15 a.m.** **Tom Bayuzik, Development Authority Director**
 - Discuss Forgiveness of \$200,000 - Loan to the Economic Development
 Authority (DM) - Discussion/Action

8. 11:30 a.m. Stephanie Grove, Assistant Prosecuting Attorney
- Legal Update
- Brad Stephen, Attorney - PATH discussion and possible Executive Session
§6-9A-4 - Discussion/Action

OLD BUSINESS:

9. Roger Goodwin, Chief County Engineering
- Request for Tolling of Construction Bond - Thorn Hill, LLC - thorn Hill Subdivision, Lots 1-179 (File #02-17) - Discussion/Action

NEW BUSINESS:

10. Restructuring County Government - Chief Financial Officer (DM) - Discussion/Action
11. Additional County Government Office Space (DM) - Discussion/Action
12. Approval of Proclamation - Recognizing February 2, 2011 as First Anniversary of the Eastern Panhandle Trailblazers and the Birthday of the Eastern Panhandle Recreation Trail (LW) - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- Extra Hour/Overtime Policy - Discussion/Action
- Worker's Compensation Policy - Discussion/Action
- Eastern WV Community Foundation - Update

COUNTY COMMISSION REPORTS

CORRESPONDENCE:

Resignation received from Mike Jacobs as a member of the Parks and Recreation Commission.

Letter received from WVACO regarding Legislative Conference Calls.

Letter received from Loudoun County, Virginia Department of Planning regarding regulations relating to notification of adjacent facilities.

West Virginia Lottery Weekly Settlement received.

Notice of dates that the Board of Review and Equalization will convene.

Notice of Public Information Session for the Board of Review and Equalization - January 27, 2011
at 2:00 p.m.

Reminder - Notice of upcoming Public Hearing:

- January 27, 2011 7:00 p.m. - Amend the County Zoning Map to Consider Urban Growth
Boundaries for Harpers Ferry and Bolivar

RECESS

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

Minutes

Jefferson County Commission

Thursday, January 13, 2011

A meeting of the Jefferson County Commission was held on Thursday, January 13, 2011 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Lyn Widmyer, Patsy Noland, Dale Manuel, Frances Morgan and Walter Pellish; Tim Boyde, County Administrator and Debbie Stellato, Administrative Assistant. (An audio tape of this January 13, 2011 meeting is available through the Jefferson County Commission Office.)

The meeting was called to order at 9:30 a.m. by Commissioner Noland.

PLEDGE OF ALLEGIANCE

Following the Pledge of Allegiance the Commission and those present observed a moment of silence in honor of those who lost their lives or were wounded recently in Tucson, Arizona.

APPROVAL OF MINUTES:

Motion by Ms. Morgan to approve the Minutes of the January 6, 2011 meeting as amended. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF PURCHASE ORDERS:

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$22,276.79, being purchase order numbers: by 48792, 48663, 49148, 49149, 49303, 49235, 49233, 49234, 49236, 49238, 48946, 49128, 48917, 48918, 48919, 48920, 48922, 48923, 48925, 49227, 49228. Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the accounts payable in the amount of \$301,411.63. Motion seconded by Mr. Manuel and unanimously approved.

NEW BUSINESS:

1. **Appointment to the Eastern Panhandle HOME Consortium Council to fill vacancy term ending June 30, 2013.**

Motion by Ms. Morgan to appoint Commissioner Noland to fill the vacancy on the HOME Consortium Council. Motion seconded by Mr. Manuel. Discussion followed regarding the correct procedure for filling the vacancy. It was the consensus of the Commissioners that the position be advertised for two weeks and that the appointee be seated by April 20, 2011. Motion was withdrawn by Ms. Morgan.

Motion by Ms. Widmyer to appointment Commissioner Noland to fill the HOME Consortium vacancy in the interim. Motion seconded by Ms. Morgan and unanimously approved.

PRESENTATIONS:

2. Angela Banks, Assessor - Exoneration

Angela Banks, Assessor, requested exoneration for Charles B. Howard LC in the amount of \$710.46. Charles B. Howard LC (#95318) was out of business July 2009.

Motion by Ms. Morgan to approve exoneration of \$710.46 for Charles B. Howard LC. Ticket No. 305672. Motion seconded by Mr. Manuel and unanimously approved.

Name	District	Type	Ticket #	Amount
Charles B. Howard LC	Charles Town	Personal Property	305672	\$710.46

NEW BUSINESS continued:

3. Approval of Sabrina Vasquez as Full Time Pubic Safety Dispatcher II.

Motion by Ms. Widmyer to approve the employment of Sabrina Vasquez as full time Public Safety Dispatcher II. Motion seconded by Mr. Manuel and unanimously approved.

4. Funding for Copier for Parks and Recreation Commission (DM).

Motion by Mr. Manuel to approve \$3,276.00 for the lease of a new copier for the Parks and Recreation Commission for 2011. Each year thereafter the lease amount will be included in the Parks and Recreation Commission Budget. Motion seconded by Ms. Morgan and unanimously approved.

PRESENTATIONS continued:

5. Tish Appignani - Request the Commission to officially designate a Jefferson County Sesquicentennial Commission with the CVB as the anchor organization.

Presentations by Tish Appignani, Lois Turkov and Dennis Frye of the National Park Service.

Motion by Ms. Morgan to designate a Sesquicentennial Commission as a free standing Commission with CVB as the anchor organization. Motion seconded by Mr. Manuel.

Mr. Pellish amended the motion by adding the appointment of Ms. Morgan to the Steering Committee. Amended motion seconded by Mr. Manuel and unanimously approved.

6. Cheryl L. Keyrouze - West Virginia Outreach of Jefferson County requested funding for a Jefferson County Day at the Capitol, Charleston, WV.

Motion by Mr. Pellish that the Jefferson County Commission approve a \$1,000.00 contribution toward expenses for Jefferson County Day at the Capitol in Charleston, West Virginia. Motion seconded by Mr. Manuel and unanimously approved.

The Commission took a 10 minute break at 10:33 a.m.

The Commission resumed the meeting at 10:41 a.m.

7. **Amy Owen of the Eastern West Virginia Community Foundation initiated a discussion on how the Foundation might serve Jefferson County's Public Funds and its charitable support.**

Following the discussion the Commissioners agreed that this matter should be placed on the Commission's Agenda for the following week for additional discussion.

8. **Stephanie Grove presented a legal update and requested an Executive Session to discuss pending litigation.**

Motion by Ms. Morgan to enter into Executive Session. Motion seconded by Mr. Manuel and unanimously approved.

Commission entered into Executive Session at 11:25 a.m.

Commission resumed regular meeting at 11:55 a.m.

9. **Jennifer Brockman, Director of Planning and Zoning requested the Commission to consider "pre-setting the 3rd Thursday every two months throughout 2011 beginning in January to work on the various amendments to the Subdivision Regulations and Zoning Ordinance.**

Following discussion the consensus of the Commissioners was to place a "tentative hold" on the 3rd Thursday of each month, beginning in February 2011, in the event a work session is necessary.

10. **Jim Taylor, Chief Operating Officer of Briggs Animal Adoption Center offered a presentation on the operation of Briggs and the National Humane Education Society.**

Connie Graf of Spay Today explained the operation of that organization.

Annie Roina and Jeff Bresee from the Animal Welfare Society offered insight into how the Society operates and cooperates with other agencies.

NEW BUSINESS continued:

11. **Discussion regarding the Contract of Lease for the Bardane Public Health Center.**

Motion by Ms. Morgan to approve the renewal of the Contract of Lease for the Bardane Public Health Center. Motion seconded by Mr. Manuel and unanimously approved.

COUNTY ADMINISTRATOR REPORTS:

- Mr. Boyde reported that it will be necessary to reschedule the public hearing on the proposed Amendments to Article 4B, Wireless Telecommunication Facilities and Related Sections of the Jefferson County Zoning and Land Development Ordinance.
- Reported that on January 21, 2011 at 3:00 p.m. he will meet with Judge Yoder and Magistrate Boober to discuss courthouse space.

The Commission suggested that Mr. Boyde advertise the meeting so that all judicial officers can attend.

COUNTY COMMISSION REPORTS:

Commissioner Widmyer:

- Ms. Widmyer advised that Bill Willingham is resigning as Director of Community Ministries to take care of his wife. She suggested that the Commission send him a "thank you" letter when he resigns.

Commissioner Manuel:

- Reported that he attended a Health Insurance Exchange meeting.

Commissioner Morgan:

- Reported that she attended a Board of Health meeting.
- Reported that she attended a Farmland Protection Board meeting.
- Reported that she attended a Community Criminal Justice Board meeting.

Commissioner Pellish:

- Reported that he attended a Planning Commission meeting.

Commissioner Noland:

Advised that she will be submitting her weekly reports in writing.

- Reported that she attended a Farmers' Market Committee meeting.
- Reported that she attended a Convention Visitors Bureau meeting.

Motion by Mr. Manuel to adjourn the meeting. Motion seconded by Ms. Morgan and the meeting was adjourned at 12:35 p.m.

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

PATRICIA NOLAND, PRESIDENT

**PURCHASE ORDERS TO BE APPROVED
THURSDAY, JANUARY 20, 2011**

ASSESSOR

PO NO: 49334	936.00	BERKELEY PRINTING & DESIGN - Assessment forms
PO NO: 49335	1,969.00	BERKELEY PRINTING & DESIGN - Envelopes

CIRCUIT CLERK

PO NO: 48667	148.00	DAYTON LEGAL BLANK, INC. - Jury Book
PO NO: 48670	145.98	PIFER OFFICE SUPPLY: Stamp & refills, tape

COUNTY COMMISSION

PO NO: 49410	101,162.40	WV REGIONAL JAIL- Dec. 10 billing
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COURTHOUSE

PO NO: 49240	250.00	DODSON SEPTIC TANK - Professional services
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ENGINEERING

PO NO: 48534	100.00	INTERNATIONAL CODE COUNCIL - Dues
PO NO: 49363	450.00	UNIVERSITY OF WYOMING - Survey evidence & procedures for boundary locations

OTHER BUILDINGS

PO NO: 49241	508.50	BK OFFICE SUPPLY - Copy paper
PO NO: 49242	2,618.00	TISOR - Software License agreement

PLANNING & ZONING

PO NO: 48938	128.71	BK OFFICE SUPPLY- Pens, folders & battery
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PROSECUTING ATTORNEY'S OFFICE

PO NO: 49124	6,657.54	DELL MARKETING L.P. - 6 Laptops
PO NO: 49129	893.69	SPECIALTY BUSINESS - Office supplies

PO NO: 49130	264.90	STAPLES - Office supplies
PO NO: 49131	262.70	MARCIA L CHANDLER, RPR - Transcripts
PO NO: 49138	301.94	MATTHEW BENDER - Evidence Book

VARIOUS

PO NO: 49230	346.98	FARM PLAN - Materials & Supplies
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<u>GRAND TOTAL</u>	<u>\$117,144.34</u>	
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Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Nichelle Hosby

Department or Entity: Jefferson County Commission

Estimation of amount of time needed for appointment: 10 min

Date Requested – 1st Choice: 1-20-11

Date Requested – 2nd Choice: _____

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

Subject: **Interviews and Appointments to the Water Advisory Committee**

Please provide the County Commission with a description of your request or presentation, including any background information: **Interview and Appoint four individuals to the Water Advisory Committee for a three year term expiring January 31, 2014**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve _____ to the Water Advisory Committee for a three year term expiring January 31, 2014.**

Attachments:

FAXED
12-14-10 12:30

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, January 20, 2011, or as soon thereafter as the Commission may decide:

Water Advisory Committee - 4 - 3 year terms ending January 31, 2014

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

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

SPIRIT OF JEFFERSON:

PLEASE ADVERTISE ON:

December 22 & 29, 2010 & January 6 & 13, 2011

THANKS - JEFFERSON COUNTY COMMISSION

Mark A. Shields
82 Fosters Circle
Shenandoah Jct. WV 25442
December 20, 2010

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

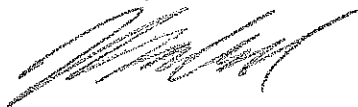
Dear Commissioners:

I am contacting you regarding my term on the Jefferson County Water Advisory Committee that is scheduled to expire on January 31, 2010. I respectfully request the Commission re-appoint me to the committee for a three year term ending January 31, 2014. I am currently a member of the Jefferson County Board of Health and believe the collaboration between the two organizations is most beneficial to the county.

I am confident that I can perform the duties effectively. Furthermore, I am genuinely interested in the water issues faced by the citizens of Jefferson County.

Should you need to reach me, please feel free to call me at (301)-827-6173. Thank you for your consideration.

Sincerely,



Mark A. Shields

Mary T. Sell
P.O. Box 895
Charles Town, WV 25414
304-725-2534 - home
202-215-0270 - cell
marytsell@aol.com

January 14, 2011

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

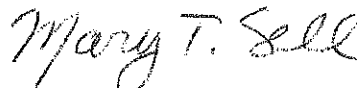
Dear Commissioners,

I hereby submit my letter of interest to serve on the Jefferson County Commission's Water Advisory Committee for a term ending January 31, 2014. If appointed I will endeavor in a collaborative manner, to assist the Water Advisory Committee to advise and inform the County Commissioners on the many complex water issues facing Jefferson County. I have over twelve years experience at the local, state and federal levels, primarily focused on the siting of energy infrastructure, rate recovery, environmental permitting and regulatory compliance. I live on and own, with my husband, a working thoroughbred horse farm in Jefferson County. As a Jefferson County resident, I am following a number of water issues that will require the Commission's action. I appreciate the difficulties in balancing the preservation of the historical and rural landscape of the County with the County's growth and the need for reliable water infrastructure, and for regulatory and environmental compliance. Additionally, I have a particular interest in the concerns of rate payers and appropriate rate recovery for service providers. I would like to contribute my skills and experience to help address these and other issues for Jefferson County. I have attached my resume for your review.

Thank you for your consideration of my interest in serving on the Jefferson County Commission's Water Advisory Committee.

With regards, I am

Very truly yours,



Mary T. Sell

RECEIVED

Enclosure

JAN 18 2011

Jefferson County Commission

Mary T. Sell
P.O. Box 895
Charles Town, WV 25414
304-725-2534 – home 202-215-0270 – cell
marytsell@aol.com

Qualifications

Regulatory and governmental affairs specialist with twelve years of experience in collaborative representation of clients on agricultural, energy, environmental and legislative issues

Regulatory and Governmental Affairs Coordinator 7/2007 – Present
McLeod, Watkinson & Miller, Washington, DC
Key Accomplishments

- Research and monitor USDA, EPA, FDA, CFTC, and FTC proceedings and rulemakings affecting the interests of agricultural and agribusiness clients
- Provide high-level support to clients to ensure compliance with the United States Department of Agriculture's regulations governing the commodity check-off and research programs for beef, dairy products, soybeans and peanuts
- Aid and assist in responses to Freedom of Information Act requests directed to federal agencies with oversight of commodity check off programs
- Respond to congressional inquiries regarding the commodity check off program administration
- Participated in the successful defense and outcome for an agribusiness landowner in a condemnation proceeding brought by a utility under state statute; managed large complex electronic databases comprised of environmental exhibits

Regulatory Representative 1/2000 - 7/2007
NiSource/Columbia Gas Transmission Pipelines, Washington, DC/Charleston, WV
Key Accomplishments

- Advanced the Company's Operating Plan and strategic objectives through the application of broad energy industry expertise to analyze complex regulatory, environmental, legal, legislative proceedings and rulemakings related to:
 - the production, transmission and distribution of natural gas
 - the generation, transmission and distribution of electricity including hydroelectric
 - the implementation of the Energy Policy Act of 2005 (EPACT 2005)
 - the implementation of integrity management programs under the Pipeline Safety Act of 2002 (PSIA 2002)
 - state public service commissions' proceedings concerning electricity deregulation and natural gas competition and choice, for a portfolio that included over 19,000 of transmission pipeline in nineteen jurisdictions and a storage network of approximately 646 bcf; 56,000 miles of distribution pipeline serving 3.3 million customers in nine states; an electric generation

affiliate with 3,392MW of capacity serving over 400,000 customers in Indiana; and a 10MW hydroelectric facility.

- Regularly reported on and attended the Federal Energy Regulatory Commission's (FERC) Open Meetings and federal agencies' technical conferences, summarizing the comments and positions of parties' in the proceedings to assist in the formulation of the Company's positions and written responses
- Monitored the rulemakings of federal agencies' (EPA, MMS, BLM, USDA) to implement the EPACT 2005
- Reported on legal decisions at the United District Court for the District of Columbia, United States Court of Appeals and the U.S. Supreme Court, that impacted the energy industry and the Company's interests
- Alerted and assisted in responding to congressional inquiries regarding Company Projects in a timely fashion, with effective information to address and resolve congressional concerns
- Expertise regarding: cost recovery mechanisms for Company's footprint in the Midwest Independent System Operator's regional transmission electric market and for compliance with mandatory electric reliability standards promulgated by the FERC and the North American Reliability Corporation (NERC).

Executive Director

1/98-12/99

The Greater Merrifield Business Association, Fairfax, VA

Key Accomplishments

- Lobbied local, state and federal government officials for increased funding for transportation and community revitalization monies for the Greater Merrifield community resulting in funding to engage an architectural design firm for preparation and presentation of proposed streetscape community master plan design standards at five community meetings
- Testified at the Virginia Commonwealth Transportation Board (CBT) Six Year Plan Meetings in Richmond, VA, arguing for approval of allocated funding for the Virginia Department of Transportation Budget, to perform an at-grade highway improvement project at a major congestion point in Merrifield, VA; successful in keeping the project on the Six Year CBT funding plan and ultimately fully funded and built
- Master of Ceremonies for two televised "Town Hall Meetings," to develop a vision for the future of mixed-use development in Merrifield, Virginia, including "smart-growth" for the areas proximate to two Washington Metropolitan Transportation Authority Metro Stations (Vienna and Dunn Loring/Merrifield - Virginia Metro stations) in Merrifield, VA
- Introduced and moderated several panels which included two Commonwealth of Virginia Delegates, the Chairman of the Fairfax County Board of Supervisors, the Providence District Supervisor, Fairfax County Planning Commission Staff, Virginia Department of Transportation Staff, members of the business community and local residents
- Participated and reported to the Business Association regarding the Fairfax County sponsored facilitated public meetings ("charettes") soliciting input on commercial and residential neighborhood design and traffic flow for the development of the new Merrifield Master Plan

- Raised the profile and importance of the organization by testifying before the Fairfax Planning Commission and Fairfax County Board of Supervisors for several business development projects that received approval
- Initiated co-sponsorships of political, charitable and networking events with other business organizations.
- Coordinated the organization's annual involvement in Volunteer Fairfax, partnered with the Fairfax County Police Department for an annual miniature golf event with at-risk youths
- Formulated the agenda for the monthly board of directors meetings; prepared the annual pro forma budget; maintained member records and correspondence; and organized luncheons and annual meetings

Affiliations

Women's Council on Energy and the Environment, Washington, DC

- Board Member and Chair of the Special Interest Committees overseeing five committees and twelve committee members programming events in the area of: Energy, Water, International, Climate Change and Sustainability

Education

American Public University System, Charles Town, WV

Pursuing MBA part-time

Major: Economics and Finance

Minor: Emergency & Disaster Management

The College of William and Mary, Williamsburg, VA

Bachelor of Arts degree in History

Nichelle Hosby

From: Robert Denton [RDenton@GeoConcepts-Eng.Com]
Sent: Friday, January 14, 2011 9:09 AM
To: nichelle hosby
Subject: RE: Water Advisory Committee Term Renewal

Dear Nichelle,

As per the Commission's request by letter dated December 14, 2010, I am interested in continuing to serve on the Water Advisory Committee. As such, I am requesting that the Commission renew me for another three-year term.

With regards,

Robert K. Denton Jr., CPG, LRS
Senior Geologist

GeoConcepts Engineering, Inc.
19955 Highland Vista Drive, Suite 170
Ashburn, Virginia 20147
Phone: (703) 726-8030
Fax: (703) 726-8032

www.geoconcepts-eng.com

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Lawton
P.O. Box 430
Charles Town, WV 25414

January 17, 2011

Ms. Nichelle Adams Hosby
Executive Assistant
Jefferson County Commission
P.O. Box 250
124 E. Washington Street
Charles Town, WV 25414

Re: Water Advisory Committee

Dear Ms. Hosby:

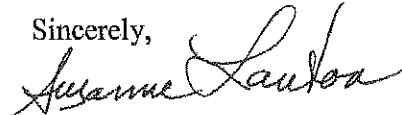
I write in response to your letter dated December 14, 2011 about the January 31st expiration of my term on the Water Advisory Committee. Thank you for this notification.

It was my original understanding that this Committee's purpose was to investigate specific water related issues per the request of the County Commission. I don't think this group functions in this manner. In fact, I'm not aware of anything upon which the Commission has asked us to investigate and report findings. The group picks issues of interest to individual members of the group; often issues already under the purview of other highly qualified groups. The few good projects the group is working on could have been performed by other existing professional groups in the County at the request of the Commission.

It is my opinion that this group should no longer be a County Commission sanctioned committee; yet if the County Commission wishes to continue the group, I hope that you share with them my desire to be reappointed for another term.

I'm grateful to the Commission for the opportunity to serve in the past, and hope to be able to serve again.

Sincerely,



Susanne Lawton

cc: Board of Jefferson County Public Service District

#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: Nichelle Hosby

Department or Entity: Jefferson County Commission

Estimation of amount of time needed for appointment: 10 min

Date Requested – 1st Choice: 1-20-11

Date Requested – 2nd Choice: _____

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

Subject: Interviews and Appointments to the Zoning Board of Appeals

Please provide the County Commission with a description of your request or presentation, including any background information: **Interview and Appoint two individuals to the Zoning Board of Appeals for a three year term expiring January 1, 2014**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve _____ to the Zoning Board of Appeals for a three year term expiring January 1, 2014.**

Attachments:

FAXED
12-14-10 12

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, January 20, 2011, or as soon thereafter as the Commission may decide:

Zoning Board of Appeals - Two - 3 year terms ending January 1, 2014

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

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

SPIRIT OF JEFFERSON:

PLEASE ADVERTISE ON:

December 22 & 29, 2010 & January 6 & 13, 2011

THANKS - JEFFERSON COUNTY COMMISSION



THE COUNTY COMMISSION OF JEFFERSON COUNTY

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



Phone: 304/728-3284

www.jeffersoncountywv.org

Fax: 304/725-7916

December 14, 2010

Jon S. Brusco
21 General Anderson Court
Harpers Ferry, WV 25425

Dear Mr. Brusco:

Please be advised that your term on the Zoning Board of Appeals will expire on January 1 2011. Until the County Commission has acted to appoint someone for another Three year term ending January 1, 2014 term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, January 20, 2011 or as soon thereafter as the Commission may decide.

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

For the Commission,

Nichelle Adams Hosby
Executive Assistant

RECEIVED

DEC 29 2010

JEFFERSON COUNTY COMMISSION

PLEASE TAKE THIS RESPONSE AS MY NOTICE THAT I WOULD LIKE TO CONTINUE MY SERVICE ON THE BOARD OF ZONING APPEALS. PLEASE LET ME KNOW IF THERE ARE ANY ACTIONS YOU REQUIRE ADDITIONALLY FROM ME. THANK YOU!

Jon S. Brusco

Jeff D. Bresee
614 Strider Road
Kearneysville, WV 25430

December 23, 2010

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

Dear Commission Members:

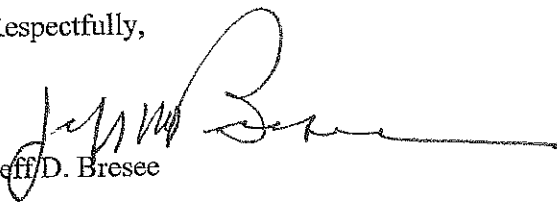
By letter dated January 3, 2008 the Jefferson County Commission was kind enough to reappoint me to serve a three year term on the Jefferson County Board of Zoning Appeals. The term to which I was appointed ends January 1, 2011.

Today, I respectfully request reappointment to the Board of Zoning Appeals for another term, effective January 1, 2011.

For your convenient reference I am attaching a copy of my January 3, 2008 appointment letter and a copy of my current resume.

Please accept my many thanks for your consideration of this request.

Respectfully,


Jeff D. Bresee

Attachments

RECEIVED

DEC 29 2010

Jefferson County Commission



THE COUNTY COMMISSION OF JEFFERSON COUNTY

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

Phone: 304/728-3284

www.jeffersoncountywv.org

Fax: 304/725-7916



January 3, 2008

Jeff D. Bresee
614 Strider Road
Kearneysville, WV 25430

Dear Mr. Bresee:

The County Commission has directed that I contact you concerning your appointment to the Jefferson County Board of Zoning Appeals. The members of the Commission feel that your dedication to the Jefferson County Board of Zoning Appeals has been an asset to its operations and a valuable service to the citizens of Jefferson County.

Therefore, you have been reappointed to the Jefferson County Board of Zoning Appeals for a three year term ending January 1, 2011, in order that the County might continue to receive the benefit of your services.

All representatives serving on Boards, Commissions and Authorities for Jefferson County are required to take an Oath of Office each time they are appointed to a new term. Please contact the County Clerk's office and arrange to take this Oath as soon as possible.

If you have any question concerning your reappointment, please do not hesitate to call.

For the Commission,

Leslie D. Smith
County Administrator

LDS/ssm

cc: County Clerk's Office

JEFFREY DORAN BRESEE
614 STRIDER ROAD
KEARNEYSVILLE, WEST VIRGINIA 25430
304-728-8247

CAPSULE: More than thirty-five years of progressively responsible and in-depth experience in site review, master planning, design and construction of Maryland educational facilities, with the last twenty-two years being in Maryland public school construction project planning and administration. Retired July 1, 2002, since then involved in numerous local volunteer projects and part-time legal work.

EDUCATION: Member, Maryland Bar, December 1973
Juris Doctor, January 1973, University of Maryland School of Law
B.S. Economics, June 1963, University of Oregon

VOLUNTEER AND PROFESSIONAL EXPERIENCE:

Post Retirement Bailiff (Part-Time) with Jefferson County Sheriff's Department
Volunteered at Jefferson Memorial Hospital, Outpatient Surgery Unit (Completed Basic Life Support Class 8/09)
Chair, Jefferson County Board of Zoning Appeals
Completed Educational Specifications for two Frederick County (MD) School Addition Projects, 2007
Completed Land Records Consolidation Project for Frederick County (MD) Public Schools, 2006
Part-Time Legal Work, Local Attorney, 2005
Member Jefferson County Board of Education Impact Advisory Committee
Member Jefferson County Local Powers Act Committee
Member Frederick County (MD) Montessori School Facilities Committee
Past President (7 years) Jefferson County Animal Welfare Society Board of Directors

July, 2002 Retired from Frederick County Public Schools, Frederick, Maryland

1988 to 2002 Frederick County Public Schools, Frederick, Maryland
As **Facilities Planner**, experience of over fourteen years at Frederick County Public Schools includes development of annual and five-year master plan and capital improvement requirements based on enrollment projections, school capacities, and renovation needs; identification, evaluation, negotiation for and acquisition of school sites and other rights in land and preparation of related legal documents; formulation of project budget estimates; written and oral justification of funding requests and securing necessary local and state approvals for projects; working with school system staff in development and writing of educational specifications; managing the architect/engineer and construction manager selection process and contract administration; participation in the design and construction process from preliminary planning to schematics, through bidding, project completion and close-out; meeting with citizen groups and school system and county representatives to explain projects and budgets; supervising and evaluating staff.

1977 to 1988 Maryland Office of Planning, Baltimore, Maryland
As **Coordinator for Planning**, represented the Secretary of State Planning (a Governor's cabinet post) in all matters before the State of Maryland Public School Construction Program (PSCP), and supervised assigned staff, in evaluation of public school construction project funding requests and master plans. The PSCP is a state agency that makes public school construction grants available to Maryland school systems for program and growth related public school new construction and renovation projects.

1969 to 1977 Montgomery College, Rockville, Maryland
As **Associate Director of Facilities**, developed college and campus facility master plans and construction project requirements; prepared materials in support of projects, assisted in selection of architect and engineer; supervised the architectural design process from schematic design through project bidding, construction, acquisition of furniture and equipment, to project completion.

1966 to 1969 Maryland Department of State Planning, Baltimore, Maryland
As **Executive Secretary** to Advisory Council on Higher Education Facilities Acts, administered at the state level a federal construction and equipment grants program for Maryland colleges and universities.

1963 to 1966 U.S. Navy
Officer, stationed at U.S. Naval Amphibious School, Little Creek, Virginia, and on USS OKINAWA (LPH-3).

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>11/20/2011</u></p> <p>Appt Time or New Business: <u>10:16 am</u></p>
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AGENDA REQUEST FORM

Name: Lynn Fields and Karen Olden

Department or Entity: Probate Office

Estimation of amount of time needed for appointment: 10-15 minutes

Date Requested – 1st Choice: January 20th, 2011

Date Requested – 2nd Choice: January 27th, 2011

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

Subject: **Quarterly Estate Closings**

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **To approve the Waivers of Final Settlement and Accountings for estates to be closed January 2011.**

Attachments: **None**

#5

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

AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: January 20, 2011

Date Requested – 2nd Choice: _____

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

Subject: Bond Reduction/Bond Release.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of the Construction Bond security for WV Hunter LLC and National Land Partners LLC – The Point Subdivision, Lots 1-45 (File #04-42) – Letter of Credit #595 with First United Bank & Trust, Moorefield, West Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of the remaining \$65,160.00 construction bond amount for WV Hunter LLC and National Land Partners LLC – The Point Subdivision, Lots 1-45 (File #04-42).

Attachments: Bond Release Letter
Bond Reduction or Release Request Report



JEFFERSON COUNTY COMMISSION

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

Phone: (304) 728-3284 - Fax: (304) 725-9716

Web: www.jeffersoncountywv.org

PRESIDENT

Patsy Noland

VICE PRESIDENT January 20, 2011

Dale Manuel

COMMISSIONER

Frances Morgan

Ms. Dawn White
Commercial Loan Officer
First United Bank & Trust

COMMISSIONER

Walt Pellish

546 South Main Street
Moorefield, West Virginia 26836

COMMISSIONER

Lyn Widmyer

RE: Irrevocable Letter of Credit #595 dated July 7, 2010 Construction Bond Surety for WV Hunter, LLC and National Land Partners LLC - The Point Subdivision, Lots 1-45 (PC File #04-42).

Dear Ms. White:

The Jefferson County Commission authorizes a complete release of the remaining \$65,160.00 construction bond amount for WV Hunter, LLC and National Land Partners LLC - The Point Subdivision, Lots 1-45 (PC File #04-42). This project is located on the north and south side of Winebrenner Road (Route 45/1) adjacent to the Berkeley County Line. The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the remaining amount for the above referenced Irrevocable Letter of Credit, originally issued in the amount of \$999,206.00. Please contact the Engineering Department at (304)-728-3257 if you have any questions.

Sincerely,

Patricia A. Noland, President
Jefferson County Commission

PAN:rfb

cc: Mr. Hunter Wilson, President
Hunter Company of West Virginia
471 B&O Overpass Road
Hedgesville, WV 25427
Charles Town, WV 25414
Department of Engineering

COUNTY ADMINISTRATOR
Tim Boyle

DEPUTY COUNTY ADMINISTRATOR
Sandy Shuster McDonald

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

Email: engineering@jeffersoncountywv.org

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

BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received: 1/3/2011 JCPG File No 04-42

Consultant/Engineer/Firm Name: Hunter Company of WV

Mailing Address: 471 B&O Overpass Road

City: Hedgesville State: WV Zip: 25427-

Contact Person: Jim Wilson Phone: (304) 262-2770

Project/Subdivision Name The Point

Section/Phase: Lots 1-45

Review Comments:

The Bond Release request is Approved

Add items/revise as shown per our comments on your attached bond release/reduction form & resubmit reduction/release request to our office for review and approval.

Some site work has progressed beyond the required "milestone" site inspections that are to be performed by our office. As a result, you will need to schedule the inspections with our Land Development Inspector, and/or provide the certifications noted on the attached "Third-Party Certifications" checklist. Please collect all the required third-party certifications and submit them all at one time along with a copy of this report and the checklist.

Bonding Policy & Unit Cost Figures attached for your use.

Comments:

Recommends granting the bond release in the amount of \$65,160.00

LAND DEVELOPMENT INSPECTION
APPROVED FOR:

BOND RELEASE # 0.00

BY: Norma J. Kuroski 1.4.11

INSPECTOR

DATE

Original Bond Amount: \$999,206.00 Current Bond Amount: \$65,160.00

Cost of Work Remaining: \$0.00 + Contingency Amount: \$0.00

Approved for Revised Bond Amount: \$0.00

Reviewed By: Norma J. Kuroski NJK Title: Land Development Inspector

Signature: Norma J. Kuroski Date: 1/4/2011

Commission Office Use Only	
Date on Agenda:	1-20-11
Appt Time or New Business:	11:00 AM

AGENDA REQUEST FORM

Name: David A. Camilletti, Esquire

Department or Entity: _____

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: January 20, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Petition for Closing Unused Roads, Streets and Travel Ways**

Please provide the County Commission with a description of your request or presentation, including any background information: **The Petitioners state that the portion of the unused road, street, travel way or alley to be closed begins at Washington Street and extends in a southerly direction to a point 255.83 feet from Washington Street - Charles Town, WV**

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

- Attachments:
- Notice
 - Order Setting Hearing
 - Petition (includes map)

NOTICE OF PUBLIC HEARING

Petition for Closing Unused Roads, Streets and Travel Ways

The County Commission of Jefferson County will hold a Public Hearing on Thursday, January 20, 2011, at 11:00 a.m. in the Old Charles Town Library Meeting Room on the ground floor of the Library, 200 East Washington Street, Charles Town, WV 25414.

The purpose of the hearing is to receive public input regarding the Petition filed by Martin Wayne and Brenda Diane Lookingbill for Closing Unused Roads, Streets and Travel Ways.

Anyone wishing to provide written or oral comment may do so at this meeting.

**By Order of The County
Commission of Jefferson County
Patricia A. Noland, President**

BEFORE THE COUNTY COURT OF JEFFERSON COUNTY, WEST VIRGINIA

IN THE MATTER OF: MARTIN WAYNE LOOKINGBILL and
BRENDA DIANE LOOKINGBILL

CASE NO: _____

ORDER SETTING HEARING

This day came the Petitioners, by counsel, David A. Camilletti, Esquire, having previously filed a duly verified Petition of Martin Wayne Lookingbill and Brenda Diane Lookingbill for Closing Unused Roads, Streets and Travel Ways. It appears to the Court by said Petition that the Petitioners are entitled to a hearing on this matter.

It is therefore ORDERED that the Petition of Martin Wayne Lookingbill and Brenda Diane Lookingbill for Closing Unused Roads, Streets and Travel Ways shall be set down for hearing before the County Commission of Jefferson County, West Virginia on the 20th day of January, 2010 at 11:00 o'clock a.m./p.m., or as soon thereafter as Counsel may be heard.

It is further ORDERED that the Petitioner shall cause a duly attested copy of this Order and the Petition of Martin Wayne Lookingbill and Brenda Diane Lookingbill for Closing Unused Roads, Streets and Travel Ways be served upon Southland Corporation, P.O. Box 711, Dallas, TX 752211; and cause Notice of said Hearing to be published as a Class 1 legal advertisement.

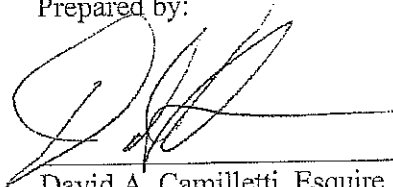
The Clerk shall enter this Order as of the day and date below written and shall transmit two (2) attested copies to David A. Camilletti, Esquire, 103 W. Liberty Street, Charles Town, West Virginia 25414.

ENTERED this 16th day of December, 2010.

Lyn Wringer

President of the County Commission

Prepared by:



David A. Camilletti, Esquire
WV State Bar Id No. 599
Counsel for Petitioners

BEFORE THE COUNTY COURT OF JEFFERSON COUNTY, WEST VIRGINIA

IN THE MATTER OF: MARTIN WAYNE LOOKINGBILL and
BRENDA DIANE LOOKINGBILL

CASE NO: _____

PETITION FOR CLOSING UNUSED ROADS, STREETS AND TRAVEL WAYS

NOW COMES the Petitioners, Martin Wayne Lookingbill and Brenda Diane Lookingbill, by counsel, David A. Camilletti and for their Petition for Closing Unused Roads, Streets and Travel Ways does say as follows:

1. Pursuant to the provisions of West Virginia Code 7-1-3(h) your Petitioners request that their verified application to close or annul the unused road, street, travel way or alley located between his various properties be filed and scheduled for hearing;

2. The Petitioners are the owners of four (4) parcels of real estate in Charles Town District, Jefferson County, West Virginia, being Parcel 76, Tax Map 10A;

3. The attached plat, dated April 11, 2007, prepared by George E. Nagel and Associates, sets forth the four parcels and the unused road, street, travel way or alley to be closed or annulled;

4. The Petitioners state that the portion of the unused road, street, travel way or alley to be closed begins at Washington Street and extends in a southerly direction to a point 255.83 feet from Washington Street.

5. The Petitioners request the closure of the unused road, street, travel way or alley because it has never been opened or traveled;

6. The addition of this closure, to the Petitioner's real estate, would allow the Petitioner to make improvements to the real estate;

7. The Petitioner avers that the closure would not be prejudicial to the County or State;


8. The closure would assist a local ongoing business in its effort to renovate the property and promote additional rental spaces for businesses;

9. The above mentioned statute allows for the County Court of any county to close and vacate any part or all of any such unused road, street or other designated travel way;

10. Petitioners request that the County Court set this matter for a hearing on the Court's next available date and time.

Respectfully submitted,

Martin Wayne Lookingbill and
Brenda Diane Lookingbill, Petitioners
By Counsel



David A. Camilletti, Esquire
WV State Bar ID No. 599
103 W. Liberty Street
Charles Town, WV 25414
304-725-0937
304-725-1039 facsimile

VERIFICATION

STATE OF MARYLAND

COUNTY OF CARROLL, to-wit:

I, Martin Wayne Lookingbill, swear and affirm that the information in the above Petition, which has been supplied by me, is the truth to the best of knowledge and belief.


Martin Wayne Lookingbill

I, CATHY G. MESTAROS a Notary in and for the aforesaid County and

State do hereby certify that Martin Wayne Lookingbill, has this day signed his seal to the Petition and Verification on this the 25th day of October, 2010.


NOTARY PUBLIC

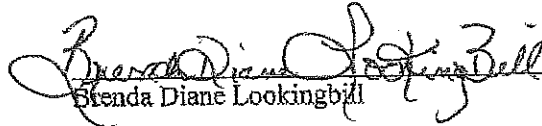
My Commission expires: 4-21-2013

VERIFICATION

STATE OF MARYLAND,

COUNTY OF CARROLL, to-wit:

I, Brenda Diane Lookingbill, swear and affirm that the information in the above Petition, which has been supplied by me, is the truth to the best of knowledge and belief.


Brenda Diane Lookingbill

I, CATHY C. MESZAROS a Notary in and for the aforesaid County and

State do hereby certify that Brenda Diane Lookingbill, has this day signed her seal to the Petition and

Verification on this the 25th day of October, 2010.


NOTARY PUBLIC

My Commission expires: 4-21-2013

NOTES: NO TITLE REPORT FURNISHED FOR THIS SURVEY.

I HEREBY CERTIFY THAT THE POSITION OF EXISTING IMPROVEMENTS SHOWN HEREON HAVE BEEN CAREFULLY ESTABLISHED USING ACCEPTED FIELD PRACTICES.



04/11/07
DATE

George E. Nagel
GEORGE E. NAGEL
PROFESSIONAL LAND SURVEYOR
WEST VIRGINIA REGISTRATION NUMBER
2083

JEFFERSON COUNTY, WV
FILED

May 10, 2007 10:18:59

JENNIFER S. MACHAN

COUNTY CLERK

TRANSACTION NO: 2007010483

Transfer Tax: \$ 3795.00

BOOK OF DEEDS

Book: 1038 Page: 00111

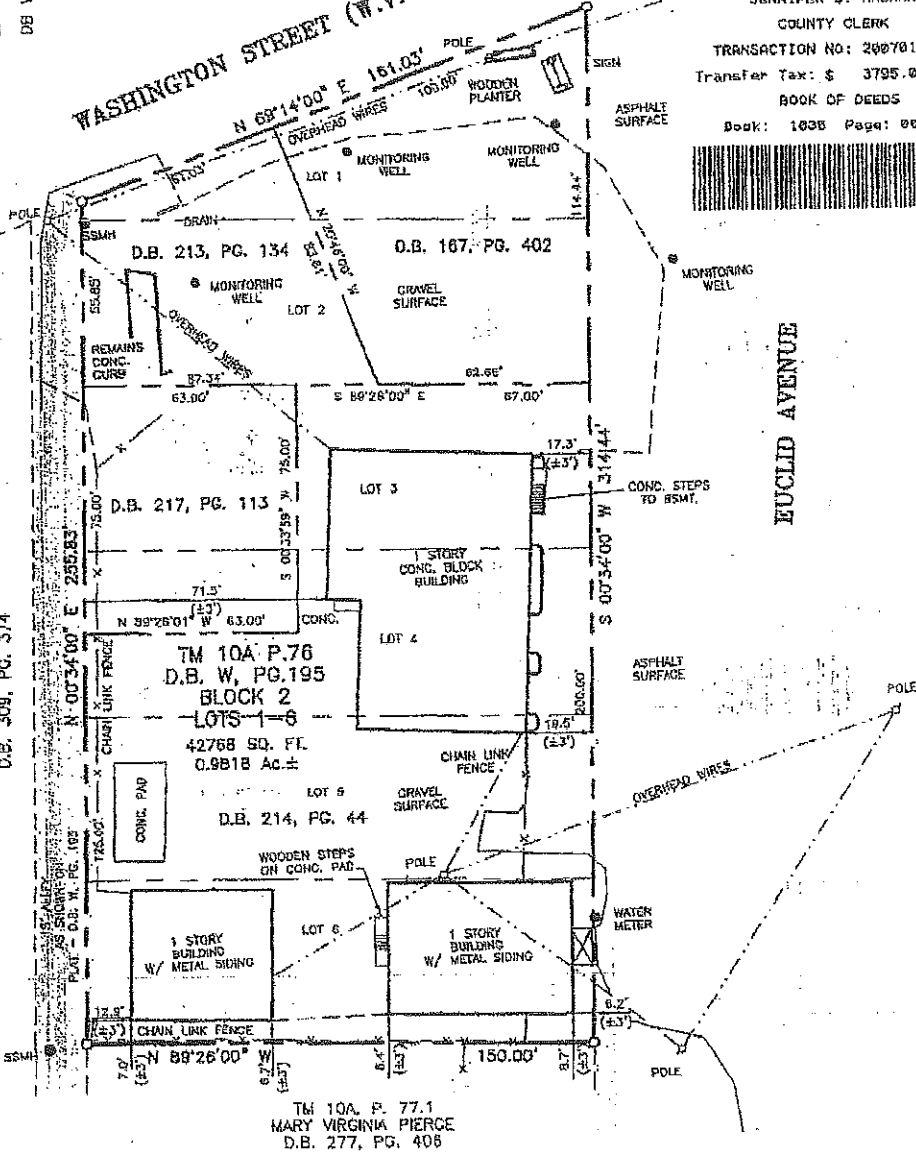


DB W, PG.195

WASHINGTON STREET (W.V. RT. 51)

EUCLID AVENUE

TM 10A, P. 75
THE SOUTHLAND CORP.
D.B. 309, PG. 374



George E. Nagel
& ASSOCIATES, INC.

LAND SURVEYORS
21822 Ringgold Pike | Hagerstown, Maryland 21742
[301] 416-2225 | Fax [301] 416-2738

LOCATION SURVEY
FOR
LOTS 1 - 6, BLOCK 2
(PLAT - D.B. W, PG. 195)
CHARLES TOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA
SCALE 1"=40' APRIL, 2007

<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: Dale Manuel

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: January 20, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Discuss forgiveness of \$200,000 - Loan to the Economic Development Authority**

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

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

Attachments:

#8

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>1-20-11</u></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: 1 hour

Date Requested - 1st Choice: 1/20/11

Date Requested - 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:
Mr. Brad Stephens will be in town.

Subject:
PATH

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

The presentation by Brad Stephens on PATH will be in regards to the impact of tolling & what the strategy of moving forward is in regards to PATH. A possible executive session is requested as well.

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

Attachments:

9

Commission Office Use Only	
Date on Agenda:	1-20-11
Appt Time or New Business:	Old Business

AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested -- 1st Choice: December 2, 2010

Date Requested -- 2nd Choice: _____

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

Subject: Tolling of Construction Bond.

Please provide the County Commission with a description of your request or presentation, including any background information: Herb Jonkers, Manager, Thorn Hill, LLC has requested tolling of the construction bond for the Thorn Hill Subdivision, Lots 1-179.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize the Commission and Staff to accept and execute the Tolling of Bonding Agreement with the developer of the Thorn Hill Subdivision, Lots 1-179, File #02-17.

Attachments: Tolling of Bonding Agreement
Roger Goodwin's Memo dated November 22, 2010

**AGREEMENT REGARDING BONDING OBLIGATIONS AND
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS AGREEMENT REGARDING BONDING OBLIGATIONS AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (this "Declaration") is made and entered into as of the 2nd day of December, 2010, by Thorn Hill, LLC ("Declarant"), and the **COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA** (the "County Commission").

WHEREAS, Declarant is the owner of a certain tract of land located in Jefferson County, West Virginia, legally described in the deed found recorded in the Jefferson County Clerk's Office in Deed Book 959, Page 359 (the "Land"); and

WHEREAS, the Land has been legally subdivided (the "Subdivision") into Thorn Hill Subdivision consisting of (179) single family lots (the "Lots") pursuant to and in accordance with the subdivision ordinance of Jefferson County, West Virginia in effect on July 18, 1979 (the "Subdivision Ordinance"), and as shown on that certain plat of the Thorn Hill Subdivision, Lots 1-179, recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 23 at Page 20 (the "Final Plat"); and

WHEREAS, Declarant posted a bond with the County Commission, in the form of a *letter-of-credit*, in the amount of \$3,500,000.00 (the "Existing Infrastructure Bond") to secure the completion of all infrastructure improvements to be made in connection with the development of the Subdivision (the "Infrastructure Improvements") as itemized on that certain Construction Bond – Estimate, dated September 1, 2005 (the "Bond Estimate"), and approved by the Jefferson County Department of Planning, Zoning & Engineering (the "Department") on October 17, 2005; and

WHEREAS, due to economic conditions in the home building industry, the Declarant has decided to delay construction of the Infrastructure Improvements and, accordingly, has requested that the County Commission modify the Declarant's original bonding obligations with respect to the Subdivision (the "Original Bonding Obligations") until such time as the Declarant commences construction of the Infrastructure Improvements; and

WHEREAS, the County Commission has determined that it is in the best interests of Jefferson County to modify the Original Bonding Obligations until such time as the Declarant commences construction of the Infrastructure Improvements subject to the condition that Declarant execute and record this Declaration which shall run with the Land and be enforceable by the County Commission.

NOW, THEREFORE, in consideration of the premises and the covenants and agreements hereinafter set forth, Declarant declares as follows:

1. **Incorporation of Recitals; Defined Terms.** The foregoing recitals are hereby incorporated into this Declaration by this reference as if fully set forth herein. Capitalized terms used herein and not defined or cross-referenced herein shall have the meanings ascribed to such terms in the Subdivision Ordinance.

2. **Modification of Original Bonding Obligations.**

(a) The County Commission's agreement to modify the Original Bonding Obligations shall be subject to the satisfaction of the following condition precedent (the "Modification Conditions"):

(i) The Declarant submits to the Department a surety in the amount of \$10,000 as a Site Stability Bond.

(b) Upon satisfaction of the Modification Condition, the County Commission shall return the Existing Infrastructure Bond to the Declarant and the Original Bonding Obligations shall be deemed modified as follows:

(i) Unless and until Declarant commences the construction of any Infrastructure Improvements, the Declarant's bonding obligations with respect to Subdivision shall be limited to posting a \$10,000 surety as a Site Stability Bond with the County Commission and complying with the provisions of the Bonding Policy with respect to the Site Stability Bond; provided, however, that no infrastructure improvements shall be required to be made to the Land as a condition of keeping the Site Stability Bond in place.

(ii) No Infrastructure Improvements, including without limitation any Site Stability Work, shall occur or be permitted on the Land (other than the continuance of an agricultural use existing on the land prior to this agreement, and/or mowing and other routine maintenance required to preserve the appearance of the Land and the health and safety of the community) unless and until the Declarant submits to the Department, and the Department approves, a new cost estimate for all Infrastructure Improvements, and the Declarant posts an approved surety with the County Commission in the amount of 115% of said estimate in accordance with the Bonding Policy (the "New Infrastructure Bond"). Upon posting of the New Infrastructure Bond, and provided Declarant is not then in default under this Declaration, the County Commission shall return the surety for the Site Stability Bond to the Declarant.

(iii) Once the New Infrastructure Bond has been posted with the County Commission, the County Commission shall hold the New Infrastructure Bond in accordance with the Bonding Policy and the Declarant shall thereafter comply with all provisions of the Bonding Policy. The County Commission shall be under no obligation to grant further modifications to the Declarant's bonding obligations with respect to the Subdivision. The provisions of this Section 2(b)(iii) shall survive termination of this Declaration.

3. **Covenant Not to Commence Construction.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, Declarant shall not commence, or cause any third party to commence, the construction of any Infrastructure Improvements, including without limitation any Site Stability Work.

4. **Covenant Prohibiting Construction of Homes or Sale or Transfer of Lots.**
In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, (a) Declarant shall not commence, or cause any third party to commence, the construction of any single family residence or other structure on any portion of the Land, and (b) Declarant shall not sell or transfer any Lot. Notwithstanding the foregoing, Declarant may transfer the entire Subdivision to a single transferee subject to the terms and provisions of this Declaration; provided, that such transferee expressly assumes the obligations of Declarant under this Declaration by a written agreement satisfactory to the County Commission.

5. **Default.**

(a) The failure of Declarant to observe or perform any of the covenants, conditions or obligations of this Declaration shall constitute a default under this Declaration. If Declarant fails to cure any default within thirty (30) days after the issuance of a notice by the County Commission, specifying the nature of the default; the County Commission may exercise any rights and remedies it may have hereunder or applicable law. Notwithstanding the foregoing, Declarant shall not be entitled to any notice of a violation of the covenant not to sell or transfer any Lot under Section 4(b) of this Declaration.

(b) The County Commission shall have the right to bring any proceedings at law or in equity against the Declarant for violating or attempting to violate or defaulting upon any of the provisions contained in this Declaration, and to recover actual damages for any such violation or default. Such proceeding shall include the right to restrain by injunction any violation or threatened violation by the Declarant or any other person of any of the terms, covenants or conditions of this Declaration, or to obtain a decree to compel performance of any such terms, covenants or conditions. All of the remedies permitted or available to the County Commission under this Declaration or at law or in equity shall be cumulative and not alternative, and the invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right or remedy. In any action brought by the County Commission pursuant to these provisions, the County Commission will be entitled to costs (including but not limited to its reasonable attorneys' fees). In addition, the County Commission shall have the right to draw on the Site Stability Bond and apply the proceeds thereof in accordance with the Bonding Policy.

(c) The maximum length of time for tolling the bond shall be four (4) years. At the time of executing this agreement, the Declarant shall execute a merger deed that merges the lots back into the parent tract. The merger deed shall be held by the Bonding Administrator for the Jefferson County Commission. If the Declarant fails to repost the New Infrastructure Bond and the Bond Surety within four (4) years of the date of this agreement, the County Commission shall have the right to record the merger deed and revoke all project approvals; and the \$10,000 surety for the Site Stability Bond shall be forfeited to the County Commission. The merger deed may not be recorded by the County Commission if the Declarant reposts the Construction Bond and Bond Surety prior to expiration of the four (4) year tolling period; in such case, the merger deed shall be returned by the County Commission to the Declarant. In the event of recordation of the merger deed, the parent tract

and residue parcel shall retain all future development rights under the land development ordinances in effect at the time the future application for land development is presented to the County.

6. **Waiver.** No waiver by the County Commission of any default under this Declaration shall be effective or binding unless made in writing by the County Commission and no such waiver shall be implied from any failure of the County Commission to take any action with respect to any default or violation.

7. **Binding Effect.** The terms of this Declaration shall constitute covenants running with the land and shall bind the Land described herein and inure to the benefit of and be binding upon the Declarant and all parties having any right, title or interest in the Land (or any part thereof), their heirs, successors, successors-in-title and assigns. This Declaration is not intended to supersede, modify, amend or otherwise change the provisions of any prior instrument affecting the land burdened hereby.

8. **Amendment of Declaration.** This Declaration may not be amended except by a written agreement executed by the Declarant and the County Commission and recorded in the Office of the County Clerk of Jefferson County, West Virginia.

9. **Declaration Shall Continue Notwithstanding Breach.** It is expressly agreed that no breach of this Declaration shall entitle the Declarant to cancel, rescind, or otherwise terminate this Declaration

10. **Term of this Declaration.** This Declaration shall be effective as of the date first above written and shall continue in full force and effect until the Declarant satisfies the conditions set forth in Section 2(b)(ii) above. Upon the termination of this Declaration, all rights and privileges derived from and all duties and obligations created and imposed by the provisions of this Declaration, except for the provisions of Section 2(b)(iii) above, shall terminate and have no further force or effect.

11. **Recordation.** This agreement shall be recorded in the Office of the Clerk of the Jefferson County Commission in both the name of the developer and the project name. It shall be the Declarant's responsibility to record the agreement and provide the Bonding Administrator with confirmation of such recordation in the form of the deed book and page number reference.

Thorn Hill Subdivision, Lots 1-179
(Subdivision Name)

Jefferson County Planning Commission File No. 02-17

Herbert Jonkers, Manager, Thorn Hill, LLC
(Applicant/Developer Name)

By: _____ Date: ____/____/____

Print Name: _____ Title: _____

(Notary Certification Shall Be On The Same Page As The Signatures Being Notarized)

STATE OF _____, COUNTY OF _____, to wit:

I _____, a Notary Public in and for the State and County aforesaid, do hereby certify that _____ and _____, as _____ and _____, respectively of the _____, whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

Given under my hand this ____ day of _____, 20____.

My Commission Expires: _____

COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

By: _____ Date: ____/____/____

Print Name: _____, President

(Notary Certification Shall Be On The Same Page As The Signatures Being Notarized)

STATE OF _____, COUNTY OF _____, to wit:

I _____, a Notary Public in and for the State and County aforesaid, do hereby certify that _____ and _____, as _____ and _____, respectively of the _____, whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

Given under my hand this ____ day of _____, 20____.

My Commission Expires: _____

ATTEST:

Jennifer S. Maghan
Clerk, County Commission of Jefferson County, WV

MEMORANDUM

Jefferson County, West Virginia Engineering Department

TO: County Commission of Jefferson County

FROM: Roger Goodwin *RIG*
Chief County Engineer

DATE: November 22, 2010

SUBJECT: Thorn Hill Subdivision (JCPC File no. 02-17) – Tolling of Bonding Request

This memorandum is in response to the attached letter from Mr. Herb Jonkers on behalf of Thorn Hill, L.L.C., dated November 17, 2010, requesting to be allowed to toll the bond on the Thorn Hill Subdivision. My comments are as follows:

1. The project is a residential subdivision consisting of 179 lots in the Thorn Hill Subdivision located on Kabletown Road, in the Charles Town Tax District, Tax Map 19, Parcel 14.
2. The Developer is:

Thorn Hill, L.L.C.
P.O. Box 169
Harpers Ferry, WV 25425
3. The initial/current bond amount is \$3,500,000.00
4. No work has started and no lots have been sold.
5. The developer is requesting to be allowed to toll the bond for the following reason:

“...the reason I am asking for tolling of the bonding requirement for the recorded plat of the Thorn Hill subdivision, is because of the economic conditions in the home building industry. The outlook for the industry is for a slow recovery over the next 3 to 4 years.”

6. The bonding policy states that:

"During periods of economic downturn (i.e., downturn in housing market due to economic conditions, loss of source of project financing/capitol necessary to begin the project, etc.), as determined by the Jefferson County Commission, the owner/developer may defer construction and obtain temporary partial release of construction bond and surety on projects that are recorded and bonded, but have not started construction of site improvements and/or sold any lots or portions of the subdivided parcel."

7. Tolling of the bond will result in the following:

- A. The developer is required to execute the Tolling of Bonding Agreement and provide a merger deed and a \$10,000 surety as a Site Stability Bond.

The Tolling of Bonding Agreement will be recorded at the County Clerk's office so that the restriction placed on the lots preventing them from being sold will be found through a title search. The merger deed and the Site Stability Bond will be held by the Bonding Administrator. If the developer defaults on any of the terms of the agreement the County Commission can direct the Bonding Administrator to record the merger deed at the County Clerk's office. The merger deed merges all the lots and returns the parcel/property to its original state prior to subdivision of the land, essentially removing the subdivision plat from record. In addition, the \$10,000 surety for the Site Stability Bond is forfeited to the County Commission.

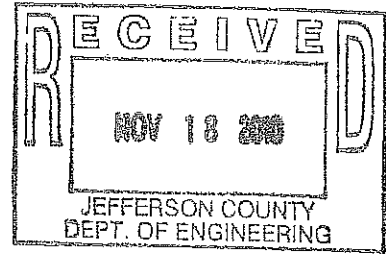
- B. Tolling of the bond has a 4-year time limit. If the developer fails to re-post the full construction bond before expiration of the time limit, the developer will be in default of the agreement.
- C. The developer cannot begin any site improvements or sell any lots as long as the bond is being tolled.
- D. In order to begin installation of the site improvements and/or to sell lots, the developer is required to stop tolling the bond. In doing so, the developer is required to re-post the full amount of the construction bond at the current construction costs at that time. Once the construction bond is reposted,

the merger deed and the \$10,000 surety are returned to the developer.

- E. The developer may toll the bond on any subdivision, or phase of a subdivision, only one time. Once the developer stops tolling of the bond and re-posts the new construction bond the developer shall complete the required site improvements in accordance with the bonding policy.

Recommendation: The project meets the requirements to be allowed to toll the bond. Recommend authorizing the Commission President and staff to execute the Tolling of Bonding Agreement with the developer, provided the County Commission finds that it is justified due to current economic conditions.

02-17



Rebecca F. Burns
Office Mgr/Bonding Administration
Jefferson County Engineering Dept.
116 East Washington St
Charles Town, WV 25414
November 17, 2010

Dear Mrs. Burns;

As requested, attached please find the legal description (exhibit A) of the Thorn Hill property taken from its title policy.

Also as requested, the reason I am asking for the tolling of the bonding requirement for the recorded plat of the Thorn Hill subdivision, is because of the economic conditions in the home building industry. The outlook for the industry is for a slow recovery over the next 3 to 4 years.

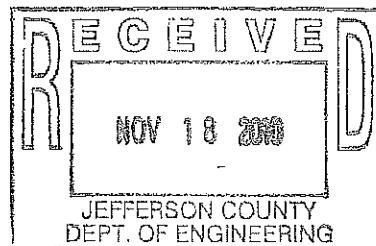
Thank you for your aid in this matter,

Sincerely,

Herb Jonkers
Manager
Thorn Hill, LLC

02-17

EXHIBIT A




All that certain parcel of real estate, with the improvements thereon and appurtenances and rights-of-way thereunto belonging, about two miles east of Charles Town in Charles Town District, Jefferson County, West Virginia, on the east side of West Virginia State Route 25, containing 162 acres, more or less, as the same is described by metes and bounds in a deed dated December 9, 1971 from Elizabeth D. Myers, widow, to Nell M. reed, et al., recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia in Deed Book 337, at Page 207 and to which reference is made, LESS AND EXCEPTING a parcel containing 3.0003 acres conveyed by Nell M. Reed, et al., to Henry W. Morrow, Trustee, by deed February 24, 1989, recorded in the aforementioned Clerk's Office in Deed Book 625, at Page 160.

MEMORANDUM

Jefferson County, West Virginia Engineering Department

TO: County Commission of Jefferson County

FROM: Roger Goodwin 
Chief County Engineer

DATE: December 9, 2010

SUBJECT: Thorn Hill Subdivision (JCPC File no. 02-17) – Tolling of Bonding Request

This memorandum is a follow up to the postponement of action by the County Commission on the request for tolling of bonding by Mr. Herb Jonkers on behalf of Thorn Hill, L.L.C. At the December 2, 2010, meeting, the County Commission directed staff to determine how the recent sale of the property to the State of West Virginia – due to taxes owed by the developer - affects the ability of both parties to enter into an agreement to toll the bonding. The following are my comments:

1. Since the last meeting, staff received a copy of the Certificate of Administrative Dissolution issued by the WV Secretary of State's Office to Thorn Hill LLC., on November 1, 2010; and
2. Staff received a copy of a letter to Thorn Hill, LLC from the WV Secretary of State's Office stating that:

"Limited liability companies.....that have been administratively dissolved or revoked may not continue to do business except those actions necessary to close the business and give notice to creditors."

3. I contacted the WV Secretary of State's Office and was advised that Jefferson County should not enter into any agreement with Thorn Hill LLC, until Thorn Hill LLC is found to be "in good standing" with the State of West Virginia.

Recommendation: Therefore, I recommend that the Jefferson County Commission not consider entering into an agreement with Thorn Hill, LLC, to toll the bond, until they can demonstrate that they are in good standing with the State of West Virginia.

West Virginia Secretary of State's Office
Business and Licensing Division
P.O. Box 40300
Charleston, WV 25364



Natalie E. Tennant
West Virginia Secretary of State
November 1, 2010

THORNHILL LLC
PO BOX 341
MILLWOOD, VA 22646

Dear Business Owner:

Our office did not receive your limited liability or professional limited liability company's 2010 annual report and/or the annual filing fee that is required by West Virginia Code that was due by close of business on October 31, 2010. Therefore, as required by West Virginia Code, we are enclosing a Certificate of Administrative Dissolution (if domestic) or a Certificate of Revocation (if foreign) for your organization.

Limited liability companies or professional limited liability companies that have been administratively dissolved or revoked may not continue to do business except those actions necessary to close the business and give notice to creditors. However, if your company would like to continue doing business in West Virginia, we can assist you. Please see the instructions listed below if you want to reinstate your organization.

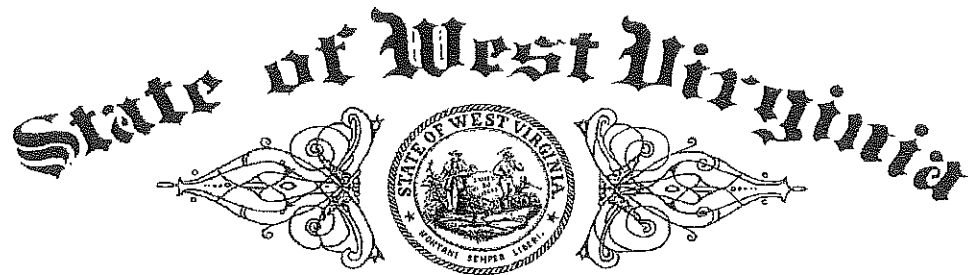
Should you feel that you have received this letter in error, or if you have any questions, please contact our office toll free at 1-866-767-8683, and ask to speak with a member of our Business Division.

Penney Barker, Manager/Business and Licensing Division

Steps for reinstating a revoked or administratively dissolved Limited Liability Company or Professional Limited Liability Company

1. Complete the application for reinstating your organization which includes the annual report. This form, LLD - 10, may be obtained from our website www.wvsos.com, or can be mailed or faxed to you.
2. Obtain a certificate from the tax department confirming that all taxes owed by the company have been paid. The numbers for the tax department are: 304-558-0678, 304-558-1114, 304-558-8695, or 304-558-8618.
3. Include a payment of \$150 (\$25 for the reinstatement fee, \$100 for the delinquent fee and \$25 for the annual report fee).
4. Please make the \$150 check or money order payable to the West Virginia Secretary of State and mail the check and the above forms required for reinstatement to the following address:

West Virginia Secretary of State's Office
Business/Licensing Division
1900 Kanawha Blvd., East, Suite 157-K
Charleston, WV 25305



I, Natalie E. Tennant, Secretary of State, of the State of West Virginia, hereby certify that

THORNHILL LLC

has failed to file its annual report and/or pay the annual report fee as required by West Virginia law.

Therefore, I issue this

CERTIFICATE OF ADMINISTRATIVE DISSOLUTION



Given under my hand and the Great Seal of West Virginia
on this day

(November 1, 2010)

Natalie E. Tennant

State of West Virginia



Certificate

I, *Natalie E. Tennant, Secretary of State of the State of West Virginia*, hereby certify that

THORNHILL LLC

has met the requirements for reinstatement of their organization as required by the West Virginia Code.

Therefore, I hereby issue this

CERTIFICATE OF REINSTATEMENT



Given under my hand and the Great Seal of the State of West Virginia on this day of December 27, 2010

Natalie E. Tennant
Secretary of State

Natalie E. Tennant
Secretary of State
1900 Kanawha Blvd E.
Bldg 1, Suite 157-K
Charleston, WV 25305



FILED

DEC 27 2010

IN THE OFFICE OF
SECRETARY OF STATE

Punney Barker, Manager
Corporations Division
Tel: (304)558-8000
Fax: (304)558-8381

Hours: 8:30 a.m. - 5:00 p.m. ET

FILE ONE ORIGINAL
(Two if you want a filed
stamped copy returned to you)
FEE: See Statement Below

WEST VIRGINIA APPLICATION FOR
REINSTATEMENT OF A REVOKED OR
ADMINISTRATIVELY DISSOLVED
LIMITED LIABILITY COMPANY

In accordance with the Code of West Virginia, the undersigned organization adopts the following Articles of Reinstatement of its Limited Liability Company

1. The name of the organization is: Thornhill LLC
2. Date the organization was revoked or administratively dissolved by the WV Secretary of State's Office: 11/1/10

Read the following statements and check the boxes accordingly: (be sure you have met ALL the requirements below to reinstate before submitting your application)

- The organization states that the reason for revocation or dissolution has been eliminated and that the name satisfies the name requirements as required in the West Virginia Code.
- The organization has obtained a letter of good standing from the West Virginia Tax Department, which certifies that all taxes owed by the company have been paid, and the letter of good standing or a copy of the letter is hereby attached to this application for reinstatement.
- Attached is the annual report required to be filed by the company.
- Included with the reinstatement documents is payment of \$25 for the reinstatement application, \$100 delinquent fee and \$25 for each delinquent annual report that is being submitted. Each year an annual report is due by July 1st.

Contact name and number: Herb Jonkers (304) 703 627 0935
(listing one may help to avoid a return or rejection of filing if there appears to be a problem with the document)

Name: HERBERT JONKERS Phone: 12/2/10 703 627 0935

Signature of person executing document:

Signature: Herb Jonkers Title: Manager



State Tax Department, Admin Support
1001 Lee St. East
Charleston, WV 25301



Earl Ray Tomblin, Governor

Craig A. Griffith, Tax Commissioner

THORNHILL LLC
120 N GEORGE ST
CHARLES TOWN WV 25414-1502

Letter Id: L0445553120
Issued: 12/17/2010

**West Virginia State Tax Department
Statement of Good Standing**

EFFECTIVE DATE: December 17, 2010

A review of tax accounts indicates that the above named taxpayer is in good standing as of the effective date of this document.

The issuance of this Statement of Good Standing shall not bar any audits, investigations, assessments, refund or credits with respect to the taxpayer named above and is based only on a review of the tax returns and not on a physical audit of records.

Sincerely,

Darlena Lilly, Tax Unit Supervisor
Administrative Support Unit
Tax Account Administration Division

wd.101 v 14

Admin Support ■ 1001 Lee St. East ■ Charleston, WV 25301
Fax (304) 558-8643 ■ www.wvtax.gov

Annual Report for 2010 (year)
Limited Liability Companies

1. Name of Organization: Thornhill LLC

2. Organization or jurisdiction from: 2007 In which state: WV

3. Tax ID: # 25 0182143 County Code: _____ BUSINESS CLASS CODE: _____

4. Principal Office Address: P.O. Box 97
Rippon WV 25441

5. Principal Mailing Address: Same

6. Name and Mailing Address of person to whom notice of process may be sent:
HERBERT JUNKERS
12 BURNS FARM RD.
Charles Town WV 25414

*If new agent furnish new agents signature: Herbert Junkers

7. Business email address to whom correspondence may be sent: hapjunkers@yahoo.com

8. Manager Information: Complete this section only, if you were set up as a manager-managed company. List the name and address of each manager having signature authority to sign filings (attach additional page if necessary)

Name	Mailing Address
Manager: <u>HERBERT JUNKERS</u>	<u>P.O. Box 97 Rippon WV 25441</u>
Manager: _____	_____

9. Member Information: Complete this section only, if you were set up as a member-managed company. List the name and address of each member having authority to sign filings (attach additional page if necessary):

Name	Mailing Address
Member: _____	_____
Member: _____	_____
Member: _____	_____

10. Report must be signed in the name of the company by a: (1) manager of a manager-managed company or (2) member of a member-managed company.

Signature: Herbert Junkers Date Signed: 12/9/10
Title/Capacity of Person Signing: Manager Telephone: 703 627 0935

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

AGENDA REQUEST FORM

Name: Dale Manuel

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: January 20, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Restructuring County Government: Chief Financial Officer**

Please provide the County Commission with a description of your request or presentation, including any background information: **Discussion and possible action**

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

Attachments:

11

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

AGENDA REQUEST FORM

Name: Dale Manuel

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: January 20, 2011

Date Requested – 2nd Choice: _____

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

Subject: Additional County Government Office Space

Please provide the County Commission with a description of your request or presentation, including any background information: **Discussion and possible tour of a site**

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

Attachments:

Commission Office Use Only
Date on Agenda: <u>1-20-11</u>
Appt Time of <u>New Business</u> :

AGENDA REQUEST FORM

Name: Lyn Widmyer

Department or Entity: _____

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: January 20

Date Requested – 2nd Choice: _____

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


Subject: Approve Proclamation recognizing February 2, 2011 as first anniversary of the Eastern Panhandle Trailblazers and the birthday of the Eastern Panhandle Recreation Trail.

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

The Eastern Panhandle Trailblazers was formed with the help of Region 9 and includes an active Board committed to promoting the development of bicycle and walking trails in the Eastern Panhandle. This proclamation recognizes their work and their commitment to the Eastern Panhandle Recreational Trail as a signature project.

The support and commitment of the Eastern Panhandle Trailblazers will help expand the Rt. 9 bikepath to create a bikeway system that links Morgan, Berkeley and Jefferson Counties.

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

Attachments:  **EPTB PROCLAMATION FINAL.doc**
31K [View](#) [Download](#)

PROCLAMATION

Whereas, the activities of walking, running, and bicycling have profound and positive impacts on personal and social health, mobility, economic development, recreation, and tourism for people of all ages, skill levels, and economic circumstances;

Whereas, a variety of convenient, safe, and attractive trails is required to support walking, running, and bicycling activities;

Whereas, the variety of such trails to, from, within and across Jefferson, Berkeley, and Morgan Counties is currently quite limited;

Whereas, all citizens and governments within Jefferson, Berkeley, and Morgan Counties, plus numerous other constituents and organizations within and beyond these borders share an interest in improving walking, running, and bicycling opportunities in this region;

Whereas, WV's Region 9 Planning and Development Council assisted in creating the **Eastern Panhandle Trailblazers to facilitate trail development to/from/within/across **Jefferson, Berkeley, and Morgan Counties** in order to improve walking, running, and bicycling opportunities in this region;**

Whereas, the *Eastern Panhandle Trailblazers* has embraced the **Eastern Panhandle Recreational Trail as its signature project. This trail anticipates a safe, attractive, uninterrupted pathway for walking, running and bicycling from Harpers Ferry, WV to Berkeley Springs, WV (via Ranson, Martinsburg, and Hedgesville) utilizing trails already constructed or planned along WV Route 9, the Raleigh Street Extension, and Edwin Miller Boulevard, with connecting spurs to the Potomac and Shenandoah Rivers and from Martinsburg to Shepherdstown;**

Whereas, this **Eastern Panhandle Recreational Trail addresses the needs previously described, provides critical access to/from such nearby assets as the Appalachian Trail, the Tuscarora Trail, the Western Maryland Rail Trail, the C & O Canal Towpath, Fort Frederick, Harpers Ferry National Park, Antietam National Battlefield, and the Potomac Heritage Trail, and provides the necessary backbone for local trail networks throughout Jefferson, Berkeley, and Morgan Counties;**

And whereas, the **Eastern Panhandle Trailblazers was formally organized on February 2, 2010;**

THEREFORE BE IT RESOLVED, that the County Commission of Jefferson County, West Virginia, hereby proclaims that Groundhog Day, February 2, 2011 shall be celebrated as the first anniversary of the *Eastern Panhandle Trailblazers* and the birthday of the *Eastern Panhandle Recreational Trail*.

Date: _____

Patricia A. Noland, President
Jefferson County Commission

Commission Office Use Only

Date on Agenda: 1-20-11

Appt Time or New Business:

Co-Adm. Repts

AGENDA REQUEST FORM

Name: Tim Boyde, County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: January 20, 2011

Date Requested – 2nd Choice: _____

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

Subject: Extra Hour/Overtime and Worker's Compensation Policies

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

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

Attachments:

EXTRA HOURS/OVERTIME

PROVISIONS:

Extra hours/overtime is time worked in addition to an employee's regularly scheduled hours during a work cycle.

In accordance with the Fair Labor Standards Act (FLSA), non-exempt employees are eligible to receive overtime pay at a rate of one and one-half times their regular pay for time worked in excess of 40 hours per workweek. Exempt employees are **not** eligible for overtime; they are expected to work as many hours as required to perform the duties of the position. Except for Elected Officials, all employees are covered by the FLSA.

Before extra hours/overtime is worked, the employee must have approval from his/her supervisor. Extra hours/overtime is considered a condition of employment; refusal to accept it when reasonable notice has been given or abuse of overtime is cause for discipline, up to and including termination. At the supervisor's discretion, an employee's work schedule may be adjusted during the workweek to avoid extra hours/overtime.

Approved paid absences, including but not limited to sick leave, vacation leave, holiday leave, FMLA, military leave, jury and witness duty, or funeral/bereavement leave are **not** counted as time worked for the purposes of computing overtime.

Elected Officials and Department Heads may authorize and schedule extra hours beyond the normal work schedule for eligible employees only to the extent that:

- They give employees prior approval, in writing if possible, before working extra hours;
- Extra hours are limited to absolute necessity;
- Funds to pay for extra hours are approved in the annual budget ;
- Expenditures throughout the year for extra hours remain within the department's approved personnel allocation;
- When the approved allocation is spent, additional funds must be requested through the County Administrator and then approved by the Jefferson County Commission;
- Jefferson County does not allow accrual of compensatory time by exempt or non-exempt employees.

PROCEDURES

Extra Hours Resulting in Overtime

The Commission *may* authorize exceptions when exempt employees are assigned to Commission mandated or approved emergency duty, (e.g. some maintenance personnel and some emergency service personnel).

Employees assigned to modified, alternative or experimental work schedules will be paid in excess of forty (40) hours in any one week, but not in excess of eight (8) hours in any one day. Modified, alternative, or experimental work schedules are not to be confused with flexible work hours as described in Hours of Work.

General Instructions

On-Call hours (hours scheduled in excess of the standard work week), including payment for emergency service hours as per policy *Emergency Service Payment*, employees do not qualify for emergency service hours in 24 hour operations.

Recording

Extra hours must be shown on the employee's time card during the pay period in which the hours were accrued. Any abuse of this procedure or false entries on a time card will result in disciplinary action, up to and including termination, against any employee and/or supervisor authorizing submission of the time card.

Authored by: TTB

Date Prepared: 12/14/10

Approved: _____

WORKER'S COMPENSATION

POLICY

The Board of Commissioners of Jefferson County Government will provide Workers' Compensation insurance for all employees within the requirements of the law.

PROVISIONS

The insurance will pay 2/3 of salary (based on the past 12 month's earnings) for each day's work lost due related injury or illness.

- Under current tax laws, such payments are exempt from income and social security taxation.
- Coverage begins on the eighth (8th) calendar day after the injury and continues until return to work with a physician's release.
- If the employee is absent more than 14 calendar days, Worker's Compensation will retroactively reimburse the employee for each day missed in the first week.

The employee may elect to use accrued time to cover the first seven (7) days of injury or take the time as unpaid.

Modified Duty is provided to assist employees who sustained a work-related injury to return to gainful, productive employment with Jefferson County Government.

When an employee sustains a work-related injury which is compensable under current worker's compensation legislation, the treating physician may release the employee to return to work with temporary physical restriction(s), which are intended to aid the employee in recovery from that injury. In such circumstances, Jefferson County Government will make all reasonable efforts to enable the injured employee to return to work within the temporary, physical-imposed restrictions.

The temporary assignment may or may not be in the same classification or location as the employee's regular job. Additionally, the temporary assignment may or may not be equivalent (in terms of weekly hour's worked and/or monetary compensation received) to the employee's regular job.

The injured employee must provide an updated physical assessment and associated duty restrictions any time they visit the medical provider. The injured employee must also provide such statement in the event a change of condition that was not previously expected or indicated occurs.

Modified Duty applies to all Jefferson County employees. All employees are eligible to return to work on a "modified duty" status, considering the following criteria exist:

- The injury sustained by the employee has been determined to be work-related and compensable under current workers' compensation legislation.
- The physical restrictions imposed by the treating physician are specific (i.e. not lifting over 50 pounds).

- The physical restrictions imposed by the treating physician are for a specified, temporary period of time (e.g. 10 days).
- Work-related tasks which fall within the physical limitations of the treating physician are available and are within the physical and skill capacities of the injured employee, with reasonable accommodations made by the employer, employee, or both.

PROCEDURES

Worker's Compensation payments do not begin until the eighth (8th) calendar day.

Payment of benefits will be:

- Calendar day 1 through 7: injured employee may use accrued sick or vacation leave or take the time off as unpaid.
- On the eighth (8th) day of Worker's Compensation Lost Time, the injured worker will begin receiving either 2/3 or (90% depending on the average wage) of income through Worker's Compensation Insurance.
- Starting on the 8th day of Worker's Compensation Lost Time, the injured worker will be granted a medical leave of absence without pay until they return to work with a physician's release. The employee will receive their pay through Worker's Compensation only.

Authored by: TJB

Date Prepared: 12-15-2010

Approved: _____

TO: Jefferson County Commission
FR: Mike Jacobs JCPRC member



RE: Resignation

1/ 4/ 2011

I am probably the longest serving member of JCPRC. I have been its president and I have seen us grow as an organization. Everything we have done over the years had one focus... **to provide the citizens of Jefferson County with the best possible active and passive recreational facilities and programs possible given our financial resources**

To that end I have seen us, under the direction of Tim Barr, build parks, build a recreation center and create and administer programs that met the mission focus contained above. I have been there in our infancy when Tim and I actually sold corn as a fundraiser project!!!

Most present members of JCPRC were not even there in those days!

My main reason for resigning is due to the ways and means of Tim Barr's firing and lack of proper respect or due process. I KNOW HE served at the WILL and PLEASURE of the commission...BUT I and a few commissioners were not contacted regarding the "EMERGENCY" "Firing Squad" meeting that saw his dismissal and produced a news release that destroyed his reputation and good name, without consideration or any regard for his years of service.

the callers of that meeting KNEW TIM was on vacation, as was I, and also that Jennifer (Assistant Director) was on maternity leave. We as a commission had accepted his vacation plan and Jennifer's leave!!!

Under the FALSE pretense of an EMERGENCY, certain members called the meeting. Those same certain members made comments (as I understand from those present at the meeting) that they had long harbored a desire to remove Tim Barr. These comments I further understand were taped. When the meeting was proceeding, and motions made, certain members even tried to table..but others said (again as reported to me by others) .."No if we table he'll get to those absent and sway their vote" Again this is what received as hear say but also what I was told was taped during that meeting.

RECEIVED

JAN 10 2011

By the way I have since asked twice for a copy of that tape and have been stonewalled each time I have asked. If I could not hear those proceedings...which fall under open meeting process.... Therefore all I can use as reference is the hear say I have been afforded.

I am not as upset about Tim's Firing as I am about the WAY it took place and the lack of professionalism and decency by certain commissioners to face Tim and give him a chance to have his say.

Ironically.. The meeting before the **EMERGENCY** termination, we, the commission heard issues between an employee and staff...mediated...and found a resolution to the concerns of both parties. This is how professionals act !! This was not to be the case at the "Emergency" meeting for Tim's firing. It appears a more "pack " mentality developed and grew during that session, and a need to both terminate and defame was arrived at due to that lack of professionalism and decency! I acknowledge our society has adopted a more vicious attitude...I only did not think people employed as professionals were capable of such actions!

I have since (and in the minutes been duly noted), tried to get the commission to **reconsider** first.....and **set aside**...next... the actions taken at that "EMERGENCY" meeting. Both times I have been turned away. AGAIN I only was seeking the professional and respected personal treatment I thought a loyal director and "Mr. Jefferson County Parks and Recreation" was entitled to.

I raised one final question at the Nov 17 meeting...On the record..I asked "Why was there a need to defame such a long standing employee of Jefferson County?" As Answer I was told there was no intent to do so but, when the commissioners came out of executive session and moved to terminate employment, the media (who were somehow there for the "emergency" meeting some of us were not even notified of) were told that the State police were asked to investigate aqusations of forgery on checks. (I have since been told the state police refused to conduct said investigation)

I can understand maybe a need to have a more aggressive director, or some such desire,..even though all past evaluations have been positive and even included salary increases. **BUT where did the Malice come from within a commission I formerly considered both professional and civil? ?**

After the Emergency meeting, I received many emails and phone calls from citizens of the county that share my concern for the lack of courtesy and defamation mediated by the members present at that emergency meeting.

Now a Civil action has been started. AND I understand the commission lawyer was present at that "emergency" meeting. Someone must have tipped her, because she is not a consistent attendee. As an aside I also did query her as to how, lay people serving on such a commission could have arrived at both a "supposed proper and legal" way of termination and defamation of an employee of Jefferson County in her presence.

Lastly, I am concerned that a possible coerced and misinterpreted statement was used as a major piece of evidence during the emergency meeting proceedings.

Again, I have served the JCPRC a long time..I now tender my resignation and only wish I could have personally arrived at a more palatable decision to remain.

WVACO

WEST VIRGINIA ASSOCIATION OF COUNTIES

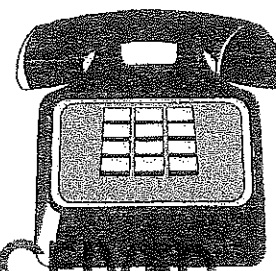
2211 Washington Street East
Charleston, WV 25311-2118
Phone: (304) 346.0591
Fax: (304) 346.0592

Patricia L. Hamilton
Executive Director

To: WVACO Legislative Committee

Circuit Clerks: Betsy Castle, Barb Core
County Clerks: Jan Pest, Janice Cosco
Prosecutors: Rick Staton, Mel Snyder
Assessors: Chris Kessler, Terri Funk
Sheriffs: John Hawkins, Tom McComas
Commissioners: Danny Greathouse, Bob Pasley, Dale Manuel
President Gerry Hough, Ex Officio

cc: Member Association Presidents & Vice Presidents
Commissioners Ron Watson & Cindy Pyles
County Clerks Diana Cromley & Jan Pest
Circuit Clerks David "Bugs" Stover & Brenda Jackson
Assessors Rose Ann Maine & Ernie Dennison
Prosecutors Damon Morgan & John Bord
Sheriffs Mike White & Jim Childers



RECEIVED

JAN 10 2011

From: Patti Hamilton
Re: Legislative Committee Conference Calls
Date: January 6, 2011

Jefferson County Commission

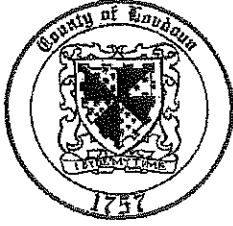
Welcome or welcome back to the WVACO Legislative Committee! Our committee includes the chair or co-chairs of each member association plus others appointed by President Gerry Hough. This year we are inviting our member associations' leadership to join us if they wish.

What are your responsibilities? Primarily, you are asked to participate in a weekly conference call every Friday morning at 8:30 a.m. and other calls as they might be needed. Secondly, you will be asked to comment on various items of legislation and keep your membership informed of our discussions and keep us informed of your member association's views on legislation. I will be communicating primarily by email and cell phone.

In turn, my cell phone is 304 415 0192 or 304-989-1108 and my email is patti@wvaco.org
Don't hesitate to contact me at any time!

Our first regular conference call during the session will be held FRIDAY, JANUARY 21ST AT 8:30 A.M. Wallet cards are enclosed to keep handy so you can call from anywhere!

Thank you for your time and participation!



Loudoun County, Virginia

Department of Planning
1 Harrison Street, S.E., 3rd Floor, P.O. Box 7000, MSC #62
Leesburg, VA 20177-7000
Telephone (703) 777-0246 • Fax (703) 777-0441

January 5, 2011

Tim Boyde, County Administrator
Jefferson County, West Virginia
PO Box 250
Charles Town, WV 25414-0250

Dear Mr. Boyde:

As part of the legal notice requirements contained in Section 15.2-2204 (amended) of the Code of Virginia, the following regulations must be addressed relating to notification of adjacent localities:

“When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use ..., involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as above required, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.”

Therefore, this is the second and final reminder that on **January 10, 2011** the Loudoun County Board of Supervisors will hold a public hearing on a Comprehensive Plan Amendment (CPAM) regarding Belmont Ridge Road.

The proposed CPAM 2010-0001: Belmont Ridge Road, would revise Chapter 2, Appendix 1, Appendix 2, Appendix 3, and the Revised 2030 Countywide Transportation Plan Map of the 2010 Countywide Transportation Plan, adopted June 15, 2010. The proposed amendment changes text and maps in order to reduce the planned ultimate condition of Belmont Ridge Road from Route 7 to Croson Lane from 6 to 4 lanes within the 150-foot right-of-way.

This public hearing will take place in the Board of Supervisors' Meeting Room, County Government Center, 1 Harrison Street, S.E., Leesburg, VA, on **Monday, January 10, 2011, at 6:30 p.m.** Written comments can be provided to the Loudoun County Board of Supervisors, c/o Loudoun County Department of Planning, 1 Harrison St., S.E., 3rd Floor, P.O. Box 7000, MSC #62, Leesburg, Virginia, 20177-7000 (attention: Marie Genovese).

A copy of the staff report is available on the Board of Supervisors' website at <http://www.loudoun.gov/bos> and in the Loudoun County Department of Planning.

Should you have any questions, please call 703-777-0246.

Sincerely,

Marie Genovese, AICP
Project Manager
CPAM 2010-0001, Belmont Ridge Road

RECEIVED

JAN 10 2011

Jefferson County Commission

WEST VIRGINIA LOTTERY
First Benchmark
Charles Town
County / City Split
Fiscal Year 2011

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	BOLVAR 12.42%	CHARLES TOWN 34.56%	HARPERS FERRY 3.65%	RANSON 35.08%	SHEPHERDS TOWN 14.29%
3 days ending: 7/1/10- 7/3/10	\$ 115,402.58	\$ 115,402.58	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
07/10/10	\$ 205,731.64	\$ 205,731.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/17/10	\$ 161,386.78	\$ 161,386.78	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/24/10	\$ 160,368.28	\$ 160,368.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/31/10	\$ 157,802.08	\$ 157,802.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/07/10	\$ 161,617.82	\$ 136,494.98	\$ 25,122.84	\$ 3,120.27	\$ 8,682.45	\$ 916.98	\$ 8,813.09	\$ 3,590.05
08/14/10	\$ 156,753.36	\$ 78,378.68	\$ 78,378.68	\$ 9,734.38	\$ 27,086.98	\$ 2,860.75	\$ 27,494.54	\$ 11,200.03
08/21/10	\$ 152,398.04	\$ 76,199.02	\$ 76,199.02	\$ 9,483.92	\$ 26,334.38	\$ 2,781.26	\$ 26,730.62	\$ 10,888.84
08/28/10	\$ 144,920.08	\$ 72,460.03	\$ 72,460.03	\$ 8,999.54	\$ 25,042.19	\$ 2,644.79	\$ 25,418.97	\$ 10,354.54
09/04/10	\$ 152,725.68	\$ 76,362.84	\$ 76,362.84	\$ 9,484.26	\$ 28,391.00	\$ 2,787.24	\$ 26,788.09	\$ 10,912.25
09/11/10	\$ 165,938.72	\$ 82,969.36	\$ 82,969.36	\$ 10,304.79	\$ 28,674.21	\$ 3,028.39	\$ 29,105.85	\$ 11,856.32
09/18/10	\$ 136,277.68	\$ 67,638.78	\$ 67,638.78	\$ 8,400.74	\$ 23,375.96	\$ 2,468.82	\$ 23,727.68	\$ 9,665.58
09/25/10	\$ 140,870.12	\$ 70,435.06	\$ 70,435.06	\$ 8,748.03	\$ 24,342.36	\$ 2,570.88	\$ 24,708.62	\$ 10,065.17
10/02/10	\$ 142,027.72	\$ 71,013.86	\$ 71,013.86	\$ 8,819.92	\$ 24,542.39	\$ 2,592.01	\$ 24,911.68	\$ 10,147.88
10/09/10	\$ 138,823.00	\$ 69,311.50	\$ 69,311.50	\$ 8,608.49	\$ 23,954.06	\$ 2,529.87	\$ 24,314.47	\$ 9,904.61
10/16/10	\$ 150,469.24	\$ 75,234.62	\$ 75,234.62	\$ 9,344.14	\$ 26,001.08	\$ 2,746.06	\$ 26,392.31	\$ 10,751.03
10/23/10	\$ 140,581.60	\$ 70,290.80	\$ 70,290.80	\$ 8,730.12	\$ 24,282.50	\$ 2,565.61	\$ 24,658.01	\$ 10,044.56
10/30/10	\$ 131,230.08	\$ 65,615.04	\$ 65,615.04	\$ 8,149.39	\$ 22,676.56	\$ 2,394.95	\$ 23,017.75	\$ 9,378.39
11/06/10	\$ 122,675.24	\$ 61,337.62	\$ 61,337.62	\$ 7,618.13	\$ 21,198.28	\$ 2,238.82	\$ 21,517.24	\$ 8,765.15
11/13/10	\$ 129,190.56	\$ 64,595.28	\$ 64,595.28	\$ 8,022.73	\$ 22,324.13	\$ 2,357.73	\$ 22,660.02	\$ 9,230.67
11/20/10	\$ 112,020.16	\$ 56,010.08	\$ 56,010.08	\$ 6,958.45	\$ 19,357.08	\$ 2,044.37	\$ 18,648.34	\$ 8,003.84
11/27/10	\$ 142,341.80	\$ 71,170.90	\$ 71,170.90	\$ 8,839.43	\$ 24,596.68	\$ 2,597.74	\$ 24,986.75	\$ 10,170.32
12/04/10	\$ 108,430.16	\$ 53,215.08	\$ 53,215.08	\$ 6,609.31	\$ 18,391.13	\$ 1,942.35	\$ 18,667.85	\$ 7,604.44
12/11/10	\$ 93,888.00	\$ 46,944.00	\$ 46,944.00	\$ 5,830.44	\$ 16,223.85	\$ 1,713.46	\$ 16,487.95	\$ 6,708.30
12/18/10	\$ 84,153.52	\$ 42,076.76	\$ 42,076.76	\$ 5,225.93	\$ 14,541.73	\$ 1,535.80	\$ 14,760.53	\$ 6,012.77
12/25/10	\$ 100,900.56	\$ 50,450.28	\$ 50,450.28	\$ 6,265.92	\$ 17,435.62	\$ 1,841.44	\$ 17,897.96	\$ 7,209.35
01/01/11	\$ 170,304.24	\$ 85,152.12	\$ 85,152.12	\$ 10,575.89	\$ 29,428.57	\$ 3,108.06	\$ 29,871.36	\$ 12,168.24
01/08/11	\$ 108,602.60	\$ 54,301.30	\$ 54,301.30	\$ 6,744.22	\$ 18,766.53	\$ 1,982.00	\$ 19,048.89	\$ 7,759.65
Subtotal	\$ 3,684,631.18	\$ 2,398,347.33	\$ 1,486,283.85	\$ 184,596.44	\$ 513,659.70	\$ 54,249.38	\$ 521,368.35	\$ 212,389.99

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

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

Week Ending Date	Week Ending January 8, 2011
To be Deposited on:	January 14, 2011
Amount Played	64,995,053.39
Amount Won	58,602,227.71
Amount Promo	179,608.00
MWAP Contribution	<u>28,345.20</u>
Adjusted Gross Terminal Revenue	<u>6,284,872.48</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>251,394.90</u>
Net Terminal Revenue	<u>6,033,477.58</u>
Surcharge @ 10%	603,347.76
State Share Excess @ 58%	349,941.70
Track Share of Capital Reinvestment @ 42%	253,406.06
Track Share of Capital Reinvestment @ 42% - 96%	\$ 243,269.82
Track Share of Capital Reinvestment @ 42% - 4%	\$ 10,136.24
Adjusted Net Terminal Revenue	<u>6,430,129.82</u>
Racetrack @ 46.50% / 42%	2,280,654.51
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,226,353.23
Race Track Purses @ 7% / 14% / 8%	434,410.39
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	27,150.65
Greyhound Development @ .75%	40,725.97
Thoroughbred Development @ .75%	40,725.97
Racing Commission @ 1%	54,301.30
County/Municipality @ 2%	108,602.60
3% Funds:	
Tourism Promotion Fund @ 1.375%	74,664.29
Development Office Promotion Fund @ .375%	20,362.99
Research Challenge Fund @ .5%	27,150.65
Capitol Renovation and Improvement Fund @ .6875%	37,332.14
2004 Capitol Complex Parking Garage Fund @ .0625%	3,393.83
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>54,301.30</u>
	<u>5,430,129.82</u>

VIDEO LOTTERY REPORT
FY 2009

Date	Amount
7/5/2008 *	169,912.56
7/12/2008	176,592.38
7/19/2008	160,344.08
7/26/2008	162,982.74
8/2/2008	178,171.04
8/9/2008	123,538.04
8/16/2008	82,482.89
8/23/2008	76,426.18
8/30/2008	89,459.86
9/6/2008	91,644.46
9/13/2008	79,729.93
9/20/2008	71,269.36
9/27/2008	79,735.73
10/4/2008	75,186.22
10/11/2008	77,139.04
10/18/2008	80,668.26
10/25/2008	64,379.44
11/1/2008	68,352.42
11/8/2008	70,823.02
11/15/2008	65,565.50
11/22/2008	63,883.80
11/29/2008	69,850.12
12/6/2008	55,696.68
12/13/2008	60,178.04
12/20/2008	52,189.19
12/27/2008	72,205.91
1/3/2009	96,504.65
1/10/2009	53,286.62

FY 2010

Date	Amount
7/4/2009 *	128,262.42
7/11/2009	168,815.08
7/18/2009	160,652.98
7/25/2009	158,869.08
8/1/2009	174,493.08
8/8/2009	138,408.80
8/15/2009	81,222.14
8/22/2009	76,260.31
8/29/2009	80,472.92
9/5/2009	80,798.15
9/12/2009	86,286.92
9/19/2009	70,010.15
9/26/2009	69,316.87
10/3/2009	72,286.04
10/10/2009	69,650.63
10/17/2009	73,560.21
10/24/2009	67,581.66
10/31/2009	64,528.30
11/7/2009	63,741.59
11/14/2009	65,959.64
11/21/2009	59,547.05
11/28/2009	72,399.98
12/5/2009	51,006.51
12/12/2009	52,460.58
12/19/2009	32,834.39
12/26/2009	53,406.34
1/2/2010	92,980.40
1/9/2010	55,020.46

FY 2011

Date	Amount
7/3/2010	115,402.58
7/10/2010	205,731.64
7/17/2010	161,386.76
7/24/2010	160,368.28
7/31/2010	157,802.08
8/7/2010	136,494.98
8/14/2010	78,376.68
8/21/2010	76,199.02
8/28/2010	72,460.03
9/4/2010	76,362.84
9/11/2010	82,969.36
9/18/2010	67,638.78
9/25/2010	70,435.06
10/2/2010	71,013.86
10/9/2010	69,311.50
10/16/2010	75,234.62
10/23/2010	70,290.80
10/30/2010	65,615.04
11/6/2010	61,337.62
11/13/2010	64,595.28
11/20/2010	56,010.08
11/27/2010	71,170.90
12/4/2010	53,215.08
12/11/2010	46,944.00
12/18/2010	42,076.76
12/25/2010	50,450.28
1/1/2011	85,152.12
1/8/2011	54,301.30

Table Game Revenues
FY 2011

Date	Amount
July/Aug 10	154,185.68
Sept. 2010	94,247.84
Oct-10	105,903.60
Nov-10	108,717.67

1/17/2009	56,068.87	1/16/2010	60,551.28
1/24/2009	71,474.63	1/23/2010	69,943.53
1/31/2009	61,089.80	1/30/2010	48,527.75
2/7/2009	83,539.63	2/6/2010	37,155.14
2/14/2009	76,054.44	2/13/2010	44,334.00
2/21/2009	91,838.41	2/20/2010	76,946.12
2/28/2009	80,806.88	2/27/2010	72,024.40
3/7/2009	48,837.13	3/6/2010	76,936.85
3/14/2009	96,025.39	3/13/2010	71,007.37
3/21/2009	79,002.82	3/20/2010	74,335.38
3/28/2009	79,250.83	3/27/2010	69,941.88
4/4/2009	75,968.30	4/3/2010	70,636.28
4/11/2009	75,964.94	4/10/2010	69,692.79
4/18/2009	80,598.22	4/17/2010	69,335.92
4/25/2009	75,571.46	4/24/2010	68,714.11
5/2/2009	73,957.05	5/1/2010	68,799.06
5/9/2009	76,697.22	5/8/2010	67,403.54
5/16/2009	71,925.70	5/15/2010	70,186.32
5/23/2009	81,395.43	5/22/2010	64,695.71
5/30/2009	82,161.55	5/29/2010	67,157.40
6/6/2009	74,895.74	6/5/2010	77,371.80
6/13/2009	67,327.23	6/12/2010	66,106.29
6/20/2009	75,500.53	6/19/2010	64,888.48
6/27/2009	67,354.10	6/26/2010	63,950.29
6/30/2009 ***	32,059.58	6/30/2010	29,667.19
TOTALS 4403564.04		4041141.56	2398347.33
			463054.79



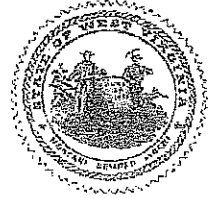
THE COUNTY COMMISSION OF JEFFERSON COUNTY

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

Phone: 304/728-3284

www.jeffersoncountywv.org

Fax: 304/725-7916



NOTICE

Board of Review and Equalization

The County Commission of Jefferson County will convene as a Board of Review and Equalization in the County Commission Courtroom at the Courthouse of said County on Tuesday, February 1, 2011, at 1:30 p.m., for the purpose of reviewing and equalizing assessments returned by the Assessor of Jefferson County for the year 2011.

The Commission will continue to sit as a Board of Review and Equalization on Thursday, February 3rd, 2011, at 1:30 p.m., Tuesday, February 8th, 2011, at 1:30 p.m., Thursday, February 10th, 2010, at 1:30 p.m., and thereafter, until all questions concerning assessments are heard.

Persons wishing to appear before the Commission must apply to the Assessor no later than Friday, February 11th, 2011, at noon, in order to complete the proper forms and to schedule a hearing date prior to the final date of Tuesday, February 15th, 2011.

Given under my hand this 6th day of January, 2011.

Jennifer Maghan by Gail Magoka, Deputy
JENNIFER MAGHAN, COUNTY CLERK
JEFFERSON COUNTY COMMISSION

For Immediate Release
Jefferson County Commission
Contact: 304-728-3284

**BOARD OF REVIEW AND EQUALIZATION
APPEAL PROCESS
PUBLIC INFORMATION SESSION**

On Thursday, January 27, 2011 at 2:00 o'clock p.m. at the Jefferson County Commission Meeting Room on the lower level of the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia, the Jefferson County Commission will host an informational session for the public with regard to the Board of Review and Equalization Appeal Process for Jefferson County property owners. The tutorial will be presented by local attorney Michael Thompson. Angela Banks, Jefferson County Assessor, will also be present and available for questions.

The purpose of the tutorial is to clarify for the public how the appeal process works and who is eligible for a reduction in property tax as well as regulations and procedures of the County and the Board of Review and Equalization.

The Jefferson County Commission invites you to attend this meeting and to ask questions and discuss concerns. Please take this opportunity to learn more about the appeal process.

###

NOTICE OF PUBLIC HEARING

AMEND THE COUNTY ZONING MAP TO CONSIDER URBAN GROWTH BOUNDARIES FOR HARPERS FERRY AND BOLIVAR

The County Commission of Jefferson County will hold a Public Hearing on Thursday, January 27, 2011, 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.

The purpose of the hearing is to receive public input to consider proposed Urban Growth Boundaries for the Towns of Harpers Ferry and Bolivar and determine whether to amend the County Zoning Map to include the changes.

Anyone wishing to provide written or oral comment may do so at this meeting. A copy of the proposed information may be obtained at Jefferson County Planning and Zoning Department, 116 E. Washington Street, Charles Town, WV, or on the County website at: www.jeffersoncountywv.org

No decisions will be made at this meeting.




By Order of The County
Commission of Jefferson County
Patricia A. Noland, President

ES:\GIS\Projects\Urban Growth Boundaries\Zoning\GIS\Map_Series.mxd



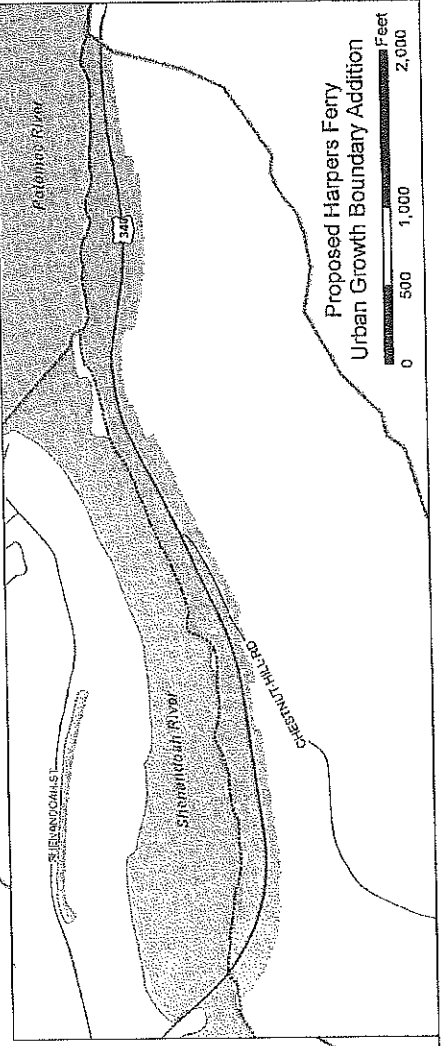
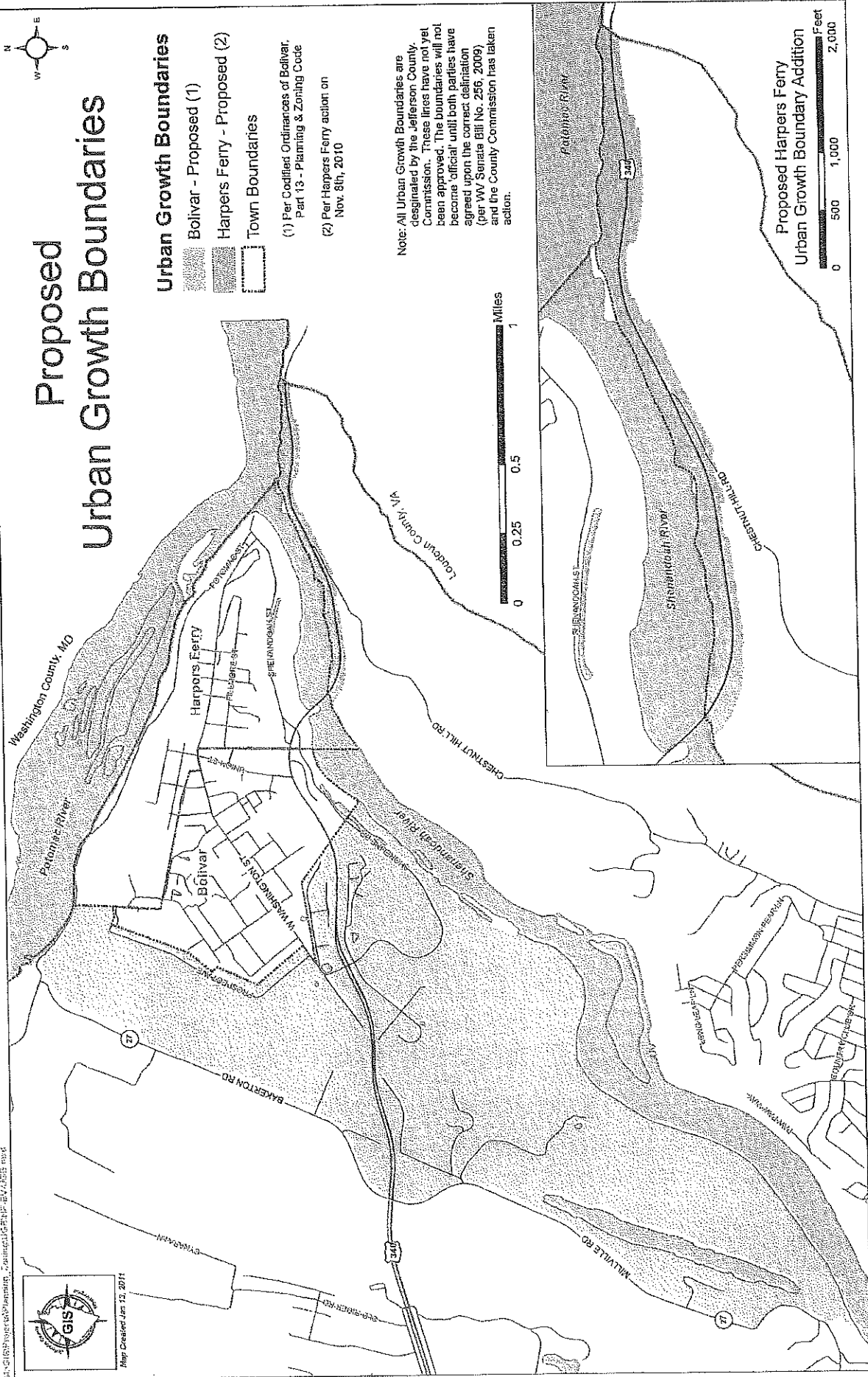
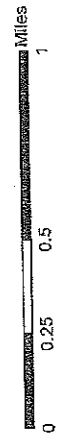
Proposed Urban Growth Boundaries



- Urban Growth Boundaries**
-  Bolivar - Proposed (1)
 -  Harpers Ferry - Proposed (2)
 -  Town Boundaries

- (1) Per Codified Ordinances of Bolivar, Part 13 - Planning & Zoning Code
- (2) Per Harpers Ferry action on Nov. 8th, 2010

Note: All Urban Growth Boundaries are designated by the Jefferson County Commission. These lines have not yet been approved. The boundaries will not become 'official' until both parties have agreed upon the correct delineation (per WV Senate Bill No. 256, 2009) and the County Commission has taken action.



2010 Zoning Map Jefferson County, WV



Legend

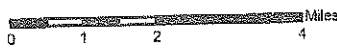
- Urban Growth Boundary
- Parcels
- Tax District Boundary
- Public/Quasi-Public Land
- Appalachian Trail
- Zoning District**
- Incorporated Town
- Industrial-Commercial
- Residential-Growth
- Residential-Light Industrial-Commercial
- Rural
- Village



Effective Date: _____

Approved by County Commission on February 1, 2010

REVISIONS			
No.	Description	Date	By
1	ADOPTED THE 2010 ZONING MAP	02/01/10	COMMISSION
2	REVISION TO ZONING MAP	02/01/10	COMMISSION
3	REVISION TO ZONING MAP	02/01/10	COMMISSION
4	REVISION TO ZONING MAP	02/01/10	COMMISSION



Map Prepared for:
Jefferson County Commission
Jefferson County Planning Department

Map Prepared by:
Jefferson County Planning & Zoning Department
Jefferson County Geographic Information System, 10/2011

Client Data Source:
Jefferson County GIS
Jefferson County Planning & Zoning Department
Geographic Information System, 10/2011

CONVENTIONS OF USE:

1. Because this map is a technical product, it is not intended to be used for legal purposes. It is intended for informational purposes only. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes.
2. Do not rely on this map for any legal purposes. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes.
3. All data is provided as a representation of geographic information. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes.
4. This map is not intended to be used for legal purposes. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes. It is not intended to be used for legal purposes.

