

**REVISED
AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, FEBRUARY 17, 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

- February 3, 2011 as Board of Review and Equalization
- February 8, 2011 as Board of Review and Equalization
- February 10, 2011 Regular Session

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. Laura Rattenni, Circuit Clerk
- Approve Tammy L. Yokley as a permanent, full employee in the Circuit Clerks Office - Discussion/Action
2. 10:00 a.m. Randolph Hilton/John Hough
- Friends of Happy Retreat - Request Approval of Joint Resolution to determine best method to acquire, restore, develop and operate Happy Retreat
3. 10:15 a.m. Dr. Joy Buck, Teresa Warnick, and Denise Ryan
- Introduction "Mobilizing for Action through Planning and Partnerships"(MAPP) - Request the Commission take into consideration the final Mobilizing for Action through Planning and Partnerships (MAPP) results and recommendations in its plans for the future of Jefferson County - Discussion/Action
**** Note from Staff - Agenda item cancelled - will be rescheduled for Thursday, March 17, 2011*
4. 10:30 a.m. Break

5. 10:45 a.m. Stephanie Grove - Legal Update
- Shenandoah Professional Center, LLC - Rezoning Request - Discussion/Action
6. 11:00 a.m. Appointment and Interviews for the Jefferson County Property Safety Ordinance Enforcement Agency - Discussion/Action
7. 11:15 a.m. Debra Young, Victim Assistance Program
- Request for Approval and Execution of VOCA Grant - Discussion/Action
8. 11:30 a.m. Andrew P. Blake, Esquire
- Approval of Annexation for the City of Ranson - PNGI Charles Town Gaming, LLC Property - *Parcel consisting of 5.9327 acres* - Discussion/Action

NEW BUSINESS:

9. Approval of the Community Participation Grant Contract, Resolution and Agreement for the following:
 - ▶ Blue Ridge Mt. Library - \$3,000
 - ▶ Briggs Adoption Center - \$10,000
 - ▶ Shepherd Interfaith Volunteer Caregivers - \$5,000
10. Approval of Resolution - Community Participation Grant Program - Jefferson County Sheriff's Department - \$23,000
11. Provide funding to immediately correct the critical risk factors identified by Global Data Consultants Study, "Information Assessment and Vulnerability Analysis - (LW) - Discussion/Action
 - Upgrade to different version of Windows that is supported
 - Change to secure passwords
 - Prepare a funding schedule and work program for addressing FY12
12. Discuss Water Advisory Committee (WP) - Discussion/Action
**** Note from Staff - Will be deferred until next week - Thursday, February 24, 2011*
13. Update on the Blunt Property (WP) - Discussion/Action
**** Note from Staff - Will be deferred until next week - Thursday, February 24, 2011*
14. Tom Bayuzik, Executive Director - Jefferson County Development Authority
Approval of Employment for the following:
 - Agriculture Development Officer
 - Farmland Protection Administrator
15. Legislative Updates

16. Resolution - Support of Legislation to Create Grant Pool for Chesapeake Bay Projects - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

————AFTERNOON SESSION————

17. 1:30 p.m. Board of Review and Equalization

————EVENING SESSION————

18. 7:00 p.m. Public Hearing
- Amend the County Zoning Map to Consider Urban Growth Boundaries for Harpers Ferry and Bolivar

CORRESPONDENCE:

Letter received from Senator Manchin in response to the Commission's expression of opposition to the closing of the Millville Post Office.

Letter received from Loudoun County, Virginia regarding notification of adjacent localities.

WVACO newsletter "The County Legislative Line" for Friday, February 4, 2011, received.

Agenda received for Pan Tran Board Meeting on February 14, 2011.

CCAWV newsletter "Legislative Lineup" for 2011 Session Week 4, received.

Letter received from the Eastern Panhandle Conservation District regarding inspection of the Evitts Run Channel.

Letter received from the Public Service Commission in response to Sandra Kinnaman - Informal Complaint.

Copy of letter from Roger Goodwin, Chief County Engineer regarding Westridge Hills Homeowners' Association update on Test Wells Project.

Copy of the 2011 Special Gubernatorial Election Calendar Overview received.

WVACO newsletter "The County Legislative Line" for Thursday, February 10, 2011, received.

Article of Interest received from WVACO concerning property tax cap.

Letter received from Representative in Congress, Shelley Moore Capito in response to the Commission's expression of opposition to the closing of the Millville Post Office.

Newsletter from AHA "The Voice" received.

Letter received from Senator, Jay D. Rucker in response to the Commission's expression of opposition to the closing of the Millville Post Office.

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

Letter received from Representative in Congress, Shelley Moore Capito in response to the Commission's letter on Health care reform.

Minutes received from the Jefferson County Public Service District regular Board meeting held on January 4, 2011.

RECESS

REGULAR TERM: (Board of Review and Equalization)

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

At a session of the Jefferson County Commission, sitting as a Board of Review and Equalization, continued and held at the Courthouse thereof on Tuesday, February 3, 2011, beginning at 1:30 p.m.

PRESENT: Patricia Noland, Commission President
Dale Manuel, Commission Vice President
Lyn Widmyer, Commissioner
Frances Morgan, Commissioner
Walt Pellish, Commissioner

In re: APPLICATION FOR ASSESSMENT REVIEW - STEVE SECRIST

A hearing was conducted on an appeal by Steve Secrist on Map 9, Parcel 7.1 in Harpers Ferry District.

After testimony and presentation of exhibits, motion by Ms. Morgan, second by Mr. Manuel to deny the appeal on Map 9, Parcel 7.1 in Harpers Ferry District. Motion carried 5 to 0.

In re: APPLICATION FOR ASSESSMENT REVIEW - STEVE SECRIST

A hearing was conducted on an appeal by Steve Secrist on Map 8B, Parcel 122 in Shepherdstown District.

After testimony and presentation of exhibits, motion by Mr. Manuel, second by Ms. Morgan to deny the appeal on Map 8B, Parcel 122 in Shepherdstown District. Motion carried 5 to 0.

In re: APPLICATION FOR ASSESSMENT REVIEW - STEVE SECRIST

A hearing was conducted on an appeal by Steve Secrist on Map 3, Parcels 47 and 79 in Shepherdstown Corporation.

After testimony and presentation of exhibits, motion by Ms. Morgan, second by Mr. Manuel to deny the appeal on Map 3, Parcels 47 and 79 in Shepherdstown Corporation. Motion carried 5 to 0.

In re: APPLICATION FOR ASSESSMENT REVIEW - EASTLAND ASSOCIATES OF WEST VIRGINIA by Steven Bittinger.

A hearing was conducted on an appeal by Steven Bittinger on behalf of Eastland Associates of West Virginia on Map 16, Parcels 125, 126, 127, 128, 130, 131 and 132 in Charles Town District.

After testimony and presentation of exhibits, motion by Ms. Noland, second by Mr. Manuel to deny the appeal on Map 16, Parcels 125, 126, 127, 128, 130, 131 and 132 in Charles Town District. Motion passed by a 4 to 1 vote. Commissioner Morgan voted "no."

In re: APPLICATION FOR ASSESSMENT REVIEW - OREM, INC. By John Orem.

A hearing was conducted on an appeal by John Orem on behalf of Orem, Inc. on Map 13, Parcel 104 in Middleway District.

After testimony and presentation of exhibits, motion by Ms. Widmyer, second by Mr. Pellish to deny the appeal on Map 13, Parcel 104 in Middleway District. Motion carried 5 to 0.

In re: APPLICATION FOR ASSESSMENT REVIEW OREM, INC. By John Orem.

A hearing was conducted on an appeal by John Orem on behalf of Orem, Inc. on Map 13, Parcel 99

in Middleway District.

After testimony and presentation of exhibits, motion by Mr. Manuel, second by Ms. Noland to deny the appeal on Map 13, Parcel 99 in Middleway District. Motion passed by a 3-1 vote. Commissioner Widmyer voted "no." **Commissioner Morgan was absent for the remainder of the hearings.**

In re: APPLICATION FOR ASSESSMENT REVIEW OREM, INC. By John Orem.

A hearing was conducted on an appeal by John Orem on behalf of Orem, Inc. on Map1 , Parcel 186 Charles Town District.

After testimony and presentation of exhibits, motion by Mr. Pellish, second by Mr. Manuel to deny the appeal on Map1 , Parcel 186 in Charles Town District. Motion carried 4 to 0. Commissioner Morgan absent for the vote.

In re: APPLICATION FOR ASSESSMENT REVIEW OREM, INC. By John Orem.

A hearing was conducted on an appeal by John Orem on behalf of Orem, Inc. on Map7B , Parcel 95 in Shepherdstown District.

After testimony and presentation of exhibits, motion by Ms. Noland, second by Mr. Pellish to deny the appeal on Map7B , Parcel 95 in Shepherdstown District. Motion carried 4 to 0. Commissioner Morgan absent for the vote.

The Board of Review and Equalization recessed until Tuesday, February 8, 2011 at 1:30 p.m.

PATRICIA NOLAND, COMMISSION PRESIDENT

REGULAR TERM: (Board of Review and Equalization)

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

At a session of the Jefferson County Commission, sitting as a Board of Review and Equalization, continuing and held in the County Commission Meeting Room of the Courthouse, 100 E. Washington Street, Charles Town, West Virginia on Tuesday, February 8, 2011 beginning at 1:30 p.m.

PRESENT: Dale Manuel, Commission Vice President
Lyn Widmyer, Commissioner
Frances Morgan, Commissioner
Walter Pellish, Commissioner

June Bowers, Sr. Tax Appraiser
Rhonda Fields, Deputy Assessor

Commissioner Manuel called the meeting to order at 1:30 p.m. Mr. Manuel inquired of Ms. Bowers what appeals were scheduled. Ms. Bowers advised that there were no appeals scheduled for this date.

Motion by Mr. Manuel to adjourn, seconded by Mr. Pellish and unanimously approved. The County Commission, sitting as a Board of Review and Equalization, recessed until Thursday, February 10, 2011 at 1:30 p.m.

PATRICIA NOLAND, COMMISSION PRESIDENT

Commission Office Use Only

Date on Agenda: ~~2-10-11~~ 2-17-11

Appt Time or New Business: 9:45 am

AGENDA REQUEST FORM

Name: Laura Rattenni

Department or Entity: Circuit Clerk

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: February 10, 2011

Date Requested – 2nd Choice: _____

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

Subject:

Hiring of Tammy L. Yokley as full time Bookkeeper/Deputy Clerk with benefits.

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

The Circuit Clerk is responsible for all monies received for Circuit and Family Courts, which add up to hundreds of thousands of dollars yearly. I have a vast array of duties that also require my attention and I find that the bookkeeping matters use up most of my day and my other duties are not getting my attention as needed.

Tammy was previously a 6-year employee in the Circuit Clerks office and left to pursue a career in the accounting field. She has now been with this office through 2 billing cycles and already has exceeded my expectations for proficiency and has proven herself as a valuable asset. I have attached a list of her duties, so as you can see, my need is justified and necessary.

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

Approve Tammy L. Yokley as a permanent, full time employee in the Circuit Clerks office with all the benefits afforded to county employees. Her pay grade will be a II-N with a starting salary of \$42,000 per year.



State of West Virginia
Clerk of Jefferson County Circuit Court

Laura E. Rattenni, Clerk
P.O. Box 1234
Charles Town, WV 25414

304-728-3398 (FAX)

304-728-3231 (PHONE)

BOOKKEEPER/DEPUTY CLERK DUTIES

Daily Deposits

Approving all voids/corrections in accounting

Processing checks with proper documentation for Clerks signature

Assessments

Monthly accounting reports as well as daily balancing of accounts

DHHR billing

Prepare monthly copy bills

Supervise online invoicing program (monthly submission to attorneys as well as tracking payments received)

Daily monitoring of credit card program

Submit unclaimed money to State Treasury

Monthly statistical reports

Process Writs, Suggestions & Abstracts

Clean up/disbursement of any funds not previously disposed of

Commission Office Use Only	
Date on Agenda: 2/10/11	→ 2-17-11
Appt Time or New Business: 10:00 AM	

AGENDA REQUEST FORM

Name: Randolph Hilton, John Hough

Department or Entity: Friends of Happy Retreat

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

Date Requested – 1st Choice: February 10, 2011

Date Requested – 2nd Choice: February 17, 2011

If a specific date is needed, please provide reason for specific date: **February 10th - Limited Time Frame to Act**

Subject: **Approval of Joint Resolution concerning Charles Washington’s Happy Retreat**

Please provide the County Commission with a description of your request or presentation, including any background information: **Request approval of a joint resolution of Charles Town, Ranson and Jefferson County, WV supporting the cooperative efforts of Charles Town, Ranson, and Jefferson County recognizing the importance of Charles Washington’s Happy Retreat and to determine the best method possible to acquire, restore, develop and operate for public enjoyment and education; for encouragement of area economic development through heritage tourism; and for the enrichment of community life through programs in the arts, culture and history.**

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

Attachments: Resolution

A JOINT RESOLUTION OF CHARLES TOWN, RANSON AND JEFFERSON COUNTY, WEST VIRGINIA SUPPORTING THE COOPERATIVE EFFORTS OF CHARLES TOWN, RANSON AND JEFFERSON COUNTY RECOGNIZING THE IMPORTANCE OF HAPPY RETREAT AND TO DETERMINE THE BEST MEANS AVAILABLE TO ACQUIRE, RESTORE, DEVELOP AND OPERATE THE HISTORIC HAPPY RETREAT FOR PUBLIC ENJOYMENT AND EDUCATION; FOR ENCOURAGEMENT OF AREA ECONOMIC DEVELOPMENT THROUGH HERITAGE TOURISM; AND FOR THE ENRICHMENT OF COMMUNITY LIFE THROUGH PROGRAMS IN THE ARTS, CULTURE, AND HISTORY.

WHEREAS, Happy Retreat is the estate built by Charles Washington, founder of Charles Town, West Virginia, and President George Washington's youngest brother. Located on the edge of historic Charles Town and listed on the National Register of Historic Places, the property consists of 12 acres, an 18th century mansion, a stone and brick kitchen/smokehouse, and an octagonal wooden schoolhouse.

WHEREAS, The Friends of Happy Retreat, a 501(c)(3) nonprofit organization, was founded in 2006 to respond to concerns of residents of the community about Charles Washington's home, Happy Retreat, and its vulnerability to development in the state's rapidly growing Eastern Panhandle—just 55 miles northwest of Washington, D.C. Since 2006, Friends of Happy Retreat, has been dedicated to “acquiring, preserving, and utilizing the property for public benefit.” The current owners of Happy Retreat, have decided to sell the historic estate, but prefer that the property be preserved in its entirety for the enjoyment of future generations.

WHEREAS, among Happy Retreat's first orders of business was a survey to determine the feasibility of the project. This survey found near-unanimous agreement that the Friends' vision for Charles Washington's Happy Retreat as a public resource for education, enjoyment, and economic development through heritage tourism are very important to the city, region, and state.

WHEREAS, the Friends of Happy Retreat have been advocating the importance of acquiring Charles Washington's Happy Retreat and developing it into a center for arts, culture, and heritage and the keystone for area economic development through heritage tourism.

WHEREAS, the City of Charles Town, the City of Ranson and the Jefferson County Commission also all agree that Happy Retreat should be acquired and preserved for the public enjoyment and education of future generations.

NOW THEREFORE BE IT RESOLVED:

Section 1. The City of Charles Town, City of Ranson and the Jefferson County Commission recognize the historical significance of Happy Retreat and the need for its preservation. The governmental entities also realize that Happy Retreat will provide opportunities to enhance and diversify the economy of the community.

Section 2. The City of Charles Town, City of Ranson and the Jefferson County Commission recognize and the acquisition and preservation of Happy Retreat will work cooperatively and in the best interest of the public with the Friends of Happy Retreat to determine the best means available to acquire, restore, develop and operate the historic Happy Retreat for public enjoyment and education; for encouragement of area economic development through heritage tourism; and for the enrichment of community life through programs in the arts, culture, and history.

Section 2. An attested copy of this resolution shall be forwarded to the Friends of Happy Retreat.

Signed and approved this _____ day of _____, 2011.

Peggy Smith
Mayor, City of Charles Town

ATTEST:

Joe Cosentini
City Clerk

Signed and approved this _____ day of _____, 2011.

A. David Hamill
Mayor, City of Ranson

ATTEST:

Ray A. Braithwaite
Recorder

Signed and approved this _____ day of _____, 2011.

Patsy Noland
President, Jefferson County Commission

ATTEST:

Jennifer S. Maghan
County Clerk

Commission Office Use Only

Date on Agenda: 2/17/11

Appt Time or New Business: 10:15 AM

2

AGENDA REQUEST FORM

Name: Dr. Joy Buck, Teresa Warnick, Denise Ryan

Department or Entity: West Virginia University East Health Sciences Center, Family Resource Network, Berkeley County Health Department

Estimation of amount of time needed for appointment: 35 minutes

Date Requested – 1st Choice: March 17

Date Requested – 2nd Choice: March 24

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

Subject: Mobilizing for Action through Planning and Partnerships initial report. We plan to present the following information:

What residents of Jefferson County report as their vision of the elements needed to make Jefferson County a healthier place to live, work and play, and what will be forthcoming from the Core Group in the future, including the results of their county wide survey on health care issues and concerns and a plan for improving the health of Jefferson County residents.

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

Mobilizing for Action through Planning and Partnerships (MAPP) is a strategic approach to community health improvement. This tool helps communities improve health and quality of life through community-wide strategic planning. Using MAPP, communities seek to achieve optimal health by identifying and using their resources wisely, taking into account their unique circumstances and needs, and forming effective partnerships for strategic action.

The vision for implementing MAPP is: *"Communities achieving improved health and quality of life by mobilizing partnerships and taking strategic action."*

The Goals of MAPP

- Create a healthy community and a better quality of life.
- Increase the visibility of public health within the community.
- Anticipate and manage change.
- Create a stronger public health infrastructure.
- Engage the community and create community ownership for public health issues.

The Elements of MAPP

- 1) MAPP engages the community in creating a vision of a healthy county-We have engaged over 600 county residents in creating a vision of a healthy Berkeley, Jefferson or Morgan County.
- 2) MAPP brings four assessments together to drive the development of a community strategic plan-
 - *Community Themes and Strengths Assessment* identifies themes that interest the community and emphasizes community assets.
 - *The Local Public Health Assessment* measures the capacity of the local public health system to conduct essential public health services.
 - *The Community Health Status Assessment* analyzes data about health status, quality of life and risk factors in the community
 - *The Forces of Change Assessment* identifies forces that are occurring or will occur that will affect the community or the local public health system.

MAPP Sponsors and Supporters

West Virginia University Health Sciences Center Commerce	Berkeley County Chamber of Commerce
West Virginia University Hospitals East	Eastern Panhandle Free Clinic
West Virginia University School of Nursing	Panhandle Home Health
Berkeley County Health Department	Starting Points
United Way of the Eastern Panhandle	Medical Reserve Corps
Shenandoah Valley Medical System	Family Resource Network
Health and Human Services Collaborative	Department of Health and Human Services
War Memorial Hospital	Morgan County Partnership
Morgan County Health Department	Berkeley County Senior Center

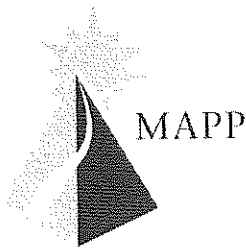
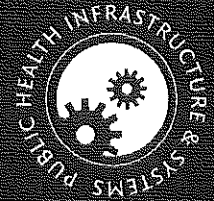
Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): The MAPP Core Group would like the Jefferson County Commission to agree to take into consideration the final MAPP results and recommendations in their plans for the future.

Attachments:

MAPP 1 pager

MAPP fact sheet

Mobilizing for Action through Planning and Partnerships: A Community Approach to Health Improvement



Improving Health Requires Partners

Public health is “what we as a society do collectively to assure the conditions in which people can be healthy.”¹ Health is more than the absence of illness; rather, health is a “dynamic state of complete physical, mental, spiritual, and social well-being.”² In ensuring the public’s health, collective action involves a variety of community organizations, agencies, groups, and individuals. In order to create the conditions in which people can be healthy, communities must collectively address social, economic, environmental, and biological factors.³ Therefore, ensuring the public’s health is not just the responsibility of healthcare providers and public health officials. Improving the public’s health requires the expertise of all those who live and work in the community.

No single entity provides public health services in a community, and all entities make important contributions to the local public health system. The following are examples of how communities protect the public’s health:

- Police, fire, and emergency departments prevent and respond to emergencies that threaten personal safety.
- Teachers, school nurses, and parents protect the health and safety of children.
- City planners, transportation authorities, neighborhood associations, and businesses provide access to services that promote and support healthy lifestyles, such as safe parks and recreational facilities, bus routes to healthcare providers, and vendors that sell nutritious foods.

- The judicial and penal systems identify potential risk factors and health trends, such as increases in drug use, domestic abuse, and personal injury.
- Community groups such as churches, homeowners’ associations, and civic organizations provide insight into the quality of health and services in a community.

MAPP, which stands for *Mobilizing for Action through Planning and Partnerships*, provides the framework for convening the variety of organizations, groups, and individuals that comprise the local public health system in order to create and implement a community health improvement plan. Through the MAPP process, communities can create and implement a well-coordinated plan that uses resources efficiently and effectively. Resulting community plans do not focus on one agency or public health challenge; rather, MAPP health improvement plans provide long-term strategies that address the multiple factors that affect health in a community. Community involvement throughout the creation and the implementation of a health improvement plan results in creative solutions to public health problems. Moreover, continuous community involvement leads to community ownership of the process. Community ownership, in turn, increases the credibility and sustainability of health improvement efforts.

Public health belongs to the community.

What is MAPP?

MAPP is a community-wide strategic planning framework for improving public health. MAPP helps communities prioritize their public health issues, identify resources for addressing them, and implement strategies relevant to their unique community contexts.

MAPP will help communities use broad-based partnerships, performance improvement, and strategic planning in public health practice. This approach leads to the following:

- measurable improvements in the community's health and quality of life;
- increased visibility of public health within the community;
- community advocates for public health and the local public health system;
- ability to anticipate and manage change effectively; and
- stronger public health infrastructure, partnerships, and leadership.

BENEFITS FOR SYSTEM PARTNERS

Participation in a MAPP process results in the following benefits for community partners:

- increased recognition within the community and among peers;
- access to accurate and current data—partners comment that access to data collected through a MAPP process is the number one benefit of participation;
- improved focus on priorities;
- reduction in the duplication of services within a community;
- increased collaboration on projects and activities; and
- increase in financial resources—data have been used to acquire grant and government funding.

BACKGROUND

From 1997 through 2001, the National Association of County and City Health Officials (NACCHO), in collaboration with the Centers for Disease Control and Prevention (CDC), developed MAPP. Prior to MAPP's inception, public health practitioners did not have structured guidance on creating and implementing community-based strategic plans.⁴ In response, NACCHO and CDC created a process based on substantive input from public health practitioners and public health research and theory. As a result, MAPP is a process that is both theoretically sound and relevant to public health practice.⁵



MAPP'S PROCESS

The MAPP process has six phases. The figure below shows the six phases in a linear fashion down the middle of the graphic. Four arrows surround the linear process to illustrate that the four MAPP assessments inform the entire MAPP process.



Phase 1:

Organize for Success and **Partnership Development** are part of the planning phase. This phase identifies who should be involved in the process and how the partnership will approach and organize the process.

Phase 2:

The **Visioning** phase is a collaborative and creative approach that leads to a shared community vision and common values.

Phase 3:

The **Four Assessments** inform the entire MAPP process. The assessment phase provides a comprehensive picture of a community in its current state using both qualitative and quantitative methods. The use of four different assessments is a unique feature of MAPP. Most planning processes look only at quantitative statistics and anecdotal data. MAPP provides tools to help communities analyze health issues through multiple lenses.

Join one of the most important coalitions
your community has ever had.

- The **Community Themes and Strengths Assessment** provides qualitative information on how communities perceive their health and quality of life concerns as well as their knowledge of community resources and assets.
- The **Local Public Health System Assessment** is completed using the local instrument of the National Public Health Performance Standards Program (NPHPSP). The NPHPSP instrument measures how well public health system partners collaborate to provide public health services based on a nationally recognized set of performance standards.
- The **Community Health Status Assessment** provides quantitative data on a broad array of health indicators, including quality of life, behavioral risk factors, and other measures that reflect a broad definition of health.
- The **Forces of Change Assessment** provides an analysis of the positive and negative external forces that impact the promotion and protection of the public's health.

Phase 4:

Identify Strategic Issues uses the information gathered from the four assessments to determine the strategic issues a community must address in order to reach its vision.

Phase 5:

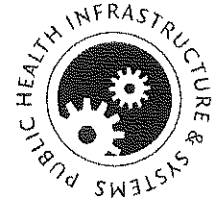
The **Formulate Goals and Strategies** phase involves specifying goals for each of the strategic issues identified in the previous phase. Many communities create a community health improvement plan at the end of this phase.

Phase 6:

The **Action Cycle** includes planning, implementation, and evaluation of a community's strategic plan.

[FACT SHEET]

February 2008



References

- ¹ Institute of Medicine Committee for the Study of the Future of Public Health. (1998). *The future of public health*. Washington, DC: National Academy Press.
- ² World Health Organization. (1998). *Resolution EB101.R2*. Geneva.
- ³ Institute of Medicine Committee on Using Performance Monitoring to Improve Community Health. (1997). *Improving health in the community: a role for performance monitoring*. Washington, DC: National Academy Press.
- ⁴ Lenihan, P. (2005). MAPP and the evolution of planning in public health practice. *Journal of Public Health Management and Practice*, 11, 381.
- ⁵ Corso, L., Wiesner, P., & Lenihan, P. (2005). MAPP in action: developing the MAPP community health improvement tool. *Journal of Public Health Management and Practice*, 11, 387.

FOR MORE INFORMATION, PLEASE CONTACT:

Heidi Deutsch, MA, MSDM
MAPP Program Manager
National Association of County & City Health Officials

P (202) 783 5550, Ext. 252
F (202) 783 1583

hdeutsch@naccho.org

www.naccho.org/MAPP

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NACCHO

National Association of County & City Health Officials

The National Connection for Local Public Health

www.naccho.org



NACCHO is the national organization representing local health departments. NACCHO supports efforts that protect and improve the health of all people and all communities by promoting national policy, developing resources and programs, seeking health equity, and supporting effective local public health practice and systems.

1100 17th St, NW, 2nd Floor Washington, DC 20036

P (202) 783 5550 F (202) 783 1583

MAPP – Mobilizing for Action through Planning and Partnerships

What is MAPP?

Mobilizing for Action through Planning and Partnerships (MAPP) is a strategic approach to community health improvement. This tool helps communities improve health and quality of life through community-wide strategic planning. Using MAPP, communities seek to achieve optimal health by identifying and using their resources wisely, taking into account their unique circumstances and needs, and forming effective partnerships for strategic action.

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Health and Human Services Collaborative	Department of Health and Human Services
War Memorial Hospital	Morgan County Partnership
Morgan County Health Department	Berkeley County Senior Center

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

AGENDA REQUEST FORM

Name: Stephanie Grove, Assistant Prosecuting Attorney

Department or Entity: _____

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: February 17, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Legal Update**

Please provide the County Commission with a description of your request or presentation, including any background information: **Request to Rezone - Shenandoah Professional Center, LLC**

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

Attachments:



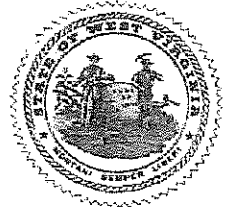
THE COUNTY COMMISSION OF JEFFERSON COUNTY

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

Phone: 304-728-3284

www.jeffersoncountywv.org

Fax: 304-725-7916



October 8, 2010

John Maxey
335 Old Shenandoah Trail
Harpers Ferry, WV 25425

Dear Mr. Maxey and members of the Jefferson County Planning Commission:

At last week's County Commission meeting, the Commission discussed the date for the public hearing on the petition by the Planning Commission to rezone certain federal lands in the US 340 Corridor. A tentative date in November has been selected.

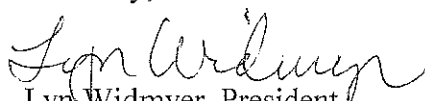
However, the Commission would like the Planning Commission to reconsider the timing of the petition and postpone its consideration until completion of the US 340 Corridor plan.

The US 340 Plan is in the Planning Commission's work program. The County Commission has approved the local match for a \$100,000 transportation analysis of the US 340 Corridor to be done in conjunction with the plan. Senator Herb Snyder has received a commitment from the WV DOH to re-examine bypass alternatives around Harpers Ferry. The cities of Ranson and Charles Town are evaluating "form based codes" for their municipalities and these codes may have merit in terms of the US 340 Plan.

We expect to receive other requests for rezoning if the rezoning petition goes forward. These requests will be made at the Public Hearing and require a response. The County Commission suggests any rezoning of properties in the US 340 Corridor should await completion of the plan for that corridor. This approach will allow all property owners to submit their requests at one time, rather than in a piecemeal fashion.

On behalf of the County Commission, I would like to extend our appreciation to the work you do and hope you will agree to defer the petition for rezoning of federal lands until completion of the US 340 Corridor Plan.

Sincerely,


Lyn Widmyer, President

Commission Office Use Only

Date on Agenda:

2/17/11

Appt Time or New Business:

11:00am

AGENDA REQUEST FORM

Name: PATRICIA SANDERSON

Department or Entity: SHENANDOAH PROFESSIONAL CR, LLC

Estimation of amount of time needed for appointment: 1/2 HR

Date Requested - 1st Choice: 2/10/2011

Date Requested - 2nd Choice: 2/17/2011

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

Subject: PREVIOUSLY TABLED REZONING REQUEST DECISION VOTE FOR TR 9, PARCELS 37 & 37 2. REZONING REQUEST FROM CURRENT ZONING OF R-G TO PROPOSED ZONING OF R-L-C

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

SEE ATTACHED ALL PUBLIC HEARINGS FOR PLANNING COMMISSION AND COUNTY COMMISSION PREVIOUSLY HELD

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

REZONING APPROVAL FOR CURRENT ZONING OF RESIDENTIAL GROWTH (R-G) TO NEW ZONING RESIDENTIAL - LIGHT INDUSTRIAL - COMMERCIAL (R-L-C)

Attachments:

Sandy McDonald

From: "Sandy McDonald" <sandy@jeffersoncountywv.org>
To: "Tim Boyde" <tboyde@jeffersoncountywv.org>
Sent: Thursday, February 03, 2011 4:59 PM
Subject: May 27 2010 Minutes
5/27/10

Mr. Boyde reported that Shenandoah Professional Center withdrew its application for a zoning map amendment and had requested removal from the May 27, 2010 County Commission Agenda.

Nichelle Hosby

From: Matt Powell [matt@potomacconsultingservices.com]
Sent: Thursday, February 03, 2011 9:53 AM
To: nhosby@jeffersoncountywv.org
Subject: Request to be heard before the Jefferson County Commission
Attachments: 12-21-09 SPC 04-009 Zoning Map Amendment Request - Rev 1.pdf; 02-03-11 SPC 04-009 Resumed Rezoning CC Agenda Request.pdf

Dear Ms. Hosby,

On or about May 27, 2010, our firm Potomac Professional Services, LLC, on behalf the property owners, Shenandoah Professional Center, LLC, requested that our rezoning request for the subject mentioned property from its' current zoning of R-G, to a commercial zoning of R-L-C, be tabled and pulled from the County Commissioner's agenda until further notice.

We would like to request to be put back on the County Commissioners agenda at the earliest convenience to be heard for the final time and have a decision rendered.

Please find the attached request form and original letter of explanation.

Thank you,

Matthew R. Powell
POTOMAC CONSULTING SERVICES, LLC
36 Bakerton Rd
Harpers Ferry, WV 25425
P 304.725.3712 F 304.724.9150 C 304.582.0822
www.potomacconsultingservices.com



November 24, 2009

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

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

Re: **Zoning Map Amendment Request**

Dear Ms. Brockman,

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

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

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

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

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

- d. The property is in a location that is beneficial for commercial growth within the County. This proposed zoning amendment would provide the County with a concentrated area of potential commercial development along a major traffic corridor, in lieu of spot development.
2. Tax District, Map and Parcel Number
 - a. Harpers Ferry District, TM 9, Parcel 37 & 37.2
 3. Deed Book Reference
 - a. DB 996, Page 552, Lot 1 and 2
 4. Plat or Sketch pursuant to Section 7.4(b)
 - a. See attached
 5. Tract Size
 - a. Lot 1 - 1.491 acres, Lot 2 - 8.185 acres, Total = 9.676 acres
 6. Discussion on:
 - a. Comprehensive Plan compatibility of the proposed change.
 - i. This proposed zoning change from residential to a predominately commercial zone stays consistent with the 2004 Jefferson County Comprehensive Plan in that growth was encouraged in areas where water, sewer, schools, and other public facilities are available, and the encouragement and support of commercial and industrial to provide a diversified and sound local economy.

The location of this property is consistent with the 2004 Comprehensive Plan in all of the aforementioned ways, as well as being adjacent to a major roadway feeding Jefferson County.
 - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.
 - i. Although this request is believed to be consistent with the current Comprehensive Plan adopted in 2004, the area has undergone significant growth since that time that has increased traffic on primary and secondary roadway systems. The influx of home sales

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

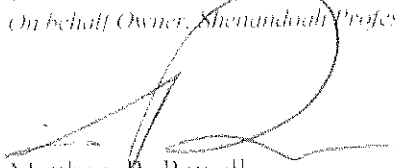
This significant growth and impact to the major roadways has emphasized the need to centralize the potential commercial uses on or in close proximity to the major road networks for easy access and increased visibility.

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

Sincerely,

POTOMAC PROFESSIONAL SERVICES, LLC

On behalf Owner, Shenandoah Professional Ctr, LLC



Matthew R. Powell
Vice President Development

**NOTICE OF PUBLIC HEARING
ZONING MAP AMENDMENT**

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

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

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

The Planning Commission of Jefferson County, West Virginia

In re: Rezoning for Shenandoah Professional Center, LLC

Denial of Rezoning Request

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

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

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

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

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

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

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

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

Jefferson County Planning Commission,

By: 

John Maxey, President



RECEIVED

DEC 22 2009

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

November 24, 2009

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

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

Re: Zoning Map Amendment Request

Dear Ms. Brockman,

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

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

1. Substantiation for the Request

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

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

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

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

2. Tax District, Map and Parcel Number

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

3. Deed Book Reference

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

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

- a. See attached

5. Tract Size

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

6. Discussion on:

- a. Comprehensive Plan compatibility of the proposed change.

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

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

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

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

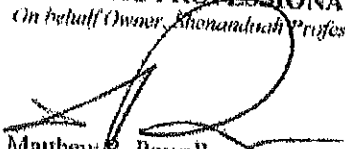
between 2005 through 2007 was primarily driven from buyers who are commuting to and from the Washington DC/Metropolitan area, thus significantly taxing the major roadway systems, especially the Rt. 340 Corridor running from Maryland to West Virginia. In addition, the recent approval of table games at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

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

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

Sincerely,

POTOMAC PROFESSIONAL SERVICES, LLC
On behalf Owner, Shenandoah Professional Co., LLC


Matthew R. Powell
Vice President Development



United States Department of the Interior

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

IN REPLY REFER TO:

LI425 (HAFE)

February 3, 2010

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

RECEIVED

FEB 12 2010

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Dear Mr. Maxey:

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

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

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

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

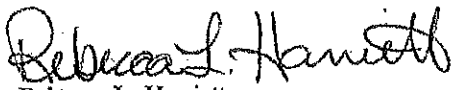
industrial uses of the Fritts property would be out of scale and context with the character of the surrounding rural landscape and the history that occurred there.

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

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

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

Sincerely,



Rebecca L. Harriett
Superintendent

cc: Members, Jefferson County Planning Commission:

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

Amy Puetz

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

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

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

Here you go again. The request for the public hearing on your agenda: "This property is located at the intersection of Route 340 and Bakerton Rd. and is a total of 9.676 acres. This property is currently zoned Residential Growth and a request has been made by the owners, Shenandoah

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

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

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

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

Gil Narro Garcia

881 Elk Run Dr.

Harpers Ferry WV

304-535-2235

Staff Assessment

Shenandoah Professional Services Rezoning Application

Submitted By:

Jefferson County Department of Planning and Zoning

Prepared for:

Jefferson County Planning Commission

&

The Jefferson County Commission

Request at a Glance:

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

Address: 36 Bakerton Road, Harpers Ferry, WV 25425

Current Zoning: Residential Growth

Proposed Zoning: Residential-Light Industrial-Commercial

Acreage: 9.676 on two contiguous parcels

Background

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

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

Introduction and Purpose

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

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

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

Statutory Authority and Requirements

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

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

Scope of this Assessment

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

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

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

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

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

Relevant Comprehensive Plan Elements and Commentary

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

Page 8: Jefferson County – A Vision

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

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

Staff Comment:

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

Page 8 – Plan Policies

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

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

Staff Comment

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

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

Staff Comment

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

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

Staff Comment

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

Page 12 – The Role of the Comprehensive Plan

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

Staff Comment

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

Page 19 – Statement of Goals

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

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

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

Staff Comment

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

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

Pages 26-28 – Transportation Planning

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

Staff Comment:

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

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

Page 26 – Transportation – General Goals

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

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

Page 27 – Planning for a Responsible Transportation Network

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

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

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

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

Staff Comment:

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

Page 32 – Highway Problem Areas

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

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

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

Staff Comment:

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

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

Pages 32 and 33 - The Harpers Ferry Water Gap

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

Staff Comment:

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

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

Page 34

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

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

Staff Comment:

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

Page 41 – Water and Service

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

Staff Comment:

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

Page 48 – Natural Resources

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

Page 52 - Other Natural Resources

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

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

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

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

Staff Comment:

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

Page 55 and 56 - Historic Preservation

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

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

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

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

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

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

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

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

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

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

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

Staff Comment:

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

Page – 63 – Business and Industry

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

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

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

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

Staff Comment:

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

Page 66

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

Staff Comment:

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

Page 71 – Residential Growth-Light Industrial-Commercial

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

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

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

Staff Comment:

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

Page 72 – Historic Gateway Special Study Area

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

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

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

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

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

Staff Comments:

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

Staff Recommendation

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

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

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

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

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

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

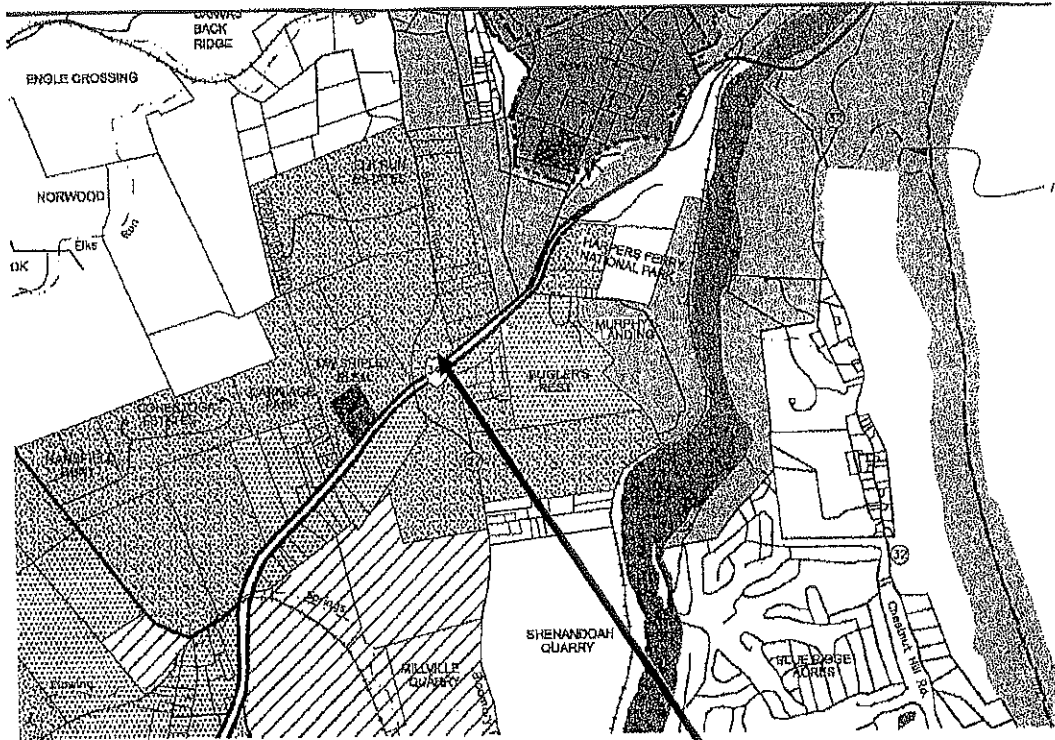
- The site is visible from various areas of the National Park. Considering the subject property's proximity to national historic lands, the views may be considered more than attractive natural features and scenic vistas. They are a part of a greater story in the nation's history worthy of interpretation.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






Map 1



Subject Property

Map 2



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

Subject Property

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

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

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

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

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

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

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

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

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

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

John Maxey, Commission President

NATIONAL PARKS CONSERVATION ASSOCIATION

Protecting Our National Parks for Future Generations®

April 15, 2010

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

Dear President Widmyer and Members of the Commission:

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


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

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

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



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

 PRINTED ON RECYCLED PAPER

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

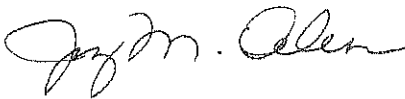
We have reviewed the assessment regarding this request prepared by county staff for the county planning commission and for this commission. The staff report is thorough and compelling. The staff analysis provides many substantive reasons for the County Commission to deny this re-zoning request, as recommended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

The key points we would like to emphasize are:

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

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

Sincerely,



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



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

#2

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

AGENDA REQUEST FORM

Name: Jennie Brockman

Department or Entity: Planning & Zoning

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

Date Requested – 1st Choice: May 27th

Date Requested – 2nd Choice: June 17th

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

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

Subject: Subdivision Regulation Amendments

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

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

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

6

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>2/17/11</u></p> <p>Appt Time or <u>New Business</u></p>

AGENDA REQUEST FORM

Name: Nichelle Hosby

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: 2/17/11

Date Requested – 2nd Choice: _____

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

Subject: Appointments and Interviews for the Jefferson County Property Safety Ordinance Enforcement Agency

Please provide the County Commission with a description of your request or presentation, including any background information: **Currently two seats expired on February 8, 2011 and need to be filled.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the appointment of _____ for a two year term ending February 8, 2013 to the Jefferson County Property Safety Ordinance Enforcement Agency.**

Attachments:

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, February 24, 2011, or as soon thereafter as the Commission may decide:

**Jefferson County Property Safety Ordinance Enforcement Agency
- 2 - Two year terms expiring February 8, 2013**

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:

January 20 & 27, 2011 and February 3 & 10, 2011

THANKS - JEFFERSON COUNTY COMMISSION

JEFFERSON COUNTY
PROPERTY SAFETY ENFORCEMENT AGENCY
BOARD MEMBERS

Updated May 25, 2010

Fire Chief (filling unexpired term)

Chief Steve Wilt

Fire Company: Friendship Fire Co. work: 304-535-2211 fax: 304-535-1382 cell:
email:

P.O. Box 126, Harpers Ferry, WV 25425

By ordinance a fire chief, from a County fire company, serves a 1.5 year term

(Appointed by County Commission 10/19/06; term expired 4/19/08.)

Fred Blackmer, President (elected Feb., 2009)

191 Wild Hare Road

Harpers Ferry, WV 25425

h: 304-725-6754

email: fredblackmer@aol.com

By ordinance citizen volunteer serves a 2 year term

(Re-appointed by County Commission; term expires 2/08/11)

Melinda Keuroglan, Vice President (elected Feb., 2009)

286 Hite Road

Kearneysville, WV 25430-5015

h: 304-728-1034

email: mlkeuroglan@aol.com

By ordinance citizen volunteer serves a 2 year term

(Appointed by County Commission 06/28/07; term expires 2/08/11)

Jefferson County Health Officer/Administrator

(The County Health Officer/Administrator is required to serve by State Code & County Ordinance)

Amy B. Jones, Secretary (elected Jan. 2008)

1948 Wiltshire Road, Suite 1

Kearneysville, WV 25430

304-728-8415

email: amy.b.jones@wv.gov

Health Department Administrator's Designated Representative:

Bill Zaleski, Sanitarian; Board Secretary

304-728-3313

Email: Bill.H.Zaleski@wv.gov

Jefferson County Chief Engineer

(The County Engineer is required to serve by State Code & County Ordinance)

Roger Goodwin

P. O. Box 338

Charles Town, WV 25414 304-728-3228

email: rgoodwin@jeffersoncountywv.org

Bobby Shirley, Sheriff (Ex-officio/Non-voting member)

(The Sheriff is required to serve by State Code & County Ordinance)

P. O. Box 9

Charles Town, WV 25414

304-728-3205

email: rshirley@jcsdvw.com

SEND
LETTER
TO SEE IF
INTERESTED



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
Dale Manuel

COMMISSIONER
Frances Morgan

COMMISSIONER
Walt Pellish

COMMISSIONER
Lyn Widmyer

January 14, 2011

Fred Blackmer
191 Wild Hare Road
Harpers Ferry, WV 25425

Dear Mr. Blackmer:

Please be advised that your term on the Jefferson County Safety Ordinance Enforcement Agency will expire on February 8, 2011. Until the County Commission has acted to appoint someone for another Two year 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, February 24, 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



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

Dale Manuel

January 14, 2011

COMMISSIONER

Frances Morgan

Melinda Keuroglian

COMMISSIONER

Walt Pellish

563 Shenandoah River Drive

Harpers Ferry, WV 25425

COMMISSIONER

Lyn Widnyer

Dear Ms. Keuroglian:

Please be advised that your term on the Jefferson County Property Safety Ordinance Enforcement Agency will expire on February 8, 2011. Until the County Commission has acted to appoint someone for another Two year term ending February 8, 2013 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, February 24, 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

COUNTY ADMINISTRATOR

Tim Boyde

DEPUTY COUNTY ADMINISTRATOR

Sandy Slusher McDonald

Nichelle Hosby

From: mlkeuroglian@aol.com
Sent: Tuesday, February 08, 2011 12:01 PM
To: nhosby@jeffersoncountywv.org
Subject: PSEA

Nichelle,

I would be happy to serve another term on the board of the Property Safety Enforcement Agency. Thank you for your telephone call regarding this and for taking the extra effort to contact me, I sincerely appreciate it.

When I signed on to AOL I also saw that I had a message from Roger Goodwin that my re-appointment was on the agenda for the County Commission meeting on 2/17. Should I attend that session since I'm on the agenda, or do I just go to the Circuit Clerk's Office to take my oath of office after that date?

Thanks once again for your help and courtesy.

Melinda Keuroglian

Nichelle Hosby

From: Fred Blackmer [fred@fredblackmer.com]
Sent: Monday, January 31, 2011 11:21 AM
To: dstellato@jeffersoncountywv.org; webmaster@jeffersoncountywv.org;
laura@jeffersoncountywv.org; sandy@jeffersoncountywv.org; nhosby@jeffersoncountywv.org
Subject: Property Safety Enforcement Agency

Your submission:

Your Name: Fred Blackmer

Your Email Address: fred@fredblackmer.com

Subject: Property Safety Enforcement Agency

Message: Please consider this email as my request for reappointment to the subject agency. I believe that the agencies record of accomplishment and efficiency speaks well of the current members and especially our staff support. As current president of the agency, it is my hope that we can continue to serve the community.

Fred Blackmer
304 725 6754

7

SANSY

Commission Office Use Only

Date on Agenda: 2-17-11

Appt Time or New Business: 11:15am

AGENDA REQUEST FORM

Name: Debra Young

Department or Entity: Jeff. Co. Victim Assistance Program

Estimation of amount of time needed for appointment: 15 minutes

Date Requested - 1st Choice: Feb 17, 2011

Date Requested - 2nd Choice: _____

If a specific date is needed, please provide reason for specific date: Grant Due in
Charleston, WV by 3/4/11

Subject: Presentation of VOCA Grant

Please provide the County Commission with a description of your request or presentation, including any background information: Commission needs to review grant
and sign.

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: 2/12/11
 Appt Time or New Business: 11:30am

AGENDA REQUEST FORM

Name: Andrew P. Blake - Attorney

Department or Entity: City of Ranson

Estimation of amount of time needed for appointment: 10 minutes max

Date Requested - 1st Choice: February 10th

Date Requested - 2nd Choice: February 17th *

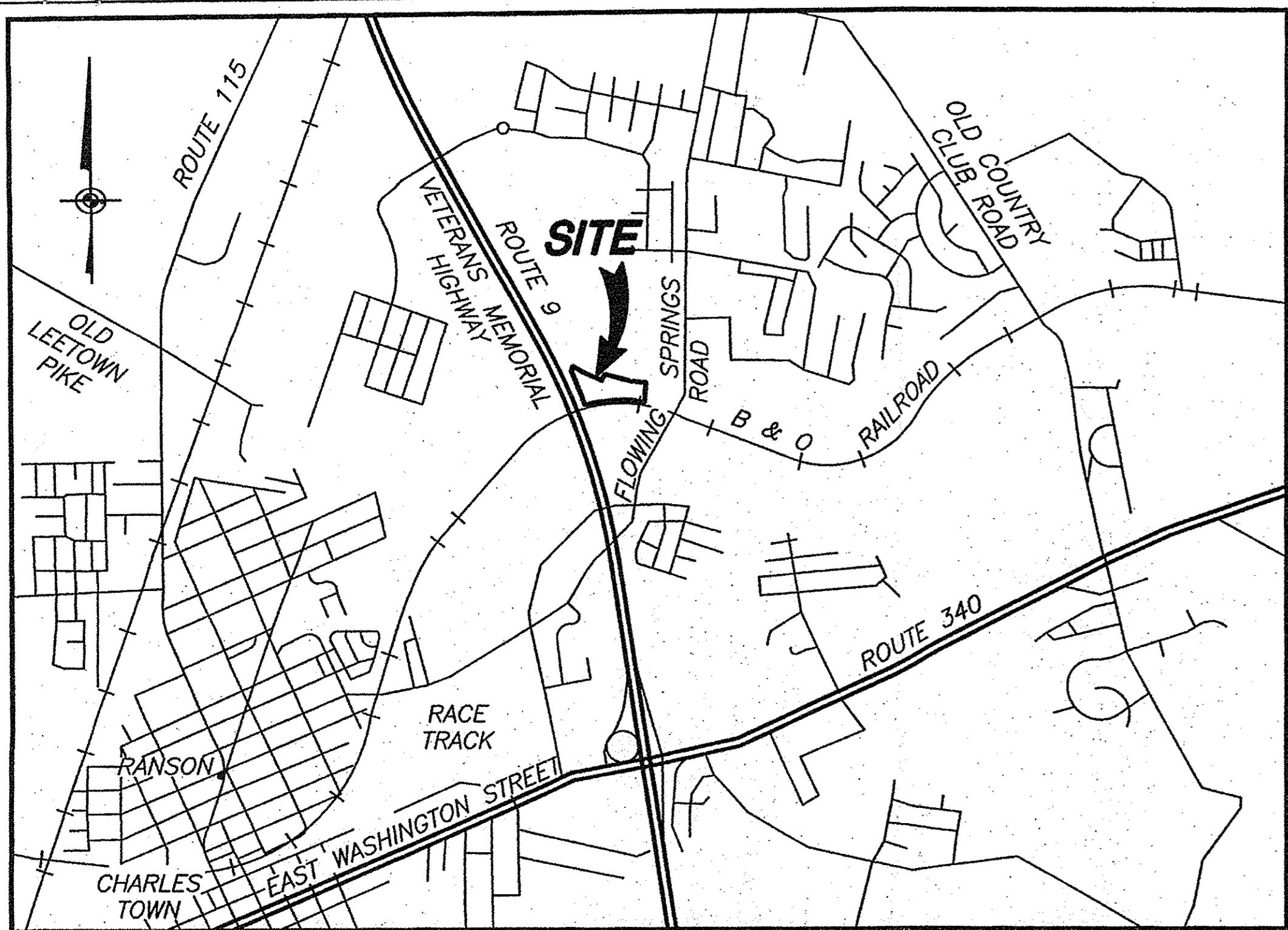
If a specific date is needed, please provide reason for specific date:

Subject: PNGI Charles Town Gaming, LLC - Annexation

Please provide the County Commission with a description of your request or presentation, including any background information: Perform ministerial act of entering annexation order as attached

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): City Council has certified that petition is sufficient and has adopted ordinance

- Attachments:
- 1. Ordinance
 - 2. Certificate
 - 3. Order
 - 4. Map



VICINITY MAP 1"=2000'

LEGEND:

- IRF = 5/8" IRON REBAR WITH CAP FOUND
- IRS = 5/8" IRON REBAR WITH CAP SET
- = WVDOT, DIVISION OF HIGHWAYS CONCRETE MONUMENT
- ⊙ = SANITARY MANHOLE
- = UTILITY POLE
- EX. = EXISTING
- C/L = CENTERLINE
- R/W = RIGHT OF WAY
- POB = POINT OF BEGINNING

CURVE TABLE:

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	2168.79'	113.63'	113.62'	N 86°43'15" W	3°00'07"
C2	2178.79'	648.60'	646.21'	S 83°15'00" W	17°03'23"

LINE TABLE:

LINE	BEARING	DISTANCE
L1	N 01°46'41" E	10.00'

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE LAND SHOWN ON THIS SURVEY PLAT IS A PORTION OF "TRACT NO. 2" CONVEYED TO PNGI CHARLES TOWN GAMING, L.L.C., BY DEED DATED JANUARY 15, 1997 OF RECORD AMONG THE LAND RECORDS IN THE OFFICE OF THE CLERK OF THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA, IN DEED BOOK 852 PAGE 313, THAT ALL MONUMENTS REQUIRED BY THE JEFFERSON COUNTY SUBDIVISION ORDINANCE AND THE LAWS OF THE STATE OF WEST VIRGINIA AND SHOWN ON THIS PLAT ARE IN PLACE OR WILL BE PLACED, AND THAT THIS PLAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, MEETS ALL REQUIREMENTS WITH RESPECT TO PLATTING.

MARK D. SMITH, P.S.

GENERAL NOTES:

1. THE PURPOSE OF THIS PLAT IS TO ESTABLISH THE BOUNDARY OF THE PORTION OF TAX PARCEL 2-8-3 NOTED ON THIS PLAT AS THAT PORTION NORTH OF THE RAILROAD RIGHT OF WAY WHICH IS TO BE ANNEXED TO THE CITY OF RANSON.
2. NOT ALL PHYSICAL IMPROVEMENTS ARE SHOWN.
3. EASEMENTS MAY EXIST THAT ARE NOT SHOWN.
4. THE BOUNDARY INFORMATION SHOWN HEREON IS BASED ON A CURRENT FIELD SURVEY.
5. THE PROPERTY SHOWN HEREON LIES WITHIN ZONE C, AREAS OF MINIMAL FLOODING, AND ZONE A1, AREAS OF 100-YEAR FLOOD; PER BASE FLOOD ELEVATIONS AND FLOOD INSURANCE RATE MAP NO. 540065 0035 B AND 540065 0051 B, REVISED JANUARY 6, 1999. THE APPROXIMATE LIMITS OF SAID ZONE A1 ARE DEPICTED ON THE SURVEY AS DETERMINED BY GRAPHIC PLOTTING UPON SAID MAP AND ARE TO BE CONSIDERED APPROXIMATE.
6. RAILROAD RIGHT-OF-WAY GEOMETRY FOR THE BALTIMORE AND OHIO RAILROAD MAIN LINE WAS COMPUTED USING: THE GEOMETRY SHOWN ON A MAP ENTITLED "RIGHT-OF-WAY AND TRACK MAP", WINCHESTER AND POTOMAC RAILROAD COMPANY (SHEET V30.1/5) DATED JUNE 30, 1918 (ALSO COMMONLY REFERRED TO AS A "RAILROAD VALUATION MAP), AND CALLS FROM THE DEEDS OF ADJOINING PROPERTY TO THE RAILROAD (WHICH REFLECT THE SAME GEOMETRY).
7. THE SANITARY SEWER EASEMENT SHOWN RUNNING ALONG THE RAILROAD RIGHT OF WAY WAS TAKEN FROM A PLAT RECORDED IN PLAT BOOK 22 PAGE 23.
8. PER PLAT BOOK 24 PAGE 84, THE ALTA/ACSM LAND TITLE SURVEY PREPARED BY RESOURCE INTERNATIONAL AND RECORDED IN PLAT BOOK 22 PAGE 77 ERRONEOUSLY SHOWS THIS PARCEL AS BEING DEDICATED TO WEST VIRGINIA DEPARTMENT OF HIGHWAYS. THIS AREA WAS IDENTIFIED ON THE STATE HIGHWAY PLANS AS A DRAINAGE EASEMENT. THIS WAS NOT CONVEYED IN THE DEED FROM SHAEFFER FAMILY, LLC TO FLOWING SPRINGS NEIGHBORHOODS, LLC RECORDED IN DEED BOOK 1019 PAGE 431.
9. NO CURRENT TITLE REPORT FURNISHED.

ZONING:

CURRENT ZONING: R-LI-C
RESIDENTIAL, LIGHT INDUSTRIAL, COMMERCIAL

MINIMUM SETBACK REQUIREMENTS:

BASED ON INDUSTRIAL USE
FRONT - 25'
REAR - 25'
SIDE - 25'

OWNER / DEVELOPER:

PNGI CHARLES TOWN GAMING, LLC
AL BRITTON, GENERAL MANAGER
P.O. BOX 551
CHARLES TOWN, WV 25414
(304) 725-7001

STATEMENT OF ACCEPTANCE:

THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS, AND SPECIFICATIONS PROVIDED HEREON.

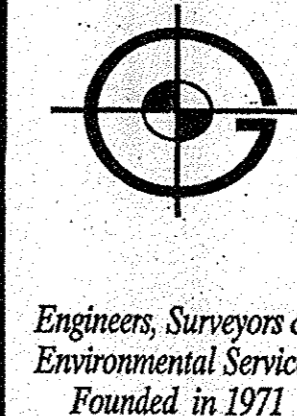
PNGI CHARLES TOWN GAMING, LLC
AL BRITTON, GENERAL MANAGER
P.O. BOX 551
CHARLES TOWN, WV 25414
(304) 725-7001

DATE: 10/21/10
SCALE: 1"=50'
DESIGNED BY: JAM
FILE NO. 3043
SHEET 1 OF 2

FINAL PLAT
OF
ANNEXATION
OF THE LAND OF
PNGI CHARLES TOWN GAMING, LLC
TAX PARCEL 2-8-3
DEED BOOK 852 PAGE 313
CHARLES TOWN DISTRICT - JEFFERSON COUNTY, WEST VIRGINIA
OCTOBER 21, 2010



DATE	REVISION



GREENWAY ENGINEERING, INC.

151 Windy Hill Lane
Winchester, Virginia 22602
Telephone: (540) 662-4185
Fax: (540) 722-9528
www.greenwayeng.com

Engineers, Surveyors &
Environmental Services
Founded in 1971

FEB 03 2011

**ORDINANCE 2011-219
(Uncodified)**

Jefferson County Commission

**AN ANNEXATION ORDINANCE ANNEXING 5.9327 ACRES, MORE OR LESS, OWNED BY
PNGI CHARLES TOWN GAMING LIMITED LIABILITY COMPANY (PNGI) INTO THE
CORPORATION OF RANSON, WEST VIRGINIA.**

WHEREAS, West Virginia Code § 8-6-4 permits a municipality to, by ordinance, annex additional territory without ordering a vote on the question if (1) a majority of the qualified voters of the additional territory file with the governing body a petition to be annexed and (2) a majority of all freeholders of the additional territory, whether they reside or have a place of business therein or not, file with the governing body a petition to be annexed;

WHEREAS, the Petitioner, PNGI Charles Town Gaming Limited Liability Company (PNGI), is the sole owner of a 5.9327 parcel of real estate situate the Charles Town District, Jefferson County, West Virginia, contiguous to the City of Ranson's municipal boundary and it seeks to have this additional territory annexed into the City of Ranson;

WHEREAS, the Petitioner is the only qualified voter within the additional territory, as defined by West Virginia Code § 8-6-4(b);

WHEREAS, there are no other freeholders or qualified voters residing in the area sought to be annexed;

WHEREAS, the majority of qualified voters of the additional territory sought to be annexed has petitioned the City of Ranson to have the additional territory annexed into the municipality by either the freeholders petition or qualified voters petition in accordance with West Virginia Code § 8-6-4;

WHEREAS, the additional territory is contiguous with the municipal boundaries of the City of Ranson, and

WHEREAS, the parcel shall be zoned as Rural Reserve (RR) pursuant to Ranson Municipal Code § 19-22(a).

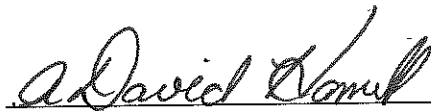
NOW, THEREFORE, BE IT ORDAINED THAT the City Council of the City of Ranson (1) adopts the recitals set forth above as true and correct and hereby incorporates them in the ordinance as if set out in full; (2) finds and is satisfied that the petition is sufficient in every respect; (3) directs that Ranson Municipal Code § 19-20(j) be created as *Rural Reserve (RR)* and subsection (1) be created to read as follows: "PNGI parcel consisting of 5.9327 acres more or less located north of the Baltimore and Ohio Railroad right-of-way, east of WV Route 9, and south and west of Flowing Springs Park and particularly described on a Final Plat of Annexation of the Land of PNGI Charles Town Gaming, LLC, by Greenway Engineering, Inc., dated October 21, 2010; (4) directs the recorder to enter this fact upon the City's journal and forward a certificate to that effect to the County Commission of Jefferson County, West Virginia, requesting that the Commission enter an Order annexing the property described in the petition to the City of Ranson such that after the date of entry of the County Commission's Order, the corporate limits of the City of Ranson shall be modified as set forth therein.

First Read:

Date: 1/4/2011

Second Read:

Date: 1/18/2011

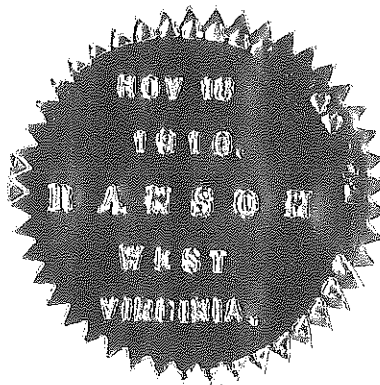


A. David Hamill
Mayor

ATTEST:



Ray A. Braithwaite
Recorder



CERTIFICATE OF ANNEXATION PURSUANT TO AN ORDINANCE

**ORDINANCE 2011-219
(Uncodified)**

AN ANNEXATION ORDINANCE ANNEXING 5.9327 ACRES, MORE OR LESS, OWNED BY PNGI CHARLES TOWN GAMING LIMITED LIABILITY COMPANY (PNGI) INTO THE CORPORATION OF RANSON, WEST VIRGINIA.

WHEREAS, West Virginia Code § 8-6-4 permits a municipality to, by ordinance, annex additional territory without ordering a vote on the question if (1) a majority of the qualified voters of the additional territory file with the governing body a petition to be annexed and (2) a majority of all freeholders of the additional territory, whether they reside or have a place of business therein or not, file with the governing body a petition to be annexed;

WHEREAS, the Petitioner, PNGI Charles Town Gaming Limited Liability Company (PNGI), is the sole owner of a 5.9327 parcel of real estate situate the Charles Town District, Jefferson County, West Virginia, contiguous to the City of Ranson's municipal boundary and it seeks to have this additional territory annexed into the City of Ranson;

WHEREAS, the Petitioner is the only qualified voter within the additional territory, as defined by West Virginia Code § 8-6-4(b);

WHEREAS, there are no other freeholders or qualified voters residing in the area sought to be annexed;

WHEREAS, the majority of qualified voters of the additional territory sought to be annexed has petitioned the City of Ranson to have the additional territory annexed into the municipality by either the freeholders petition or qualified voters petition in accordance with West Virginia Code § 8-6-4;

WHEREAS, the additional territory is contiguous with the municipal boundaries of the City of Ranson, and

WHEREAS, the parcel shall be zoned as Rural Reserve (RR) pursuant to Ranson Municipal Code § 19-22(a).

NOW, THEREFORE, BE IT ORDAINED THAT the City Council of the City of Ranson (1) adopts the recitals set forth above as true and correct and hereby incorporates them in the ordinance as if set out in full; (2) finds and is satisfied that the petition is sufficient in every respect; (3) directs that Ranson Municipal Code § 19-20(j) be created as *Rural Reserve (RR)* and subsection (1) be created to read as follows: "PNGI parcel consisting of 5.9327 acres more or less located north of the Baltimore and Ohio Railroad right-of-way, east of WV Route 9, and south and west of Flowing Springs Park and particularly described on a Final Plat of Annexation of the Land of PNGI Charles Town Gaming, LLC, by Greenway Engineering, Inc., dated October 21, 2010; (4) directs the recorder to enter this fact upon the City's journal and forward a certificate to that effect to the County Commission of Jefferson County, West Virginia, requesting that the Commission enter an Order annexing the property described in the petition to the City of Ranson such that after the date of entry

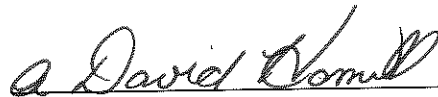
of the County Commission's Order, the corporate limits of the City of Ranson shall be modified as set forth therein.

First Read:

Date: 1/4/2011

Second Read:

Date: 1/18/2011



A. David Hamill

Mayor

ATTEST:



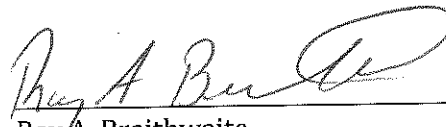
Ray A. Braithwaite

Recorder

AFFIX CITY SEAL

CERTIFICATE

The undersigned, being the recorder for the City of Ranson, hereby certifies that the above ordinance is a true copy of the ordinance of the City of Ranson entered into its journal as of the 18th day of January, 2011.



Ray A. Braithwaite

Recorder



IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

In Re: Annexation of Additional Territory of the City of Ranson Pursuant to West Virginia Code §8-6-4.

ORDER

A certificate of the governing body of the City of Ranson has this day filed showing that an annexation has been made, in the manner required by law, to the corporate limits thereof, and that by such annexation the said corporate limits are extended as follows:

A tract or parcel of land situated on the waters of Flowing Springs Run in Charles Town District, Jefferson County, West Virginia and being more particularly described as follows:

BEGINNING at a 5/8" capped rebar set, located along the northern right-of-way line of the Baltimore and Ohio Railroad, being located 473' west of Flowing Springs Road western right-of-way line, and also being a southwestern corner of the City of Ranson Building Commission Park Parcel One, thence leaving the Park Parcel and running with the northern right-of-way line of the Baltimore and Ohio Railroad the following three courses:

With a curve to the left, which has a radius of 2168.79', an arc length of 113.63', chord bearing of N 86° 43' 15"W, and a chord length of 113.62' to a 5/8" capped rebar set, thence;

N 01° 46' 41" E - 10.00' to a 5/8" capped rebar set, thence:

With a curve to the left, which has a radius of 2178.79', an arc length of 648.60', a chord bearing of S 83° 15' 00" W, and a chord length of 646.21' to a 5/8" capped rebar found, said rebar being in the northern right-of-way line of the Baltimore and Ohio Railroad and a point in the eastern right-of-way line of State Route 9, a variable width right-of-way, thence; leaving the railroad right-of-way and running with the eastern right-of-way of State Route 9, passing through a highway monument found at 16.64',

N 23° 44' 19" W - 452.98' in all to a highway monument found, said monument being in the southern line of the Shaeffer Family, LLC property, thence leaving the highway right-of-way and running with the Shaeffer Family, LLC the following course,

N 20° 53' 28" E - 59.57' to a 5/8" capped rebar found, said rebar being in the eastern line of the Shaeffer Family, LLC and a southwestern corner of the City of Ranson Building Commission Park Parcel One, thence leaving the Shaeffer Family, LLC property

and running with the southern line of the City of Ranson Building Commission Park Parcel One along a fence line the following six courses;

S 63° 00' 22" E - 179.53' to a 5/8" capped rebar found, thence;

S 70° 12' 15" E - 221.31' to a stone found in the base of a corner post, thence;

N 21° 43' 45" E - 85.00' to a fence post found, thence crossing over Flowing Springs Run;

S 76° 57' 31" E - 344.33' to a fence post found, thence;

S 86° 50' 48" E - 189.11' to a fence post found, thence; crossing back over Flowing Springs Run;

S 02° 05' 09 " W - 245.09' to the point and place of beginning, containing 5.9327 acres, more or less, as surveyed by Greenway Engineering on October 21, 2010, and as shown on a plat entitled, "**FINAL PLAT OF ANNEXATION ON THE LAND ON PNGI CHARLES TOWN GAMING, LLC.**"

It is therefore **ORDERED** that such annexation to said corporate limits of Ranson be, and the same is hereby **APPROVED** and **CONFIRMED**, and the Clerk of the Commission is directed to deliver to the said Council of the City of Ranson a certified copy of this Order, as soon as practical after the entry of the same.

COUNTY COMMISSION OF JEFFERSON COUNTY,
WEST VIRGINIA

BY: _____
President

Entered: _____

VOTERS PETITION FOR ANNEXATION OF A PARCEL OF REAL ESTATE
CONTAINING 5.9327 ACRES THAT IS CONTIGUOUS WITH THE CITY OF RANSON

WHEREAS, West Virginia Code 8-6-4 permits a municipality to, by ordinance, annex additional territory without ordering a vote on the question if (1) a majority of the qualified voters of the additional territory file with the governing body a petition to be annexed and (2) a majority of all freeholders of the additional territory, whether they reside or have a place of business therein or not, file with the governing body a petition to be annexed, and

WHEREAS, the parcel which is the subject of this petition is currently in the Charles Town Magisterial District, Jefferson County and contiguous to the City of Ranson's municipal boundary is owned by PNGI Charles Town Gaming Limited Liability Company, a West Virginia limited liability company ("PNGI"), and

WHEREAS, pursuant to West Virginia Code 8-6-4(b) the petitioner is a qualified voter of the territory sought to be annexed, and

WHEREAS, there are no other freeholders or qualified voters residing in the area sought to be annexed, and

WHEREAS, the undersigned qualified voter constitutes a majority of all of the qualified voters of the additional territory sought to be annexed and it has affixed its signature by the secretary of its sole member, who is authorized to sign this petition, and

NOW, THEREFORE, WITNESSETH: That the undersigned, being a majority of the qualified voter of the additional territory sought to be annexed, does hereby petition the City of Ranson to include in its municipal boundaries by annexation, without election, that certain parcel

of real estate as more particularly described in Exhibit A hereto. This parcel of land is contiguous and adjacent to the municipal boundary.

Dated this 7 day of December, 2010.

PNGI CHARLES TOWN GAMING LIMITED
LIABILITY COMPANY, a West Virginia
limited liability company

By: PENN NATIONAL HOLDING COMPANY,
a Delaware corporation, sole member

By: Robert S. Ippolito
Robert S. Ippolito, Secretary

Commonwealth
STATE OF Pennsylvania
COUNTY OF Berks, to-wit:

Robert S. Ippolito, Secretary of Penn National Holding Company, a Delaware corporation, sole member of PNGI Charles Town Gaming Limited Liability Company, a West Virginia limited liability company, the Petitioner named in the foregoing Petition for annexation, being duly sworn, says that the facts and allegations contained are true, except as far as they are herein stated to be upon information, and that so far as they are stated upon information, they believe them to be true.

PNGI CHARLES TOWN GAMING LIMITED
LIABILITY COMPANY, a West Virginia
limited liability company

By: PENN NATIONAL HOLDING COMPANY,
a Delaware corporation, sole member

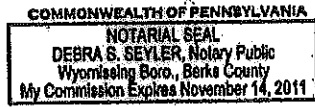
By: Robert S. Ippolito
Robert S. Ippolito, Secretary

Taken, subscribed and sworn to before me this 7th day of December, 2010, by Robert S. Ippolito, Secretary of Penn National Holding Company, a Delaware corporation, sole member of PNGI Charles Town Gaming Limited Liability Company, a West Virginia limited liability company, on behalf of the corporation and the limited liability company.

My commission expires:

Nov. 14, 2011

Debra S. Seyler
Notary Public



3283916.1



GREENWAY ENGINEERING, INC.

151 Windy Hill Lane
Winchester, Virginia 22602

Founded in 1971

**METES AND BOUNDS DESCRIPTION
PART OF TAX MAP 2-8-3, NORTH OF RAILROAD RIGHT-OF-WAY**

A tract or parcel of land situated on the waters of Flowing Springs Run in Charles Town District, Jefferson County, West Virginia and being more particularly described as follows:

Beginning at a 5/8" capped rebar set, located along the northern right-of-way line of the Baltimore and Ohio Railroad, being located 473' west of the Flowing Springs Road western right-of-way line, and also being a southwestern corner of the City of Ranson Building Commission Park Parcel One, thence leaving the Park Parcel and running with the northern right-of-way line of the Baltimore and Ohio Railroad the following three courses:

With a curve to the left, which has a radius of 2168.79', an arc length of 113.63', chord bearing of N 86° 43' 15" W, and a chord length of 113.62' to a 5/8" capped rebar set, thence;

N 01° 46' 41" E - 10.00' to a 5/8" capped rebar set, thence;

With a curve to the left, which has a radius of 2178.79', an arc length of 648.60', a chord bearing of S 83° 15' 00" W, and a chord length of 646.21' to a 5/8" capped rebar found, said rebar being in the northern right-of-way line of the Baltimore and Ohio Railroad and a point in the eastern right-of-way line of State Route 9, a variable width right-of-way, thence; leaving the railroad right-of-way and running with the eastern right-of-way of State Route 9, passing through a highway monument found at 16.64',

N 23° 44' 19" W - 452.98' in all to a highway monument found, said monument being in the southern line of the Shaeffer Family, LLC property, thence leaving the highway right-of-way and running with Shaeffer Family, LLC the following course,

N 20° 53' 28" E - 59.57' to a 5/8" capped rebar found, said rebar being in the eastern line of the Shaeffer Family, LLC and a southwestern corner of the City of Ranson Building Commission Park Parcel One, thence leaving the Shaeffer Family, LLC property and running with the southern line of the City of Ranson Building Commission Park Parcel One along a fence line the following six courses;

S 63° 00' 22" E - 179.53' to a 5/8" capped rebar found, thence;

S 70° 12' 15" E - 222.31' to a stone found in the base of a corner post, thence;

N 21° 43' 45" E - 85.00' to a fence post found, thence crossing over Flowing Springs Run,

S 76° 57' 31" E - 344.33' to a fence post found, thence;

S 86° 50' 48" E - 189.11' to a fence post found, thence; crossing back over Flowing Springs Run;

S 02° 05' 09" W - 245.09' to the point and place of beginning, containing 5.9327 acres, more or less, as surveyed by Greenway Engineering on October 21, 2010, and as shown on a plat entitled, "FINAL PLAT OF ANNEXATION OF THE LAND OF PNGI CHARLES TOWN GAMING, LLC."



Exhibit
A

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>2-17-11</u></p> <p>Appt Time of <u>New Business</u>:</p>

AGENDA REQUEST FORM

Name: Sandy McDonald, Deputy County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: February 17, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Grant Contract, Resolution and Agreement**

Please provide the County Commission with a description of your request or presentation, including any background information: **Approval of Grant Contract, Resolution and Agreement**

- 1.) Blue Ridge Mountain Library - \$3,000
- 2.) Briggs Adoption Center - \$10,000
- 3.) Shepherd Interfaith Volunteer Caregivers \$5,000

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the Grant Contract, Resolution and Agreement and to authorize the President of the Commission to affix her signature to the appropriate documents**

Attachments:

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

The County Commission of Jefferson County, met on February 17, 2011 with a quorum present and passed the following Resolution:

WHEREAS, The Jefferson County Commission has agreed to assist the Blue Ridge Mountain Library. The project will include the purchase of educational materials and supplies for the children's library; tables, chairs, and kitchen appliances; plumbing and electrical upgrades; and parking area improvements with funds made available through the Governor's Community Participation Grant program in the amount of \$3,000.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission hereby authorizes Patricia A. Noland, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

Date: _____

Signed: _____
COUNTY CLERK



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

Dale Manuel

COMMISSIONER

Frances Morgan

COMMISSIONER

Walt Pellish

COMMISSIONER

Lyn Widmyer

Letter of Agreement
Community Participation Grant
between the
Jefferson County Commission
and the
Blue Ridge Mountain Library

THIS AGREEMENT, entered into this _____ day of _____, 2011, by the Jefferson County Commission and the Blue Ridge Mountain Library its officers, agents, and representatives.

WITNESS THAT:

WHEREAS, the Jefferson County Commission has promised and agreed to act as funding agency to assist Blue Ridge Mountain Library to perform specific tasks through funding from the Governor's Community Participation Grant Program.

NOW, THEREFORE, the parties hereby mutually agree as follows:

1. The Jefferson County Commission will serve as funding agency for the Blue Ridge Mountain Library.
2. The Blue Ridge Mountain Library agrees to abide by the terms and conditions of the Governor's Community Participation Grant Program Contract between the West Virginia Development Office and the Jefferson County Commission as contained herein. (attached)
3. This agreement shall be signed by the authorized officers, agents or representatives of the Blue Ridge Mountain Library and the President of the Jefferson County Commission.

JEFFERSON COUNTY COMMISSION

President

Blue Ridge Mountain Library

By: _____

Title: _____

COUNTY ADMINISTRATOR
Tim Boyle

DEPUTY COUNTY ADMINISTRATOR
Sandy Slusher McDonald

**GOVERNOR'S COMMUNITY PARTICIPATION
GRANT PROGRAM CONTRACT**

between the

WEST VIRGINIA DEVELOPMENT OFFICE

and the

JEFFERSON COUNTY COMMISSION

THIS AGREEMENT, entered into this 1st day of July, 2009, by the West Virginia Department of Finance and Administration on behalf of the West Virginia Development Office hereinafter called the "WVDEVO" and the Jefferson County Commission and its authorized officers, agents, and representatives, hereinafter called the "Grantee."

WITNESS THAT:

WHEREAS, the WVDEVO has promised and agreed to assist the Grantee to perform such tasks hereafter described in the scope of services, which is to be partially financed by funds made available through the Governor's Community Participation Grant program.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. **Assistance of the Grantee**. The WVDEVO hereby agrees to assist the Grantee including all authorized officers, agents, and representatives, to perform such tasks and functions as set forth below in the scope of services.
2. **Scope of Services**. The Grantee, or its designated agent, shall do, perform and carry out, in a satisfactory and proper manner as determined by the WVDEVO, and appropriate regulatory agencies, if required, all duties, tasks, and functions necessary to improve the Blue Ridge Mountain Library. The project will include the purchase of educational materials and supplies for the children's library; tables, chairs, and kitchen appliances; plumbing and electrical upgrades; and parking area improvements as funds permit.
3. **Personnel**. The Grantee represents that it has, or will secure at its own expense, personnel with the necessary qualifications and experience required to perform the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with WVDEVO.
4. **Time Performance**. The Grantee will commence its duties under this Contract on July 1, 2009, and such duties shall be undertaken and completed in such sequences as to assure their expeditious completion in the light of the purpose of the Contract; but, in any event, all of the services required hereunder shall be completed by June 30, 2011. The completion date of this contract may only be extended by mutual written agreement of both parties dependent on the reappropriation of funds under the Governor's Community Participation Grant program. If no such agreement exists, the Grantee shall not receive payment for services rendered or work performed relative to this grant after June 30, 2011.

5. **Compensation.** In consideration of the services rendered by the Grantee, the WVDEVO agrees to pay the Grantee the sum of \$3,000. This amount constitutes complete compensation for all services rendered. In no instance shall the agreed upon compensation exceed \$3,000 without the written consent of the Governor of the State of West Virginia.

6. **Method of Payment.** In order to receive payments under the terms of this Agreement, the Grantee shall submit the following: (a) a Letter of Transmittal containing a progress report, and (b) a Request for Payment Financial Report. The final ten percent shall be made available upon submission of certification of completion and acceptance of the project by the Grantee. Upon receipt of said documents, the WVDEVO shall review the same for reasonableness and appropriateness.

7. **Changes.** The WVDEVO and the Grantee may, from time to time, require changes in the scope of the services of the work to be performed hereunder. Such changes, including any increase or decrease in the amount of the Grantee's compensation and work to be performed, which are mutually agreed upon by and between the WVDEVO and the Grantee, shall be incorporated in written amendments to this Contract.

8. **Sub-Grantees and Reversion of Property.** The Grantee may administer funds on behalf of sub-grantees, provided that such a sub-grantee is certified as a nonprofit organization by the United States Internal Revenue Service and the West Virginia Secretary of State's Office. Should such a sub-grantee cease to exist, all commodities or supplies purchased with funds provided under the auspices of this Contract by or for the sub-grantee shall become the property of the Grantee.

9. **Competitive Bid Procedures.** Competitive bidding shall be pursued in all instances. The Grantee must follow the more stringent of either state or local purchasing regulations. The West Virginia Purchasing Division requirements, at a minimum, are as follows: Commodities and services expected to cost \$2,500 or less require no bids, however, competition is encouraged. Purchases between \$2,500.01 and \$5,000 require three verbal bids to be documented on a verbal bid quotation summary. Purchases \$5,000.01 to \$25,000 require three written bids.

The Grantee shall solicit competitive, sealed bids for commodities and supplies related to this project which have an estimated value of over \$25,000. Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$25,000 shall be cause for termination of this agreement under the provisions of Paragraph 28. These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3. This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date.

The Grantee shall also, where feasible, solicit sealed bids by listing the project in the F. W. Dodge Reports, sending requests by mail to prospective suppliers or contractors, and by posting notice on a bulletin board in a public place. The Grantee shall have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance with these procedures.

10. **Project Wage Rates.** Every contract involving construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work which involves the employment of any contractor and/or subcontractor necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such contract, must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. **This law applies to all construction contracts, regardless of cost.**

The receipt and utilization of funds procured under this agreement mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code § 21-5A.

Such provisions shall include the payment of the Fair Minimum Wage Rates as determined by the West Virginia Commissioner of Labor for each craft or classification of all workmen needed to perform the contract in the locality in which the public work is performed. For projects involving federal funds which are covered by the provisions of the Davis Bacon Act (40 U.S.C. 276-a 276a-5), the Grantee shall cause the contractor and/or subcontractors to pay the higher wage rate, federal or state.

Further, the Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bid documents. The Grantee shall also have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance including copies of contractor's payrolls.

11. **Construction.** The Grantee shall procure construction contracts in accordance with West Virginia Code §5-22-1. **The state and its subdivisions shall, except as provided in this section, solicit competitive bids for every construction project exceeding \$25,000 in total cost.**

Further, the receipt and utilization of funds procured under this agreement mandate that ALL CONSTRUCTION CONTRACTS NECESSARY FOR THE UNDERTAKING AND COMPLETION OF THIS PROJECT, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code § 21-5A.

The term construction shall mean any construction, reconstruction, improvement, enlargement, painting, decorating, or repair of any public improvement let to contract. These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3. This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date.

Any contracts under this agreement must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. This law applies to all construction contracts, regardless of cost. The Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bidding blanks.

The Grantee shall designate the time and place for opening such construction bids in accordance with West Virginia Code §5-22-2.

12. **Bonding.** The Grantee shall secure bonding in accordance with West Virginia Code §5-22-1. All bids submitted pursuant to this chapter shall include a valid bid bond or other surety as approved by the state of West Virginia or its subdivisions. Following the solicitation of such bids, the construction contract shall be awarded to the lowest qualified responsible bidder, who shall furnish a sufficient performance and payment bond: provided, that the state and its subdivisions may reject all bids and solicit new bids.

In the procurement of contracts or subcontracts for construction of less than \$100,000, the Grantee shall follow local or State requirements relating to bid guarantees, performance bonds, and payment bonds, provided that the Grantee's and State's interests are adequately protected and that such contracts can be executed in a timely manner.

In the procurement of contracts or subcontracts for construction that exceed \$100,000, the Grantee shall obtain the following:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. This bid guarantee shall consist of a firm commitment such as bid bond, certified check, or other negotiable instrument accompanying a bid that the bidder will, upon acceptance of the bid, execute the contractual documents as may be required with the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. This performance bond shall be executed by the successful contractor in connection with the contract to secure fulfillment of the contractor's obligations under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. This payment bond shall be executed in connection with a contract to assure payment is required by law of all persons supplying labor and materials in the execution of the work provided for in the contract.

13. **Architecture and Engineering**. The Grantee shall procure architectural or engineering services in accordance with of the West Virginia Code §5G. In the procurement of architectural and engineering services for projects estimated to cost \$250,000 or more, the Grantee shall publish a Class II legal ad in compliance with West Virginia Code §59-3. In the procurement of services for projects estimated to cost less than \$250,000, the Grantee shall conduct discussions with three or more professional firms.

14. **Design-Build**. The Grantee shall procure design-build projects in accordance with West Virginia Code §5-22A-1. This applies solely to building projects. Highways, water, sewer, and all other public works projects are specifically prohibited from using the design-build method.

15. **Environmental and Historical Assessment**. The Grantee shall comply with all applicable federal, state and local environmental and historical preservation laws and regulations. The Grantee acknowledges this requirement and certifies that the project will be in compliance with such laws and regulations.

16. **Equal Employment Opportunity**. With respect to employment in carrying out the program objectives, the Grantee agrees that it will not discriminate against any employee or applicant for employment because of race, color, age, religion, sex, national origin, or physical handicap.

17. **Facilities Accessible to the Handicapped**. The Grantee shall require any facilities constructed under the auspices of this Contract to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117.1-1961, as modified (41CFR101-17.1703 and (13CFR309.14)). The Grantee shall be responsible for conducting inspections to ensure compliance with these specifications.

18. **Facilities Operation**. The Grantee shall operate and maintain all facilities constructed under the auspices of this Contract in accordance with minimum standards as may be required or prescribed by the applicable federal, state and local statute, law, ordinance or regulation as to actual construction procedures, as well as maintenance and operation of such facilities upon completion.

19. **Interest of Members of WVDEVO and Others**. No officer, member or employee of the WVDEVO or officer, member or employee of the Grantee who exercises any function or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly interested or has any personal or pecuniary interest, nor shall any officer, member of, or

employee of, the Grantee or any member of its governing body, or officer, member, or employee of the contractor have any interest, direct or indirect, in this Contract or the proceeds thereof.

20. **Officials Not To Benefit.** No member of the Legislature of the State of West Virginia, or individual performing a service for the Grantee in connection with this project, shall be admitted to any share thereof or to any benefit to arise from this Agreement.

21. **Inspections of Project Records.** At any time during normal business hours and as often as the WVDEVO or its designated representative may deem necessary, there shall be made available to the WVDEVO or its designated representative for examination, all of its records with respect to all matters covered by this Contract and permit the WVDEVO or its designated representative to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records and personnel, conditions of employment and other data relating to all matters covered by this Contract during the entire time period beginning with project approval and ending three years after the final disbursement of grant funds.

22. **Project Audits.** (a) The Grantee shall cause an audit of this program to be included in the audit of the Grantee performed by the West Virginia State Auditor's Office, Chief Inspection Division, or its designated representative in accordance with West Virginia Code §6-9-7. The audit shall be performed in conformance with generally acceptable accounting procedures.

(b) In accordance West Virginia Code §12-4-14, if the grantee is not audited by the West Virginia State Auditor's Office and the grantee received state funds or grants in the amount of fifteen thousand dollars or more, the grantee shall file an audit of the disbursement of funds with the legislative auditor's office. The audit shall be filed within two years of the disbursement of funds or grants by the grantee and shall be made by an independent certified public accountant at the cost of the corporation, association or other organization, and must show that the funds or grants were spent for the purposes intended when the grant was made. State funds or audits of state funds or grants under fifteen thousand dollars (\$15,000) may be authorized by the joint committee on government and finance to be conducted by the legislative auditor's office at no cost to the grantee.

23. **Reporting.** The Grantee shall submit any reports requested by the WVDEVO concerning financial status and program progress. Failure to provide such reports as required by WVDEVO in a timely manner shall be cause for termination of this Contract under the terms of Paragraph 7.

24. **Fiscal Management.** The Grantee shall be responsible for establishing and maintaining adequate procedures and internal financial controls governing the management and utilization of funds provided under this Contract, as well as funds provided as the Grantee's matching share.

25. **Political Activity.** No officer or employee of the Grantee whose principal employment is in connection with any activity which is financed in whole or in part pursuant to this agreement shall take part in any of the activities expressly prohibited by the Hatch Act.

26. **Repayment.** The Grantee shall refund to the State any expenditures determined to be made for an ineligible purpose for which State funds were received.

27. **Resolution of Disputes.** Resolution of disputes between the State and the Grantee concerning administrative and programmatic matters during the terms of this Agreement shall be initiated through consultation and discussion at the State's Administrative Offices with final decision on questions of policy or fact being determined by the Director of the Community Development Division or his/her designated representative. Nothing in this Agreement shall be construed as making the final decision on a question of law, or to limit in any

manner any remedies or recourses available under applicable laws. Citizen's complaints or disputes regarding Grantee performance or actions relative to the approved project are the responsibility of the Grantee.

28. **Termination of Contract for Cause.** If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner his obligations under this Contract, or if the Grantee shall violate any of the covenants, agreements, or stipulations of this Contract, the WVDEVO shall thereupon have the right to terminate this Contract by giving written notice to the Grantee of such termination and specifying the effective date thereof, at least fifteen days before the effective date of such termination. The Grantee shall be entitled to receive just and equitable compensation for any satisfactory work completed on the described project.

Notwithstanding the above, the Grantee shall not be relieved of liability to the WVDEVO for damages sustained by the WVDEVO by virtue of any breach of the Contract by the Grantee, and the WVDEVO may withhold any payments to the Grantee for the purpose of set-off until such time as the exact amount of damages due the WVDEVO from the Grantee is determined.

29. **Termination for Convenience of WVDEVO.** The WVDEVO may terminate this Contract at any time by giving written notice to the Grantee of such termination and specifying the effective date of termination. If the Contract is terminated by the WVDEVO as provided herein, the Grantee will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this Contract, less payments of compensation previously made.

30. **Termination by the Grantee.** The Grantee may unilaterally rescind this agreement at any time prior to the commencement of the project. After project commencement, this agreement may be rescinded, modified, or amended only by mutual agreement. A project shall be deemed commenced when the Grantee makes any expenditure or incurs any obligation with respect to the project.

31. **Signing.** This Contract shall be signed by the Executive Director of the West Virginia Development Office and by the President of the Jefferson County Commission upon authorization of the Jefferson County Commission by adoption and passage of a resolution, motion or similar official action.

IN WITNESS WHEREOF, the WVDEVO and the Grantee have executed this Agreement as of the date first above written.

**STATE OF WEST VIRGINIA
WEST VIRGINIA DEVELOPMENT OFFICE**

Keith Burdette, Executive Director

JEFFERSON COUNTY COMMISSION

By: _____
~~Lyn Widmyer, President~~

Patricia A. Nolan

Federal Employee Identification Number

55-6000-333

F.E.I.N.

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

The County Commission of Jefferson County, met on February 17, 2011 with a quorum present and passed the following Resolution:

WHEREAS, The Jefferson County Commission has agreed to assist the Briggs Animal Adoption Center. The project will used to expand the parking lot at the National Humane Education-Briggs Adoption Center in Charles Town with funds made available through the Governor's Community Participation Grant program in the amount of \$10,000.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission hereby authorizes Patricia A. Noland, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

Date: _____

Signed: _____
COUNTY CLERK



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
Dale Manuel

COMMISSIONER
Frances Morgan

COMMISSIONER
Walt Pellish

COMMISSIONER
Lyn Widmyer

Letter of Agreement
Community Participation Grant
between the
Jefferson County Commission
and the
Briggs Adoption Center

THIS AGREEMENT, entered into this _____ day of _____, 2011, by the Jefferson County Commission and the Briggs Adoption Center its officers, agents, and representatives.

WITNESS THAT:

WHEREAS, the Jefferson County Commission has promised and agreed to act as funding agency to assist Briggs Adoption Center to perform specific tasks through funding from the Governor's Community Participation Grant Program.

NOW, THEREFORE, the parties hereby mutually agree as follows:

1. The Jefferson County Commission will serve as funding agency for the Briggs Adoption Center.
2. The Briggs Adoption Center agrees to abide by the terms and conditions of the Governor's Community Participation Grant Program Contract between the West Virginia Development Office and the Jefferson County Commission as contained herein. (attached)
3. This agreement shall be signed by the authorized officers, agents or representatives of the Briggs Adoption Center and the President of the Jefferson County Commission.

JEFFERSON COUNTY COMMISSION

President

BRIGGS ADOPTION CENTER

By: _____
Title: _____

COUNTY ADMINISTRATOR
Tim Boyde

DEPUTY COUNTY ADMINISTRATOR
Sandy Slusher McDonald

**GOVERNOR'S COMMUNITY PARTICIPATION
GRANT PROGRAM CONTRACT**

between the

WEST VIRGINIA DEVELOPMENT OFFICE

and the

JEFFERSON COUNTY COMMISSION

THIS AGREEMENT, entered into this 1st day of July, 2009, by the West Virginia Department of Finance and Administration on behalf of the West Virginia Development Office hereinafter called the "WVDEVO" and the Jefferson County Commission and its authorized officers, agents, and representatives, hereinafter called the "Grantee."

WITNESS THAT:

WHEREAS, the WVDEVO has promised and agreed to assist the Grantee to perform such tasks hereafter described in the scope of services, which is to be partially financed by funds made available through the Governor's Community Participation Grant program.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. **Assistance of the Grantee.** The WVDEVO hereby agrees to assist the Grantee including all authorized officers, agents, and representatives, to perform such tasks and functions as set forth below in the scope of services.
2. **Scope of Services.** The Grantee, or its designated agent, shall do, perform and carry out, in a satisfactory and proper manner as determined by the WVDEVO, and appropriate regulatory agencies, if required, all duties, tasks, and functions necessary to expand the parking lot at the National Humane Education-Briggs Adoption Center in Charles Town.
3. **Personnel.** The Grantee represents that it has, or will secure at its own expense, personnel with the necessary qualifications and experience required to perform the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with WVDEVO.
4. **Time Performance.** The Grantee will commence its duties under this Contract on July 1, 2009, and such duties shall be undertaken and completed in such sequences as to assure their expeditious completion in the light of the purpose of the Contract; but, in any event, all of the services required hereunder shall be completed by June 30, 2011. The completion date of this contract may only be extended by mutual written agreement of both parties dependent on the reappropriation of funds under the Governor's Community Participation Grant program. If no such agreement exists, the Grantee shall not receive payment for services rendered or work performed relative to this grant after June 30, 2011.
5. **Compensation.** In consideration of the services rendered by the Grantee, the WVDEVO agrees to pay the Grantee the sum of \$10,000. This amount constitutes complete compensation for all services rendered. In

no instance shall the agreed upon compensation exceed \$10,000 without the written consent of the Governor of the State of West Virginia.

6. **Method of Payment.** In order to receive payments under the terms of this Agreement, the Grantee shall submit the following: (a) a Letter of Transmittal containing a progress report, and (b) a Request for Payment Financial Report. The final ten percent shall be made available upon submission of certification of completion and acceptance of the project by the Grantee. Upon receipt of said documents, the WVDEVO shall review the same for reasonableness and appropriateness.

7. **Changes.** The WVDEVO and the Grantee may, from time to time, require changes in the scope of the services of the work to be performed hereunder. Such changes, including any increase or decrease in the amount of the Grantee's compensation and work to be performed, which are mutually agreed upon by and between the WVDEVO and the Grantee, shall be incorporated in written amendments to this Contract.

8. **Sub-Grantees and Reversion of Property.** The Grantee may administer funds on behalf of sub-grantees, provided that such a sub-grantee is certified as a nonprofit organization by the United States Internal Revenue Service and the West Virginia Secretary of State's Office. Should such a sub-grantee cease to exist, all commodities or supplies purchased with funds provided under the auspices of this Contract by or for the sub-grantee shall become the property of the Grantee.

9. **Competitive Bid Procedures.** Competitive bidding shall be pursued in all instances. The Grantee must follow the more stringent of either state or local purchasing regulations. The West Virginia Purchasing Division requirements, at a minimum, are as follows: Commodities and services expected to cost \$2,500 or less require no bids, however, competition is encouraged. Purchases between \$2,500.01 and \$5,000 require three verbal bids to be documented on a verbal bid quotation summary. Purchases \$5,000.01 to \$25,000 require three written bids.

The Grantee shall solicit competitive, sealed bids for commodities and supplies related to this project which have an estimated value of over \$25,000. Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$25,000 shall be cause for termination of this agreement under the provisions of Paragraph 28. These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3. This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date.

The Grantee shall also, where feasible, solicit sealed bids by listing the project in the F. W. Dodge Reports, sending requests by mail to prospective suppliers or contractors, and by posting notice on a bulletin board in a public place. The Grantee shall have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance with these procedures.

10. **Project Wage Rates.** Every contract involving construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work which involves the employment of any contractor and/or subcontractor necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such contract, must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. **This law applies to all construction contracts, regardless of cost.**

The receipt and utilization of funds procured under this agreement mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds

utilized to pay such construction contracts, must comply with the provisions of West Virginia Code § 21-5A.

Such provisions shall include the payment of the Fair Minimum Wage Rates as determined by the West Virginia Commissioner of Labor for each craft or classification of all workmen needed to perform the contract in the locality in which the public work is performed. For projects involving federal funds which are covered by the provisions of the Davis Bacon Act (40 U.S.C. 276-a 276a-5), the Grantee shall cause the contractor and/or subcontractors to pay the higher wage rate, federal or state.

Further, the Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bid documents. The Grantee shall also have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance including copies of contractor's payrolls.

11. **Construction.** The Grantee shall procure construction contracts in accordance with West Virginia Code §5-22-1. **The state and its subdivisions shall, except as provided in this section, solicit competitive bids for every construction project exceeding \$25,000 in total cost.**

Further, the receipt and utilization of funds procured under this agreement mandate that **ALL CONSTRUCTION CONTRACTS NECESSARY FOR THE UNDERTAKING AND COMPLETION OF THIS PROJECT, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code § 21-5A.**

The term construction shall mean any construction, reconstruction, improvement, enlargement, painting, decorating, or repair of any public improvement let to contract. These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3. This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date.

Any contracts under this agreement must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. This law applies to all construction contracts, regardless of cost. The Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bidding blanks.

The Grantee shall designate the time and place for opening such construction bids in accordance with West Virginia Code §5-22-2.

12. **Bonding.** The Grantee shall secure bonding in accordance with West Virginia Code §5-22-1. All bids submitted pursuant to this chapter shall include a valid bid bond or other surety as approved by the state of West Virginia or its subdivisions. Following the solicitation of such bids, the construction contract shall be awarded to the lowest qualified responsible bidder, who shall furnish a sufficient performance and payment bond: provided, that the state and its subdivisions may reject all bids and solicit new bids.

In the procurement of contracts or subcontracts for construction of less than \$100,000, the Grantee shall follow local or State requirements relating to bid guarantees, performance bonds, and payment bonds, provided that the Grantee's and State's interests are adequately protected and that such contracts can be executed in a timely manner.

In the procurement of contracts or subcontracts for construction that exceed \$100,000, the Grantee shall obtain the following:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. This bid guarantee shall consist of a firm commitment such as bid bond, certified check, or other negotiable instrument accompanying a bid that the bidder will, upon acceptance of the bid, execute the contractual documents as may be required with the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. This performance bond shall be executed by the successful contractor in connection with the contract to secure fulfillment of the contractor's obligations under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. This payment bond shall be executed in connection with a contract to assure payment is required by law of all persons supplying labor and materials in the execution of the work provided for in the contract.

13. **Architecture and Engineering.** The Grantee shall procure architectural or engineering services in accordance with of the West Virginia Code §5G. In the procurement of architectural and engineering services for projects estimated to cost \$250,000 or more, the Grantee shall publish a Class II legal ad in compliance with West Virginia Code §59-3. In the procurement of services for projects estimated to cost less than \$250,000, the Grantee shall conduct discussions with three or more professional firms.

14. **Design-Build.** The Grantee shall procure design-build projects in accordance with West Virginia Code §5-22A-1. This applies solely to building projects. Highways, water, sewer, and all other public works projects are specifically prohibited from using the design-build method.

15. **Environmental and Historical Assessment.** The Grantee shall comply with all applicable federal, state and local environmental and historical preservation laws and regulations. The Grantee acknowledges this requirement and certifies that the project will be in compliance with such laws and regulations.

16. **Equal Employment Opportunity.** With respect to employment in carrying out the program objectives, the Grantee agrees that it will not discriminate against any employee or applicant for employment because of race, color, age, religion, sex, national origin, or physical handicap.

17. **Facilities Accessible to the Handicapped.** The Grantee shall require any facilities constructed under the auspices of this Contract to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A11/1-1961, as modified (41CFR101-17.1703 and (13CFR309.14)). The Grantee shall be responsible for conducting inspections to ensure compliance with these specifications.

18. **Facilities Operation.** The Grantee shall operate and maintain all facilities constructed under the auspices of this Contract in accordance with minimum standards as may be required or prescribed by the applicable federal, state and local statute, law, ordinance or regulation as to actual construction procedures, as well as maintenance and operation of such facilities upon completion.

19. **Interest of Members of WVDEVO and Others.** No officer, member or employee of the WVDEVO or officer, member or employee of the Grantee who exercises any function or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly interested or has any personal or pecuniary interest, nor shall any officer, member of, or employee of, the Grantee or any member of its governing body, or officer, member, or employee of the contractor have any interest, direct or indirect, in this Contract or the proceeds thereof.

20. **Officials Not To Benefit.** No member of the Legislature of the State of West Virginia, or individual performing a service for the Grantee in connection with this project, shall be admitted to any share thereof or to any benefit to arise from this Agreement.

21. **Inspections of Project Records.** At any time during normal business hours and as often as the WVDEVO or its designated representative may deem necessary, there shall be made available to the WVDEVO or its designated representative for examination, all of its records with respect to all matters covered by this Contract and permit the WVDEVO or its designated representative to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records and personnel, conditions of employment and other data relating to all matters covered by this Contract during the entire time period beginning with project approval and ending three years after the final disbursement of grant funds.

22. **Project Audits.** (a) The Grantee shall cause an audit of this program to be included in the audit of the Grantee performed by the West Virginia State Auditor's Office, Chief Inspection Division, or its designated representative in accordance with West Virginia Code

§6-9-7. The audit shall be performed in conformance with generally acceptable accounting procedures.

(b) In accordance West Virginia Code §12-4-14, if the grantee is not audited by the West Virginia State Auditor's Office and the grantee received state funds or grants in the amount of fifteen thousand dollars or more, the grantee shall file an audit of the disbursement of funds with the legislative auditor's office. The audit shall be filed within two years of the disbursement of funds or grants by the grantee and shall be made by an independent certified public accountant at the cost of the corporation, association or other organization, and must show that the funds or grants were spent for the purposes intended when the grant was made. State funds or audits of state funds or grants under fifteen thousand dollars (\$15,000) may be authorized by the joint committee on government and finance to be conducted by the legislative auditor's office at no cost to the grantee.

23. **Reporting.** The Grantee shall submit any reports requested by the WVDEVO concerning financial status and program progress. Failure to provide such reports as required by WVDEVO in a timely manner shall be cause for termination of this Contract under the terms of Paragraph 7.

24. **Fiscal Management.** The Grantee shall be responsible for establishing and maintaining adequate procedures and internal financial controls governing the management and utilization of funds provided under this Contract, as well as funds provided as the Grantee's matching share.

25. **Political Activity.** No officer or employee of the Grantee whose principal employment is in connection with any activity which is financed in whole or in part pursuant to this agreement shall take part in any of the activities expressly prohibited by the Hatch Act.

26. **Repayment.** The Grantee shall refund to the State any expenditures determined to be made for an ineligible purpose for which State funds were received.

27. **Resolution of Disputes.** Resolution of disputes between the State and the Grantee concerning administrative and programmatic matters during the terms of this Agreement shall be initiated through consultation and discussion at the State's Administrative Offices with final decision on questions of policy or fact being determined by the Director of the Community Development Division or his/her designated representative. Nothing in this Agreement shall be construed as making the final decision on a question of law, or to limit in any manner any remedies or recourses available under applicable laws. Citizen's complaints or disputes regarding Grantee performance or actions relative to the approved project are the responsibility of the Grantee.

28. **Termination of Contract for Cause.** If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner his obligations under this Contract, or if the Grantee shall violate any of the covenants, agreements, or stipulations of this Contract, the WVDEVO shall thereupon have the right to terminate this Contract by giving written notice to the Grantee of such termination and specifying the effective date thereof, at least fifteen days before the effective date of such termination. The Grantee shall be entitled to receive just and equitable compensation for any satisfactory work completed on the described project.

Notwithstanding the above, the Grantee shall not be relieved of liability to the WVDEVO for damages sustained by the WVDEVO by virtue of any breach of the Contract by the Grantee, and the WVDEVO may withhold any payments to the Grantee for the purpose of set-off until such time as the exact amount of damages due the WVDEVO from the Grantee is determined.

29. **Termination for Convenience of WVDEVO.** The WVDEVO may terminate this Contract at any time by giving written notice to the Grantee of such termination and specifying the effective date of termination. If the Contract is terminated by the WVDEVO as provided herein, the Grantee will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this Contract, less payments of compensation previously made.

30. **Termination by the Grantee.** The Grantee may unilaterally rescind this agreement at any time prior to the commencement of the project. After project commencement, this agreement may be rescinded, modified, or amended only by mutual agreement. A project shall be deemed commenced when the Grantee makes any expenditure or incurs any obligation with respect to the project.

31. **Signing.** This Contract shall be signed by the Executive Director of the West Virginia Development Office and by the President of the Jefferson County Commission upon authorization of the Jefferson County Commission by adoption and passage of a resolution, motion or similar official action.

IN WITNESS WHEREOF, the WVDEVO and the Grantee have executed this Agreement as of the date first above written.

**STATE OF WEST VIRGINIA
WEST VIRGINIA DEVELOPMENT OFFICE**

Keith Burdette, Executive Director

JEFFERSON COUNTY COMMISSION

By: _____
~~Lyn Widmyer, President~~
Patricia A. Noland

Federal Employee Identification Number

55-6000333

F.E.I.N.

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

The County Commission of Jefferson County, met on February 17, 2011 with a quorum present and passed the following Resolution:

WHEREAS, The Jefferson County Commission has agreed to assist the Good Shepherd Interfaith Volunteer Caregivers. The project will include the purchase of computers and related equipment, and durable medical equipment with funds made available through the Governor's Community Participation Grant program in the amount of \$5,000.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission hereby authorizes Patricia A. Noland, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

Date: _____

Signed: _____
COUNTY CLERK

09LEDA0226

**GOVERNOR'S COMMUNITY PARTICIPATION
GRANT PROGRAM CONTRACT**

between the

WEST VIRGINIA DEVELOPMENT OFFICE

and the

JEFFERSON COUNTY COMMISSION

THIS AGREEMENT, entered into this 1st day of July, 2008, by the West Virginia Department of Finance and Administration on behalf of the West Virginia Development Office hereinafter called the "WVDEVO" and the Jefferson County Commission and its authorized officers, agents, and representatives, hereinafter called the "Grantee."

WITNESS THAT:

WHEREAS, the WVDEVO has promised and agreed to assist the Grantee to perform such tasks hereafter described in the scope of services, which is to be partially financed by funds made available through the Governor's Community Participation Grant program.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. **Assistance of the Grantee.** The WVDEVO hereby agrees to assist the Grantee including all authorized officers, agents, and representatives, to perform such tasks and functions as set forth below in the scope of services.
2. **Scope of Services.** The Grantee, or its designated agent, shall do, perform and carry out, in a satisfactory and proper manner as determined by the WVDEVO, and appropriate regulatory agencies, if required, all duties, tasks, and functions necessary purchase equipment for Good Shepherd Interfaith Volunteer Caregivers. Purchases will include computers and related equipment, and durable medical equipment.
3. **Personnel.** The Grantee represents that it has, or will secure at its own expense, personnel with the necessary qualifications and experience required to perform the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with WVDEVO.
4. **Time Performance.** The Grantee will commence its duties under this Contract on July 1, 2008, and such duties shall be undertaken and completed in such sequences as to assure their expeditious completion in the light of the purpose of the Contract; but, in any event, all of the services required hereunder shall be completed by June 30, 2011. The completion date of this contract may only be extended by mutual written agreement of both parties dependent on the reappropriation of funds under the Governor's Community Participation Grant program. If no such agreement exists, the Grantee shall not receive payment for services rendered or work performed relative to this grant after June 30, 2011.
5. **Compensation.** In consideration of the services rendered by the Grantee, the WVDEVO agrees to pay the Grantee the sum of \$5,000. This amount constitutes complete compensation for all services rendered. In

no instance shall the agreed upon compensation exceed \$5,000 without the written consent of the Governor of the State of West Virginia.

6. **Method of Payment.** In order to receive payments under the terms of this Agreement, the Grantee shall submit the following: (a) a Letter of Transmittal containing a progress report, and (b) a Request for Payment Financial Report. The final ten percent shall be made available upon submission of certification of completion and acceptance of the project by the Grantee. Upon receipt of said documents, the WVDEVO shall review the same for reasonableness and appropriateness.

7. **Changes.** The WVDEVO and the Grantee may, from time to time, require changes in the scope of the services of the work to be performed hereunder. Such changes, including any increase or decrease in the amount of the Grantee's compensation and work to be performed, which are mutually agreed upon by and between the WVDEVO and the Grantee, shall be incorporated in written amendments to this Contract.

8. **Sub-Grantees and Reversion of Property.** The Grantee may administer funds on behalf of sub-grantees, provided that such a sub-grantee is certified as a nonprofit organization by the United States Internal Revenue Service and the West Virginia Secretary of State's Office. Should such a sub-grantee cease to exist, all commodities or supplies purchased with funds provided under the auspices of this Contract by or for the sub-grantee shall become the property of the Grantee.

9. **Competitive Bid Procedures.** Competitive bidding shall be pursued in all instances. The Grantee must follow the more stringent of either state or local purchasing regulations. The West Virginia Purchasing Division requirements, at a minimum, are as follows: Commodities and services expected to cost \$2,500 or less require no bids, however, competition is encouraged. Purchases between \$2,500.01 and \$5,000 require three verbal bids to be documented on a verbal bid quotation summary. Purchases \$5,000.01 to \$25,000 require three written bids.

The Grantee shall solicit competitive, sealed bids for commodities and supplies related to this project which have an estimated value of over \$25,000. Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$25,000 shall be cause for termination of this agreement under the provisions of Paragraph 28. These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3. This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date.

The Grantee shall also, where feasible, solicit sealed bids by listing the project in the F. W. Dodge Reports, sending requests by mail to prospective suppliers or contractors, and by posting notice on a bulletin board in a public place. The Grantee shall have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance with these procedures.

10. **Project Wage Rates.** Every contract involving construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work which involves the employment of any contractor and/or subcontractor necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such contract, must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. **This law applies to all construction contracts, regardless of cost.**

The receipt and utilization of funds procured under this agreement mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds

utilized to pay such construction contracts, must comply with the provisions of West Virginia Code § 21-5A.

Such provisions shall include the payment of the Fair Minimum Wage Rates as determined by the West Virginia Commissioner of Labor for each craft or classification of all workmen needed to perform the contract in the locality in which the public work is performed. For projects involving federal funds which are covered by the provisions of the Davis Bacon Act (40 U.S.C. 276-a 276a-5), the Grantee shall cause the contractor and/or subcontractors to pay the higher wage rate, federal or state.

Further, the Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bid documents. The Grantee shall also have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance including copies of contractor's payrolls.

11. **Construction.** The Grantee shall procure construction contracts in accordance with West Virginia Code §5-22-1. **The state and its subdivisions shall, except as provided in this section, solicit competitive bids for every construction project exceeding \$25,000 in total cost.**

Further, the receipt and utilization of funds procured under this agreement mandate that **ALL CONSTRUCTION CONTRACTS NECESSARY FOR THE UNDERTAKING AND COMPLETION OF THIS PROJECT, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code § 21-5A.**

The term construction shall mean any construction, reconstruction, improvement, enlargement, painting, decorating, or repair of any public improvement let to contract. These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3. This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date.

Any contracts under this agreement must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. This law applies to all construction contracts, regardless of cost. The Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bidding blanks.

The Grantee shall designate the time and place for opening such construction bids in accordance with West Virginia Code §5-22-2.

12. **Bonding.** The Grantee shall secure bonding in accordance with West Virginia Code §5-22-1. All bids submitted pursuant to this chapter shall include a valid bid bond or other surety as approved by the state of West Virginia or its subdivisions. Following the solicitation of such bids, the construction contract shall be awarded to the lowest qualified responsible bidder, who shall furnish a sufficient performance and payment bond: provided, that the state and its subdivisions may reject all bids and solicit new bids.

In the procurement of contracts or subcontracts for construction of less than \$100,000, the Grantee shall follow local or State requirements relating to bid guarantees, performance bonds, and payment bonds, provided that the Grantee's and State's interests are adequately protected and that such contracts can be executed in a timely manner.

In the procurement of contracts or subcontracts for construction that exceed \$100,000, the Grantee shall obtain the following:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. This bid guarantee shall consist of a firm commitment such as bid bond, certified check, or other negotiable instrument accompanying a bid that the bidder will, upon acceptance of the bid, execute the contractual documents as may be required with the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. This performance bond shall be executed by the successful contractor in connection with the contract to secure fulfillment of the contractor's obligations under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. This payment bond shall be executed in connection with a contract to assure payment is required by law of all persons supplying labor and materials in the execution of the work provided for in the contract.

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14. **Design-Build.** The Grantee shall procure design-build projects in accordance with West Virginia Code §5-22A-1. This applies solely to building projects. Highways, water, sewer, and all other public works projects are specifically prohibited from using the design-build method.

15. **Environmental and Historical Assessment.** The Grantee shall comply with all applicable federal, state and local environmental and historical preservation laws and regulations. The Grantee acknowledges this requirement and certifies that the project will be in compliance with such laws and regulations.

16. **Equal Employment Opportunity.** With respect to employment in carrying out the program objectives, the Grantee agrees that it will not discriminate against any employee or applicant for employment because of race, color, age, religion, sex, national origin, or physical handicap.

17. **Facilities Accessible to the Handicapped.** The Grantee shall require any facilities constructed under the auspices of this Contract to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117.1-1961, as modified (41CFR101-17.1703 and (13CFR309.14)). The Grantee shall be responsible for conducting inspections to ensure compliance with these specifications.

18. **Facilities Operation.** The Grantee shall operate and maintain all facilities constructed under the auspices of this Contract in accordance with minimum standards as may be required or prescribed by the applicable federal, state and local statute, law, ordinance or regulation as to actual construction procedures, as well as maintenance and operation of such facilities upon completion.

19. **Interest of Members of WVDEVO and Others.** No officer, member or employee of the WVDEVO or officer, member or employee of the Grantee who exercises any function or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly interested or has any personal or pecuniary interest, nor shall any officer, member of, or employee of, the Grantee or any member of its governing body, or officer, member, or employee of the contractor have any interest, direct or indirect, in this Contract or the proceeds thereof.

20. **Officials Not To Benefit.** No member of the Legislature of the State of West Virginia, or individual performing a service for the Grantee in connection with this project, shall be admitted to any share thereof or to any benefit to arise from this Agreement.

21. **Inspections of Project Records.** At any time during normal business hours and as often as the WVDEVO or its designated representative may deem necessary, there shall be made available to the WVDEVO or its designated representative for examination, all of its records with respect to all matters covered by this Contract and permit the WVDEVO or its designated representative to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records and personnel, conditions of employment and other data relating to all matters covered by this Contract during the entire time period beginning with project approval and ending three years after the final disbursement of grant funds.

22. **Project Audits.** (a) The Grantee shall cause an audit of this program to be included in the audit of the Grantee performed by the West Virginia State Auditor's Office, Chief Inspection Division, or its designated representative in accordance with West Virginia Code §6-9-7. The audit shall be performed in conformance with generally acceptable accounting procedures.

(b) In accordance West Virginia Code §12-4-14, if the grantee is not audited by the West Virginia State Auditor's Office and the grantee received state funds or grants in the amount of fifteen thousand dollars or more, the grantee shall file an audit of the disbursement of funds with the legislative auditor's office. The audit shall be filed within two years of the disbursement of funds or grants by the grantee and shall be made by an independent certified public accountant at the cost of the corporation, association or other organization, and must show that the funds or grants were spent for the purposes intended when the grant was made. State funds or audits of state funds or grants under fifteen thousand dollars (\$15,000) may be authorized by the joint committee on government and finance to be conducted by the legislative auditor's office at no cost to the grantee.

23. **Reporting.** The Grantee shall submit any reports requested by the WVDEVO concerning financial status and program progress. Failure to provide such reports as required by WVDEVO in a timely manner shall be cause for termination of this Contract under the terms of Paragraph 7.

24. **Fiscal Management.** The Grantee shall be responsible for establishing and maintaining adequate procedures and internal financial controls governing the management and utilization of funds provided under this Contract, as well as funds provided as the Grantee's matching share.

25. **Political Activity.** No officer or employee of the Grantee whose principal employment is in connection with any activity which is financed in whole or in part pursuant to this agreement shall take part in any of the activities expressly prohibited by the Hatch Act.

26. **Repayment.** The Grantee shall refund to the State any expenditures determined to be made for an ineligible purpose for which State funds were received.

27. **Resolution of Disputes.** Resolution of disputes between the State and the Grantee concerning administrative and programmatic matters during the terms of this Agreement shall be initiated through consultation and discussion at the State's Administrative Offices with final decision on questions of policy or fact being determined by the Director of the Community Development Division or his/her designated representative. Nothing in this Agreement shall be construed as making the final decision on a question of law, or to limit in any manner any remedies or recourses available under applicable laws. Citizen's complaints or disputes regarding Grantee performance or actions relative to the approved project are the responsibility of the Grantee.

28. **Termination of Contract for Cause.** If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner his obligations under this Contract, or if the Grantee shall violate any of the covenants, agreements, or stipulations of this Contract, the WVDEVO shall thereupon have the right to terminate this Contract by giving written notice to the Grantee of such termination and specifying the effective date thereof, at least fifteen days before the effective date of such termination. The Grantee shall be entitled to receive just and equitable compensation for any satisfactory work completed on the described project.

Notwithstanding the above, the Grantee shall not be relieved of liability to the WVDEVO for damages sustained by the WVDEVO by virtue of any breach of the Contract by the Grantee, and the WVDEVO may withhold any payments to the Grantee for the purpose of set-off until such time as the exact amount of damages due the WVDEVO from the Grantee is determined.

29. **Termination for Convenience of WVDEVO.** The WVDEVO may terminate this Contract at any time by giving written notice to the Grantee of such termination and specifying the effective date of termination. If the Contract is terminated by the WVDEVO as provided herein, the Grantee will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this Contract, less payments of compensation previously made.

30. **Termination by the Grantee.** The Grantee may unilaterally rescind this agreement at any time prior to the commencement of the project. After project commencement, this agreement may be rescinded, modified, or amended only by mutual agreement. A project shall be deemed commenced when the Grantee makes any expenditure or incurs any obligation with respect to the project.

31. **Signing.** This Contract shall be signed by the Executive Director of the West Virginia Development Office and by the President of the Jefferson County Commission upon authorization of the Jefferson County Commission by adoption and passage of a resolution, motion or similar official action.

IN WITNESS WHEREOF, the WVDEVO and the Grantee have executed this Agreement as of the date first above written.

**STATE OF WEST VIRGINIA
WEST VIRGINIA DEVELOPMENT OFFICE**

Keith Burdette, Executive Director

JEFFERSON COUNTY COMMISSION

By: _____
~~Lyn Widmyer, President~~
Patricia A. Noland

Federal Employee Identification Number

55-6000 333

F.E.I.N.



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
Dale Manuel

COMMISSIONER
Frances Morgan

COMMISSIONER
Walt Polish

COMMISSIONER
Lyn Widmyer

Letter of Agreement
Community Participation Grant
between the
Jefferson County Commission
and the

Good Shepherd Interfaith Volunteer Caregivers

THIS AGREEMENT, entered into this _____ day of _____, 2011, by the Jefferson County Commission and the Good Shepherd Interfaith Volunteer Caregivers its officers, agents, and representatives.

WITNESS THAT:

WHEREAS, the Jefferson County Commission has promised and agreed to act as funding agency to assist Good Shepherd Interfaith Volunteer Caregivers to perform specific tasks through funding from the Governor's Community Participation Grant Program.

NOW, THEREFORE, the parties hereby mutually agree as follows:

1. The Jefferson County Commission will serve as funding agency for the Good Shepherd Interfaith Volunteer Caregivers.
2. The Good Shepherd Interfaith Volunteer Caregivers agrees to abide by the terms and conditions of the Governor's Community Participation Grant Program Contract between the West Virginia Development Office and the Jefferson County Commission as contained herein. (attached)
3. This agreement shall be signed by the authorized officers, agents or representatives of the Good Shepherd Interfaith Volunteer Caregivers and the President of the Jefferson County Commission.

JEFFERSON COUNTY COMMISSION

President

GOOD SHEPHERD INTERFAITH VOLUNTEER CAREGIVERS

By: _____
Title: _____

COUNTY ADMINISTRATOR
Tim Boyde

DEPUTY COUNTY ADMINISTRATOR
Sandy Shusher McDonald

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>2/17/11</u></p> <p>Appt Time or <u>New Business</u>:</p>

AGENDA REQUEST FORM

Name: Sandy McDonald, Deputy County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: February 17, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Approval of Resolution**

Please provide the County Commission with a description of your request or presentation, including any background information: **Resolution - Community Participation Grant Program - Jefferson County Sheriff's Department \$23,000 - this is a pass thru grant**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Approve the Resolution for the Community Participation Grant Program for the Jefferson County Sheriff's Department and to authorize the President of the Commission to affix her signature to the appropriate documents**

Attachments:

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

The Jefferson County Commission met on the 17th day of February, 2011 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, hereby authorizes Patricia A. Noland, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive and administer grant funds pursuant to provision of the Community Participation Program in the amount of \$23,000. This project is to assist in the purchase of equipment for the Jefferson County Sheriff's Department.

Dated: _____

PATRICIA A. NOLAND
PRESIDENT
JEFFERSON COUNTY COMMISSION

ATTESTED: _____
County Clerk

COMMUNITY PARTICIPATION GRANT PROGRAM

FISCAL YEAR 2011

Deadline for Return:
JUNE 30, 2011

GRANTEE: Jefferson County Commission PROJECT NUMBER: 11LEDA0129
PROJECT TITLE: Jefferson County Sheriff's Department/Equipment AMOUNT: \$23,000

SECTION 1. GRANTEE

Local Governing Agency (Grantee): Jefferson County Commission Project Title: JC Sheriffs Dept / Equipment
Street Address: 124 E Washington St. City: Charles Town Zip: 25414
Chief Elected Official: Patsy Nolan, President Email: Sandy@jeffersoncountywv.org
Phone: (304) 728-3284 Fax: (304) 725-7916 Form Completed By: Cpl. V. Tiong
Brief Description of Project: in-car cameras, tasers and
various equipment - tasers - in car cameras

SECTION 2. NONPROFIT ORGANIZATION (SUBGRANTEE)

Are funds requested for a nonprofit organization? Yes No
Nonprofit Organization: Jefferson County Sheriffs Dept Executive Director: Robert Shirley Sheriff
Street Address: 102 Industrial Blvd Suite 100 City: Keamsville State/Zip: WV 25430
Phone: (304) 728-3205 Fax: (304) 728-3299 Email: Vtiong@jcsd.wv.com
Website: www.jcsd.wv.com IRS Cert. (Ex: 501(c) 3, etc.): _____ Yr. Cert: _____
 Federal Nonprofit Certification is attached. This application **WILL NOT** be processed without Federal nonprofit status.
 State Regulation Checklist for Nonprofit Organization is attached. This application **WILL NOT** be processed without this Checklist.

SECTION 3. PROJECT OWNER AND LOCATION

The use of grant funds at/for private property or private gain or use is prohibited. Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.

Owner of project site, property or building: Jefferson County Comm Sim Vicinity/site plan attached? Yes No
Location and address where grant funds will be used (sufficient to drive to site): _____

Upon completion, what government agency will own, operate, or be responsible for the project? Jefferson County Sheriff
 Yes No Project site(s) or building(s) are owned by a government agency.
 Yes No Project site(s) or building(s) are owned by a nonprofit organization. (If yes, attach copy of property deed).

SECTION 4. FUNDING SUMMARY

A minimum of 10 percent is required as a local match. Attach commitment letters for each funding source listed below.

	Amount	Source	Status	Documentation
		Grant Program, Bank Loan, Fundraising, Fees, etc.	Pending, Approved, Ongoing, etc.	Letter, Resolution, etc.
a. Grant Funds Requested	\$23,000	<u>Grant</u>	<u>Pending</u>	
b. Local Funds (10% local match required)	\$ <u>2,300</u>	<u>Bank</u>		
c. Other Funds	\$			
d. Other Funds	\$			
e. Other Funds	\$			
Total Project Cost	\$ <u>25,000</u>			

SECTION 5. CERTIFICATION OF STATE REGULATIONS

CHECK ITEMS 1-11 BELOW to certify compliance with the following laws, regulations and requirements by the grantee (municipality, county commission, board of education, public service district, etc.):

1. **Competitive bids are required for purchases exceeding \$2,500 in cost, as follows:**

- | | |
|--------------------------|---------------------------------------------------------|
| ▪ \$2,500 or less | ▪ No bids required; however, competition is encouraged. |
| ▪ \$2,500.01 to \$5,000 | ▪ Three verbal bids documented on a verbal bid summary. |
| ▪ \$5,000.01 to \$25,000 | ▪ Three written bids required. |
| ▪ \$25,000 or more | ▪ Class II Legal Ads required. |

2. **Sealed bids are required for any portion of this project with an estimated value of more than \$25,000.**

Any attempt to segregate the project into sections of less than \$25,000 shall be cause for termination. Bids shall be obtained by public notice as a Class II legal advertisement in compliance with West Virginia Code §59-3. The ad must be published in the newspaper with the largest circulation in the area once a week for two successive weeks prior to the final bid date.

3. **State prevailing wages will be paid for all construction associated with this project. This regulation applies to any and all projects, regardless project cost.**

Wage rates may be obtained from the West Virginia Secretary of State at 304-558-6000, or www.wvsos.com. If federal funds are included, the highest rate (West Virginia or Davis-Bacon) must be paid. All contractors must have a West Virginia contractor's license. All construction must comply with **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A**. These regulations apply to the employment of any contractor or subcontractor for this project, including the following trades and activities:

- | | |
|------------------|--------------|
| ▪ Construction | ▪ Painting |
| ▪ Reconstruction | ▪ Decoration |
| ▪ Demolition | ▪ Alteration |
| ▪ Enlargement | ▪ Repair |
| ▪ Remodeling | ▪ Expansion |

4. **The following documents will be required for the release of grant funds:**

- Copies of bids, quotes or bid summary
- Copy of legal ad, which must require prevailing wages for construction
- Copies of certified payroll records
- Copies of invoices

5. **Counties and municipalities may sponsor the applications of federally certified nonprofit organizations.**
The county or municipality must act as the administrator of any grant funds provided to nonprofit organizations, and maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with subgrantees so that property acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.

6. **State requirements for bidding and prevailing wage apply to federally certified nonprofit organizations.**
Funds provided to counties and municipalities for grants to nonprofit organization are subject to all state and local requirements regarding audits, competitive bidding and prevailing wages. All construction must comply with **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A**.

7. **Professional services, such as consulting, shall be obtained through a request for proposals.**

8. **Architectural or engineering services shall be pursued in accordance with West Virginia Code §5G.**

9. **No costs should be incurred or commitments made relative to a grant prior to the approval of this grant and the execution of a contract with the State of West Virginia.**

10. **The use of grant funds at/for private property or private gain is prohibited.**

11. **Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.**

SECTION 7. ASSURANCES

The applicant hereby assures and certifies that it shall comply with the following regulations, policies, and requirements:

- A. The applicant assures the State that it will perform the work for which the grant was made as determined by the State.
- B. The applicant assures the State that it has or will secure qualified personnel to administer a grant, and that the costs to administer the grant will be paid for by the applicant.
- C. The applicant assures the State that it will have started work on the project before the end of the fiscal year in which the grant award is made.
- D. The applicant assures the State that it understands that the amount of the grant award cannot be increased without the written consent of the Governor.
- E. The applicant assures the State that payment for work performed will be requested in writing with copies of invoices attached that document the costs of each work segment making up the total amount of funds requested.
- F. The applicant assures the State that it understands that ten percent of the grant award will be held by the State as retainage, pending receipt of a written certificate of substantial completion attached to any final invoices for work not already paid.
- G. The applicant assures the State that it understands that by letter the State can terminate for cause an applicant's grant agreement with the amount of funds recovered equal to the percentage of incomplete work. The applicant further assures the State that it understands that it can be terminated by letter any grant agreement with the State before costs are incurred on the project.
- H. The applicant assures the State that any changes in the scope of work specified in a grant agreement will first be submitted in writing to the State for approval by change order.
- I. The applicant assures the State that in its hiring practices for work to be performed it will comply with the equal employment provisions of Titles VI and VII of the 1964 Civil Rights Act, and Presidential Executive Orders 11246 and 11375, as amended.
- J. **The applicant assures the State that competitive bids will be solicited on any major work element exceeding \$2,500 in cost.** Competitive bidding shall be pursued in all instances.
- K. **Competitive bidding requirements, at a minimum, are as follows: Commodities and services expected to cost \$2,500 or less require no bids; however, competition is encouraged. Purchases between \$2,500.01 and \$5,000 require three verbal bids to be documented on a verbal bid quotation summary. Purchases \$5,000.01 to \$25,000 require three written bids.**
- L. **The Grantee shall solicit competitive, sealed bids for commodities and supplies related to this project which have an estimated value of more than \$25,000. Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$25,000 shall be cause for termination.** The receipt and utilization of funds procured through this program mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.
- M. **Bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3.** This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks prior to the final bid date.
- N. The applicant assures the State that State **prevailing wage rates will be paid on contract construction unless federal funds are included in the project, in which case, the higher of the State's or Davis-Bacon wage rates will be paid on all contract construction.**
- O. Every contract involving **construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work** which involves the employment of any contractor and/or subcontractor necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such contract, must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. **This law applies to all construction contracts, regardless of cost. The receipt and utilization of funds procured under this agreement mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code §21-5A.**
- P. The applicant assures the State that any part of the project to be occupied by the general public will be made accessible to the handicapped.
- Q. The applicant assures the State that any permits, licenses, or other requirements of particular State or Federal agencies necessary for the project's design, construction, or operation will be secured.
- R. The applicant assures the State that it will not subgrant any of the grant funds received to any of its officials or employees or the members of their families or to employees of the WVDO or members of the State Legislature in any contracts awarded for work to be performed.
- S. The applicant assures the State that it will maintain and have available for inspection on written request by the State all records kept on the project including bid documents, copies of all contracts, contractors' payrolls, time sheets, and invoices. The applicant further assures the State that it will schedule an audit of any grant funds to be included in its annual audit as performed by the State Tax Department.
- T. The applicant assures the State, by evidence of attaching a resolution, motion, or similar action passed by its governing body, that it has the legal authority to apply for this grant, commit any local matching shares, authorize the person signing the grant to act as an agent for the applicant to answer any questions by the State about the application, and to abide by the understandings and assurances described in this section.
- U. As the grantee, the county or municipality must act as the administrator of any grant funds provided to nonprofit organizations, and must maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with sub-grantees so that property and/or assets acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.

SECTION 8. SIGNATURE AND RESOLUTION

This application must contain the following:

- Application with Original Signature**
- Resolution by Unit of Local Government**
- Documentation of Local Match (Minimum 10 Percent)**
- Nonprofit Application Checklist with Original Signature – Required for Nonprofit Organizations**
- IRS 501(c) Determination Letter - Required for Nonprofit Organizations**

To the best of my knowledge, the information contained in this application is true and correct; the submission thereof has been duly authorized by the governing body; and the applicant will comply with the regulations, policies, guidelines and requirements outlined by the State of West Virginia. If the recipient is a nonprofit organization, the county or municipality certifies that this nonprofit organization is legally authorized to receive public funds.

Name: _____ Title: _____

Signature: _____ Date: _____

Mayor or County Commission President

ORIGINAL SIGNATURE REQUIRED-USE BLUE INK

**West Virginia Development Office
Community Development Division
Community Participation Grant Program**
1900 Kanawha Boulevard, East Building 6, Room 553
Charleston, West Virginia 25305
Phone: 304-558-4010 Fax: 304-558-2246
www.wvcommerce.org



Checklist for Nonprofit Organizations

Must Be Submitted With Application for Community Participation Grant Program Funding for Nonprofit Organizations

1. Local Government Agency: Jefferson County Commission Chief Elected Official: Patsy Ireland, President
 Project Title: Jefferson Co Sheriff - Equipment Amount of Grant: \$ 23,000
 Form Completed By: Cpl. V. Tiong Phone: (304) 728-3205 Fax: (304) 728-3299
2. Nonprofit Organization: Jefferson County Sheriff's Dept Executive Director: Robert Shipley, Sheriff
 Street Address, City, Zip: 102 Industrial Blvd Steek 100 Phone: (304) 728-3205 Fax: (304) 728-3299
- Federal nonprofit certification, 501c determination letter from Internal Revenue Service attached.
 Mission statement, brochure, or web pages explaining mission of the organization and services it provides attached.

CERTIFICATIONS AND ASSURANCES

CHECK ALL ITEMS BELOW to certify compliance with the following laws, regulations and requirements:

3. **Competitive bids are required for purchases exceeding \$2,500 in cost, as follows:**
- | | |
|--------------------------|--------------------------------------------------------|
| ▪ \$2,500 or less | ▪ No bids required; however, competition is encouraged |
| ▪ \$2,500.01 to \$5,000 | ▪ Three verbal bids documented on a verbal bid summary |
| ▪ \$5,000.01 to \$25,000 | ▪ Three written bids required |
| ▪ \$25,000 or more | ▪ Class II Legal Ads required |
4. **Sealed bids are required for any portion of this project with an estimated value of more than \$25,000.**
 Any attempt to segregate the project into sections of less than \$25,000 shall be cause for termination. Bids shall be obtained by public notice as a Class II legal advertisement in compliance with West Virginia Code §59-3. The ad must be published in the newspaper with the largest circulation in the area once a week for two successive weeks prior to the final bid date.
5. **State prevailing wages will be paid for all construction associated with this project, regardless of the cost.**
 West Virginia prevailing wages must be paid for all construction projects using state grant funds. All contractors must have a West Virginia contractor's license. These regulations apply to every contract involving construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work. If federal funds are included, the highest rate (West Virginia or Davis-Bacon) will be paid. All construction must comply with the **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.**
6. **The following documents will be required for the release of grant funds.**
- | |
|--------------------------------------------------------------------------|
| ▪ Copies of bids, quotes or verbal bid summary |
| ▪ Copy of legal ad, which must require prevailing wages for construction |
| ▪ Copies of certified payroll records for construction |
| ▪ Copies of invoices. |
7. **Counties and municipalities may sponsor the applications of federally certified nonprofit organizations.**
 The county or municipality must act as the administrator of grant funds for to nonprofit organizations, and must maintain fiduciary responsibility for the expenditure of funds. Grantees are encouraged to execute intergovernmental agreements with subgrantees so that property acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.
8. **State requirements for bidding and prevailing wage apply to federally certified nonprofit organizations.**
 Funds provided to counties and municipalities for grants to nonprofit organizations are subject to all state and local requirements regarding audits, competitive bidding and prevailing wages. All construction must comply with the **West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.**
9. **Professional services shall be obtained through a request for proposals.**
 Architectural or engineering services shall be obtained in accordance with West Virginia Code §5G.
10. **No costs should be incurred or commitments made relative to a grant prior to the approval of this grant and the execution of a contract with the State of West Virginia.**
11. **The use of grant funds at/for private property or private gain is prohibited.**
 Project sites and buildings must be publicly owned or owned by a federally certified nonprofit organization.

Signature: _____ Date: _____

Executive Director, Nonprofit Organization

ORIGINAL SIGNATURE REQUIRED



COMMUNITY PARTICIPATION GRANT PROGRAM

Fiscal Year 2011 Application and Guidelines

The Community Participation Grant Program provides state grant funds for community and economic development projects throughout West Virginia. With community involvement, the Participation Program enables communities to expand, build and improve a variety of public facilities and services.

Participation grants are approved by the Governor of the State of West Virginia and administered by the West Virginia Development Office. For additional information about the Community Participation Program, please call the West Virginia Development Office at 304-558-4010.

LOCAL MATCH

A local match of 10 percent is required.

ELIGIBLE APPLICANTS

- **Counties, Municipalities and Incorporated Towns**
- **Public Service Districts**
- **Independent Boards and Authorities within Counties or Municipalities, such as:**
 - County and city development authorities
 - Park and recreation boards
 - Public water and sanitary boards
 - County boards of education
- **Counties and Municipalities may also sponsor the applications of public organizations, such as:**
 - Library Commissions
 - Volunteer Fire Departments
 - Emergency Services
 - Nonprofit Organizations
 - Nonprofit organizations must be designated as 501(c) organizations by the Internal Revenue Service.
 - **Organizations that do not have IRS 501(c) status are not eligible for funding.**

ELIGIBLE PROJECTS

The Participation Program encourages public improvements in communities throughout West Virginia. Eligible activities include, but are not limited to, permanent public improvements related to the following:

- | | |
|---------------------------------------|-----------------------------------|
| ▪ Business and Industrial Parks | ▪ Land and Property Acquisition |
| ▪ City Hall and Courthouse Facilities | ▪ Libraries |
| ▪ Construction, Renovation | ▪ Parks and Recreation |
| ▪ Demolition | ▪ Parking Facilities |
| ▪ Economic Development | ▪ Preservation and Beautification |
| ▪ Engineering, Architecture, Design | ▪ Public Safety |
| ▪ Flood and Storm Drainage | ▪ Street and Sidewalk Repair |
| ▪ Infrastructure | ▪ Technology |
| ▪ Law Enforcement, Emergency Services | ▪ Water, Wastewater Facilities |

INELIGIBLE PROJECTS

Ineligible activities include, but are not limited to, expendable items related to the following:

- | | |
|----------------------------|-------------------------------|
| ▪ Administrative costs | ▪ Private Property |
| ▪ Food | ▪ Rent |
| ▪ Clothing | ▪ Maintenance |
| ▪ Homeowner's Associations | ▪ Salaries |
| ▪ Insurance Premiums | ▪ Scholarships |
| ▪ Maintenance | ▪ Sports Uniforms |
| ▪ Medical Programs | ▪ Training and Speakers' Fees |
| ▪ National Dues | ▪ Travel Expenses |
| ▪ Postage | ▪ Utility Costs |

COMPETITIVE BIDDING

All purchases involving grant funds are subject to State laws and regulations. Copies of bid notifications and all bids received will be required for the release of grant funds.

Commodities and services expected to cost \$2,500 or less require no bids; however, competition is encouraged. Competitive bidding requirements, at a minimum, are as follows:

▪ \$2,500 or less	▪ No bids required; however, competition is encouraged
▪ \$2,500.01 to \$5,000	▪ Three verbal bids documented on a verbal bid summary
▪ \$5,000.01 to \$25,000	▪ Three written bids required
▪ \$25,000 or more	▪ Class II Legal Ads required

Purchases exceeding \$25,000 require public notice as a Class II legal advertisement in compliance with the provisions of West Virginia Code §59-3. This notice shall be published by the grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks prior to the final bid date. Any attempt to segregate the project into sections of less than \$25,000 shall be cause for termination.

CONSTRUCTION

All construction involving grant funds are subject to State laws and regulations. Copies of wage records will be required for the release of grant funds.

The receipt and utilization of funds through this program mandate that all construction associated with this project, regardless of the source of funds utilized to pay for the construction, must comply with the provisions of the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A.

All construction work must be bid according to competitive bidding procedures. West Virginia prevailing wages must be paid for construction work performed on public improvement projects involving state grant funds, regardless of the project cost. All contractors must have a West Virginia contractor's license.

If federal funds are involved, the higher of either federal or state wage rates must be paid. Construction expenses may include professional services, materials, equipment, and contracted labor. Volunteer labor and/or force account labor, for existing employees only, is permitted.

PREVAILING WAGES

West Virginia prevailing wages must be paid for construction work performed on public improvement projects involving state grant funds, regardless of the project cost. Wage rates may be obtained from the West Virginia Secretary of State at 304-558-6000, or www.wvsos.com. All contractors must have a West Virginia contractor's license. These regulations apply to the employment of any contractor or subcontractor for this project, including the following trades and activities:

▪ Construction	▪ Painting
▪ Reconstruction	▪ Decoration
▪ Demolition	▪ Alteration
▪ Enlargement	▪ Repair
▪ Remodelling	▪ Expansion

APPLICATION DEADLINE

Applications may be submitted at any time. The Participation Program is administered according to the state fiscal year, July 1 to June 30. Applications are considered during the fiscal year in which they are received. Those not approved within the fiscal year are removed from consideration and must be resubmitted in a subsequent fiscal year. Upon approval, grant funds should be expended in a timely manner. Mutual written agreement between the West Virginia Development Office and the grantee is required to extend a grant period.

APPROVAL

The Governor of the State of West Virginia will announce the approval of all Participation Program grants through a formal letter to the appropriate unit of local government. Letters are issued and/or presented throughout the fiscal year at the Governor's discretion.

AVERAGE GRANT

Generally, Participation grants do not exceed \$50,000, although the amount of each grant will vary depending upon the nature of the project. Most grants range from \$5,000 to \$25,000.

PAYMENT OF GRANT FUNDS

Grants are paid through reimbursement of approved invoices. Following the Governor's approval, the West Virginia Development Office will execute a contract with the unit of local government for each project. Funds are disbursed through reimbursement based upon approved invoices and receipts that correspond to the requirements of the project contract. All requests for reimbursement must be certified by the unit of local government and are subject to the review and approval of the West Virginia Development Office.

No costs should be incurred or commitments made relative to a grant prior to approval of a grant and the full execution of a contract with the State of West Virginia.

RECORD KEEPING AND AUDITS

Project records will be audited by the State Auditor's Office, Chief Inspection Division, or designated audit firm as a part of the grantee's annual audit. All records must be maintained for a period of three years after completion of the final audit.

NONPROFIT ORGANIZATIONS

Nonprofit organizations must have IRS 501(c) status to be eligible for funding. Counties and municipalities may sponsor the applications of nonprofit organizations serving their area, provided that these organizations are legally authorized to receive public funds. Nonprofit organizations must be designated as 501(c) organizations by the United States Internal Revenue Service and be registered with the West Virginia Secretary of State's Office as a charitable organization.

As the grantee, the county or municipality must act as the administrator of any grant funds provided to nonprofit organizations, and must maintain fiduciary responsibility for the expenditure of funds.

Grantees are encouraged to execute intergovernmental agreements with nonprofit organizations (sub-grantees) so that property and assets acquired with grant funds will revert to the grantee if the nonprofit organization is dissolved.

ADDITIONAL AUDIT REQUIREMENTS

Any entity, including corporations, partnerships, associations, individuals, or legal entity, who receives one or more state grants in the amount of \$25,000 or more, in aggregate in a calendar year, must file a report of the disbursement of state grant funds. The report shall be filed within two years of the end of the calendar year in which the disbursement of state grant funds by the grantor occurs. The report shall be made by an independent certified public accountant at the cost of the entity receiving the state grant. The scope of the report is limited to showing that the state grant funds were spent for the purposes intended when the grant was made or as stated in approved changes to the scope. Any entity failing to file a required report within the two year period is barred from subsequently receiving state grants until the entity has filed the report and is in compliance with 12-4-14 of the Code of West Virginia.

VOLUNTEER OR PART-TIME VOLUNTEER FIRE DEPARTMENTS

Volunteer or part-time volunteer fire departments that receive one or more state grants in the amount of \$25,000 or more, in aggregate of a calendar year, shall submit a sworn statement of annual expenditures to the Legislative Auditor on or before the fourteenth day of February each year. The sworn statement is to be signed by the chief or director of the volunteer fire department. If the sworn statement is not submitted on or before the fifteenth day of May, unless the time period is extended by the Legislative Auditor, the Legislative Auditor may conduct a report of the volunteer or part-time volunteer fire department. If the sworn statement of annual expenditures is not filed with the Legislative Auditor by the first day of July, unless the time period is extended by the Legislative Auditor, the Legislative Auditor shall notify the State Treasurer who shall withhold payment of any amount that would otherwise be distributed to the fire department. The Legislative Auditor may assign an employee or employees to perform an audit or review of the disbursement of state grant funds at cost to the volunteer fire department.

To: Sandy Slusher

From: Cpl. V. Tiong

Date: November 18, 2009

Re: Taser Grants

I would like to see if we are eligible to receive a grant to purchase X-26 Tasers for the Jefferson County Sheriff's Office. We are in need of these items since not all officers have a taser issued to them. Below is the amount of the items that we would like to purchase for our department:

8- X26E(XDPM) Tasers Black/Black Grip plates w/exoskeleton holster **\$815.00 Each**

20- XDPM (Extended Digital Power Magazine) Batteries **\$37.95 Each**

Total

Taser:	\$6520.00
Batteries:	<u>\$759.00</u>
	\$7279.00

Cpl. V. Tiong
JCSO



RECEIVED

DEC 06 2009

Jefferson County Commission

To: Sandy Slusher

From: Cpl. V. Tiong

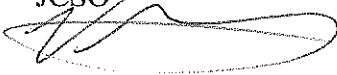
Date: November 18, 2009

Re: In-Car Camera Grant

I would like to see if we are eligible to receive a grant for the following in-car cameras for the Sheriff's Office. We would like to purchase 4 in-car camera systems. The current value of the camera systems is \$3,895.00 each; the camera systems are going to be purchased from Digital Alley. Our Department is in need of these items for officers to use. The total cost for the camera systems is **\$15,580.00**. I have received all information for the camera systems from Digital Alley. Below is the model we are interested in purchasing for use in our department. Thank you for your time into this matter.

DVM-500 Digital Video Mirror System

Cpl. V. Tiong
JCSO



RECEIVED

DEC 03 2009

Jefferson County Commission

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

AGENDA REQUEST FORM

Name: Lyn Widmyer

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 15-30 minutes

Date Requested – 1st Choice: 2/17/11

Date Requested – 2nd Choice: _____

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

Subject: **Provide funding to immediately correct the critical risk factors identified by Global Data Consultants study, "Information Technology Assessment and Vulnerability Analysis."**

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

1. Upgrade to different version of Windows that is supported.
2. Change to secure passwords.

Prepare a funding schedule and work program for addressing FY12 the following high priority issues.

1. Courthouse internal wiring needs to be replaced.
2. Recommendations regarding servers and server room
3. Preparation of Disaster Recovery and Business Continuity Plan
4. IT Staff Utilization and End User Support
5. All items with a risk factor of "High"

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

Attachments:

Sandy McDonald

From: "Lyn Widmyer" <lynwidmyer@gmail.com>
To: "Sandy Slusher McDonald" <sandy@jeffersoncountywv.org>
Sent: Thursday, February 10, 2011 8:55 AM
Subject: Fwd: Agenda item for Feb. 17
Sandy, Tim has okayed this but would you put it in the right form? Or I can do it later but I ran out of time this week and I know it is due by noon today! Thanks, Lyn..

----- Forwarded message -----

From: Lyn Widmyer <lynwidmyer@gmail.com>
Date: Mon, Feb 7, 2011 at 1:03 PM
Subject: Agenda item for Feb. 17
To: Tim Boyde <tboyde@jeffersoncountywv.org>, "F. Mark Schiavone" <mschiavone@jeffersoncountywv.org>

I plan to submit this as an agenda item but I want your input first:

Provide funding to immediately correct the critical risk factors identified by Global Data Consultants study, "Information Tecnology Assessment and Vulnerability ANalysis."

They are:

Upgrade to different version of Windows that is supported.
Change to secure passwords.

Prepare a funding schedule and work program for addressing in FY 12 the following high priority issues:

Counthouse internal wiring needs to be replaced
Recommendations regarding servers and server room
Preparation of Disaster Recovery and Business Continuity Plan
IT Staff Utilization and End User Support
All items with a risk factor of "High."

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>2/17/11</u> <u>10:30</u></p> <p>Appt Time or New Business: <u>Agenda</u></p>

AGENDA REQUEST FORM

Name: Walt Pellish

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 15-30 min

Date Requested – 1st Choice: 2/17/11

Date Requested – 2nd Choice: _____

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

Subject: **Discussion of the Water Advisory Committee – Discussion/Action**

Please provide the County Commission with a description of your request or presentation, including any background information: **Discuss the Water Advisory Committee**

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

Attachments:

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>2/17/11</u></p> <p>Appt Time or New Business: <u>10:30</u></p>

AGENDA REQUEST FORM

Name: Walt Pellish

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 15-30 min

Date Requested – 1st Choice: 2/17/11

Date Requested – 2nd Choice: _____

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

Subject: **Discussion of the Blunt Property – Discussion/Action**

Please provide the County Commission with a description of your request or presentation, including any background information: **Discuss the Blunt Property with Kirk Davis**

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

Attachments:

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

AGENDA REQUEST FORM

Name: Tom Bayuzik

Department or Entity: Development Authority

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: February 17, 2011

Date Requested – 2nd Choice: _____

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

Subject: **New Business**

Please provide the County Commission with a description of your request or presentation, including any background information: **Approval of Employment: Agriculture Development Officer and Farmland Protection Administrator**

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

Attachments:

JEFFERSON COUNTY

Personnel Requisition

Department Name JODA Date 2-14-11 Date Needed 2-14-11

Job Title Aq Development officer Salary _____ Criminal History Check Yes No

Suggested Recruitment Source(s) web, newspaper etc

Applicants Interviewed By JODA Search Committee Position Reports To JODA Executive Director

Minimum Education Required B.A. - Bachelor

Minimum Experience Required 3. years
Mr. Shepherd Ogden
Beckton, WV

Job Duties - describe

Budget Information

Addition Replacement Explain or For Whom Kellie Boler

Position Budgeted Yes No Proposed Salary ~~\$20,150.00~~ Date of Hire _____

Is Position: Full-Time Regular Part-Time _____ On-Call Occasional _____ Temporary _____

Safety/Security _____ Hours Per Week _____

Approvals

Elected Official Approval _____ Date _____

Department Head Approval _____ Date _____

County Commission Approval _____ Date _____

Comments _____

JEFFERSON COUNTY

Personnel Requisition

Department Name JCDA Date 2-14-011 Date Needed 2-14-11

Job Title Farmland Protection Adm. Salary _____ Criminal History Check Yes No

Suggested Recruitment Source(s) webs, newspaper etc

Applicants Interviewed By JCFPB Search Committee Position Reports To JCFPB Board

Minimum Education Required Bachelor Degree

Minimum Experience Required _____
*(Elizabeth Wheeler
Shepherdson, WV)*

Job Duties - description -

Budget Information

Addition Replacement Explain or For Whom Kellie Bales

Position Budgeted Yes No Proposed Salary \$ 35,875 Date of Hire _____

Is Position: Full-Time Regular Part-Time _____ On-Call Occasional _____ Temporary _____

Safety/Security _____ Hours Per Week _____

Approvals

Elected Official Approval _____ Date _____

Department Head Approval _____ Date _____

County Commission Approval _____ Date _____

Comments _____

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

AGENDA REQUEST FORM

Name: _____ County Commission _____

Department or Entity: County Commission _____

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: _____

Date Requested – 2nd Choice: _____

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

Subject: **Legislative Update**

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:

Commission Office Use Only

Date on Agenda: 2-17-11

Appt Time or New Business: New Business

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: February 10, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Legislation to create grant pool for Chesapeake Bay projects**

Please provide the County Commission with a description of your request or presentation, including any background information: **Correspondence received from the Jefferson County Public Service District asking the County Commission to work with Senator Snyder to push the advancement of this bill**

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

Attachments:

Jefferson County Public Service District

January 14, 2011

Commissioner Patsy Noland, President
Jefferson County Commission
PO Box 250
124 East Washington Street
Charles Town, WV 25414

Re: Legislation to create grant pool for Chesapeake Bay projects

Commissioner Noland:

The Interim Judiciary Subcommittee A unanimously approved a bill on January 9, 2011 that, if passed into law, would create a \$120-180 million grant pool that would be available to large wastewater systems in the Chesapeake Bay watershed to help offset part of the cost of constructing waste water treatment facilities that are designed to remove nutrients, as the WV DEP and EPA are requiring. Because the Interim Judiciary Subcommittee approved this bill, it will be introduced early in this year's regular legislative session.

The Jefferson County Public Service District ("JCPD") is greatly encouraged by the Subcommittee's approval, and commends Senator Herb Snyder for his efforts which have been indispensable to this bill's advancement.

West Virginia DEP has included nutrient monitoring and planning for nutrient removal performance requirements in discharge permits at cyclical reissuance since 2005. The December 30, 2010 Chesapeake Bay TMDL promulgation now codifies and locks in specific and firm cap limits for all point source dischargers consistent with West Virginia's Watershed Implementation Plan. Utilities within the eight county Chesapeake Bay watershed vary in their level of preparedness to meet the new requirements. In addition, the Chesapeake Bay Water Quality Model distinguishes and prioritizes facilities based on the delivered load impact on Bay water quality.¹ Jefferson County utilities are more advanced than most in taking steps to achieve compliance and these facilities should have the highest priority for nutrient reduction based on their delivered load impact on Bay water quality. The West Virginia Public Service Commission has received five applications for approval of nutrient removal sewer projects. Three of those are from Jefferson County utilities.

Nutrient removal facilities are costly. Approximately \$9 million of the JCPD's sewer project \$27 million cost is attributable to nutrient removal facilities. JCPD's project has received no grant funding commitments yet, and under

¹ See <http://www.wvca.us/bay/tmdl.cfm> Appendix D Delivered Loads

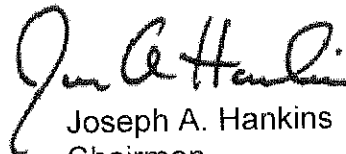
current programs, the most grant funds it can obtain is \$2.5 million. The District's post-project rates will be the highest of any PSD or municipal system in the state if no additional grant funds are obtained.

JCPSD finds the proposed legislation strongly encouraging. However, in its current form, it would not make grants available to systems that close on project funding before the new grant program is operational. Senator Snyder is aware of this circumstance and is committed to seeking a change to the bill during the legislative process to make grant funds available to early complying systems, like those in Jefferson County. JCPSD can not delay closing on its project funding, because it could lose its existing 0% interest loan and a chance at the separate \$2.5 million grant. Delaying implementation of the Project will also increase the risk of permit violations.

JCPSD asks you to work with it and Senator Snyder to push the advancement of this bill, and to modify it to make early complying systems fully eligible for grants.

Thank you for taking the time to consider this request. If you have additional questions, please direct them to JCPSD's attorney, Jim Kelsh, who can be reached at 304-343-1654.

Very truly yours,


Joseph A. Hankins
Chairman

cc: Senator Herb Snyder
Commissioner Lyn Widmyer, Jefferson County Commission
Members of Jefferson County Countywide Utility Coalition
Curtis Keller, GM, Berkeley County Public Service Sewer District
(Jefferson/Chesapeake Bay/1-11-11 Ltr re grant pool)

RECEIVED

JAN 18 2011

Jefferson County Commission

NOTICE

On Thursday, February 10, 2011, the County Commission of Jefferson County agreed to add the following dates to the schedule of the Board of Review and Equalization:

Tuesday, February 15, 2011	9:30 a.m.
Thursday, February 17, 2011	1:30 p.m.

Given under my hand this 10th day of February, 2011.

Patricia A. Noland, President
Jefferson County Commission

**NOTICE OF PUBLIC HEARING
RESCHEDULED**

**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, February 17, 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

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

Old Standard LLC

PO Box 97

Rippon, WV 25441

RECEIVED

FEB 01 2011

January 31, 2011

Jefferson County Commission

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

Dear Commission Members:

This letter is in response to the Public Hearing Notice on the proposed Harpers Ferry and Bolivar Urban Growth Boundaries. We have heard many different explanations regarding the purpose of the Urban Growth Boundaries. Based on those varying explanations, we aren't sure exactly what this boundary means. As such, we would respectfully request that a position/information paper be prepared by the Prosecuting Attorney's Office and the Planning Staff, so that we can formulate an opinion on this matter.

It appears that Bolivar's Urban Growth Boundary now includes the quarry land. The previously approved boundary did not include the quarry land. As such, we don't know what has changed in the past three years that altered the boundary with respect to our land; and what, if anything, it means.

At this time, we don't have a position on the Urban Growth Boundary without more information. However, please be advised that we would be very much opposed to the Urban Growth Boundary if the boundary empowers Harpers Ferry or Bolivar, or even leads anyone to believe that they are empowered by the boundary, to enter into any official discussions on the development of our property.

We are wary of this designation because of how it was recently applied in the Charles Town Urban Growth Boundary. During the discussion on the scheduling of a hearing for an abandonment of a street near the former Community Oil Company facility, Commissioner Lyn Widmyer asked that the City of Charles Town be noticed of the closure hearing. When the applicant's attorney questioned the rationale for that notice, Commissioner Widmyer responded that it was because it was within their Growth Boundary. Since the West Virginia Code doesn't require the additional notice, we are left wondering if the Commission thinks that the Urban Growth Boundary is something that it's not?

Finally, why has there been renewed interest in this area? It is hard to keep track of what is being done on a monthly basis. Last month it was the proposed rezoning of all of the federal land around our

Page 2

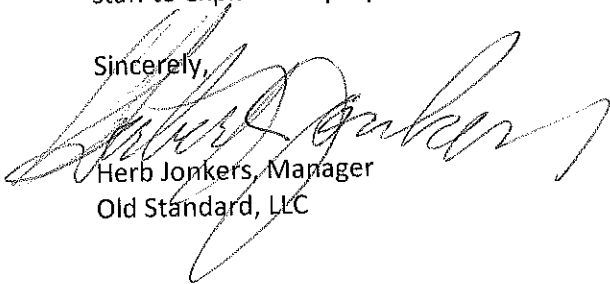
County Commission of Jefferson County

1-31-11

property. This month it is the addition of the Urban Growth Boundary that includes our property. Most disturbingly, we received no individual notice of either proposal or hearing, even though both proposals would have a definite impact on our property.

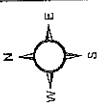
Thank you for the opportunity to comment. We hope that you will allow your counsel and/or planning staff to explain the purpose and intent of the Urban Growth Boundaries.

Sincerely,




A handwritten signature in black ink, appearing to read "Herb Jonkers", written over the typed name and title.

Herb Jonkers, Manager

Old Standard, LLC

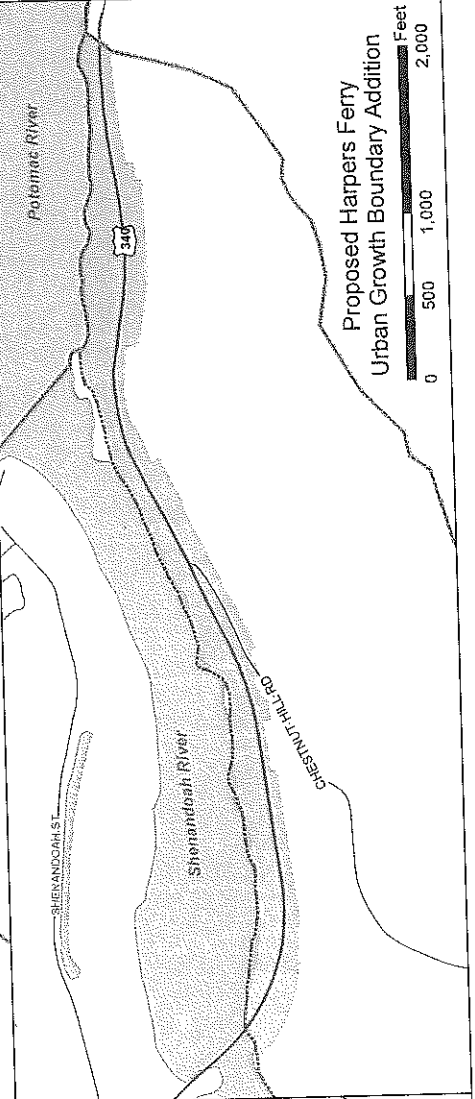
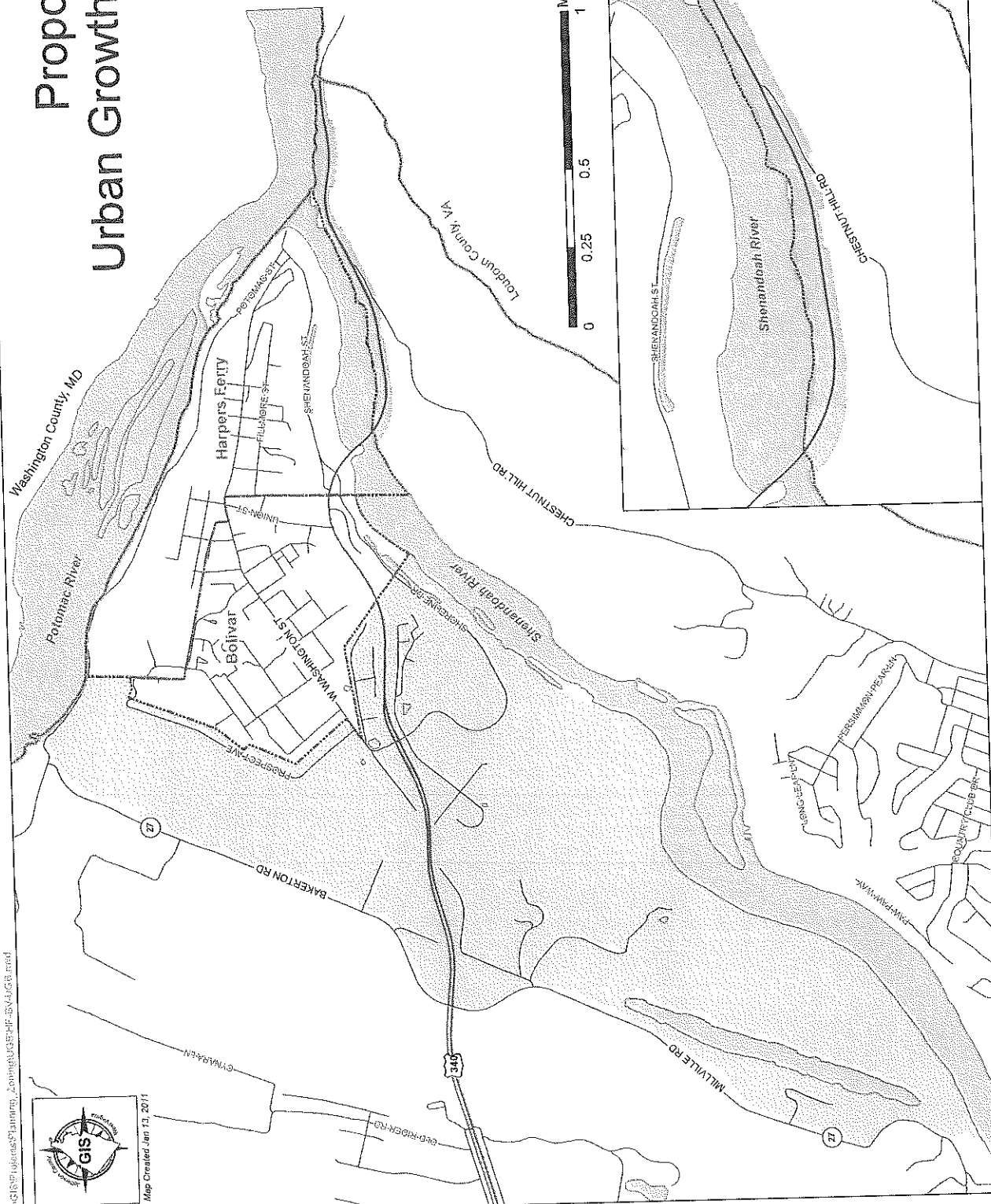
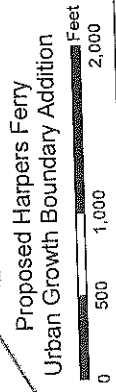


Proposed Urban Growth Boundaries

- 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.



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

AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Department of Planning

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: 12/16/10

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:
Need an answer for Harper's Ferry re: UGB

Subject: **Urban Growth Boundary Discussion**

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

Harpers Ferry and Bolivar have both taken action to recommend an Urban Growth Boundary that is different than what the County sent to them from the failed zoning map. Planning staff will present that information to the CC and is requesting that a public hearing be scheduled to consider the proposed these boundaries and determine whether to amend the County Zoning Map to include them.

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

I move to schedule a public hearing on _____ (date certain) to consider Urban Growth Boundaries proposed by the Towns of Harpers Ferry and Bolivar for inclusion on the County Zoning Map.

Attachments:

- 1) Bolivar's Municipal Ordinance with Annexation Areas defined
- 2) Harpers Ferry's Proposed Urban Growth Boundary
- 3) HB 2845 (Feb. 2009) with relevant language regarding Urban Growth Boundaries



Town of Bolivar

est. 1825

March 5, 2010

Jefferson County Planning & Zoning
104 E. Washington Street
Charles Town, WV 25414

Dear Members,

This letter is to advise that the Mayor along with the Bolivar Town Council recently held a discussion during a town council meeting regarding a boundary plat from the Department of Planning & Zoning of Jefferson County. At this time, the council has voted not to accept the proposed boundary plat which shows the possible areas of annexation. The Town of Bolivar has an ordinance that gives further boundaries in the case of annexation. The Mayor and the Bolivar Town Council would like to have proper amendments made to the zoning map before this can be adopted by the Town of Bolivar.

If you should have any further questions, pls. contact our office at 304-535-2476. We look forward to working with you in the future.

Sincerely,

Robert J. Hardy
Mayor of Bolivar

RECEIVED
MAR 16 2010

CODIFIED ORDINANCES OF BOLIVAR
PART THIRTEEN - PLANNING AND ZONING CODE

Article 1324

Annexation Policy and Procedures

The Town of Bolivar, West Virginia adopts this annexation policy to guide annexation decisions in a manner that preserves the character of the community, the quality of life of its citizens and the fiscal health of the locality. Bolivar's vision is to preserve and enhance a livable community with a logical growth boundary that defines a designated growth zone for the gateway to Jefferson County and the eastern panhandle, with a greenbelt of protected land at the boundary. Bolivar seeks well-designed neighborhoods and business areas within the boundary that enhance the established character of the community. This policy provides guidance to citizens, landowners, developers and other local government officials in Jefferson County on the considerations that will guide and govern Bolivar's annexation decisions.

STATEMENT OF GOALS

1. **Purpose of Annexation** - The purpose of annexation is to ensure orderly growth and development that is beneficial to the established Bolivar community and its citizens, in the context of growth in the wider Jefferson County area.
2. **Maintaining Bolivar's Established Character** - Bolivar seeks to maintain the established character of the community, and will disfavor annexation requests unless an annexation proposal will provide clear benefit to Bolivar to prevent incompatible development outside of the town's corporate boundary.
3. **Cooperation with Other Entities** - Bolivar seeks to exercise its annexation authority cooperatively with Jefferson County, the National Park Service and the Town of Harpers Ferry, in order to direct growth and development to designated areas, and to preserve

the designated areas valued for their rural, agricultural, historic, natural, recreation or scenic value.

4. Municipal Services - Bolivar will not promote the provision of municipal infrastructure and services to areas outside the corporate limits of Bolivar or outside the Bolivar Urban Growth Boundary. Where the provision of municipal infrastructure and services is not cost-effective, negatively impacts Bolivar citizens with the growth management policies of the town of Bolivar, it will be declined, unless required by law.

5. Adequate Public Facilities - Bolivar will disfavor annexation or provision of municipal services when existing or planned public facilities and service are not currently adequate to serve the proposed development projected build-out, and as governed by the West Virginia Public Service Commission.

ANNEXATION AREAS WITHIN THE BOLIVAR GROWTH BOUNDARY

1. Bolivar Growth Boundary - The Town has established a "Bolivar Growth Boundary" for future growth and development. This outer boundary reflects a logical, long term area for future growth around the established community, taking into account topographical and natural features; existing and approved infrastructure, existing and approved development projects, if any, and features of the landscape with special agricultural, environmental, historic, or scenic value. Annexation will be favored within the boundary, all other things being considered, and disfavored outside of the boundary. The Bolivar Growth Boundary at the Western edge shall be considered to be the East side of Route 27 (Bakerton/Bloomery Road) to the Potomac River on the North, the Shenandoah River on the East (including, but not limited to, Cavalier Heights, Harpers Ferry National Park visitor center, Murphy's Landing, KOA) and to the Millville unincorporated boundary on the South. The Town of Bolivar will also seek to work cooperatively with Jefferson County, Harpers Ferry and the National Park Service to discourage uncontrolled growth in the area outside of the Bolivar Growth Boundary.

2. Annexation within Boundary - The Town shall give priority consideration to annexation for areas within the Bolivar Growth Boundary, if the annexation meets other considerations outlined in this policy. Bolivar may choose to delay annexation within the Growth Boundary if such annexations would be inconsistent with the Annexation Policy or the clear sentiments of Bolivar citizens. Citizen input should weigh in these decisions.

3. Contiguous Areas - Annexation areas should be contiguous to the town Corporate limits, where possible, and must contribute to the logical growth pattern of the Town.

4. Greenbelt Growth Boundary - Bolivar seeks to create a greenbelt of preserved land at the Bolivar Growth Boundary, in order to keep the distinction between "town and country" for the long term. The greenbelt areas can be established through development dedications, private donations, public purchase of lands or conservation easements, farm preservation, cooperative efforts with the National Park Service, Jefferson County or private landowners, or other appropriate means.

ANNEXATION CONSIDERATIONS

For annexation requests within the Bolivar Growth Boundary, the following items shall be considered in determining whether the annexation provides clear benefits to Bolivar. The Bolivar Planning Commission shall consider these factors and any other factors which, in the discretion of the Planning Commission, should be considered and, then, assist the Town Council to determine if, on balance, annexation is beneficial to the community and its citizens.

1. Maintain the Growth Boundary - Annexation may be favored within the Bolivar Growth Boundary if consistent with the other guidelines herein, and disfavored outside the Growth Boundary.
2. Economic Development - Annexation may be favored if it increases the Town's ability to create quality jobs, and if it creates desirable retail and commercial development.
3. Positive Fiscal Impact - Annexation may be favored if the fiscal impact of new urban areas is desirable. The residents and commercial



Introduced Version - [Download \(.wpd\)](#)

H. B. 2845

(By Delegate Doyle)

[Introduced February 26, 2009; referred to the
Committee on Political Subdivisions then the Judiciary.]

A BILL to amend and reenact §8-6-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §8-6-7; to amend and reenact §8A-1-2 of said code; and to amend and reenact §8A-7-2 of said code, all relating to the annexation of land by a municipality in counties that have adopted a county wide zoning ordinance which includes urban growth boundaries; requiring the land to be contiguous to the municipality outside the urban growth boundaries; requiring that annexation take place in the county's designated urban growth boundaries; providing for annexation outside the urban growth boundary; providing for annexation of property in another municipality's urban growth boundary by intergovernmental agreement between the municipalities; defining contiguous; requiring a public hearing and signage for property annexation outside the urban growth boundary; and providing the authority to identify and establish urban growth boundaries within county zoning ordinances.

Be it enacted by the Legislature of West Virginia:

That §8-6-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto a new section, designated §8-6-7; that §8A-1-2 of said code be amended and reenacted; and that §8A-7-2 of said code be amended and reenacted, all to read as follows:

CHAPTER 6. MUNICIPAL CORPORATIONS.

ARTICLE 6. ANNEXATION.

PART 1. GENERAL.

§8-6-1. Annexation of unincorporated territory.

- (a) Unincorporated territory may be annexed to and become part of a municipality contiguous thereto only in accordance with the provisions of this article.
- (b) Any farmlands or operations as described in article nineteen, chapter nineteen of this code which may be annexed into a municipality shall be protected in the continuation of agricultural use after being annexed.
- (c) Any new imposition of a tax or any increase in the rate of tax upon any business, occupation or privilege following annexation shall be applied in accordance with the provisions of section five, article thirteen, chapter eight of this code.

(d) Unincorporated territory outside an urban growth boundary may not be annexed without an election, or by minor boundary adjustment, in any county that has adopted a county-wide zoning ordinance pursuant to the provisions of article seven, chapter eight-a of this code, and the zoning ordinance includes an "urban growth boundary", as that term is defined under the provisions of section two, article one, chapter eight-a of this code, on its recorded zoning map for the municipality, unless the requirements of section seven, of this article are met.

§8-6-7. Annexation in any county that has adopted a county-wide zoning ordinance that includes urban growth boundaries.

A petition for annexation, without an election or by minor boundary adjustment, may not be recorded or become effective in any county where a county-wide zoning ordinance has been adopted pursuant to the provisions of article seven, chapter eight-a of this code and the zoning ordinance includes and incorporates an "urban growth boundary" as defined in section two, article one, chapter eight-a, of this code without first meeting the requirements of this article and meeting the following additional requirements and conditions:

(1) Property that is proposed for annexation outside the urban growth boundary shall be contiguous to the municipality and the main territory where the municipal seat of government is located. For the purposes of this section "contiguous" means lots, parcels, municipal boundaries or county boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads or other traffic or utility easements, streams, river or other natural topography are not to be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous.

Provided, That the width of a street, highway, road or other traffic or utility easement, stream, river or other natural topography, but not the length thereof, may be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous. The common practice known as "pipe stem annexation" may not be used to make a property contiguous in determining that the territory containing the municipal seat is contiguous outside the urban growth boundary. Property proposed for annexation entirely within the municipality's urban growth boundary does not have to be contiguous. In absence of such an urban growth boundary shown on the county zoning map, this section of the code may not apply.

(2) County commission approval is not required for annexation without an election or by minor boundary adjustment within a municipality's own urban growth boundary. Any territory proposed to be annexed without county commission approval shall be completely within the municipality's urban growth boundary and established and shown on the county's recorded zoning map. If the municipality is satisfied that the petition is sufficient in every respect, including the finding that the property is located within its urban growth boundary, the governing body of the municipality shall enter that fact upon its journal and forward a certificate to that effect to the county commission of the county wherein the municipality or the major portion of that territory, including the additional territory, is located. The county commission shall thereupon enter an order as described in section three of this article. After the date of the order, the corporate limits of the municipality shall be as set forth therein. Annexation of property by a municipality in another municipality's designated urban growth boundary is only permitted if the two municipalities have executed an intergovernmental agreement regarding the annexation of the subject property. In the absence of such an urban growth boundary shown on a county zoning map, this section may not apply.

(3) Prior to the recordation of any annexation without election pursuant to this section, the petition or municipality seeking the annexation shall provide to the county commission both metes and bounds description of the property to be annexed and a survey map of the property drawn by a professional licensed to perform this work.

(4) The county commission shall hold an appropriately noticed public hearing and place appropriate public notice signage on the subject property, which signage shall be the same that would be required for property that is to be rezoned, before considering any petition for annexation of property outside the urban growth boundary of any municipality. At least fifteen days prior to the date set for the public hearing, the county commission shall publish a notice of the date, time and place of the public hearing as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code.

(5) The county commission shall verify that the conditions of this article and section have been met before entering an order pursuant to section three of this article for any petition for annexation without an election or by minor boundary adjustment for property located outside the urban growth boundary. A finding of fact stating any deficiencies must be placed in the county commission's record along with the petition for annexation. The county commission may not deny or refuse the recordation of an order described in section three of this article for which the total property to be annexed is inside the municipality's designated urban growth boundary shown on the county's recorded zoning map for that municipality or an intergovernmental agreement has been executed between two municipalities concerning the annexation of property in another municipality's urban growth boundary.

(6) The county commission may approve and order to be recorded any petition, without an election or annexation by minor boundary adjustment, that does not meet the requirements and conditions of this section, if the county commission finds after a public hearing and on-site signage notice that the proposed annexation is for the good of the county as a whole.

CHAPTER 8A. LAND USE PLANNING.

ARTICLE 1. GENERAL PROVISIONS.

§8A-1-2. Definitions.

As used in this chapter, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

(a) "Abandonment" means the relinquishment of property or a cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.

(b) "Aggrieved" or "aggrieved person" means a person who:

(1) Is denied by the planning commission, board of subdivision and land development appeals, or the board of zoning appeals, in whole or in part, the relief sought in any application or appeal; or

(2) Has demonstrated that he or she will suffer a peculiar injury, prejudice or inconvenience beyond that which other residents of the county or municipality may suffer.

(c) "Comprehensive plan" means a plan for physical development, including land use, adopted by a governing body, setting forth guidelines, goals and objectives for all activities that affect growth and development in the governing body's jurisdiction.

(d) "Conditional use" means a use which because of special requirements or characteristics may be permitted in a particular zoning district only after review by the board of zoning appeals and upon issuance of a conditional use permit, and subject to the limitations and conditions specified in the zoning ordinance.

(e) "Contiguous" means lots, parcels, municipal boundaries or county boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads or other traffic or utility easements, streams, rivers, and other natural topography are not to be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous.

(f) "Essential utilities and equipment" means underground or overhead electrical, gas, communications not regulated by the Federal Communications Commission, water and sewage systems, including pole structures, towers, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone structures, police call boxes, traffic signals, hydrants, regulating and measuring devices and the structures in which they are housed, and other similar equipment accessories in connection therewith. Essential utility equipment is recognized in three categories:

(1) Local serving;

(2) Nonlocal or transmission through the county or municipality; and

(3) Water and sewer systems, the activities of which are regulated, in whole or in part, by one or more of the following state agencies:

(A) Public Service Commission;

(B) Department of Environmental Protection; or

(C) The Department of Health and Human Resources.

(g) "Existing use" means use of land, buildings or activity permitted or in existence prior to the adoption of a zoning map or ordinances by the county or municipality. If the use is nonconforming to local ordinance and lawfully existed prior to the adoption of the ordinance, the use may continue to exist as a nonconforming use until abandoned for a period of one year: *Provided*, That in the case of natural resources, the absence of natural resources extraction or harvesting is not abandonment of the use.

(h) "Exterior architectural features" means the architectural character and general composition of the exterior of a structure, including, but not limited to, the kind, color and texture of the building material, and the type, design and character of all windows, doors, massing and rhythm, light fixtures, signs, other appurtenant elements and natural features when they are integral to the significance of the site, all of which are subject to public view from a public street, way or place.

(i) "Factory-built homes" means modular and manufactured homes.

(j) "Flood-prone area" means any land area susceptible to repeated inundation by water from any source.

(k) "Governing body" means the body that governs a municipality or county.

(l) "Historic district" means a geographically definable area, designated as historic on a national, state or local register, possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

(m) "Historic landmark" means a site, building, structure or object designated as historic on a national, state or local register.

- (n) "Historic site" means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure and designated as historic on a national, state or local register.
- (o) "Improvement location permit" means a permit issued by a municipality or county, in accordance with its subdivision and land development ordinance, for the construction, erection, installation, placement, rehabilitation or renovation of a structure or development of land, and for the purpose of regulating development within flood-prone areas.
- (p) "Infill development" means to fill in vacant or underused land in existing communities with new development that blends in with its surroundings.
- (q) "Land development" means the development of one or more lots, tracts or parcels of land by any means and for any purpose, but does not include easements, rights-of-way or construction of private roads for extraction, harvesting or transporting of natural resources.
- (r) "Manufactured home" means housing built in a factory according to the federal manufactured home construction and safety standards effective June 15, 1976.
- (s) "Modular home" means housing built in a factory that meets state or local building codes where the homes will be sited.
- (t) "Nontraditional zoning ordinance" means an ordinance that sets forth development standards and approval processes for land uses within the jurisdiction, but does not necessarily divide the jurisdiction into distinct zoning classifications or districts requiring strict separation of different uses, and does not require a zoning map amendment.
- (u) "Permitted use" means any use allowed within a zoning district, subject to the restrictions applicable to that zoning district and is not a conditional use.
- (v) "Plan" means a written description for the development of land.
- (w) "Planning commission" means a municipal planning commission, a county planning commission, a multicounty planning commission, a regional planning commission or a joint planning commission.
- (x) "Plat" means a map of the land development.
- (y) "Preferred development area" means a geographically defined area where incentives may be used to encourage development, infill development or redevelopment in order to promote well designed and coordinated communities.
- (z) "Public place" means any lots, tracts or parcels of land, structures, buildings or parts thereof owned or leased by a governing body or unit of government.
- (aa) "Sprawl" means poorly planned or uncontrolled growth, usually of a low-density nature, within previously rural areas, that is land consumptive, auto-dependent, designed without respect to its surroundings, and some distance from existing development and infrastructure.
- (bb) "Streets" means streets, avenues, boulevards, highways, roads, lanes, alleys and all public ways.
- (cc) "Subdivision or partition" means the division of a lot, tract or parcel of land into two or more lots, tracts or parcels of land, or the recombination of existing lots, tracts, or parcels.
- (dd) "Unit of government" means any federal, state, regional, county or municipal government or governmental agency.
- (ee) "Urban area" means all lands or lots within the jurisdiction of a municipal planning commission.
- (ff) "Urban growth boundary" means a site-specific line, delineated on a zoning map or written description in a zoning ordinance identifying an area around and outside the corporate limits of a municipality within which there is sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area. The urban growth boundary may be called by any name chosen by the county commission, but the word "boundary" shall be used in the name of the boundary. The boundary shall be established by the county commission in consultation with each individual municipality regarding that municipality's boundary. If the county commission and municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgment relief in the circuit court which shall submit the dispute to mediation or arbitration prior to final resolution by the circuit court. Once a county has adopted an urban growth boundary by its designation on an adopted county zoning map, the gross area inside the boundary may not be reduced without written consent of the municipality. The county commission shall review each urban growth boundary at a period not to exceed ten years or upon request of the individual municipality.
- (gg) "Utility" means a public or private distribution service to the public that is regulated by the Public Service Commission.
- (hh) "Zoning" means the division of a municipality or county into districts or zones which specify permitted and conditional uses and development standards for real property within the districts or zones.
- (ii) "Zoning map" means a map that geographically illustrates all zoning district boundaries within a municipality or county, as described within the zoning ordinance, and which is certified as the official zoning map for the municipality or county.

ARTICLE 7. ZONING ORDINANCE.

§8A-7-2. Contents of zoning ordinance.

- (a) The following must be considered when enacting a zoning ordinance:
- (1) Promoting general public welfare, health, safety, comfort and morals;
 - (2) A plan so that adequate light, air, convenience of access, and safety from fire, flood and other danger is secured;
 - (3) Ensuring attractiveness and convenience is promoted;
 - (4) Lessening congestion;
 - (5) Preserving historic landmarks, sites, districts and buildings;
 - (6) Preserving agricultural land; and
 - (7) Promoting the orderly development of land.
- (b) A zoning ordinance may include the following:
- (1) Regulating the use of land and designating or prohibiting specific land uses;
 - (2) Authorizing flexible planning standards to create, redevelop, reuse, protect, and enhance the physical qualities of the community;
 - (3) Designating historic districts and regulating the uses of land and the design of buildings within the historic district;
 - (4) Establishing corridor overlay districts to achieve land design goals and regulating the uses of land within the corridor overlay districts;
 - (5) Establishing design standards and site plan approval procedures;
 - (6) Dividing the land of the governing body into different zone classifications regulating the use of land, establishing performance standards for various land uses when dividing is not desired, or any combination of both;
 - (7) Authorizing overlay districts and special design districts within which specific additional development standards for each permitted, accessory and conditional use shall apply;
 - (8) Regulating the height, area, bulk, use and architectural features of buildings, including reasonable exterior architectural features and reasonable aesthetic standards for factory-built homes;
 - (9) Authorizing a process and standards for factory-built homes: *Provided*, That a governing body is prohibited from establishing a process and standards for regulating factory-built homes that is more restrictive than a process and standards for site-built homes;
 - (10) Preserving green spaces and requiring new green spaces, landscaping, screening and the preservation of adequate natural light;
 - (11) Regulating traffic flow and access, pedestrian flow and access, parking and loading;
 - (12) Identifying flood-prone areas subject to periodic flooding, and regulating with specific control the permitted use, type of construction and height of floor levels above base flood elevation permitted in the area so as to lessen or avoid the hazards to persons and damage to property resulting from the accumulation of storm or flood waters;
 - (13) Designating an airport area and establishing land-use regulations within a specific distance from the boundaries of the airport; ~~and~~
 - (14) Authorizing planned unit developments to achieve more efficient use of land and setting standards and regulations for the developments; and
 - (15) Identifying and establishing urban growth boundaries as defined and provided in section two, article one of this chapter.
- (c) A zoning ordinance shall:
- (1) Create a board of zoning appeals;
 - (2) Specify certification requirements for zoning district maps that are consistent with the governing body's comprehensive plan;
 - (3) Adopt procedures and requirements for nonconforming land uses;
 - (4) Adopt procedures and requirements for variances; and
 - (5) Adopt procedures and requirements for conditional use permits.

NOTE: The purpose of this bill is to provide additional requirements and conditions on annexation without an election or by minor boundary adjustment in counties that have adopted a county-wide zoning ordinance and have designated urban growth boundaries around the municipalities within that county. It requires that property to be annexed outside the municipality's urban growth boundary must be contiguous. Property outside the urban growth boundary requires county commission approval for annexation. Property within the municipality's designated urban growth boundary does not require county commission approval for annexation and does not have to be contiguous. It also requires a public hearing and signage notice and review by the county commission for land being annexed outside the designated urban growth boundary. The power to establish and a definition for Urban Growth Boundary has been added to the WV Land Use Code.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

JOE MANCHIN III
WEST VIRGINIA

Correspondence:

SUITE 311
HART BUILDING
WASHINGTON, DC 20510
(202) 224-3954

United States Senate

WASHINGTON, DC 20510-4804

January 27, 2011

The Honorable Patricia Noland
Vice President
The County Commission of Jefferson County
PO Box 250
Charles Town, West Virginia 25414-0250

Dear Commissioner Noland,

Thank you for your letter, expressing the Jefferson County Commission's opposition to the closing of the Millville Post Office. I, too, share your concern about the decision of the U.S. Postal Service (USPS) to suspend operations at that location, and elsewhere in West Virginia.

Although the Postal Reorganization Act of 1970 established the USPS as an agency independent of ordinary Congressional control and supervision, I contacted the USPS about this matter to express my particular concern about Millville. Unfortunately, I recently received the enclosed reply, which is not encouraging.

I am contacting the Postal Regulatory Commission to ensure that responsible officials are aware of the impact that this closure will have on citizens in the area. Please continue to keep me informed about any further steps taken by the Jefferson County Commission regarding this matter. I will continue to monitor this issue closely.

Sincerely,



Joe Manchin III
United States Senator

RECEIVED

JM/km
Enclosure

FEB 04 2011

Jefferson County Commission

GOVERNMENT RELATIONS



MANCHIN III
JAN 21 2011

January 18, 2011

The Honorable Joe Manchin, III
United States Senator
217 West King Street, Room 238
Martinsburg, WV 25401-3377

Dear Senator Manchin:

This is in response to your December 20, 2010, letter on behalf of the residents of Millville, regarding the Millville Post Office.

I appreciate your interest in ensuring the residents of Millville continue to have convenient access to postal services. Please know that we understand the extent to which local communities rely upon and appreciate our organization. Postal operations at the Millville Post Office will be suspended effective at the close of business on January 20, due to the expiration of the lease for the building and the inability of the building owner and the U.S. Postal Service to agree on a new lease term. Millville residents will receive daily mail delivery via newly installed Cluster Box Units (CBUs) in Millville. Those customers who held a Post Office box at the Millville Post Office but who resided in other communities can receive residential mail delivery via a rural letter carrier or to a Post Office box in their community. Postal retail services are available at multiple area Post Offices, including those in Harpers Ferry, Shepherdstown, and Charles Town. Appalachian District postal officials will be evaluating the level of service being provided to Millville residents, and no final decision to close the Millville Post Office on a permanent basis has been made.

As information, a suspended office is temporarily "closed" by necessity. When a suspension occurs, alternate service is provided as quickly as possible and a plan of action for a permanent solution is developed. Such plans can result in the reopening of the suspended facility or the establishment of a new facility; however, they can also result in a decision to propose the discontinuance of the suspended post office.

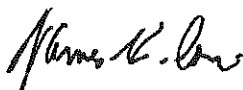
Before an office can be closed, our field managers must provide every opportunity for customers to voice their opinions and air their concerns. Questionnaires, meetings, and other methods are used to ensure that all issues are fully explored before any final decision is made. All final decisions are subject to review by the independent Postal Regulatory Commission. If an office is closed, the office name is retained for use in local mailing addresses to preserve community identity.

Page 2

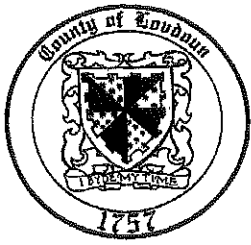
Please be assured that local postal officials are working diligently to provide postal customers in Millville with regular and effective mail delivery service. Should customers have any further questions or concerns regarding this matter, Appalachian District Consumer Affairs officials would be pleased to assist and can be reached at (304) 561-1066.

Thank you for writing. Please let me know if I can be of assistance with any other postal matters.

Sincerely,



James K. Cari
Government Relations Representative



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

February 2, 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 February 7, 2011, the Loudoun County Board of Supervisors will hold a public hearing on a Comprehensive Plan Amendment (CPAM) regarding the Route 28 Keynote Employment Policies.

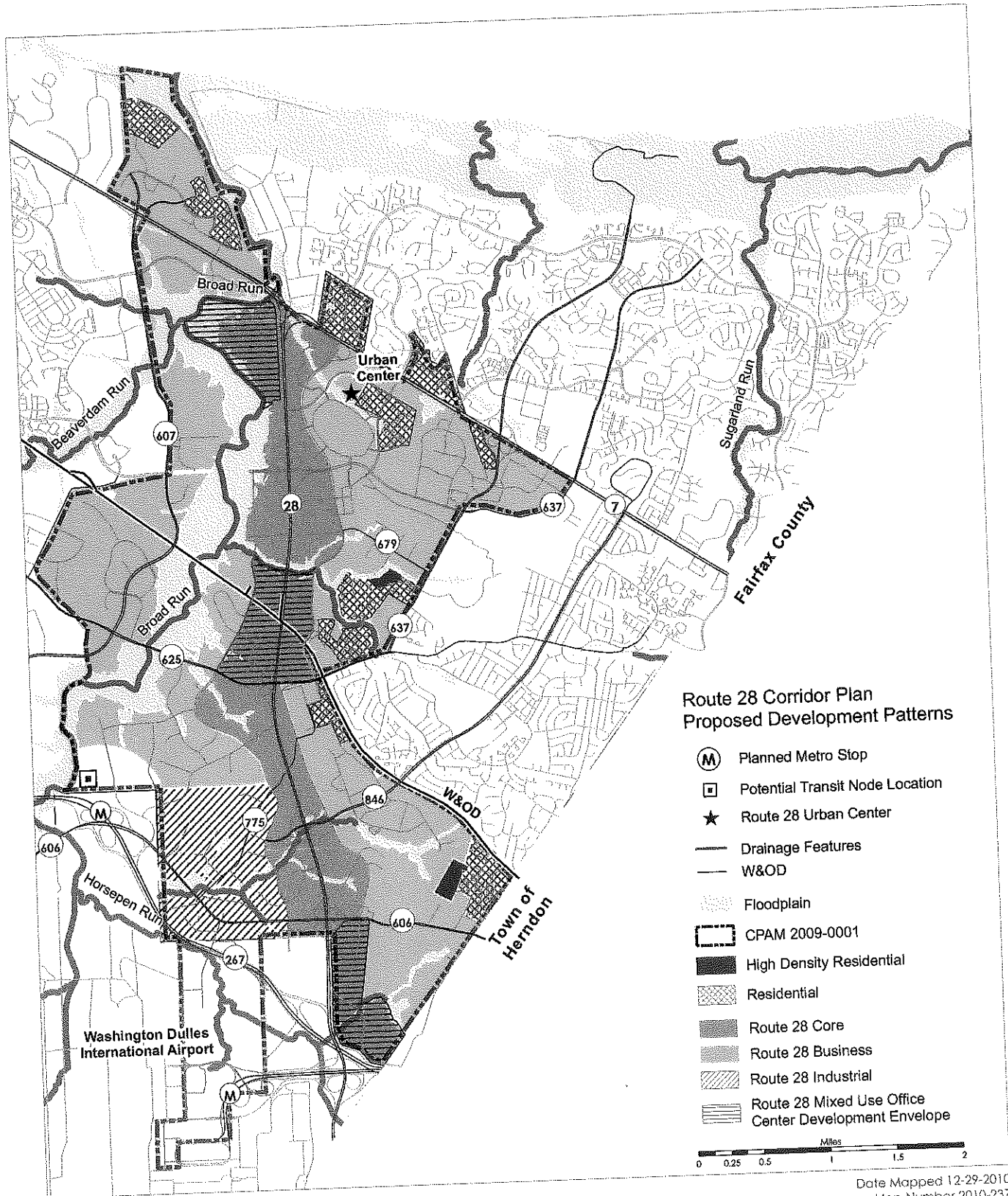
The proposed CPAM 2009-0001: Route 28 Keynote Employment Policies, would revise, add, or delete certain land use policies applicable to a specific area of Loudoun County identified as the Route 28 Corridor and establish a new component of the Revised General Plan, the *Route 28 Corridor Plan*, to apply to the Route 28 Corridor in order to support this area as an employment corridor that provides development options in diverse settings.

Enclosed for your reference is a map depicting the area. The boundaries of the area of Loudoun County identified as the Route 28 Corridor are generally described as the Potomac River, Broad Run, and Harry Byrd Highway (Route 7) to the north (although certain portions of the Route 28 Corridor are located north of Route 7, as shown on the map); Potomac View Road (Route 637), Cascades Parkway (Route 637), West Church Road (Route 625), the Washington & Old Dominion Trail, and Loudoun County's boundary with Fairfax County and the Town of Herndon to the east; Washington Dulles International Airport to the south; and Broad Run, Loudoun County Parkway (Route 607) (although certain portions of the Route 28 Corridor are located west of Route 607, as shown on the map), Waxpool Road (Route 625), Smith Switch Road (Route 607), Gloucester Parkway (Route 2150), Smith Circle (Route 829), and Island Avenue (Route 829) to the west.

RECEIVED
FEB 04 2011

Jefferson County Commission

Route 28 Corridor



TO: ALL MEMBERS of the WEST VIRGINIA ASSOCIATION OF COUNTIES

FROM: PATTI HAMILTON



THE COUNTY LEGISLATIVE LINE
Friday, February 4th, 2011

Capitol Quotes:

"I haven't really solicited any." House Judiciary Counsel in response to a question about opinions on whether the Legislature can change the general election date proclaimed by the Governor

"That's a lot of questions." Secretary of State to Del. Sobonya after a long series of questions regarding the Elections bill

"Get used to it." A comment from a committee member, noting Del. Sobonya's penchant for asking questions

"Gaming I wouldn't consider an extraction – maybe in a different sense." Deputy Secretary of Revenue Muchow responding to a question about whether revenue from extraction industries was distributed to counties similar to gaming

"Who is in charge?" Sen. Jenkins in a floor speech during the so far never-ending debate over the constitutionality of the Senate's rules

"The Senator from Marshall as Acting President is in charge." Majority Leader Unger's response

"Please stand with me." Majority Leader Unger after yet another floor debate about Senate rules, asking his fellow Senators to stand if they were ready to move forward and do the work of the Senate

"If a kid comes home orange on a cloudy day...." Court Administrator Canterbury responding to questions about enforcement of a law restricting minors using tanning beds

"A lot of the damage is where the coal comes from." Commissioner Kent

Carper responding to questions about how counties would use the additional 5% coal severance tax

"If I had my way, I would like for you to trust us on how to use it. But I understand how bills get passed." Commissioner Carper commenting on the restricted uses in SB 242 – job creation, infrastructure, road repair and economic development

The big news of the week is the final passage of a bill creating the special elections for Governor. The primary will be held Saturday, May 14th and the general will be held Tuesday, Oct. 4th. Filing has already begun and will end on Wednesday, Feb. 9th. The bill is effective from passage. A supplemental appropriations bill for \$8 million to pay for the elections is on 3rd reading in the Senate, SB 342.

Two bills having a positive financial impact for counties came out of committee this week. SB 266 will allow counties to keep the transfer tax they currently send to the state. This provides approximately \$8 million in additional revenue statewide. It now goes to Senate Finance...calls and letters need to be made to Chairman Prezioso and Vice-Chairman Doug Facemire and members of the committee to run this bill for counties!

SB 242 will allow coal-producing counties (30 according to State Tax Dept.) to have 5% additional funds from coal severance taxes. This will come from the State and will not negatively impact any funds received by non-producing counties. Thanks to Kanawha County Commissioner Kent Carper for speaking to the bill in committee. The funds are restricted for use to job creation, infrastructure, economic development, and road repair and projects must be approved by the WV Development Office.

Many bills of interest are moving out of committee including HB 2936, changing the day of primary canvass from Friday to Monday; HB 2708, eliminating requirement for annual renewal of law enforcement mutual aid agreements; SB 63 and HB 2505, adding many of the "synthetic drugs" such as K2 to controlled substances; HB 2864, Celena's Law; SB 144, Rules bill allowing the WV Counties Risk Pool to add workers comp coverage to its members; and HB 2345, providing for a non-state representative on the PEIA Finance Board.

With the completion of the Elections bill, the passage of Joint Rules by the House and Senate, and the wrapping-up of budget hearings in House and Senate Finance Committees, the pace of the session will begin picking up.

WE LOOK FORWARD TO SEEING OVER 350 COUNTY OFFICIALS AT THE WVACO ANNUAL MEETING. SAFE TRAVELS – SEE YOU ON SUNDAY!

The following bills of interest to counties were introduced from Friday, Jan. 28th through Thursday, Feb. 3rd:

2912	White	Dedicate 5% of coal severance tax to county of origin	Finance
2914	Fragale	Funding public libraries; receive funds from levies	P S Fin
2918	White	Permanent business registration; change procedure for revoking, suspending or canceling; permit to be revoked, suspended or canceled for nonpayment of property taxes	Judiciary Finance
2921	Swartzmiller	Redefine final avg. salary to permit consideration of compensation over 15 yr period instead of 10 years	Pensions Finance
2922	White	Establish felony offense of causing serious bodily injury to another while driving DUI	Judiciary Finance
2923	Manchin	Relating to expungement for certain criminal convictions between ages of 18 & 26; reduce time to petition for expungement for offenses committed between ages of 18 & 22 involving alcohol	Judiciary
2927	Manchin	Clean-up of county compensation code	P S Jud
2936	Lawrence	Change date of canvassing of votes in primary election from Friday to Monday	Judiciary
HJR 31		Homestead Exemption amendment to \$30,000 or 50% of average sale price of homes	Const Rev
HJR 33		Homestead exemption amendment to allow each county to increase homestead exemption to amount not to exceed \$50,000 or 50% of avg. value	Const Rev
2944	Hunt	Cap property tax increases at 5% of previous year	Finance
2949	White	Simplify and consolidate senior citizen property tax relief programs; make available only to eligible low income homeowners	Finance
2950	White	Reduce original cost requirement for capital improvement to \$20 million; limit it to personal property rather than both real and personal property in order to qualify for preferential treatment	Finance
2953	Governor's Bill	Revisions to distribution of coalbed methane revenue; go to county economic development authorities rather than Infrastructure Fund	Energy Finance
2966	Manypenny	Spay Neuter Assistance Fund	Ag Fin
2973	Perdue	Increase excise tax on cigarettes by \$1; other tobacco products by %; additional moneys in fund go to public health, substance abuse programs or health care	H & HR Finance

2980	Kominar	Exempt from taxation property owned by a charitable nonprofit organization serving youth (Fayette County Boy Scout High Adventure Base Camp)	Finance
2987	Rodighiero	Allow quarterly payment of real & personal property taxes and require new tax tickets be mailed after property is transferred	Judiciary Finance
3001	Doyle	Lengthen period for voter registration to 3 rd day before an election	Judiciary Finance
3002	Ellem	Require sheriff to issue upon request a blue flashing warning light to prosecuting attorney	Roads Judiciary

SB 332	Prezioso	Change procedure for business registration (same as HB 2918)	Finance
SB 337	Palumbo	Failure to wear seat belts primary offense	T&I Jud
SB 342	Governor's Bill	Providing supplementary appropriation of \$8 million for costs of special elections	Out of Finance
SB 344	Prezioso	Preferential tax treatment for new investment; same as HB 2950	Econ Dev Finance
SB 345	Prezioso	Senior Citizen property tax relief programs; same as HB 2949	Finance
SB 346	Palumbo	Remove requirement that circuit clerk may charge 3 times the amount of actual postage	Gov Org Judiciary
SB 348	Laird	Allow community work program labor be credited to fines or court costs	Gov Org Judiciary
SB 352	Stollings	Authorize sale of property owned by county commission for adequate consideration	Gov Org Finance
SB 359	Browning	Exempting property used for charitable purposes with youth service as primary purpose to be leased or generate revenue for the nonprofit organization for intervals not longer than 3 weeks & 26 weeks total per year to be exempt from taxation (This bill is intended for the Fayette County Boy Scout High Adventure Area)	Judiciary Finance
SB 367	Laird	Require early voting at "satellite precincts" for minimum of 5 consecutive days (allows flexibility for counties to offer early voting away from courthouse)	Judiciary Finance
SB 368	Palumbo	Require Governor's Committee on Crime, Delinquency & Correction establish procedures for investigation of child abuse & neglect	H & HR Judiciary

SB 372	Governor's Bill	Revision to distribution of coalbed methane revenue (same as HB 2953)	Energy Finance
SB 379	Kessler	Registration of out-of-state sex offenders if they camp in WV on regular basis	Judiciary
SJR 9	Plymale	The Silenced Majority Local Levy & Bond amendment (simple majority for passage of levy)	Judiciary Finance
SB 387	Unger	Allow retired officers carry concealed weapon in accordance with federal law; definition includes sheriffs & prosecutors	Judiciary
SB 390	Kessler	New crime of computer invasion of privacy	Judiciary
SB 391	Palumbo	Rotate community voting locations; provide for appeal of locations; reduce early voting period to 13 days	Judiciary Finance
393	Plymale	Appraise affordable multifamily rental housing using income approach; IRS credits not included	Judiciary Finance
396	Laird	Eliminate requirement that mutual aid agreements between law enforcement entities be renewed annually	Judiciary
397	Beach	Salvage value for antique cars	T&I Fin
SJR 10	Laird	Constitutional amendment to repeal sheriffs' term limit	Judiciary Finance
SB 409	Hall	Establish Model State Redistricting Reform Act	Jud Fin

Legislative Calendar 2011

Twentieth Day – January 31, 2011; Submission of Legislative Rule-Making Review Bills due.

Forty-first Day – February 21, 2011; Last day to introduce bills in the Senate and the House. Does not apply to originating or supplementary appropriation bills or to resolutions or concurrent resolutions.

Forty-seventh Day – February 27, 2011; Bills due out of committees in house of origin in order to ensure three full days for readings

Fiftieth Day – March 2, 2011; Last day to consider bill on third reading in house of origin. Does not include budget or supplementary appropriation bills.

Sixtieth Day – March 12, 2011; Adjournment at Midnight (*WV Const. Art. VI, §22*)

Go to www.legis.state.wv.us for bill text and to create personal bill-tracking lists. We also have hard copies of all bills at the office.

5



PanTran

Eastern Panhandle Transit Authority
446 Novak Dr. Martinsburg, WV 25405

TO: Jefferson County Commission

FROM: Ronda Reichert

DATE: February 4, 2011

FAX: 304-725-7916

The monthly Pan Tran Board Meeting is Monday, February 14, 2011 at 3:30 p.m.
Please find attached a copy of our agenda to post with the announcement. Thank you in
advance for your help.

Agenda

Eastern Panhandle Transit Authority

February 14, 2011 at 3:30 p.m.

Meeting location at 446 Novak Drive, Martinsburg, WV 25405
Copies of the Agenda are available at the PanTran office. 8 a.m. to 4 p.m.

1. Call to Order
2. Appointments
Steve Pace, Employee Insurance/PanTran Liability, 15 minutes
John Clare
3. Approval of the January 2011 Meeting Minutes
4. Approval of the 2010 Expenditure Reports
Approve 2010-2011 Operating Budget
Operating Expenditure Reports
New Freedom Expenditure Reports
ARRA Expenditure Reports
5. Old Business
Report on resolution of 2009 & 2010 Expenditure Reports
Resolution of Driver holidays
Report on comparison of building to drawings
Progress on switch from Wave2 to Frontier Internet Service
Status of BSS Contract expenses
6. New Business
Change Meeting Time to 3:30 pm
State Financial Aid
Alternate High Speed Internet link
Committee to Review/Amend Authority By-Laws
Approve selection of CPA to review reports
Approve Diesel Mechanics/Heavy Truck Maintenance Distance Learning Course
Implement PanTran Leave Bank
Move Insurance Restricted account to equity line item
7. Executive Session
8. Adjournment

Legislative Lineup

County Commissioners' Legislative Update

Please Distribute To All Commissioners ASAP

Volume 14, Issue 4

February 3, 2011

2011 Legislative Session Week 4...

Hi All. It has been a busy couple of days since you left town!

HB 2766 passed out of House Pensions Committee Wednesday morning increasing the employer contribution cap for deputy sheriffs from the current rate of 10.5% to 13%. This was a compromise...the original bill would have removed the cap entirely. **CCAWV supports the compromise.** The bill now goes to House Finance.

HB 2737 the bill that would create a process for removing those appointments that a governing body has the authority to appoint, passed out of House Political Subdivision and goes on to House Judiciary. **This bill is supported by CCAWV.**

SB 266 the transfer tax bill that would allow all transfer taxes collected to remain in the county over a 5 yr. phase-in passed out of Senate Government Organization and is on its way to Senate Finance. **CCAWV supports this legislation**

SB 242 the coal severance tax bill that would return 5% of state's portion of the coal severance tax to coal producing counties over a 5 year phase in, passed out of senate judiciary and is on its way to the Senate Finance Committee. **CCAWV supports this bill.**

A rules bill, **HB 2624**, dealing with workers comp pools for political subdivisions passed out of Banking & Insurance this morning and now goes to House Judiciary.

Both the **House (2927)** & **Senate (96)** versions of WVACO's salary classification cleanup bill were on the agenda in Political Subdivision Division in the House and on the agenda in Senate Government Organization today. Both bills were pulled from the agendas because of questions regarding the provisions that make all PAs full time as of January 2013.

In this bill, those counties that have part-time PAs right now can remain part-time as long as that Prosecutor is in office. **If the current PA chooses not to run again, the position goes full-time and the salary for the PA jumps up to a class 5 salary at \$87,800 yr.** The Bill was in committee Wednesday and Senators, looking out for their small counties, laid the bill over until the next meeting. Here are the counties that currently have a part-time PA and the financial implications under this bill:

Brooke - Class 4 - Currently Part-Time w/salary at \$87,800 If position goes to full time salary would go to \$90,000 (difference of \$2,200 increase to county)

Wetzel - Class 4 - Currently Part-Time w/salary at \$87,800 If position goes to full time salary would go to \$90,000 (difference of \$2,200 increase to county)

Taylor - Class 5 - Currently Part-Time w/salary at \$87,800 If position goes to full time no change in salary

Tyler - Class 7 - Currently Part-Time w/salary at \$56,760 If position goes to full time salary would go to \$87,800 (difference of \$31,040 increase to county)

Summers - Class 7 - Currently Part-Time w/salary at \$56,760 If position goes to full time salary would go to \$87,800 (difference of \$31,040 increase to county)

Volume 14, Issue 4

Monroe - Class 7 - Currently Part-Time w/salary at \$56,760 If position goes to full time salary would go to \$87,800 (difference of \$31,040 increase to county)

Calhoun - Class 9 - Currently Part-Time w/salary at \$ 50,150 If position goes to full time salary would go to \$87,800 (difference of \$37,640 increase to county)

Wirt - Class 10 - Currently Part-Time w/salary at \$ 46,200 If position goes to full time salary would go to \$87,800 (difference of \$41,600 increase to county)

Bills Introduced This Week.....

Listed on the following pages are bills of county interest, introduced in the opening days of the 2011 session. If at any time during the session you have questions or want complete copies of any of the reported legislation, please call or fax, and we'll do our best to accommodate your requests, call 345-4639 or fax 346-3512... Your views on bills introduced are invited and encouraged. Give me or a board member a call to express your views!

Senate & House Bills of County Interest Introduced January 31-February 3, 2011...

2011 week 4 - 2011 Regular Session					
Bill	Title	SA (Same As/ SI (Similar To)	Last Action	Committee Reference	Notes
SJR 9 (High)	Proposing amendment to Constitution designated The Silenced Majority Local Levy and Bond Amendment	SI HJR 29	02/01/11 - To Senate Judiciary In Committee	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	CCAWV Supports. Would require simple majority for levy passage.
SJR 10 (None)	Proposing amendment to Constitution designated Repeal the Two Consecutive Term Limitation for Sheriffs Amendment	SI HJR 28	02/02/11 - To Senate Judiciary In Committee	Senate Reference 1 - Judiciary	
SB 342 (None)	Making supplementary appropriation to Governor's Office-- Civil Contingent Fund	SA HB 2952	02/04/11 - To House On 3rd reading, Calendar 3rd Reading	Senate Reference 1 - Finance	
SB 344 (High)	Reducing disincentive for new capital investment	SA HB 2950	01/31/11 - To Senate Economic Development In Committee	Senate Reference 1 - Economic Development Senate Reference 2 - Finance	Would give salvage on new capital investments over 10 million dollars.
SB 345 (None)	Relating to senior citizen property tax relief programs	SA HB 2949	01/31/11 - To Senate Finance In Committee	Senate Reference 1 - Finance	
SB 346 (None)	Relating to collection of fees by circuit clerks		01/31/11 - To Senate Government Organization In Committee	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	

Volume 14, Issue 4

SB 347 (None)	Permitting person to file bond in escrow with court to cover mechanic's lien		01/31/11 - To Senate Labor In Committee	Senate Reference 1 - Labor Senate Reference 2 - Judiciary	
SB 348 (None)	Allowing certain community work program labor be credited to fines or court costs		01/31/11 - To Senate Government Organization In Committee	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	
SB 352 (None)	Relating to sale of property owned by county commission		01/31/11 - To Senate Government Organization In Committee	Senate Reference 1 - Government Organization Senate Reference 2 - Finance	
SB 353 (None)	Increasing tax on gas from Marcellus Shale if sold or transported out of state		01/31/11 - To Senate Energy, Industry and Mining In Committee	Senate Reference 1 - Energy, Industry and Mining Senate Reference 2 - Finance	
SB 359 (None)	Exempting certain charitable organizations from property taxation	SA HB 2980	01/31/11 - To Senate Judiciary In Committee	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	
SB 367 (High)	Requiring early voting at designated locations for minimum of five consecutive days	SA HB 2857 SI HB 2748	02/01/11 - To Senate Judiciary In Committee	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	
SB 372 (High)	Relating to dedication of coalbed methane severance tax proceeds		02/01/11 - To Senate Energy, Industry and Mining In Committee	Senate Reference 1 - Energy, Industry and Mining Senate Reference 2 - Finance	
SB 391 (None)	Relating to early in-person voting; rotating community voting locations		02/02/11 - To Senate Judiciary In Committee	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	
SB 393 (None)	Appraising certain rental housing property for ad valorem property tax purposes		02/02/11 - To Senate Judiciary In Committee	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	
SB 396 (None)	Relating to mutual-aid agreements between law-enforcement entities	SI HB 2708	02/02/11 - To Senate Government Organization In Committee	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	

Volume 14, Issue 4

SB 397 (None)	Establishing value of antique motor vehicles for personal property taxes	Sa HB 2407 SI HB 2449	02/02/11 - To Senate Transportation and Infrastructure In Committee	Senate Reference 1 - Transportation and Infrastructure Senate Reference 2 - Finance	
HB 2944 (None)	Capping a property tax increase resulting from an increase from the three-year reappraisal	SI SB 277	01/31/11 - To House Finance In Committee	House Reference 1 - Finance	
HB 2949 (None)	Providing definitions of "low income" for purposes of property tax relief programs		01/31/11 - To House Finance In Committee	House Reference 1 - Finance	
HB 2950 (None)	Reducing the required original cost of manufacturing facilities	SI SB 344	01/31/11 - To House Finance In Committee	House Reference 1 - Finance	
HB 2953 (None)	Relating to dedication of coalbed methane severance tax proceeds		02/01/11 - To House Energy, Industry and Labor, Economic Development and Small Business In Committee	House Reference 1 - Energy, Industry and Labor, Economic Development and Small Business House Reference 2 - Finance	
HB 2961 (None)	Assessing an additional \$10 penalty on all speeding tickets		02/01/11 - To House Roads and Transportation In Committee	House Reference 1 - Roads and Transportation House Reference 2 - Finance	
HB 2980 (None)	Exempting from taxation property which is owned by a charitable organization owned by a nonprofit youth serving organization in certain circumstances	SA SB 359	02/01/11 - To House Finance In Committee	House Reference 1 - Finance	
HB 2982 (None)	Limiting the liability of military personnel who respond to local emergencies and calls for assistance		02/01/11 - To House Judiciary In Committee	House Reference 1 - Judiciary	
HB 2987 (None)	Allowing quarterly payment of real and personal property taxes and requiring new tax tickets to be mailed after property is transferred		02/02/11 - To House Judiciary In Committee	House Reference 1 - Judiciary House Reference 2 - Finance	
HB 3001 (None)	Lengthening the period for voter registration		02/03/11 - To House Judiciary In Committee	House Reference 1 - Judiciary House Reference 2 - Finance	
HB 3002 (None)	Requiring the sheriff of a county to issue, upon request, a blue flashing warning light to the prosecuting attorney		02/03/11 - To House Roads and Transportation In Committee	House Reference 1 - Roads and Transportation House Reference 2 - Judiciary	



Eastern Panhandle Conservation District
151 Aikens Center, Suite 1
Martinsburg, WV 25401
(304) 263-4376 - Fax 263-4986

MEMORANDUM

To:
Jefferson County Commission
City of Ranson
City of Charles Town
EPCD Board of Supervisors

From: Sherry Duncan, Administrative Officer

Re: 2011 Inspection Schedule

Date: February 4, 2011

The West Virginia Conservation Agency will be inspecting the Evitts Run Channel on March 28. If you are interesting in attending, please contact Sherry Duncan (sduncan@wvca.us) by March 1.

RECEIVED

FEB 07 2011

Jefferson County Commission

Public Service Commission
Of West Virginia

201 Brooks Street, P. O. Box 812
Charleston, West Virginia 25323

Phone: (304) 340-0300
FAX: (304) 340-0325



February 3, 2011

The Honorable Shelley Moore Capito
United States Congress
4815 MacCorkle Avenue, SE
Charleston, WV 25304

Re: Sandra Kinnaman - Informal Complaint
Jefferson Utilities, Inc.
Project No. 11W-0477-PW-CTRAT

Dear Representative Capito,

This letter is in response to your letter to Chairman Michael A. Albert dated January 19, 2011, and received in this Division on January 31, 2011, concerning your constituent, Ms. Sandra Kinnaman's protest about the proposed water rate case from the Jefferson Utilities, Inc.

My Staff has reviewed your letter and discussed the situation with Mr. Lee Snyder, President for the Jefferson Utilities, Inc. (JUI). He has advised my staff that the utility has filed a formal case under Case No.: 10-1329-W-42T on August 20, 2010.

Because the case is now pending before the Commission, I can not provide further informal assistance at this time. The Commission Staff which was assigned to the case has completed its investigation and review and filed a final recommendation. The Administrative Law Judge conducted a hearing on Wednesday, December 1, 2010 and Thursday, December 2, 2010 that was held at the City of Ranson Building, Council Chambers, at 312 South Mildred Street, Ranson, WV beginning at 9:30 am each day. After conducting the hearing and receiving all the evidence from the public, the utility and the Commission Staff, the ALJ issued a Recommended Decision on January 7, 2011. If the Recommended Decision is in error regarding a finding of fact or conclusion of law, any party to the rate case may file exceptions with the full Commission. To date, there have been exceptions filed by the Commission Staff, JUI and the intervenor. Therefore, the Commission will now review the case file and make its own decision on the case.

RECEIVED

FEB 07 2011

Jefferson County Commission

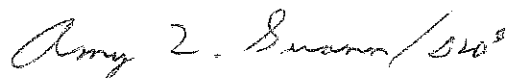
The Honorable Shelley Moore Capito
Project No. 11W-0477-PW-CTRAT
February 3, 2011
Page 2

The Commission issued a Procedural Order on October 6, 2010 which suspended the proposed rates until 12:01 am on February 19, 2011. The Commission must enter an Order on this case prior to that suspension date.

Your letter on behalf of Ms. Sandra Kinnaman has already been forwarded to the Executive Secretary's office to be included in the case file for review.

Thank you for allowing the Public Service Commission of West Virginia to help you on this matter. If we can provide more information or be of further assistance, please contact James F. Aucremanne at (800) 344-5113, extension 379 between the hours of 8:00 a.m. – 5:00 p.m., Monday thru Friday.

Sincerely,



Amy L. Swann, Director
Water and Wastewater Division

ALS/JFA:nat

cc: Michael A. Albert, Chairman, Public Service Commission of West Virginia
Susan Small, Director of Federal Programs, Public Service Commission of West Virginia
Jerry Bird, Director of Government Relations, Public Service Commission of West Virginia
Jefferson County Commission
Jefferson Utilities, Inc.

JEFFERSON COUNTY, WEST VIRGINIA

Engineering Department

116 East Washington Street

P.O. Box 716

Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

Email: engineering@jeffersoncountywv.org

February 4, 2011

Westridge Hills Homeowner's Association
55 Spring Park Trail
Harpers Ferry, WV 25425

COPY

Attn: Ms. Cathryn Jackson, Treasurer

Re: Westridge Hills Potable Water Test Wells Project

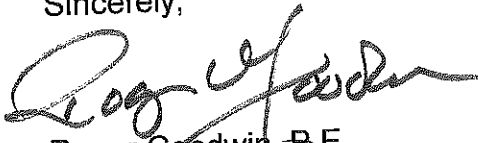
Dear Ms. Jackson:

This letter is an update on the Westridge Hills Test Wells project. The consultant on this project, Analytical Services, Inc., is tentatively scheduled to perform the on-site geophysical surveys on Wednesday and Thursday, February 16th and 17th.

The geophysical surveys involve the placing of electric wires across the ground surface in order to take readings of the type of geology that exists below the ground surface. This will be done at three locations in the subdivision; one on the south side of the existing pond along Chestnut Hill Road and two along Possum Trail. The wires will be removed once the work is done.

I just wanted to make you aware of this work in the event someone is wondering who and what is being done in the Subdivision. If you have any questions, please feel free to contact me at 304-728-3256.

Sincerely,



Roger Goodwin, P.E.
Chief County Engineer

C: Tim Boyde, County Administrator
Norma Kuroski, Project Manager

RECEIVED

FEB 09 2011

JEFFERSON COUNTY COMMISSION

West Virginia Election Calendar Overview
2011 Special Gubernatorial Election - Jefferson County

	Feb '11	Mar '11	Apr '11	May '11	Jun '11
PRIMARY ELECTION	7				
Candidate filing period begins	12				
Candidate filing period ends - by 5pm	13				
Drawing of ballot positions - at 5pm	13				
Last day to extend emergency absentee procedures	19				
First day to receive absentee applications from all voters	19				
Commission notifies executive committees: # of poll workers needed	19				
Secretary of State certifies and posts candidate names		1			
Last day for candidates to withdrawal		5			
County clerk estimates number of absentee ballots needed		5			
Executive committees submit names of poll workers & alternates		19			
Clerk notifies commission: # of emergency absentee commissioners		26			
Commission appoints poll workers and alternates		26	1		
Primary-First campaign report due		28			
Delivery of absentee ballots to clerk		29			
Sending of absentee ballots to overseas/military voters			14	7	
Poll worker training eligible dates			16		
Delivery of supplies to clerk			18		
Maintenance to clear out Early Voting room & remove hall benches			19		
Maintenance to bring Early Voting equipment to courthouse - by 12pm			19		
Early Voting staff to set up room for Early Voting - after 12pm			20		
Poll clerk training - 9am			20		
Poll commissioner training - 6pm			22	11	
EARLY VOTING PERIOD			18-24		
Publish the sample ballots			25		
Voter registration deadline for Primary Election			26		
Supply clerk training - 9am			29	3	
Pre-Primary campaign finance report due				4	
Supply clerk training - 6pm				5	
Poll commissioner training - 9am				5	
Poll clerk training - 6pm				7	
Saturday Early Voting				7-14	
Receive emergency absentee ballot applications - by 12pm on last day				7-13	
Publish the sample ballots or official list of candidates				9	
Deadline to submit absentee ballot application				9	
Makeup/alternate training - 6pm				13	
Maintenance to pick up trucks in Halltown/equipment delivery to pcts				13	
Supply clerks pick up supplies at Bardane storage facility				13	
Last day to receive hand-delivered absentee ballots				14	
PRIMARY ELECTION DAY				16	
Equipment pick up from pcts/return trucks to Halltown				20	
Canvass begins - results declared at end of canvass				21	
Deadline for petition nominees to file certificate and filing fees				27	28
Post-Primary campaign financial reports due					13
Deadline to transmit results to the Secretary of State					

Last updated 2/10/11

Legislative Lineup

County Commissioners' Legislative Update

Please Distribute To All Commissioners ASAP

Volume 14, Issue 5

February 10, 2011

2011 Legislative Session Week 5...

Today was a busy one with lots of bills with county interest running in both House and Senate Committees. Following is an update on bill action, followed by a list of House and Senate bills of county interest, introduced this week.

House Committee on Pensions & Retirement - 10:00 am - Room 460

HB 2921 - Redefining final average salary - Bill was reported out to House Finance

Senate Committee on Energy, Industry, & Mining - 10:00 am - Room 208-W

SB 235 - Revising County Economic Development District Act - Bill was reported out to Senate Finance

House Committee on Energy, Industry, & Labor, Economic Development and Small Business - 1:00 pm - Room 460

HB 2762 - County Economic Opportunity Development District Act - Reported out to House Judiciary

HB 2953 - Dedication of coal bed methane severance tax proceeds - Reported out to House Finance

HB 2448 - Creative Communities Development Pilot Program, the purpose is to develop a matching grant program to foster the development of creative communities in WV. Reported out to House Finance

House Committee on Political Subdivisions - 1:00 pm - Room 215-E

HB 2208 - provides for actual costs to be paid for municipal audits; reduces cap on audits for Class IV municipalities (no county funds involved) - Reported out to House Finance

HB 2852 - WV Tax Increment Financing Act (The bill allows certain remediation projects to fall within the parameters of the article and provides that the Director of the Development Office must take action on applications for projects by a date certain or the projects are deemed approved by operation of law.) - Reported out to House Finance

HB 2855 - Salaries for certain county officials/employees are minimum salaries - Amended and reported out to House Finance

HB 2927 - WVACo salary classification bill - Removes outdated language from code, removing full-time PA provision. - Reported out (with the PA provision removed) to House Judiciary

House Committee on Constitutional Revision - 2:00 PM - Room 410

—Consideration of a Homestead Exemption Amendment - County Option - The committee passed out a county-by-county option that if passed by the voters, would allow a county to choose to increase the homestead exemption or base an increase on need according to income levels. If a county chooses to do one or the other, it would submit a plan for doing so with a fiscal impact study and how you'd replace the lost revenue

back to the legislature for approval. If the Legislature approves the proposal, then a majority vote of a county-wide election would be required for implementation The proposed constitutional amendment will now go to House Finance for further consideration.

Senate Committee on Government Organization Room - 208W

S.B. 96 - Relating generally to certain county officials. WVACo salary classification cleanup bill. - The committee passed the bill after amending it to exclude the PA provision and the bill goes to Senate Finance.

Still no movement on our annexation bill (HB 2665) in House Political Subdivision Committee Your calls of support are appreciated. As I said a very busy Wednesday.....

Following are House and Senate bills with county interest introduced this week.....

Bill	Title	SA (Same As)/ SI (Similar To)	Last Action	Committee Reference	Notes
<u>HJR 33</u>	(None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Homestead Exemption Increase Amendment	<u>SI SJR 2</u>	01/28/11 - To House Constitutional Revision In Committee	House Reference 1 - Constitutional Revision House Reference 2 - Finance	<u>ADD A NOTE FOR HJR 33</u>
<u>HJR 34</u>	(None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Tangible Personal Property Tax Exemption and Rate Reduction Amendment		02/04/11 - To House Constitutional Revision In Committee	House Reference 1 - Constitutional Revision House Reference 2 - Finance	<u>ADD A NOTE FOR HJR 34</u>
<u>HJR 35</u>	(None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Manufacturing Inventory Amendment		02/04/11 - To House Constitutional Revision In Committee	House Reference 1 - Constitutional Revision House Reference 2 - Finance	<u>ADD A NOTE FOR HJR 35</u>
<u>SB 417</u>	(None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Expanding scope of definition of "political party" to increase political parties ability to obtain ballot access		02/04/11 - To Senate Judiciary In Committee	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	<u>ADD A NOTE FOR SB 417</u>
<u>SB 420</u>	(High) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Clarifying county commissioners must reside in district they represent		02/04/11 - To Senate Government Organization In Committee	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	<u>ADD A NOTE FOR SB 420</u>
<u>SB 423</u>	(None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Increasing size limit of voting precincts	<u>SA HB 3014</u>	02/04/11 - To Senate Judiciary In Committee	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	<u>ADD A NOTE FOR SB 423</u>

<u>SB 428</u>	(None) ☐☐☐	Increasing fees charged by clerk of circuit court for medical professional liability actions	02/04/11 - To Senate Judiciary In Committee	Judiciary Senate Reference 2 - Finance	ADD A NOTE FOR SB 428
<u>SB 432</u>	(High) ☐☐☐	Reconfiguring sheriffs' salaries; eliminating commission based on tax collection	02/04/11 - To Senate Government Organization In Committee	Senate Reference 1 - Government Organization Senate Reference 2 - Finance	EDIT NOTE DELETE NOTE CCAWW is opposed to this bill in its current form.
<u>SB 442</u>	(None) ☐☐☐	Increasing expenditure limit on public service district contracts before competitive bids required	02/07/11 - To Senate Government Organization In Committee	Senate Reference 1 - Government Organization Senate Reference 2 - Finance	ADD A NOTE FOR SB 442
<u>SB 449</u>	(None) ☐☐☐	Creating Twenty-First Century Business Technologies Property Valuation Act and Tax Credit Act	02/07/11 - To Senate Economic Development In Committee	Senate Reference 1 - Economic Development Senate Reference 2 - Finance	ADD A NOTE FOR SB 449
<u>SB 450</u>	(None) ☐☐☐	Permitting county commission designate additional community voting locations for early in-person voting	02/07/11 - To Senate Judiciary In Committee	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	ADD A NOTE FOR SB 450
<u>SB 465</u>	(None) ☐☐☐	Creating Marcellus Gas and Manufacturing Development Act	02/08/11 - To Senate Energy, Industry and Mining In Committee	Senate Reference 1 - Energy, Industry and Mining Senate Reference 2 - Finance	ADD A NOTE FOR SB 465
<u>SB 469</u>	(None) ☐☐☐	Relating to public service district board members	02/09/11 - To Senate Government Organization In Committee	Senate Reference 1 - Government Organization Senate Reference 2 - Finance	ADD A NOTE FOR SB 469
<u>SB 475</u>	(None) ☐☐☐	Subsidizing cost of certain municipal audits and government fraud examinations	02/09/11 - To Senate Government Organization In Committee	Senate Reference 1 - Government Organization Senate Reference 2 - Finance	EDIT NOTE DELETE NOTE No county funds involved.
<u>SB 478</u>	(None) ☐☐☐	Prohibiting public body from charging fee for electronic copy of	02/09/11 - To Senate Judiciary In Committee	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	ADD A NOTE FOR SB 478

<u>SB</u> 479	(None)	☐☐☐	public record Exempting antique motor vehicles from personal property taxation	02/09/11 - To Senate Transportation and Infrastructure In Committee	Senate Reference 1 - Transportation and Infrastructure Senate Reference 2 - Finance	<u>ADD A NOTE FOR SB 479</u>
<u>HB</u> 3030	(None)	☐☐☐	Increasing the number of municipalities that may participate in the Municipal Home Rule Pilot Program	02/07/11 - To House Political Subdivisions In Committee	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary	<u>ADD A NOTE FOR HB 3030</u>
<u>HB</u> 3036	(None)	☐☐☐	Relating generally to voter registration	02/07/11 - To House Judiciary In Committee	House Reference 1 - Judiciary House Reference 2 - Finance	<u>ADD A NOTE FOR HB 3036</u>
<u>HB</u> 3040	(None)	☐☐☐	Twenty-First Century Business Technologies Property Valuation Act	02/07/11 - To House Energy, Industry and Labor, Economic Development and Small Business In Committee	House Reference 1 - Energy, Industry and Labor, Economic Development and Small Business House Reference 2 - Finance	<u>ADD A NOTE FOR HB 3040</u>
<u>HB</u> 3058	(None)	☐☐☐	Relating generally to the use of electronic voting systems	02/08/11 - To House Judiciary In Committee	House Reference 1 - Judiciary House Reference 2 - Finance	<u>ADD A NOTE FOR HB 3058</u>
<u>HB</u> 3062	(None)	☐☐☐	Reforming the school aid formula	02/08/11 - To House Education In Committee	House Reference 1 - Education House Reference 2 - Finance	<u>ADD A NOTE FOR HB 3062</u>
<u>HB</u> 3063	(None)	☐☐☐	Increasing the salary of public service district board members	02/08/11 - To House Political Subdivisions In Committee	House Reference 1 - Political Subdivisions House Reference 2 - Finance	<u>ADD A NOTE FOR HB 3063</u>
<u>HB</u> 3065	(None)	☐☐☐	Relating to the eligibility requirements, processes, and assistance of absentee voting, and early in person voting	02/08/11 - To House Judiciary In Committee	House Reference 1 - Judiciary House Reference 2 - Finance	<u>ADD A NOTE FOR HB 3065</u>
			Increasing the time period in the	02/09/11 - To	House Reference 1 -	

HB (None)
3075

hold-harmless
provision when
distributing state
aid to local health
departments

House Health
and Human
Resources
In Committee

Health and Human
Resources
House Reference 2 -
Finance

ADD A NOTE FOR
HB 3075

Vivian Parsons

To: All Commissioners & Assessors
From: WVACO ARTICLE OF INTEREST

★ The Charleston Gazette, Wednesday

80TH WEST VIRGINIA LEGISLATURE

Carper proposes property tax cap

By Phil Kabler
Staff writer

Kanawha County Commission President Kent Carper made a pitch Tuesday for legislation that would cap increases in property tax reassessments at 15 percent a year after more than 20,000 property owners in the county received notices last month that their rates are going up 10 percent or more this year.

"I think everyone would agree there ought to be a cap on how much a taxpayer's taxes can go up in one year," Carper told the Senate Government Organization Committee on Tuesday.

Controversy over increases in property valuations in Kanawha County has sparked interest in the bill to cap increases in property assessments at 15 percent a year (SB277).

Carper said some property owners in the county are seeing increases of 60 percent and more in their property taxes at a time when market values for property have experienced a downturn.

"We haven't raised taxes on beer or whiskey 1 percent," he said, "but with the most valuable thing you own, your house, it can go up 100 percent in one year."

Carper said he was speaking out in support of the cap because most homeowners do not have the time or resources to challenge increases in their property assessments.

He compared that with companies with major holdings in state resources.

"If the Legislature proposed a 1/3th percent increase in the coal severance tax, you'd have this building full of people," he told the committee. Government Organization

Chairman Herb Snyder, D-Jefferson, said he has a personal perspective on the issue. He noted that during the Eastern Panhandle housing boom of the past decade, the appraised value of his house jumped 230 percent in a single year.

"Now in the world can you say a one-year 230 percent increase is fair?" Carper responded. "Everyone should agree there ought to be a cap on how much a taxpayer's taxes can go up in one year."

Snyder said the issue of property taxation is complicated, raising constitutional issues, as well as issues regarding exceptions to the 15 percent cap which lawmakers make significant improvements to their properties.

Carper noted that the proposed legislation makes an exception to the 15 percent cap when there are improvements to a property.

"If somebody tears down their house and puts up a 10-story building," he said, "that shouldn't be capped."

Snyder said the committee will work on the issue.

"We want to hear from assessors and from the Tax Department," he said.

Afterward, Vivian Parsons, director of the state's County Commissioners Association, said her group has not taken a position on bill.

She said the association has concerns about capping increases in property valuations, noting that the bill does not have similar caps for declines in property values.

Parsons said that, with the recent nationwide housing bust, property values in the Eastern Panhandle have decreased as much as 30 percent.

Reach Phil Kabler at philk@wvazate.com or 304-346-1270.



the VOICE

calendar

FireHall Gallery Exhibits:

"Paula Abelow's Ranson Senior Center Painting Class" exhibit. (see p. 4)

Jan 13-31: Frank Robbins, Eastern Panhandle Photography Project (EP³). (see p. 4)

Month of February: "Praise..." an exhibit of B&W photographs of elders in the African American Community, curated by James Kenyatta, sponsored by Jefferson County Black History Preservation Society. Photos, taken in 1993, are by AHA! artist in residence Ann Zelle.

Below: Paula Abelow and her granddaughter Rivka at the opening reception for the "Ranson Senior Center Painting Class" exhibit.



PHOTO BY GENE ABELOW

Dear Friends of Jefferson County,

The West Virginia Commission on the Arts has designated Jefferson County as a Certified Arts Community (CAC). All of us at AHA! are proud that the Jefferson County Commission selected our organization to prepare the application for this certification, which will help our towns, businesses, schools, arts organizations and individual artists promote themselves as part of a vibrant cultural community—the kind of place where people want to live and visit. But, the CAC certification is only the beginning of an ongoing process that I believe will pay bigger dividends for Jefferson County.

By engaging partners in the application process, AHA! is taking the first step in assuming a new role that I think will result in greater cultural opportunities for county residents and increased commerce and support for businesses and organizations.

In the coming year AHA! hopes to:

- Better inform county residents about the range and depth of cultural opportunities that are available here in Jefferson County.
- Create new opportunities for business and other organizations to reach audiences, promote their services, support the arts and humanities, and gain recognition for their efforts.
- Better publicize the contributions the arts make to our quality of life and local commerce.
- Increase cooperation and collaboration among artists, organizations and schools.

To that end AHA is about to:

- Conduct a community survey to discover the kinds of benefits we can provide to key constituents, including county residents, artists, educators, businesses and community organizations.
- Provide the AHA! newsletter, website, Facebook page and other vehicles to better inform members and county residents.
- Implement a new, flexible membership structure that provides tangible and specific benefits to our members.
- Conduct a fund raising appeal so that we will not have to turn down grant applicants whose projects are truly worthy of support.

If you would like to help with these exciting initiatives, please consider volunteering your time, becoming a member, responding to the survey, and contributing when you receive our donor appeal. It's an exciting time. Thank you for supporting AHA!

Sincerely,

Paul Pritchard, President, AHA!

The First Ever AHA! Donor Appeal: Please Help!

Jefferson County is a very special place. We have more art galleries than fast food restaurants and more live theaters than movie theaters. And we want to build on that foundation. That's why this year you and many other Jefferson County residents and businesses will receive a mailing asking that you consider making a charitable donation to AHA! and its program fund.

aha!

We're asking because in February AHA! will start receiving new applications for funding, and unless we can find more money, some very worthy programs may be denied. That would be too bad because many of the programs AHA! supports generate tourism and commerce for Jefferson County businesses, while others nurture our children and our souls. And all of them make Jefferson County a better place to live and do business.

The AHA! Donor Appeal and Jefferson County's recent designation as a Certified Arts Community represent bold steps in furthering Jefferson County's identity as a hotbed of artistic and cultural activity.

So, please help by making a donation. You don't have to wait for the letter. Just write a check now. \$50 or \$100 will be a big help, and \$500 will be a blessing. You can send your donation to:

AHA! Community Grants Program
P.O. Box 2051
Shepherdstown, WV 25443

Thank you.

Re-Name The Newsletter

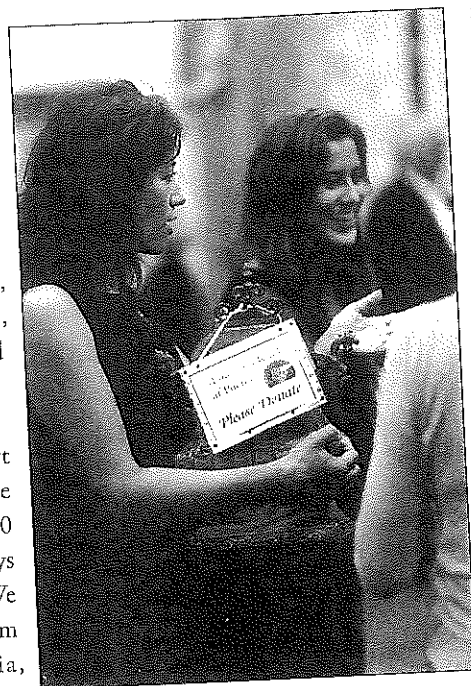
AHA! is looking for a new name for its print newsletter, *The Voice*, a name that speaks to what AHA! stands for—supporting the artists, teachers and organizations in Jefferson County that entertain us, create opportunities for our children and generate tourism and commerce. Please email your suggestions to Nancy McKeithen, AHA! Administrator, at mckeithen@citlink.net by Tuesday, February 15. The AHA! Board of Directors will select the winning name at its next meeting on February 21. The person who submits the winning entry will receive a one-year membership in AHA!, an original piece of art created by an AHA! member artist, and mention in the March newsletter.

To learn more about AHA!, visit the website at www.ahajc.org.

Sotto Voce Poetry Festival

The 6th annual Sotto Voce Poetry Festival, organized by Hope Maxwell-Snyder and held October 1–3, 2010, brought about 100 poets to Shepherdstown for a full weekend of readings, workshops, lecture, panel discussion and receptions.

"Thanks to the support of organizations like AHA!, Sotto Voce 2010 was a great success," says Maxwell-Snyder. "We had participants from Maryland, Virginia, Washington DC, New York and California."



Hope Maxwell-Snyder and Stephany Snyder

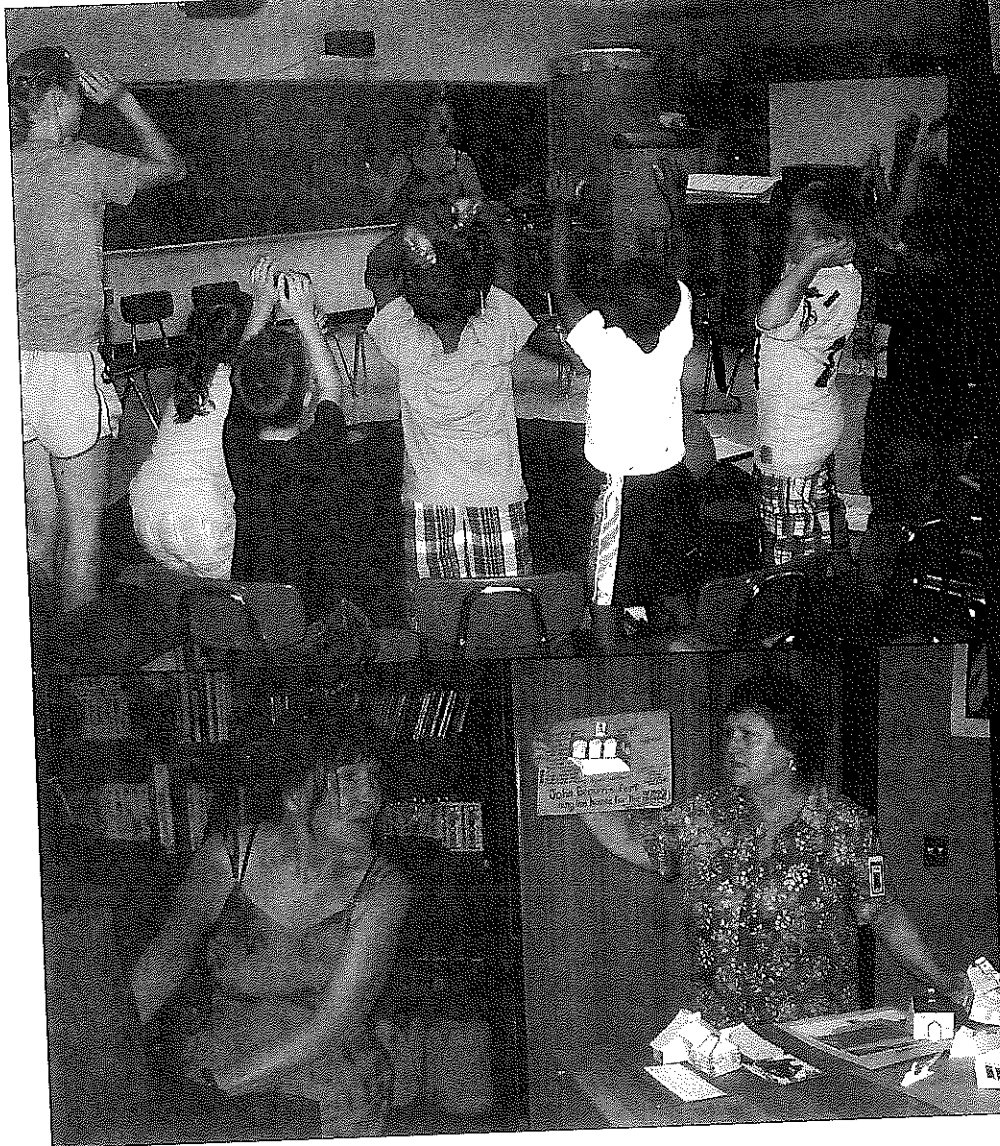
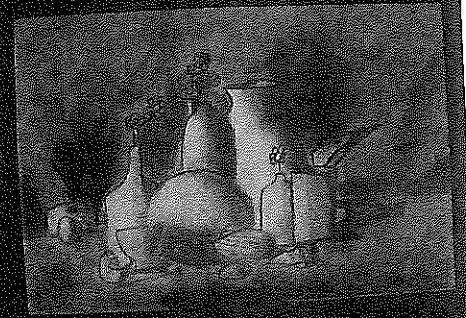
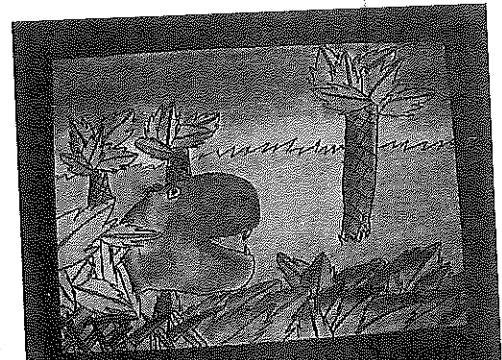
Each year Maxwell-Snyder, author of a play and a book of poems, has succeeded in attracting renowned poets to Shepherdstown, where she lives with her family. This year's festival continued that tradition with nationally known poets participating:

Edward Hirsch, president of the John Simon Guggenheim Memorial Foundation, was elected a Chancellor of the Academy of American Poets in 2008. Among his published works are several books of poetry, two prose volumes and the national bestseller *How to Read a Poem and Fall in Love with Poetry*. **Michael Collier**, Poet Laureate of Maryland from 2001–2004, teaches in the Creative Writing Program at the University of Maryland and is director of the Bread Loaf Writer's Conference. He is the author of five books of poetry. **Peter Stitt** is editor of *The Gettysburg Review* and a professor in the Department of English at Gettysburg College. Stitt is the author of two books. **Natasha Trethewey** is the author of three books of poetry, and recipient of a Pulitzer Prize for Poetry. She is Professor of English at Emory University. **Deborah Ager** is founding editor of *32 Poems Magazine*. She co-directs the Joaquin Miller Cabin Poetry Reading Series in Washington, DC. **Amy Holman**, consultant and teacher, is the author of one book of poetry, four chapbooks, and a reference on residencies, grants and graduate writing programs. **Terri Witek** holds the Art and Melissa Sullivan Chair in Creative Writing at Stetson University. Among her publications are four books of poetry and two prose books. **Christa Mastrangelo Joyce** teaches yoga locally. Her poetry has appeared in online and print journals.

For more information about the festival, please visit www.somondocopress.com/sottovoce.

Art Around The County in 2010: Artists In Residence At Energy Express and Rise & Shine, School Art Fair

Counter-clockwise from below left: Terry Tucker at the piano and singing with students at Energy Express at Ranson Elementary School last July. Musicians Terry Tucker and Ardyth Gilbertson together brought a musical experience to children in a summer program that emphasizes creative ways to increase early childhood development through music, language, poetry, word recognition, imagery, dance and play. Many of the children come from ethnically diverse communities in the county. Traditional songs from other countries are included in the repertoire, introducing children to other cultures. The goal in undertaking to keep alive the tradition of passing down our song heritage for the benefit of today's children and future generations is an important part of the summer program. The program is also presented as part of the "Rise & Shine" program at Shepherdstown Elementary School. • Nena Stowell, one of the two organizers of the Art Fair. • Four entrants in the Jefferson County Schools Art Fair, organized by teachers Judy Chesley and Nena Stowell, who oversaw the installation at the board of education office: • "3 Dolphins" ink on scratch board by Angel Everhart, grade 11, teacher Robin Tatina, Jefferson High School. • "Shutters" charcoal on paper by Sarah Cogswell, grade 12, teacher Glenda Eisenhart. • "Still Life," charcoal on paper by Riley Kahler, grade 4, TA Lowry. • "Sunrise in the Jungle" oil pastel by Carrie Morris, grade 5, teacher Donna Spikler, Ranson Elementary.



Jefferson County Teachers Receive "Teaching Art Creatively" Grant Awards in Ceremony

AHA! awarded 27 mini-grants to Jefferson County public school teachers of the arts on Monday, December 13 through its "Teaching Arts Creatively" (TAC) program. These mini-grants, totaling \$12,000, will be used to fund art, music and drama projects in the classroom, from elementary through high school grades. Paul Pritchard, president of AHA, noted that AHA has contributed over \$70,000 since the inception of the TAC program to the public schools in Jefferson County for arts and humanities enrichment. "We are proud of this contribution back to our community and targeted for our children."

The grant proposals were reviewed by a panel of professionals in the community comprising board members Pam Parziale and Sherry Sykes, Charles Town attorney Tanya Godfrey, historian Donna Northouse, and AHA! Administrator Nancy McKeithen. This committee was particularly excited by the enthusiasm shown by the teachers for incorporating creative projects into their lesson plans, and inviting visiting artists and musicians into their classroom to work with their students. Of the 30 grant applications submitted, AHA was able to fund 28.

Senior Art Exhibit At Fire Hall Gallery

Paula's Tuesday Morning Art Class Exhibit throughout November and December at the Charles Town Visitors Center Firehall Gallery, featured pencil drawings, pastels and collage constructions by artist Paula Brunner Abelow and her students at the Anna Mae Reedy Senior Center in Ranson. Sponsored by the Arts and Humanities Alliance of Jefferson County, the exhibit was free and open to the public.

Mrs. Abelow has been teaching art at the Senior Center since 2003. Artist students participating in the exhibit included Betty Allen, John Allen, Mary Cook, Richard Keuroglian, Gail Klimes, Violet Meyer, Jane Scott, Maxine Shadroch and Phillip Tousignaut.

The Charles Town Visitor Center and Fire Hall Gallery are open daily from 10:00 am-5:00 pm. For more information, check out the AHA! website at www.ahajc.org or call 304-725-4251.

AHA! Community Grant Application Deadline Nears

If you or your organization is active in the arts or humanities and you have a worthy project for which you would like to receive financial assistance, please consider applying for an AHA! Community Grant. The deadline for applying is February 15, and the application form can be downloaded from the website (www.ahajc.org). Awards can be as great as \$2,000. A second submission period has a deadline of May 15. Your completed application can either be mailed to AHA! at the address shown on the application form or submitted via email to Ron Widmeyer, chairman of the grants committee, at rwidmeyer@gmail.com.



PHOTO BY RON WIDMEYER

Above: Jefferson County teachers receive their TAC grant checks from AHA! From left, Amanda Groff, Sherry Sykes (AHA board member, TAC Committee Chair), Judy Chesley, Paul Pritchard (AHA President), Nicole Shaffer, Chad Conant, Angela Holsinger, Susan Amanda Townsend, Lisa Patterson and Steve Glendening.

AHA! Receives Ecolab Arts Education Grant

AHA! applied to Ecolab for a grant to help fund its Teaching Arts Creatively Program and was awarded \$2000. With more than \$6 billion in global sales, Ecolab is the global leader in cleaning, sanitizing, food safety and infection control products and services. The company takes a passionate approach to supporting arts and culture organizations to enhance the quality of life in communities where its employees live and work.

Sherry Sykes, new AHA! Board Member, wrote the grant application and shepherded it through the application process. The AHA! board is very proud of Sherry on this achievement and for her fundraising efforts. Along with other grant recipients, Sherry and AHA! received the grant at a luncheon at the Ecolab facility in Kearneysville on December 16.

Photo Project A Snapshot of Life in Jefferson Co

Members of the Eastern Panhandle Photography Project (EP³) are pleased to announce an exhibit of photographs taken in the Eastern Panhandle between September and December 2010. The Firehouse Gallery, located in the Charles Town Visitor Center at 108 N. George Street, is hosting the exhibit, which will open with a reception between 5:00 and 8:00 pm on January 14 and run through January 31. The photographs result from a 3-month workshop conceived and led by Jefferson County photographer Frank Robbins. The project team comprises Mr. Robbins, Rip Smith, Mary LeMont, Carl Schultz, Nancy McKeithen and Curt Mason. The exhibit can be viewed during gallery hours: 10:00 am to 5:00 pm, 7 days a week.

Curt Mason

List of 2011 "Teaching Arts Creatively" Grants Funded To Teachers Throughout Jefferson Count

Page Jackson Elementary teacher **Sheryl Fiolek** received \$450.00 for an art project connecting art and nature by learning about "Impressionism" with her 2nd grade art class. This project will utilize the new community trail, garden and wetlands at Page Jackson.

Page Jackson Elementary teacher **Lindsay Dove** received \$230 toward the purchase of a handheld digital recorder for the music classroom.

North Jefferson Elementary teacher **Mary Watts** received \$450 to fund visiting pottery artist Joy Bridy to work with 4th and 5th graders to learn the three styles of hand-building pottery (slab, coil and pinch).

Driswood Elementary teacher **Angela Holsinger** received \$300 to purchase new percussion instruments—bongos, hand drums, triangles, woodblocks and guiro tone blocks—for the general music classroom.

Driswood Elementary teacher **Lisa Patterson** received \$500 to purchase art supplies for three projects: basket-making for 5th grade, mask-making for 4th grade and Japanese Carp kite materials for 2nd grade.

South Jefferson Elementary teacher **Alvyce Ane Moore** received \$300 for the purchase of an instrument repair kit for the elementary school band, to cover four elementary schools: South Jefferson, North Jefferson, Ransom and C. W. Shipley.

Blue Ridge Elementary teacher **Constance Balukoff** received \$500 for two art projects for 4th graders: creating masks to go with the story of the Nutcracker, and totem poles to go with their study of Northwest Indians.

Blue Ridge Elementary teacher **Cheryl LaVigne** received \$300 to purchase rhythm instruments for her music program.

South Jefferson Elementary teacher **Pamela Shearer** received \$300 to purchase instruments, including a steel drum kit, for her Folk Songs of the Caribbean performance project, grades 2–5. The final performance will be videotaped.

South Jefferson Elementary teacher **Judy Chesley** received \$500 to fund a framed gallery show at Summit Point Library in April. Students in grades K–5 will show their artwork in the Library Gallery in the show titled "Inspired, Created, Exhibited!"

C. W. Shipley Elementary teacher **Nena Stowell** received \$500 for art supplies for a 5th grade project making marionettes. Art students will act out character traits with their marionette puppets and work with a professional puppeteer. Their final performance will be videotaped.

C. W. Shipley Elementary teacher **Nancy Guiney** received \$150 to fund students in the Accelerated Reading Program to attend a production at the Majestic Theatre in Gettysburg.

Shepherdstown Elementary teacher **Lydia Vickers** received \$300 for the purchase of music stands for the music program.

Shepherdstown Elementary teacher **Amanda Groff** received \$250 for materials for a fiber arts project. Students will work in small groups

using special "felting" needles to "paint with dyed wool." Finished projects will be displayed in the spring Fine Arts Festival.

Shepherdstown Elementary teacher **Susan Amanda Townsend** received \$300 to purchase alto recorders to begin a 5th grade recorder ensemble.

Shepherdstown Middle School teacher **Cheryl Crawford** received \$500 to present a Broadway Junior production of "Annie" by the Middle School Choir.

Shepherdstown Middle School teacher **Chad Conant** received \$865 for a series of Jazz clinics with Mr. John Lynch, Sr., Mr. Pat Lowrey and Mr. Jesse Shultzaberger and the Shepherdstown Middle School Jazz Band. The grant will also bring guest instructor Dr. Mark McCoy to Shepherdstown Middle School to work with their three concert bands.

Wildwood Middle School teachers, as part of the "Go Global" team, received \$1,000 to bring Wihatnala USA to Wildwood for a student assembly and performance, in coordination with the curator for the Smithsonian Folklife Festival in Washington, DC.

Wildwood Middle School teacher **Susan Carney** received \$500 for materials for 7th and 8th graders to make ceramic tiles to create a tile mural mimicking Islamic designs they have studied. Each row of the mural will focus on different parts of the world.

Charles Town Middle School teacher **Rachel Barb** received \$500 to fund guest conductor Lee Stevens to work with the 7th grade band in a series of band clinics this coming spring.

Harpers Ferry Middle School teacher **Connie Robeson** received \$200 for a school assembly and evening performance by the 6th Dimension Handbell Ensemble from Winchester, VA.

Harpers Ferry Middle School teacher **Charles Wall** received \$500 for guest artist John Lynch, Sr., to rehearse with the Middle School Band in a series of band clinics this spring.

Washington High School teacher **Laura Miller** received \$500 for her Art 3/AP and Crafts/Drawing courses to create Art Trading Cards. This concept of art as a visual, social and cultural exchange will also incorporate digital and video of the students' art trading cards.

Washington High School teacher **Laura Burkholder** received \$250 for art supplies for a gesture drawing project.

Jefferson High School teacher **Steve Glendenning** received \$1,000 to fund visiting drama teacher Adrienne Sowers to work with Jefferson High's acting students to create, write and perform an original theatrical piece based on staging theatre that emulates the blind experience.

Jefferson High School teacher **J.P. Lynch, Jr.** received \$525 for the Eastern WV Regional Jazz Festival at Shepherd University in March.

Jefferson High School teacher **J.P. Lynch, Jr.** also received \$330 to fund two guest artists, Jerry Walker and Jason Gano, to rehearse with the jazz band in a series of jazz clinics this spring.



Arts & Humanities Alliance
 P.O. Box 2051
 Shepherdstown, WV 25443

ahajc.org

AHA! Hires Part-Time Administrator

Effective Oct 1, 2010, AHA! welcomed Nancy McKeithen, a Jefferson County resident, as its part-time administrator. Nancy maintains a regular schedule at the AHA! office in the Entler Hotel in Shepherdstown, and handles general administration, website maintenance and graphic design for the volunteer organization, and supports communications, membership and fundraising.



Nancy lives in Bakerton, where she operates The McKeithen Group, a marketing communications and consulting firm she started in 1997 that provides writing, editing and design services to clients. She is a member of AHA!, Bookend Poets and the Jefferson County Photography Club, and on the board of the Berkeley Arts Council. She also teaches writing classes at CraftWorks, and is a published writer and poet.

You may reach Nancy at 304-876-1218 (office), 304-279-0228 (cell) or by email to mckeithen@citlink.net, and view her website at themckeithengroup.com. The AHA! office address is P.O. Box 2051, Shepherdstown, WV 25443.

B N Angel . . . Please

Support the Arts and Humanities in Jefferson County (website: ahajc.org) by making a charitable donation to AHA! Please send your check to **AHA!, P. O. Box 2051, Shepherdstown, WV 25443.**

The Arts & Humanities Alliance is funded in part by the West Virginia Commission on the Arts, the National Endowment for the Arts, United Way of the Eastern Panhandle, the Jefferson County Commission, and private donations and membership dues.

Nominations Call For AHA! Board

Those who would like to stand for the AHA! Board of Directors—or have friends who would—are invited to put names in nomination by February 15. The standard term of office is two years.

Please contact Nancy McKeithen, AHA! Administrator at 304-876-1218 (office), 304-279-0228 (cell) or mckeithen@citlink.net.

www.ahajc.org

JOHN D. ROCKEFELLER IV
WEST VIRGINIA

United States Senate
WASHINGTON, DC 20510-4802

February 4, 2011

The Honorable Patricia A. Noland
Vice President
The County Commission of Jefferson County
Post Office Box 250
Charles Town, West Virginia 25414

Dear Patricia,

I have been contacted by the United States Postal Service about my inquiry on your behalf regarding your concerns about the closure of the Millville Post Office.

Enclosed is a copy of the letter I received from them. Even though the news is not as good as I would have liked, I do hope that their response answers many of your questions.

I am sorry that I'm not able to write to you with better news, Patricia. I hope, however, that you will feel free to contact me again if there is any other way you believe I can be of assistance.

Sincerely,



John D. Rockefeller IV

STATE OFFICE:
405 CAPITOL STREET, SUITE 508
CHARLESTON, WV 25301
(304) 347-5372
FAX: (304) 347-5371

NORTHERN SATELLITE OFFICE:
118 ADAMS STREET, SUITE 301
FAIRMONT, WV 26654
(304) 367-0122
FAX: (304) 367-0822

SOUTHERN SATELLITE OFFICE:
220 NORTH KANAWHA STREET, SUITE 1
BECKLEY, WV 26801
(304) 253-9704
FAX: (304) 253-2578

EASTERN REGIONAL OFFICE:
217 WEST KING STREET, SUITE 307
MARTINSBURG, WV 25401
(304) 262-9285
FAX: (304) 262-9288

RECEIVED

Jefferson County Commission

DISTRICT MANAGER
APPALACHIAN DISTRICT



February 2, 2011

The Honorable John D. Rockefeller, IV
United States Senate
405 Capitol Street, Suite 508
Charleston, WV 25301-1783

FEB 3 '11 AM 11:44

Re: Commissioner Patricia A. Noland
Case #: 988176
Case Code: WWH

Dear Senator Rockefeller:

This letter is in response to your inquiry on behalf of your constituent, Ms. Patricia A. Noland of Jefferson County. Ms. Noland has expressed concern regarding the Millville, WV Post Office.

Thank you for the opportunity to respond to your constituent's concern. I appreciate your interest in ensuring the residents of Millville continue to have convenient access to postal services. We understand the extent to which local communities rely upon and appreciate our organization.

At close of business on January 20, 2011, postal operations were suspended at the Millville, WV Post Office. The lease for the building expired due to the inability of the building owner and the United States Postal Service to agree on a new lease term. As information, a suspended office is temporarily "closed" by necessity. When a suspension occurs, alternate service is provided as quickly as possible and a plan of action for a permanent solution is developed.

To receive residential delivery service, customers that live on the carrier's line of travel can erect a mail receptacle at a designated location. This delivery service will be provided by a Rural Route carrier from the Harpers Ferry Post Office. Customers who held a Post Office Box (PO Box) at the Millville Post Office, but who reside in other communities, can receive residential mail delivery via Rural Route carrier or open a PO Box in their local community. Additionally, Cluster Box Units (CBUs) were installed in the Millville area to provide delivery to other residents.

For customer convenience, there are three Post Office buildings located within close proximity of the Millville Post Office. The daily hours of operation for these facilities are as follows:

Harpers Ferry Post Office (4.5 miles)
8:00 a.m. - 4:00 p.m. (Monday through Friday)
9:00 a.m. - 12:00 p.m. (Saturday)

Charles Town Post Office (7.34 miles)
8:30 a.m. - 5:00 p.m. (Monday through Friday)
9:00 a.m. - 12:30 p.m. (Saturday)

Shepherdstown Post Office (11.69 miles)
8:30 a.m. - 5:00 p.m. (Monday through Friday)
8:30 a.m. - 12:00 p.m. (Saturday)

Customers may also buy stamps online on our web site at www.usps.com, by phone at 1-800-STAMP24, or by mail. Our Click-N-Ship service on www.usps.com enables customers to print shipping labels with postage for Express Mail and Priority Mail, and request that the items be picked up via our Carrier Pickup program. Customers can place their mail on hold, file a Change-of-Address order, or request the redelivery of an item for which a notice was left by calling 1-800-ASK-USPS, or by visiting our website at www.usps.com.

Thank you for allowing me the opportunity to address this matter with you. I hope that one of our other stamp-access channels or the option of another Post Office in close proximity will be a convenient alternative for them. These choices save our customers time as well as the expense of gasoline.

Please know that no decision to close the Millville Post Office on a permanent basis has been made. Additionally, Appalachian District postal officials will be evaluating the level of service being provided to the residents of Millville because the Postal Service is committed to providing the best possible service to all customers.

If I can be of assistance to you in any other postal matters, please let me know.

Sincerely,



Robert A. Cavinder

cc: Postmaster, Millville Post Office
Manager, Post Office Operations - Area 9



SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA

COMMITTEE ON FINANCIAL SERVICES
RANKING MEMBER
SUBCOMMITTEE ON HOUSING AND
COMMUNITY OPPORTUNITY

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

SELECT COMMITTEE ON ENERGY INDEPENDENCE
AND GLOBAL WARMING

Congress of the United States
House of Representatives
Washington, D.C. 20515-4802

February 7, 2011

2443 RAYBURN H.O.B.
WASHINGTON, DC 20515-4802
202-225-2711

4815 MACCORKLE AVE.
CHARLESTON, WV 25304
304-925-5964

300 FOXCROFT AVE.
SUITE 102
MARTINSBURG, WV 25401
304-264-8810

WWW.HOUSE.GOV/CAPITO

Hon. Patricia Ann Noland
Vice President
Jefferson County Commission
PO Box 250
124 East Washington Street
Charles Town, West Virginia 25414

Dear Hon. Noland:

In response to my inquiry on your behalf, I have received the enclosed letter from United States Postal Service.

After you have had a chance to read the letter, please let me know if you have any questions or comments.

I appreciate the opportunity to be of service. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

Shelley Moore Capito, M.C.

SMC:AP
Enclosure

RECEIVED

FEB 0 2 2011

Jefferson County Commission

DISTRICT MANAGER
APPALACHIAN DISTRICT



February 2, 2011

The Honorable Shelley Moore Capito
Representative in Congress
300 Foxcroft Avenue, Suite 102
Martinsburg, WV 25401-5341

Dear Representative Capito:

This letter is in response to your inquiry on behalf of your constituents representing the County Commission of Jefferson County. The County Commission of Jefferson County has expressed concern regarding the Millville, WV Post Office.

Thank you for the opportunity to respond to the concerns of your constituents. I appreciate your interest in ensuring the residents of Millville continue to have convenient access to postal services. We understand the extent to which local communities rely upon and appreciate our organization.

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Shepherdstown Post Office (11.69 miles)
8:30 a.m. - 5:00 p.m. (Monday through Friday)
8:30 a.m. - 12:00 p.m. (Saturday)

Customers may also buy stamps online on our web site at www.usps.com, by phone at 1-800-STAMP24, or by mail. Our Click-N-Ship service on www.usps.com enables customers to print shipping labels with postage for Express Mail and Priority Mail, and request that the items be picked up via our Carrier Pickup program. Customers can place their mail on hold, file a Change-of-Address order, or request the redelivery of an item for which a notice was left by calling 1-800-ASK-USPS, or by visiting our website at www.usps.com.

Thank you for allowing me the opportunity to address this matter with you. I hope that one of our other stamp-access channels or the option of another Post Office in close proximity will be a convenient alternative for them. These choices save our customers time as well as the expense of gasoline.

Please know that no decision to close the Millville Post Office on a permanent basis has been made. Additionally, Appalachian District postal officials will be evaluating the level of service being provided to the residents of Millville because the Postal Service is committed to providing the best possible service to all customers.

If I can be of assistance to you in any other postal matters, please let me know.

Sincerely,


Robert A. Cavinder

cc: Postmaster, Millville Post Office
Manager, Post Office Operations – Area 9

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	BOLIVAR 12.42%	CHARLES TOWN 34.56%	HARPERS FERRY 3.65%	RAMSON 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	\$ 205,731.84	\$ 205,731.84	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/17/10	\$ 161,386.76	\$ 161,386.76	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/24/10	\$ 160,388.28	\$ 160,388.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/31/10	\$ 157,802.08	\$ 157,802.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/07/10	\$ 161,617.82	\$ 138,494.98	\$ 25,122.84	\$ 3,120.27	\$ 8,682.45	\$ 916.98	\$ 8,813.09	\$ 3,590.05
08/14/10	\$ 156,753.36	\$ 78,376.68	\$ 78,376.68	\$ 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	\$ 9,463.92	\$ 26,334.38	\$ 2,781.26	\$ 26,730.62	\$ 10,888.84
08/28/10	\$ 144,920.06	\$ 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	\$ 26,391.00	\$ 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	\$ 29,105.65	\$ 11,856.32
09/18/10	\$ 135,277.56	\$ 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	\$ 24,342.38	\$ 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	\$ 24,911.66	\$ 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	\$ 24,292.50	\$ 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	\$ 9,376.39
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	\$ 6,956.45	\$ 19,357.08	\$ 2,044.37	\$ 19,648.34	\$ 8,003.84
11/27/10	\$ 142,341.80	\$ 71,170.90	\$ 71,170.90	\$ 8,839.43	\$ 24,596.66	\$ 2,597.74	\$ 24,966.75	\$ 10,170.32
12/04/10	\$ 106,430.16	\$ 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	\$ 16,467.95	\$ 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	\$ 17,697.96	\$ 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	\$ 18,786.53	\$ 1,982.00	\$ 19,048.89	\$ 7,759.66
01/15/11	\$ 108,011.80	\$ 54,005.90	\$ 54,005.90	\$ 6,707.53	\$ 18,664.44	\$ 1,971.22	\$ 18,945.27	\$ 7,717.44
01/22/11	\$ 121,849.48	\$ 60,924.74	\$ 60,924.74	\$ 7,566.85	\$ 21,055.59	\$ 2,223.75	\$ 21,372.40	\$ 8,706.15
01/29/11	\$ 96,073.88	\$ 48,036.94	\$ 48,036.94	\$ 5,966.19	\$ 16,601.57	\$ 1,753.35	\$ 16,851.35	\$ 6,864.48
02/05/11	\$ 121,554.88	\$ 60,777.44	\$ 60,777.44	\$ 7,548.56	\$ 21,004.68	\$ 2,218.38	\$ 21,320.72	\$ 8,685.09
Subtotal	\$ 4,332,121.22	\$ 2,622,092.35	\$ 1,710,028.87	\$ 212,385.57	\$ 590,985.98	\$ 62,416.08	\$ 599,878.09	\$ 244,363.15

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

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

Week Ending Date	Week Ending
	February 5, 2011
To be Deposited on:	February 11, 2011
Amount Played	70,497,734.52
Amount Won	63,252,879.03
Amount Promo	175,409.00
MWAP Contribution	<u>35,020.92</u>
Adjusted Gross Terminal Revenue	<u>7,034,425.57</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>281,377.01</u>
Net Terminal Revenue	<u>6,753,048.56</u>
Surcharge @ 10%	675,304.86
State Share Excess @ 58%	391,676.82
Track Share of Capital Reinvestment @ 42%	283,628.04
Track Share of Capital Reinvestment @ 42% - 96%	\$ 272,282.92
Track Share of Capital Reinvestment @ 42% - 4%	\$ 11,345.12
Adjusted Net Terminal Revenue	<u>6,077,743.70</u>
Racetrack @ 46.50% / 42%	2,552,652.35
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,491,874.89
Race Track Purses @ 7% / 14% / 8%	486,219.50
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	30,388.72
Greyhound Development @ .75%	45,583.08
Thoroughbred Development @ .75%	45,583.08
Racing Commission @ 1%	60,777.44
County/Municipality @ 2%	121,554.88
3% Funds:	
Tourism Promotion Fund @ 1.375%	83,568.98
Development Office Promotion Fund @ .375%	22,791.54
Research Challenge Fund @ .5%	30,388.72
Capitol Renovation and Improvement Fund @ .6875%	41,784.49
2004 Capitol Complex Parking Garage Fund @ .0625%	3,798.59
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>60,777.44</u>
	<u>6,077,743.70</u>

VIDEO LOTTERY REPORT

Table Game Revenues

FY 2009		FY 2010		FY 2011		FY 2011	
Date	Amount	Date	Amount	Date	Amount	Date	Amount
7/5/2008 *	169,912.56	7/4/2009 *	128,262.42	7/3/2010	115,402.58		
7/12/2008	176,592.38	7/11/2009	168,815.08	7/10/2010	205,731.64		
7/19/2008	160,344.08	7/18/2009	160,652.98	7/17/2010	161,386.76		
7/26/2008	162,982.74	7/25/2009	158,869.08	7/24/2010	160,368.28		
8/2/2008	178,171.04	8/1/2009	174,493.08	7/31/2010	157,802.08		
8/9/2008	123,538.04	8/8/2009	138,408.80	8/7/2010	136,494.98		
8/16/2008	82,482.89	8/15/2009	81,222.14	8/14/2010	78,376.68		
8/23/2008	76,426.18	8/22/2009	76,260.31	8/21/2010	76,199.02		
8/30/2008	89,459.86	8/29/2009	80,472.92	8/28/2010	72,460.03	July/Aug 10	154,185.68
9/6/2008	91,644.46	9/5/2009	80,798.15	9/4/2010	76,362.84		
9/13/2008	79,729.93	9/12/2009	86,286.92	9/11/2010	82,969.36		
9/20/2008	71,269.36	9/19/2009	70,010.15	9/18/2010	67,638.78		
9/27/2008	79,735.73	9/26/2009	69,316.87	9/25/2010	70,435.06	Sept. 2010	94,247.84
10/4/2008	75,186.22	10/3/2009	72,286.04	10/2/2010	71,013.86		
10/11/2008	77,139.04	10/10/2009	69,650.63	10/9/2010	69,311.50		
10/18/2008	80,668.26	10/17/2009	73,560.21	10/16/2010	75,234.62		
10/25/2008	64,379.44	10/24/2009	67,581.66	10/23/2010	70,290.80		
11/1/2008	68,352.42	10/31/2009	64,528.30	10/30/2010	65,615.04		
11/8/2008	70,823.02	11/7/2009	63,741.59	11/6/2010	61,337.62		
11/15/2008	65,565.50	11/14/2009	65,959.64	11/13/2010	64,595.28		
11/22/2008	63,883.80	11/21/2009	59,547.05	11/20/2010	56,010.08		
11/29/2008	69,850.12	11/28/2009	72,399.98	11/27/2010	71,170.90	Nov-10	108,717.67
12/6/2008	55,696.68	12/5/2009	51,006.51	12/4/2010	53,215.08	Dec-10	118,721.11
12/13/2008	60,178.04	12/12/2009	52,460.58	12/11/2010	46,944.00		
12/20/2008	52,189.19	12/19/2009	32,834.39	12/18/2010	42,076.76		
12/27/2008	72,205.91	12/26/2009	53,406.34	12/25/2010	50,450.28		
1/3/2009	96,504.65	1/2/2010	92,980.40	1/1/2011	85,152.12		
1/10/2009	53,286.62	1/9/2010	55,020.46	1/8/2011	54,301.30		

1/17/2009	56,068.87	1/16/2010	60,551.28	1/15/2011	54,005.90
1/24/2009	71,474.63	1/23/2010	69,943.53	1/22/2011	60,924.74
1/31/2009	61,089.80	1/30/2010	48,527.75	1/29/2011	48,036.94
2/7/2009	83,539.63	2/6/2010	37,155.14	2/5/2011	60,777.44
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	2622092.35		

581775.9



SHELLEY MOORE CAPITO
2ND DISTRICT, WEST VIRGINIA

COMMITTEE ON FINANCIAL SERVICES
RANKING MEMBER
SUBCOMMITTEE ON HOUSING AND
COMMUNITY OPPORTUNITY

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE

SELECT COMMITTEE ON ENERGY INDEPENDENCE
AND GLOBAL WARMING

Congress of the United States
House of Representatives
Washington, D.C. 20515-4802

February 3, 2011

2443 RAYBURN H.O.B.
WASHINGTON, DC 20515-4802
202-225-2711

4815 MACCORKLE AVE.
CHARLESTON, WV 25304
304-925-5964

300 FOXCROFT AVE.
SUITE 102
MARTINSBURG, WV 25401
304-264-8810

WWW.HOUSE.GOV/CAPITO

The Honorable Dale Manuel
President
Jefferson County Commission
124 East Washington Street
Charles Town, West Virginia 25414

Dear Dale:

Thank you for taking the time to contact me regarding health care reform; it is always good to hear from you and I appreciate the opportunity to learn your views.

As you know, over the last two years the United States Congress devoted a lot of time and energy to debating the future of our nation's health care delivery system. Unfortunately, the result of this endeavor is the new health care law that does not address the rising cost of care, cuts Medicare, and does not to live up to its proponent's claims of "if you like your current coverage, you will be able to keep it."

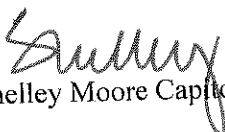
While I think everyone can agree that our health care system is in need of reform, this is not the right approach. Rather than passing this overreaching legislation, Congress should have listened to the American people and produced legislation that will lower health care costs for all Americans, utilize bipartisan solutions, and allow those who already have coverage to maintain their current insurance.

The health care law is a massive government overreach and the nation will be better off if we replace this legislation with common sense, patient-centered reforms. One of the biggest shortfalls of the health care law is that it does not address tort reform. As you know, we have successfully addressed this issue in West Virginia and know that in order to truly have health care reform, medical liability reform must be part of a national solution.

It is for these reasons that I voted for H.R. 2, legislation to repeal the health care law. This legislation passed the House of Representatives on a bipartisan basis by a vote of 245-189 on January 19, 2011. H.R. 2 has been sent to the Senate for further consideration.

Again, thank you for taking the time to contact me. I look forward to hearing from you again soon and invite you to visit my website, www.house.gov/capito, for further information and to sign up for my e-mail newsletter. It is an honor to serve you.

Sincerely,


Shelley Moore Capito, M.C.

Jefferson County Commission

RECEIVED

FEB 03 2011

Jefferson County Public Service District

RECEIVED

FEB 09 2011

Jefferson County Public Service District Regular Board Meeting January 4, 2011

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Tuesday, January 4, 2011 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Joe Hankins; Secretary, Jim Cummins; Treasurer, Peter Appignani; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; District Legal Counsel, and Jim Kelsh. Also in attendance was Daniel Hayes, new liaison for the Jefferson County Planning Commission.

Chairman Hankins called the meeting to order at 7:00PM.

Public Comments

The Board welcomed Walt Pellish, the new Jefferson County Commissioner.

Mr. Hankins read comments emailed from Ms. Susan Rissler Sheeley, as she was unable to attend the meeting, but wanted to enter public comments into the record regarding Thornhill LLC.

OLD BUSINESS

Review Minutes of December 6 Regular Board Meeting

The minutes of the December 6, 2010 regular Board meeting were approved as presented.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to accept the December 6, 2010 minutes as presented. Unanimously approved.

Update on Flowing Springs Wastewater Treatment Plant Project

Mr. Kelsh stated the District had received a recommended decision from the Public Service Commission (PSC) for the Flowing Springs Certificate case, but the decision was suspended for unknown reasons. He filed exceptions to the recommended decision and is hoping for an order by the end of January. There is no deadline for a PSC ruling.

Mr. Kelsh stated the District will need a preliminary title opinion for 80% of the easements. The District staff met with Mr. Kelsh, Mr. Summerfield, and Jim Crawford to discuss the status of the remaining easements. The District has only obtained 50% of the required easements and needs 80% to put the project out for bids.

As far as the NPDES permit, Mr. Summerfield stated the permit has been approved and Mr. Kelsh has filed it at the Public Service Commission.

Mr. Summerfield informed the Board that Pentree had submitted a Green Set Aside Grant Application to the West Virginia Department of Environmental Protection Services requesting funding for a Green Infrastructure Grant which can give a 20% grant up to an amount of \$500,000 for certain items. Pentree requested the grant for the following items: green roofs, permeable asphalt pavement, and elimination of pump stations. Mr. Hankins is going to draft a follow-up letter to Mike Johnson at the West Virginia Department of Environmental Services from the Board indicating support for the Green Set Aside grant application. Mr. Appignani and Mr. Cummins agreed.

Action: No action taken by the Board.

Update on the Under-billing of Job Corps and RAI Properties

Ms. Lawton updated the Board. Due to incorrect meter readings from one of the Districts water suppliers, a few of the Districts customers were billed incorrectly, RAI and Job Corp having the largest mistakes. Ms. Lawton informed the Board that RAI has entered into a payment agreement with the District to pay off the debt. She has been working with one of Job Corps engineers in trying to collect for the under-billing.

It turns out another federal department was in charge of Job Corps for part of the time frame the under-billing occurred so the engineer is trying to work with that department to get their part of the debt paid. Ms. Lawton will continue to try to resolve this issue.

Action: No action taken by the Board.

NEW BUSINESS

Election of Officers

Mr. Kelsh suggested to the Board to appoint a non-board member as secretary and possibly treasurer. He stated the chairman must be a board member, but the secretary and treasurer do not. Several of Mr. Kelsh's PSD clients have a non-board member as secretary so the board member does not have to complete the task of preparing agendas, minutes, etc. Mr. Kelsh stated none of his clients have taken the step of appointing a non-board member as treasurer. The Board discussed possibly having the Administrative Assistant, Ashley Stottlemyer, as the secretary since she is the employee who prepares the minutes and agendas for meetings. Mr. Cummins, along with the Board, commended Mrs. Stottlemyer for the remarkable job she does on preparing board meeting minutes and agendas. Mr. Appignani suggested keeping things how they currently are since they have been working well. The Board decided to keep the current practice of appointing board members as secretary and treasurer. The Board would also like to keep the current Board members as they are currently appointed.

Mr. Cummins nominated Mr. Hankins to serve as the Chairman and he accepted.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to appoint Mr. Hankins as Chairman.

Mr. Cummins nominated Mr. Appignani to serve as the Treasurer and he accepted.

Action: Motion made by Mr. Cummins and seconded by Mr. Hankins to appoint Mr. Appignani as Treasurer.

Mr. Appignani nominated Mr. Cummins to serve as Secretary and he accepted.

Action: Motion made by Mr. Appignani and seconded by Mr. Hankins to appoint Mr. Cummins as Secretary.

Mr. Cummins made a brief comment before the nominations were voted on. He commended Mr. Hankins on a job well done as the Districts Chairman and doesn't want to "rock the boat" if things are running smoothly. Mr. Hankins term is up in December and this could possibly be his last year as a Board member.

Action: All nominations were approved unanimously.

To consider and act upon on the proposed Notes Resolution for the issuance of the Refunding Sewerage System Bond Anticipation Notes, Series 2011 (the "Notes"). The proceeds of the Notes will be used to currently refund the Refunding Sewerage System Bond Anticipation Notes, Series 2010, issued to temporarily finance the costs of design of, and other preliminary costs for, additions, betterments, improvements and extensions to the existing public sewerage facilities of the District and costs of issuance of the Notes

Mr. Kelsh updated the Board on the BAN. The initial BAN was approved two years ago and last January, the Board approved the second 6-month extension that was approved by MVB Bank. That extension expires on January 5th so MVB has now approved another 6-month extension which needs the Boards approval for closing. The BAN is being used to pay for engineering design work done by Pentree Inc. relating to the Flowing Springs Wastewater Treatment Plant. The Board now has to approve the 2011 Notes Resolution regarding this.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to adopt the Notes Resolution as read into record:

RESOLUTION AUTHORIZING THE ISSUANCE BY JEFFERSON COUNTY PUBLIC SERVICE DISTRICT OF NOT MORE THAN \$750,000 IN AGGREGATE PRINCIPAL AMOUNT OF REFUNDING SEWERAGE SYSTEM BOND ANTICIPATION NOTES, SERIES 2011, FOR THE

PURPOSES OF REFUNDING THE SERIES 2010 NOTES WHICH TEMPORARILY FINANCED THE COSTS OF DESIGN OF, AND OTHER PRELIMINARY COSTS FOR, ADDITIONS, BETTERMENTS, IMPROVEMENTS AND EXTENSIONS TO THE EXISTING PUBLIC SEWERAGE FACILITIES OF THE DISTRICT AND COSTS OF ISSUANCE OF THE NOTES; PROVIDING AS TO THE TERMS AND PROVISIONS OF THE NOTES; AUTHORIZING AND APPROVING THE SALE AND DELIVERY OF SUCH NOTES; DESIGNATING A REGISTRAR, PAYING AGENT AND DEPOSITORY BANK; PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH NOTES; AND ENACTING OTHER PROVISIONS WITH RESPECT THERETO.

BE IT RESOLVED AND ENACTED BY THE PUBLIC SERVICE BOARD OF JEFFERSON COUNTY PUBLIC SERVICE DISTRICT.

Unanimously approved.

To consider and act upon any measures related to the foregoing
There were no further actions relating to the above agenda item needed from the Board.

Action: No action taken by the Board.

Consider Yearly Rent Increase and Tax payments for District Office Building

Ms. Lawton informed the Board of a recent issue regarding rent for the Districts office building and taxes pertaining to the building. The lease for the building contains a requirement of a yearly 3% increase due to start in November, and monthly payment of an estimated prorated share of the property taxes for the following year. Staff forgot to update this rent increase and prorated tax payment in November. Ms. Lawton explained that the District moved into the building in November 2008, and did not increase the monthly payment this past November for the 3% increase. The District now owes RAI Properties for the increase for November, December and January totaling \$535.98. The District also owes \$3,383.29 for the 2010 taxes which are supposed to now be paid monthly throughout the year. Ms. Lawton informed the Board that the District is going to start paying the 2011 taxes along with the monthly rent which will add \$281.94 per month onto the monthly payment to RAI. The District rent will be increased to \$6,133.91 for the 3% yearly increase until November 2011. The Board will be approving these disbursements later in the meeting.

Action: No action taken by the Board.

Consider 2011 Holiday Schedule

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to accept the 2011 holiday schedule as presented with the addition of January 2, 2012 as the New Years holiday. Unanimously approved.

Consider Change of March 7, 2011 Board Meeting to March 1, 2011

Ms. Lawton has been accepted to participate in the NACWA Leadership Training Program from March 6-18. Since she doesn't want to miss the March Board meeting, she would like the Board to move the meeting from March 7th to March 1st. The Board agreed with this request.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to change the March 7th Board meeting to March 1st. Unanimously approved.

Consider Joining with the Clean Water Coalition to Support their Lobbying Effort for Chesapeake Bay Funding Legislation

The Board combined this agenda item with the next agenda item regarding Jim Kelsh as a Lobbyist for the District regarding the Chesapeake Bay bill.

Last month the Clean Water Coalition, represented by Steptoe and Johnson, had asked if the District wanted to join the lobbying effort in support of Senator Herb Snyder's legislative bill, which, if passed into law, will provide grants to assist in the payment of nutrient upgrades and new facilities for Chesapeake Bay Compliance at wastewater treatment plants. Mr. Kelsh and Mr. Hankins had drafted revisions to Senator Snyder's first draft of the bill which he forwarded to Senator Snyder. The Board decided that it was in the best interest of the District to assign Mr. Kelsh to lobby for the District whether or not the District decided to join the effort with the Clean Water Coalition. Mr. Cummins was in favor of joining the coalition if Curtis Keller, a member of the coalition, could give an indication from the group that they would agree to a term the District would like to see added in the draft bill. Mr. Kelsh spoke with Mr. Keller, but since he had been out of town, he did not have time to speak with the coalition. Mr. Cummins suggested tabling the potential contribution and membership to the coalition until the District gets a better signal from Mr. Keller on the group's position.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to table the consideration of joining the Clean Water Coalition until the District receives feedback from Curtis Keller. A brief discussion took place.

Mr. Hankins had mixed feelings on joining the coalition. On one hand the District could go its own way, like it has successfully done before, and develop a bill that will be beneficial to Jefferson County or it may be worth the money to join the coalition and have the District's ideas heard and obtain possible grant funding. The cost to join the coalition was based on splitting the costs of \$25,000 between 6 utilities, which included the District joining. Mr. Hankins suggested the District should contribute a dollar per customer to the coalition since the District is a smaller utility compared to the other utilities in the coalition. The District may not get a second chance to join the coalition with the legislative sessions beginning January 12th. Mr. Cummins and Mr. Appignani agreed with Mr. Hankins contribution suggestion. Mr. Cummins withdrew his original motion.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to authorize the payment of \$2,300.00 to join the Clean Water Coalition. Unanimously approved.

Mr. Hankins stated the Jefferson County Commission needs to be informed of the reasons why the District does not support the bill in the current draft form. He believes the bill in the current draft form will be of no assistance to Jefferson County. Commissioner Walt Pellish was in the audience and suggested the District send a letter to the County Commissioner regarding the concerns of Senator Snyder's bill. Mr. Appignani agreed with sending the County Commission a letter and suggested sending a letter to the Development Authority as well. The Board would like Mr. Kelsh to draft a letter and send to Senator Snyder as well and copy Delegate John Doyle and Delegate Tiffany Lawrence and the County Commission.

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to authorize Jim Kelsh to represent the District as a Lobbyist regarding the Chesapeake Bay bill and to prepare a letter to Senator Herb Snyder expressing the District's concerns on the current draft of the bill. Unanimously approved.

Consider Authorizing James Kelsh to Lobby for the Chesapeake Bay Bill Currently Under Consideration by the West Virginia Legislation
This item was discussed in the above agenda item.

Consider Approval to Close the Cambridge Sinking Fund Account
Last month the Board approved transferring \$60,500 from the Cambridge Sinking Fund account into Sewer Operating account for easement attainment, which emptied out the account. Mr. Kelsh reviewed the agreements and the background for creating the account and found the account is no longer needed. The account was created to assure the District had money to pay the Cambridge developer for onsite sewer facilities according to an agreement which has since then expired.

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to close the Cambridge Sinking Fund Account. Unanimously approved.

PSD Board Meeting
January 4, 2011

Discussion of any expenses over budget

There were no expenses over budget.

Action: No action taken by the Board.

Approve Transfer of \$4,761.62 from Sewer Security Deposit Account to Sewer Operating for Security

Deposit Refunds

Action:

Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$4,761.62 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Unanimously approved.

General Manager's Report

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

- Paynes Ford Station – Ms. Lawton informed the Board that the Department of Planning and Zoning is now including the District in the "concept phase" of the planning process. The County has contacted the District regarding the sewer service for Paynes Ford Station Phase II since the development is partially in Jefferson County and Berkeley County. Since the District currently has no infrastructure in that area, it has a PSC approved agreement with the Berkeley County Public Service Sewer District (BCPSSD) for the sewer service of that development, along with service for Priestfield and Quail Ridge. In the 2002 approved agreement, the District has 10 years to install infrastructure in this area of the County or it will lose the ability to serve the area and it will become the BCPSSD's service area. Ms. Lawton addressed a letter back to the County and BCPSSD explaining the service request must be addressed to the BCPSSD.
- Deerfield Plant – The District did not meet the Total Nitrogen level requirements this month. Staff will continue to try to solve the problem.

Disbursements

Action:

Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for Cavaland water expenses in the amount of \$1,344.94, Glen Haven water expenses in the amount of \$1,677.07. Unanimously approved.

Action:

Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for the Public Service District expenses in the amount of \$141,829.09. Unanimously approved.

Correspondence

None discussed.

Public Comment

None.

Discuss Alternate Main Line Extension Agreement between the District and Thornhill LLC, PSC Case 10-1085-PSD-PC

Mr. Kelsh stated there have been no new developments in the case which is still pending at the PSC. In the public comment period of the meeting, the Board read a comment from Mr. Sheeley regarding this agenda item. In Ms. Sheeley's comment, she questions that if the portion of Thornhill Phase I property, which is mentioned in the AMEA currently at the PSC, is sold will the AMEA be transferred to the new owner. In her comment, she states that both Thornhill Phase I and II properties are both up for sale. Mr. Kelsh responded by stating the AMEA is assignable if the property would go under new ownership. He also stated that if the PSC approved the AMEA, the District still had the option to not move forward with the agreement.

Action: No action taken by the Board.

Discuss Brandon French v. PSD, PSC Case 10-1434-PSD-C

Mr. Kelsh informed the Board that the PSC hearing has been scheduled for January 18th in Charles Town.

Action: Motion made by Mr. Hankins and seconded by Mr. Appignani to designate Jim Cummins to represent the District for settlement authority in the Brandon French vs. the District, case # 10-1434-PSD-C. Unanimously approved.

Discuss Authorization to Disburse Capacity Improvement & Capacity Assurance Fees, PSC Case 10-1864-PSD-PC

Mr. Kelsh filed the case with the PSC on December 9, 2010. There have been no orders issued yet.

Action: No action taken by the Board.

Sign Addenda 16 of Pentree Contract for Flowing Springs Wastewater Treatment Plant

Mr. Summerfield informed the Board that back in March of 2008, the Board had approved to move forward with a new alternative gravity line path specifically examining a 21" to 30" line for the Flowing Springs wastewater treatment plant. He stated the paperwork was never completed which officially approved the costs to pay Pentree for the work. Pentree is now requesting the Board to sign the Addenda 16 which would cover the cost of the work. This item was discussed further in Executive Session.

Action: No action taken by the Board.

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

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

Action: Motion made by Mr. Cummins and seconded by Mr. Hankins to execute the Addenda 16 to the Standard Form Agreement between the District and Pentree for the gravity feed modifications made for the Flowing Springs wastewater treatment plant. Approved 2-0. Mr. Appignani abstained from voting.

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

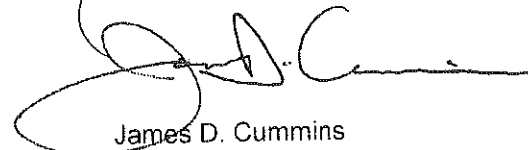
There being no further business at this time, the meeting was adjourned at 9:17PM

The next regular meeting is scheduled for February 7, 2011 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



Joseph A. Hankins
Chairman



James D. Cummins
Secretary