

**AGENDA  
JEFFERSON COUNTY COMMISSION  
THURSDAY, APRIL 14, 2011  
9:30 A.M.**

County Commission Meeting Room  
located at the Old Charles Town Library  
200 E. Washington Street, Charles Town, WV

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

**APPROVAL OF PURCHASE ORDERS**

**APPROVAL OF ACCOUNTS PAYABLE**

**PUBLIC COMMENT**

**PRESENTATIONS:**

1. 10:00 a.m. Public Hearing - Proposed Amendment to the 2008 Subdivision and Land Development Regulations (as Amended 2010)
2. 10:30 a.m. Break
3. 10:45 a.m. Stephanie Grove, Assistant Prosecuting Attorney  
- Legal Update
4. 11:00 a.m. Decision - Amend the County Zoning Map to consider Urban Growth Boundary for Harpers Ferry and Bolivar - Discussion/Action
5. 11:15 a.m. Patricia Sanderson, Shenandoah Professional Center, LLC  
- Request for Zoning Map Amendment to proceed directly to a County Commission Public Hearing and waive all additional re-application fees - Discussion/Action
6. 11:30 a.m. Jennifer Brockman, Director of Planning and Zoning  
- Land Development Fees - 10% fee increase - Discussion/Action

7. 11:45 a.m. Roger Goodwin, Chief County Engineer  
- Partial release of the Construction Bond security for Suzanne L. Walls  
- Walls Nursery (File #S04-16) - Discussion/Action
8. 12:00 p.m. Lunch Break

**NEW BUSINESS:**

9. Legislative Update
10. Approval of employment - Matthew Armel as Deputy Sheriff - Discussion/Action
11. Bill Polk, Maintenance Director, Purchasing of Vehicles

**UNFINISHED BUSINESS:**

12. Discuss Electronic Recycling Grant - Solid Waste Authority
13. Appointment to the Jefferson County Development Authority - 1 three year term ending April 5, 2014 - Shepherdstown Municipal Representative - Discussion/Action

**—————AFTERNOON SESSION—————**

14. 1:30 p.m. Jennifer Brockman, Director of Planning and Zoning and Bob Gordon, HEPMPO  
- US 340 Plan discussion and funding - Discussion/Action
15. 2:00 p.m. Adjourn

**COUNTY ADMINISTRATOR REPORTS**

**COUNTY COMMISSION REPORTS**

**CORRESPONDENCE:**

Community Bulletin received from the Harpers Ferry National Historical Park for April 2011.

Letter received from James Kelsh, Esq. regarding Tolling Agreements with Developers.

Letter received from Comcast with rate changes.

Memorandum from Roger Goodwin enclosing the construction bond and security for the Waterside Reserve Subdivision.

Letter of resignation from Matthew Harris of the E911 Advisory Board.

Notice of Special Session of the County Commission of Jefferson County to Lay the Levy - April 19, 2011 at 10:00 a.m.

Notice of Cancellation of the April 21, 2011 Jefferson County Commission Meeting.

Notice of Jefferson County Commission Council of Governments Roundtable Meeting - April 27, 2011 at 5:00 p.m.

Memorandum received from Denise Lambiotte, Animal Control Supervisor, regarding low cost rabies clinic on Saturday, April 30, 2011.

Memorandum received from Denise Lambiotte, Animal Control Supervisor, regarding Mrs. Lee Paulson and her adopted dog "Dooley" aka Valentino.

Email received from Mark Bartlet, President of the AbleGamers Foundation re: Game Accessibility Arcade to be held at Shepherd University on April 16, 2011.

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

Board Minutes for March 1, 2011 received from Jefferson County Public Service District.

Notice of Public Hearing of the County Commission of Jefferson County on May 12, 2011 at 7:00 p.m. for Proposed Updated Fee Schedules.

Received County Commissioners' Association of West Virginia notice of Spring Board & Legislative Committee meeting scheduled for May 15-16, 2011.

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



## **Minutes**

### **Jefferson County Commission**

**Thursday, April 7, 2011**

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A meeting of the Jefferson County Commission was held on Thursday, April 7, 2011 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patsy Noland, Dale Manuel, Frances Morgan, Lyn Widmyer and Walt Pellish; Tim Boyde, County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of this April 7, 2011 meeting is available through the Jefferson County Commission Office.)

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

#### **PLEDGE OF ALLEGIANCE**

Commissioner Morgan led the Pledge of Allegiance. Ms. Morgan reminded the Commission that one year had passed since the tragedy at the Upper Big Branch Mine and the Commissioners observed a moment of silence in remembrance of the miners who lost their lives.

#### **APPROVAL OF MINUTES**

Motion by Ms. Widmyer to approve the Minutes of the March 31, 2011 regular meeting of the Jefferson County Commission as amended. Motion seconded by Ms. Morgan and unanimously approved.

#### **APPROVAL OF PURCHASE ORDERS**

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$13,221.38, being purchase order numbers: 48516, 49344, 49345, 49489, 49375, 48108, 48384, 49484, 49488, 49296, 49490, 49486, 49398 and 49397. Motion seconded by Mr. Manuel and unanimously approved.

#### **APPROVAL OF ACCOUNTS PAYABLE**

Motion by Mr. Manuel to approve the accounts payable in the amount of \$561,733.71. Motion seconded by Ms. Morgan and unanimously approved.

#### **PUBLIC COMMENT**

**James G. Gibson**, a resident of Jefferson County, attended the US 340 Corridor – East Gateway Plan Kickoff Meeting and became concerned with several issues. He shared these concerns with the Commission.

#### **NEW BUSINESS:**

##### **Legislative Update:**

Ms. Noland reported that the Governor signed the Chesapeake Bay Bill (SB245).

Mr. Manuel commended Senator Unger's work in connection with redistricting and his suggestion that the process should involve the citizens as well as the legislators.

**UNFINISHED BUSINESS:**

**Appointment to the Jefferson County Development Authority by a Shepherdstown Municipal Representative**  
Mr. Boyde advised the Commission that he has received nothing from the Corporation of Shepherdstown. The Commission directed that this item be removed from the Agenda and rescheduled when the Commission receives communication from Shepherdstown officials.

**PRESENTATIONS:**

1. **Peter Fricke, Chairman of the Jefferson County Farmland Protection Board**, requested that the Commission convert their previously approved loan to the Farmland Protection Board in the amount of \$335,000.00 to a grant in order to comply with the State Auditor's recommendation.

Motion by Ms. Morgan to convert the previously approved loan of \$335,000.00 from the Jefferson County Commission to the Jefferson County Farmland Protection Board to a grant in accordance with the State Auditor's recommendation. Ms. Widmyer seconded the motion. The motion failed 3 to 2 with Ms. Noland, Mr. Manual and Mr. Pellish voting "no" and Ms. Widmyer and Ms. Morgan voting "yes."

2. **Request by attorney James Kelsh for response** to his letter regarding utility consolidation.

Following discussion, the Commissioners directed Mr. Boyde to respond to Mr. Kelsh and advise him that the Commission is reviewing storm water management ordinances and is not prepared to act on his recommendation at this time.

**PRESENTATIONS continued:**

3. **Stephanie Grove, Assistant Prosecuting Attorney** updated the Commission on pending legal matters.

**The Commission took a 5-minute break at 10:30 a.m.**  
**The Commission reconvened at 11:00 a.m.**

4. **Item No. 6 on the Agenda.** Mr. Boyde informed the Commission that although officials from the Solid Waste Authority had been invited to attend the Commission meeting no one from the Authority was present. The Commission directed this item be placed on the Agenda on a date when an official from the Solid Waste Authority would be present.

**NEW BUSINESS CONTINUED:**

5. **Motion by Mr. Manuel to amend** the requirement that the Emergency Services Agency use the \$75,000.00 earmarked for a training officer in next year's budget and replace same with language allowing the Emergency Services Agency to decide on which of the two and a half positions in the Strategic Plan they wish to fund. Motion seconded by Mr. Pellish and unanimously approved.

- 6. Request to revisit policy and adopt a Resolution regarding Appropriate Interface with County Commissioners, County Employees and Volunteers was discussed.** The Commission directed that Mr. Boyde revise the policy and submit the revised policy to the Commission for review and discussion.

**COUNTY ADMINISTRATOR REPORTS:**

- Mr. Boyde reported that during P-Card training it was made clear that the card could not be used to pay for employee meals. A change in the P-Card policy was made and “per diem pay” will most likely be instituted in accordance with GSA rates.
- He advised the Commission that an independent appraisal had been done on the McDaniel property on behalf of the County.
- He advised the Commission that the two policies he is working on, Conflict of Interest and Paid Accruals for Vacation, Holidays, Extended Sick Leave, will be submitted to the Commission by the end of the month. The paid accruals draft policy has been reviewed by elected officials and department heads and numerous revisions have been made. The draft submitted will be red-lined so the Commission can review the changes that have been made.

Ms. Widmyer had several questions for Mr. Boyde:

- She inquired as to the status of the scheduling of public hearings on impact fees. Mr. Boyde will submit a schedule to the Commission.
- She inquired if any roundtable discussions with the Development Authority had been scheduled to discuss how the Commission and the Development Authority can mutually work together.
- She inquired again about a Capital Improvements Plan and requested that Mr. Boyde put together an outline of a plan to be submitted to the Commissioners for review.

Mr. Manuel asked Mr. Boyde when he would have a draft plan restructuring the county government for the Commission.

Mr. Boyde has been tasked with many time-consuming projects and Ms. Widmyer suggested that he provide the Commission with a long-term plan for the completion of these projects and proposed dates of submission of each project to the Commission.

**COUNTY COMMISSIONER REPORTS:**

**Commissioner Morgan had nothing to report this week.**

**Commissioner Pellish:**

- Reported that he attended the dedication of “Terry Marcus Way” at the Business Park.
- He attended the bill signing (SB245) and luncheon with Governor Tomblin at the Bavarian Inn.
- As a private citizen, he attended Professional Communications Day at Shepherd University.

**Commissioner Widmyer:**

- Reported that she attended the bill signing (SB245) and luncheon with Governor Tomblin at the Bavarian Inn.
- As a citizen, she attended the Solid Waste Authority meeting.

- She reported that she has been speaking with Senator Unger regarding the widening of Rt. 340 to the Clarke County line.

**Commissioner Manuel:**

- Reported that he attended an Eastern Panhandle Transportation meeting.
- Attended an Affordable Housing meeting.

**Commissioner Noland:**

- Reported that she attended a Public Service District meeting.
- Attended a Court House Committee meeting.
- Attended the bill signing (SB245) and luncheon with Governor Tomblin at the Bavarian Inn.
- Attended an Affordable Housing meeting.

There being no further business, Ms. Morgan moved to adjourn the meeting. The motion was seconded by Mr. Pellish and unanimously approved.

Upon rising at 11:50 a.m., the meeting was recessed until Thursday, April 14, 2011 at 9:30 o'clock a.m.

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PATSY A. NOLAND, PRESIDENT

**NOTICE OF PUBLIC HEARING**

**COUNTY COMMISSION OF JEFFERSON COUNTY**

**PROPOSED AMENDMENT TO THE 2008 SUBDIVISION AND LAND  
DEVELOPMENT REGULATIONS (AS AMENDED 2010)**

The County Commission of Jefferson County will hold a Public Hearing on Thursday, April 14, 2011, at 10:00 a.m. in the Old Charles Town Library Meeting Room on the ground floor of the Library, 200 East Washington Street, Charles Town, WV 25414.

The purpose of the hearing is for public input for the proposed text amendment for Section 20.203 and Definition of Major Site Plan and Minor Site Plan of the Jefferson County Subdivision Regulations.

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

**JEFFERSON COUNTY, WEST VIRGINIA**  
**Departments of Planning & Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
P.O. Box 338  
Charles Town, West Virginia 25414

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

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

**MEMORANDUM**

TO: Jefferson County Commission  
FROM: Jennifer M. Brockman, AICP, Director, Planning and Zoning  
DATE: April 14, 2011  
SUBJECT: Proposed Subdivision Amendment for the Minor Site Plan Process in Business or Industrial Parks

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On March 8, 2011, the Jefferson County Planning Commission held a Public Hearing and voted to unanimously recommend the following text amendment to the Jefferson County Subdivision and Land Development Regulations. There were minor edits that were made at the Planning Commission Public Hearing and the version noted below is the version that was forwarded to the County Commission at your March 17, 2011 meeting.

When the agenda item was posted for the April 14, 2011 Public Hearing, an older version of the proposed text amendment was inadvertently posted to the website. The correct version forwarded to you by the Planning Commission is the version included below.

Shown below are the sections from the Subdivision and Land Development Regulations with the proposed text amendments shown in red bold print that is underlined.

**Sec. 20.203 Minor Site Development**

*Minor Site Developments* are those proposals that do not require the development of new infrastructure or the extension of existing off-tract infrastructure and where there is no subdivision into separate lots.

If the development requires easements for drainage or other purposes, private roads, or parking, and access to public roads is involved that serve one or more land uses, it is a site development.

Minor site

development proposes one or more of the following: (1) Building(s), both new and additions to existing,

where all structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any

site; (2) Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater; ~~(2)~~ (3) Addition(s) to existing development of less

than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less; or ~~(3)~~ (4) apartment or multi-family development of eight or less dwelling units.

**Minor Site Plan.** A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure, that proposes one or more of the following:

A. Building(s), both new and additions to existing, where all structures located on the parcel total less than 5,000 square feet Gross Floor Area (GFA) on any site.

B. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major subdivision with master planned roads and stormwater;

C. B. Addition(s) to existing development of less than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less.

D. C. Apartment or multi-family development of eight or less dwelling units.

Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.

**Site Plan, Minor.** A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure, that proposes one or more of the following:

A. Building(s), both new and additions to existing, where all structures located on the parcel total less than 5,000 square feet Gross Floor Area (GFA) on any site.

B. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major subdivision with master planned roads and stormwater;

C. B. Addition(s) to existing development of less than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less.

D. C. Apartment or multi-family development of eight or less dwelling units.

Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.

**Major Site Plan.** A plan that follows the major site development process and proposes one or more of the following:

- A. A new public or private street or dedication to public use of an existing street;
- B. Building(s), both new and additions to existing, where all structures located on the parcel total 5,000 square feet or more of GFA on any site; except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major subdivision with master planned roads and stormwater;
- C. Addition(s) to existing development of ten percent or more of existing GFA or with additions of 10,000 square feet or more of GFA;
- D. Apartment or multi-family development of ten or more dwelling units; or
- E. A heavy industrial use.

**Site Plan, Major.** A plan that follows the major site development process and proposes one or more of the following:

- A. A new public or private street or dedication to public use of an existing street;
- B. Building(s), both new and additions to existing, where all structures located on the parcel total 5,000 square feet or more of GFA on any site; except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major subdivision with master planned roads and stormwater;
- C. Addition(s) to existing development of ten percent or more of existing GFA or with additions of 10,000 square feet or more of GFA;
- D. Apartment or multi-family development of ten or more dwelling units; or
- E. A heavy industrial use.

Additionally, this proposed amendment would apply to existing and future business and/or industrial parks. The parks currently established within Jefferson County known to be affected by this amendment are: Burr/Bardane Industrial Park, SPARC Training Center, Sunnyside Park and Jefferson Crossing.

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

**AGENDA REQUEST FORM**

Name: County Commission

Department or Entity: \_\_\_\_\_

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: \_\_\_\_\_

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

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

Subject: **Break**

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:
Appt Time or New Business:

**AGENDA REQUEST FORM**

Name: Stephanie Grove

Department or Entity: Prosecuting Attorney's Office

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: 3/24/2011

Date Requested – 2<sup>nd</sup> 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:

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:

4-14-11

Appt Time or New Business:

Unfinished Business

HELD  
OVER  
TO  
APRIL

4

AGENDA REQUEST FORM

Name: \_\_\_\_\_

Department or Entity: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: March 10, 2011 April 14, 2011

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

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

**Subject: Decision - Amend the County Zoning Map to consider Urban Growth Boundary for Harpers Ferry and Bolivar**

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: 3/17/11

Appt Time or New Business: 11:45am

### AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Department of Planning

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: 3/17/11

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

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

Subject: **Follow up on the Public Hearing for Bolivar's and Harpers Ferry's Urban Growth Boundaries**

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

**On February 17, 2011, the Jefferson County Commission held a Public Hearing to receive public comment on proposed Urban Growth Boundaries requested by the Town of Harpers Ferry and Bolivar. Both of these Towns had taken action to recommend an Urban Growth Boundary that was different than what the boundaries that the County had proposed. Public testimony was received and both the city of Bolivar and Harpers Ferry were present to speak to their Boundaries at the public hearing.**

In response to some of the comments received, staff is providing the following information for the County Commission's consideration:

The history of the Urban Growth Boundaries for all five Jefferson County municipalities is that they were developed through a collaborative effort between Jefferson County Planning Staff and a representative of each municipality during the time that Tony Redman was the Planning Director. These boundaries were not voted on by the Town Council bodies but were agreed to by a representative of the municipalities. These boundaries were considered by the County Commission at the public hearing that was held regarding the entire 2008 Zoning Ordinance and its associated Zoning Map and subsequently approved and adopted. This is the document and map that was stayed and then voted down by referendum, in November 2009.

During the state legislative session of 2009, state annexation law (WV Code Chapter 8) was amended with specific provisions related to the creation of Urban Growth Boundaries on County Zoning Maps. The House and Senate Bills that created these provisions required that an Urban Growth Boundary "be established by the County Commission in consultation with each individual municipality regarding that municipality's boundary". It further states that once a County has adopted an Urban Growth Boundary, it is designated on the adopted County Zoning Map.

Because of this change in state law, when Director Brockman was hired by Jefferson County in May 2009, each municipality was contacted and provided with a copy of the Boundary that had been shown on the 2008 stayed Zoning Map and requested that they either adopt/approve this Boundary or respond with their preferred Boundary.

Since that time, both Charles Town's (on 1/19/10) and Ranson's (on 9/16/09) Town Councils approved the same Boundaries that were shown on the 2008 stayed Map. As the County Commission had already approved these Boundaries at a Public Hearing in 2008, these were considered approved and are reflected on our current 2010 Zoning Map.

On the other hand, the Towns of Bolivar, Harpers Ferry and Shepherdstown did not want to approve the Boundaries as they were shown on the 2008 stayed County Zoning Map. The Town Councils of both Harpers Ferry and Bolivar proposed different Boundaries for consideration by the County Commission. Because no Public Hearing has been previously held on these different boundaries, the County Commission held the hearing on February 17, 2011 to consider these boundaries. A similar Public Hearing will be held by the County Commission if the Shepherdstown Town Council provides a proposed Boundary for consideration.

Additional comments related to the effect on the private property rights and potential future annexation of the properties included in any Urban Growth Boundary. Speaking as a planner (and not providing a legal interpretation), the 2009 amendment to Chapter 8 of WV Code created an alternative process for annexation if a County Commission, with the agreement of a Municipality, adopts an UGB and places it on the Official Zoning Map of the County. Essentially, the process of adopting the UGB serves as the only public hearing required by the County Commission for those lands that may, at some point, request annexation. The state law does not enable a city to annex them against their will or does not provide that inclusion in an UGB on a County Zoning Map would allow the city to have authority over a development proposal in the County. Although the County has informally discussed the concept of entering into a Memorandum of Understanding with the municipalities to refer development proposals to each other to allow for interagency review and cooperation, the final decision regarding all development proposals in the unincorporated areas of the County will remain with the County.

Section 8-6-4a of state law further provides that 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.

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

**I move to (approve/disapprove/modify) the proposed Urban Growth Boundaries proposed by the Towns of Harpers Ferry and Bolivar for inclusion on the County Zoning Map.**

Attachments:

- 1) Map with Bolivar's and Harpers Ferry's Requested Urban Growth Boundaries**

**SPECIAL SESSION:**

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

At a Special Session of the County Commission of said County and State continued and held at the Old Charles Town Library Ground Floor meeting room thereof on Thursday, February 17, 2010, beginning at 7:00 o'clock p.m.

**PRESENT:** Patsy Noland, President; Lyn Widmyer;  
Dale Manuel, Frances Morgan; Commissioners  
Commissioner Walt Pellish participated via conference call.

**In re: PUBLIC HEARING - AMEND THE COUNTY ZONING MAP TO CONSIDER URBAN GROWTH BOUNDARIES FOR HARPERS FERRY AND BOLIVAR**

Commissioner Noland opened the Public Hearing.

Jennifer Brockman, Director of Planning and Zoning gave a brief summary of the history of the Urban Growth Boundaries in the County.

A sign in sheet was provided for each person wanting to speak.

Comments were made by the following: Matt Knott, Pat Morse, Ed Burns, Mayor Robert Hardy, Elizabeth Blake, Lee Snyder, Nance Briscoe, Paul Rosa, Chuck Davis via Paul Rosa, and Nancy Lutz.

The following presented written comments: Ed Burns, Nance Brisco and Chuck Davis.

No decisions were made . The Commission agreed to allow an additional comment period of two weeks ending March 3, 2011. Thereafter, a decision will be made.

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

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PATRICIA A. NOLAND, COMMISSION PRESIDENT

Dr. and Mrs. James G. Gibson  
201 Needwood Farm Lane  
Harpers Ferry, West Virginia 25425

February 24, 2011

County Commission of Jefferson County  
PO Box 250  
Charles Town, WV 25414

Dear Honorable Commissioners,

Thank you for the public input meeting to discuss the addition of the Harpers Ferry and Bolivar Urban Growth Boundaries (UGBs) to the Jefferson County Zoning Map. First, we are curious as to why this matter has resurfaced at this time? Has someone asked for this matter to be reconsidered? What is driving this process?

Second, why have the boundaries changed from the approved, but failed, zoning ordinance? Previously, it appeared that Harpers Ferry's UGB ended at the corporate limits of the town. Now, it includes land that contains a river, a road and a strip of land that is undevelopable. None of these appear to be things that should be annexed in the context of the Annexation Law. Bolivar's proposed UGB now includes the quarry land even though the development of that land is apparently under the State's jurisdiction. Furthermore, Bolivar's boundary includes federally owned lands that are outside the jurisdiction of both the County and the towns, as well as land owned by conservation trust groups with restrictions against development. Again, these lands appear to be outside the scope of the Annexation Law.

Mayor Hardy of Bolivar made two statements at the public hearing: 1. they chose in the past not to go against the NPS's wishes to annex land for the bank. 2. and that all Bolivar wants is some more trees. To me this means that the only reason Bolivar would want my land in their UGB is because they have the mistaken opinion that they would have some additional input into discussions of me exercising my property rights under the Jefferson County Zoning Ordinance.

**I want to leave no doubt that I don't want my 13 acres on the SE corner of US 340/27 to be included in Bolivar's UGB.** My land is included in the residential growth area of the Jefferson County Zoning Ordinance.

**Finally, our key concern, what does the boundary mean?** Is it merely a line that gives Bolivar and/or Harpers Ferry the ability to negotiate with us regarding the annexation of our land without the intervention of the County? Or, does it give those towns some other standing to question our property rights during a land use application to the County, such as conditional use permit, commercial site plan, or subdivision plan?

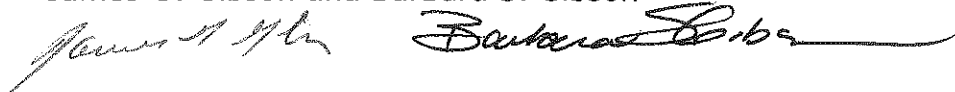
RECEIVED

Thank you for your consideration of this letter.

Sincerely,

FEB 28 2011

James G. Gibson and Barbara S. Gibson



Jefferson County Commission



# 2010 Zoning Map Jefferson County, WV



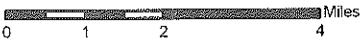
## Legend

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



Effective Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Certified by County Commission President  
 Jefferson County, WV

REVISIONS				
No.	Revision	Drawn by	Date	Sheet
1	REVISION FOR BANCORP & CHARLES SWAN CORPORATION	S.L.R.	8/18/2004	
2	REVISION OF BANCORP COORDINATION LINES	S.L.R.	1/28/2005	
3	REVISION FOR COUNTY COMMENTS	D.L.	3/7/2006	
4	ADDITION OF URBAN GROWTH BOUNDARIES (Per WV Statewide Edition 2004, 2005) & URBAN GROWTH COUNTY COMMENTS (Per a letter from the Office of Public Mass & Economic Development)	KOB	10/2/2010	



Map Prepared for:  
 Jefferson County Commission  
 Jefferson County Planning Commission

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

Other Data Sources:  
 Jefferson County GIS  
 Jefferson County Assessor  
 Geographic Information System (GIS)  
 Original Zoning Map (2003)

- CONDITIONS OF USE:**
1. Revision #4 compliant updates such as the addition of recent base map features (lot lines, poles and service lines shown). Zoning by or maps have been checked for errors from the Planning & Zoning Department. The Urban Growth Boundary layer was also added.
  2. Do not rely on this hard copy map for any definitive zoning classification. For definitive zoning classification and the parcel use thereof, consult the Jefferson County Zoning Department.
  3. All map elements are representative of geographic features in the Jefferson County Geographic Information System (GIS) and as such may be subject to subsequent zoning amendments. The contribution of this map, the GIS, documented zoning amendments and interpretations by the Jefferson County Zoning Authority do not constitute a deed in a zoning description and permit use.
  4. **DISCLAIMER:** This product is for informational purposes and may not have been prepared for or be suitable for legal proceedings or planning purposes. Users of this information should review or consult the primary data and information sources to ascertain the geographic validity of the information. Jefferson County disclaims all liability for any problems, financial loss or injuries, consequential damages or claims as a result of errors, inaccuracies or invalid data.



To: The Jefferson County Commission

Re: Bolivar Urban Growth Boundary Proposal

Date: Feb 17, 2010

I am unable to attend the hearing tonight therefore I am providing this letter. My name is Chuck Davis and I live at my home at 419 Prospect Ave, Harpers Ferry, WV. I own and I pay property taxes on my home. I have reviewed the maps and I would like to state my strong disapproval of the proposed Bolivar Urban Growth Boundary for the following reasons:

- Total lack of communication by the town of Bolivar to the residents of Prospect Ave. The first I heard of this proposal was via a phone call from a friend, after which I checked the county website and saw the notice for this meeting. If the Corp of Bolivar wishes to extend their Urban Growth Boundary, with the almost certain annexation of properties within that boundary, then they should have the minimal consideration to communicate this to the property owners who will be affected. To my knowledge, Bolivar has made no such attempt of communication. Therefore I have no idea of any benefit or cost associated with any future annexation. In the absence of this knowledge I cannot support their proposal.
- Bolivar cannot keep their own house in order. A quick look at their website ([www.bolivarwv.org](http://www.bolivarwv.org)) will demonstrate – the most recent update to it appears to be August 2009. Therefore increasing their Urban Growth Boundary and ultimate border will only deepen their already low standard of efficiency in government.
- It does not make any sense what-so-ever for the Corporation of Bolivar to extend their urban boundary from its present line to include Prospect Ave and the area down to Bakerton road. Most of Prospect Ave is already developed as residential property and there are very few building lots remaining. There is a large tract of undeveloped land in their proposal but much of that is part of the National Park and would be of no benefit to their Urban Growth Plan (if one exists) since presumably there will be no development on that property.

This proposal appears to be nothing more than a land grab by the Corporation of Bolivar to increase their tax rolls and nothing more. Therefore, unless the Corporation of Bolivar can demonstrate that their Urban Growth Boundary proposal will be of benefit to anyone, I urge the County Commission to reject their proposal. The purpose of our government is to serve its people and this proposal will only serve the interests of the Corporation of Bolivar and no one else.

Respectfully,



Chuck Davis  
419 Prospect Ave

Tonight I am here to speak against the inclusion of the area into the HF UGB.

The inclusion of this area into the HF UGB raise great concern for me and many others that have discussed this matter with me.

First it needs to be pointed out that the term UGB in not currently defined in any of our approved county ordinances and there for in not defendable. This situation needs to change before any decisions are made concerning any UGB designations.

That Being Said

So lets look at what the proposed definition has to say,

AND I Quote

A site-specific line, delineated on the jefferson county zoning map or a written description in the jefferson county ordinance identifying an area around and outside the corporate limits of a municipality within which there is

Wait FOR IT

“a sufficient supply of developable land “

The area in question, in my opinion is not developable land for the following reasons,

- 1 The terrain of the land renders it un-developable. Shear rock cliff on one side and the Shannadoa River on the other.
- 2 The ownership of the land is the USPS i.e.; Federal Government which also makes the area un-developable.

Now unless the town of HF or any one else can clearly state how this area would qualify under this definition or why this land should now or in the future, when the UGB definition is an active entity in our ordinance, be included in the HF UGB please state your case.

It is my and others contention that the inclusion of this area into the HF UGB is solely for the purpose of creating an opportunity for the town of HF to increase their bottom line by using their authority to write township traffic situations in this area with the proceeds going into town coffers.

This county is struggling economically now and does not need to have our WELCOME SIGN read Welcome to JEFFCO via a speed trap.

Provided to Jefferson County Commission – 2/17/2011 Public Hearing to AMEND the Urban Growth Boundaries for Harper’s Ferry and Bolivar.

**QUESTION:** *When is the Public Hearing for Charles Town and Ranson concerning The UGB “boundaries were not voted on by the Town Council bodies but were agreed to by a representative of the municipalities” whereby the general public was not given the opportunity to exercise the requirement of a Public Hearing.*

Received 2/5/2011 8:46AM EST by Nance L. Briscoe thru Pete Smith

Hi Nance - you may want to talk to **Jennifer Brockman at Planning and Zoning**.

Rather than paraphrase, following is a quote from an e-mail she sent me last week (quoted with her permission). PSmith, Jefferson County Resident

### **URBAN GROWTH BOUNDARIES FOR ALL FIVE JEFFERSON COUNTY MUNICIPALITIES**

"The history of the Urban Growth Boundaries for all five Jefferson County Municipalities is that they were developed through some collaborative effort between Jefferson County Planning Staff and a representative of each municipality during the time that Tony Redman was the Planning Director. It is generally believed that these boundaries were not voted on by the Town Council bodies but were agreed to by a representative of the municipalities. These boundaries were considered by the County Commission at the public hearing that was held regarding the entire 2008 Zoning Ordinance and its associated Zoning Map and subsequently approved and adopted. This is the document and map that was stayed and then voted down by referendum, in November 2009.

During the state legislative session of 2009, state annexation law (WV Code Chapter 8) was amended with specific provisions related to the creation of Urban Growth Boundaries on County Zoning Maps. The House and Senate Bills that created these provisions required that an Urban Growth Boundary "be established by the County Commission in consultation with each individual municipality regarding that municipality's boundary". It further states that once a County has adopted an Urban Growth Boundary, it is designated on the adopted County Zoning Map.

Because of this change in state law, when I was hired by Jefferson County in May 2009, I contacted each municipality and provided them with a copy of the Boundary that had been shown on the 2008 stayed Zoning Map and requested that they either adopt/approve this Boundary or respond with their preferred Boundary.

Since that time, both Charles Town's (on 1/19/10) and Ranson's (on 9/16/09) Town Councils approved the same Boundaries that were shown on the 2008 stayed Map. As the County Commission had already approved these Boundaries at a Public Hearing in 2008, these were considered approved and are reflected on our current 2010 Zoning Map.

On the other hand, the Towns of Bolivar, Harpers Ferry and Shepherdstown did not want to approve the Boundaries as they were shown on the 2008 stayed County Zoning Map. Harpers Ferry and Bolivar both proposed different Boundaries for consideration by the County Commission. Because no Public Hearing has been previously held on these different boundaries, the County Commission is holding such a hearing to consider the proposed Urban Growth Boundaries for these two Towns. A similar Public Hearing will be held by the County Commission when the Shepherdstown Town Council provides a proposed Boundary for consideration."

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**Thank you – Nance L. Briscoe 22 Cloverdale Place, Charles Town WV 25414 TEL: 304-728-2201  
Membership Chairman, JCOHOA membership of 2,124 homeowners in Jefferson County.**

# Old Standard LLC

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PO Box 97

Rippon, WV 25441

**RECEIVED**

FEB 01 2011

January 31, 2011

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

**Jefferson County Commission**

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?

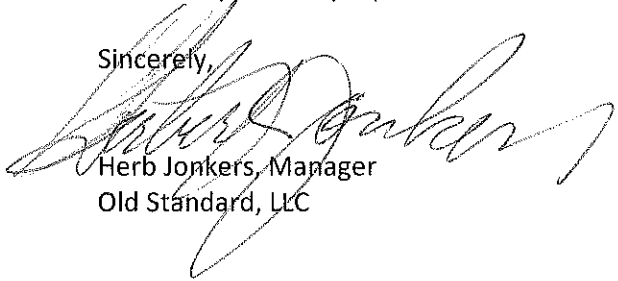
Finally, why has there been renewed interest in this area? It is hard to keep track of what is being done on a monthly basis. Last month it was the proposed rezoning of all of the federal land around our

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 in a cursive style. The signature is positioned to the left of the typed name and title.

Herb Jonkers, Manager  
Old Standard, LLC



## 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 15 2010  
JEFFERSON COUNTY PLANNING & ZONING  
104 E. WASHINGTON STREET  
CHARLES TOWN, WV 25414

CODIFIED ORDINANCES OF BOLIVAR  
PART THIRTEEN - PLANNING AND ZONING CODE

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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 itetas 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 8. MUNICIPAL CORPORATIONS.**

**ARTICLE 6. ANNEXATION.**

**PART I. 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.
- (ff) (gg) "Utility" means a public or private distribution service to the public that is regulated by the Public Service Commission.
- (gg) (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.
- (hh) (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.

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>4/14/11</u></p> <p>Appt Time or New Business: <u>11:15am</u></p>
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**AGENDA REQUEST FORM**

Name: Patricia Sanderson

Department or Entity: Shenandoah Professional Center, LLC

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: April 14, 2011

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

If a specific date is needed, please provide reason for specific date: **N/A**

Subject: Request per attached letter dated 3-7-11 for Zoning Map Amendment Request to proceed directly to a County Commission Public Hearing and waive all additional re-application fees.

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **We would like the Commission to accept our petition to allow the Zoning Map Amendment Request/Reapplication for Shenandoah Professional Ctr., LLC, TM 9, Par 37 & 37.2 to proceed directly to Public Hearing before the County Commission of Jefferson County; waiving all re-application fees.**

Attachments: **1) Formal Petition for Waiver/Zoning Map Amendment Request – Ltr Date 3-7-11; 2) Zoning Map Amendment Request/Re-Application – Ltr Date 3-7-11**

**Sandy McDonald**

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**From:** "Tim Boyde" <tboyde@jeffersoncountywv.org>  
**To:** "Matt Powell" <matt@potomacconsultingservices.com>  
**Cc:** <sandy@jeffersoncountywv.org>  
**Sent:** Tuesday, March 29, 2011 2:44 PM  
**Subject:** RE: Shenandoah Professional - Rezoning  
Matt:

We have some other planning items on the agenda for 4/14. I have your request placed on the agenda for that date as well.

Tim

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**From:** Matt Powell [mailto:matt@potomacconsultingservices.com]  
**Sent:** Monday, March 28, 2011 12:30 PM  
**To:** Tim Boyde  
**Subject:** Shenandoah Professional - Rezoning

Tim,

When do you anticipate we will be able to be heard before the Commissioners? I noticed we were not on the agenda again this week. Trying to gage when this might happen.

Thanks,

**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](http://www.potomacconsultingservices.com)

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Patricia Sanderson

Department or Entity: Shenandoah Professional Center, LLC

Estimation of amount of time needed for appointment: 15 mins

Date Requested – 1<sup>st</sup> Choice: March 17<sup>th</sup>, 2011

Date Requested – 2<sup>nd</sup> Choice: March 31<sup>st</sup>, 2011

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

**Subject: Request per attached letter dated 03/07/11 for Zoning Map Amendment Request to proceed directly to a County Commission Public Hearing and waive all additional re-application fees.**

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **We would like the Commission to accept our petition to allow the Zoning Map Amendment Request/Reapplication for Shenandoah Professional Ctr, LLC, TM 9, Par 37 & 37.2 to proceed directly to Public Hearing before the County Commission of Jefferson County; waiving all re-application fees.**

Attachments: 1.) Formal Petition for Waiver/Zoning Map Amendment Request – Ltr Date 03/07/11  
2.) Zoning Map Amendment Request/Re-Application – Ltr Date 03/07/11



March 7, 2011

*Via Fax 304/725/7916*

Jefferson County Commission  
124 E. Washington Street  
Charles Town, WV 25414

Attn: Mr. Tim Boyde  
County Administrator

Re: Shenandoah Professional Center, LLC  
TM 9, Parcel 37 & 37.2  
DB 996, Pg 552, Lot 1&2

Subj: **Formal Petition for Waiver  
Zoning Map Amendment Request**

Dear Mr. Boyde,

As you are aware, Potomac Consulting Services, LLC, on behalf the property owner, Shenandoah Professional Center, LLC (SPC), has diligently been pursuing a Zoning Map Amendment for a 9.6+/- acre parcel within Jefferson County, Harpers Ferry District, TM 9, Parcels 37 & 37.2 (DB 996, Pg 552, Lot 1&2), since November 2009. The requested Zoning Map Amendment would change the current zoning of Residential Growth (R-G) to the proposed zoning of Residential/Light Industrial/Commercial (R-L-C), thus allowing potential commercial development to occur on this property.

In November 2009, SPC did formally submit the Zoning Map Amendment Request for review. Through the next seven (7) months, Jefferson County Staff did conduct a formal review and report on the Zoning Amendment Request and SPC was required to go before the Planning Commission and County Commission of Jefferson County for a series of presentations and Public Hearings. In February 2011 less than one (1) year from the request to withdraw, SPC requested to continue the application for Zoning Map Amendment.

Since this was a very recent application for a Zoning Map Amendment, SPC does not foresee any changes to the Planning Commission Staff Report, nor the recommendations by the Jefferson County Planning Commission made to the County Commissioners based upon several appearances by the Applicant before the Planning Commission and a Public Hearing held March 11, 2010.

Upon review of West Virginia State Law, §8A-7-9, Amendments to the zoning ordinance by petition, by Ms Jennifer Brockman, it has been determined that this statute does provide the ability for the Applicant to petition the County Commission directly for a

zoning amendment and for a Public Hearing, in lieu of going before the Planning Commission. The County Commission could then vote on the zoning map amendment request eliminating unnecessary additional time and expenses for the Commission, Staff, and SPC

Therefore, the Applicant, SPC, would like to formally petition the County Commissioner of Jefferson County to allow the Zoning Map Amendment Request for the Shenandoah Professional Center, LLC, TM 9, Parcels 37 & 37.2 to proceed directly to Public Hearing in front of the County Commission upon reliance of all previous public comment and Staff reporting, foregoing any and all appearances before the Jefferson County Planning Commission, and waive all additional re-application fees in association with the review and approval of this request.

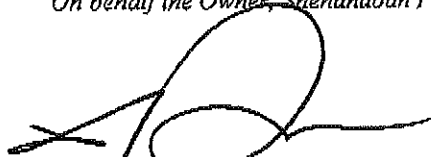
It is the Applicant's request to be permitted to speak before the County Commission on March 17, 2011 or March 31, 2011, to justify this request and be permitted to proceed directly to a Public Hearing before the County Commission. This is SPC's formal Request for Zoning Map Amendment, including aforementioned petition.

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

Sincerely,

**POTOMAC CONSULTING SERVICES, LLC**

*On behalf the Owner, Shenandoah Professional Center, LLC*



Matthew R. Powell



March 7, 2011

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

Attn: Mr. Tim Boyde  
County Administrator

Re: **Zoning Map Amendment Request**

Dear Mr. Boyde,

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

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

1. Substantiation for the Request

- a. Current Zoning: Residential Growth (R-G)
- b. Requested Zoning: Residential/Light Industrial/Commercial (R-L-C)
- 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.

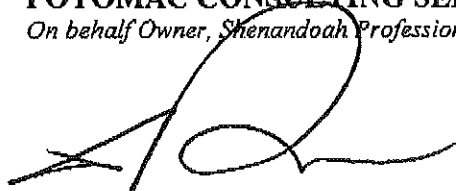
This significant growth and impact to the major roadways has emphasized the need to centralize the potential commercial uses on or in close proximity to the major road networks for easy access and increased visibility.

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

Sincerely,

**POTOMAC CONSULTING SERVICES, LLC**

*On behalf Owner, Shenandoah Professional Ctr, LLC*

A handwritten signature in black ink, appearing to read 'Matthew R. Powell', written over the typed name below.

Matthew R. Powell

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

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: April 14, 2011

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

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

Subject: **Overview of Planning Commission’s Recommended Land Development Fees and Request to Schedule a Public Hearing**

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

**After a two-year process during which the Planning Commission and Planning, Zoning, and Engineering staffs have drafted a number of variations of proposed new land development fees, the Planning Commission is forwarding the final recommended 2011 Land Development Fee Schedule reflecting a 10% increase in fees to the County Commission for their approval. This fee schedule was recommended for approval by a unanimous vote of the Planning Commission at their February 8, 2011 meeting. Please note that the Planning Commission does not have authority over the County Building Permit Fees and that these fees, which are also attached, were drafted by the Engineering staff and are being forwarded with the Land Development Fees as requested by the County Commission in 2009.**

The land development fees have not been revised since January 1, 2001. Original efforts to develop fees that were cost-recovery fees were determined to be too costly to the development community by the County Commission in October 2010. Since that time, the Planning Commission considered fee schedules that included a 20% and a 10% across the board increase with some new fees for site plans and other items that require staff time but have no current fee. After a public hearing, the Planning Commission is recommending the 10% fee increase.

At this point, a policy decision needs to be made as to whether this is the correct time to be increasing fees. Staff and the Planning Commission respectfully requests that, at a minimum, fees be added for the major and minor site plan process for which no fees are currently charged. For all other fees, if the County Commission determines that these fees should not be increased at this time, staff recommends that it be revisited no sooner than FY 13.

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 regarding the proposed 2011 Land Development Fee Schedule and Building Permit Fees on Thursday, \_\_\_\_\_, 2011.**

Attachments:

- **Combined Draft Land Development Fees**
- **Building Permit Fees**

**Planning, Zoning & Engineering Departments'**  
**Proposed Land Development Fee Schedule**  
 February 2011

<b>Minor Residential Subdivision</b> ≤ 5 Lots	Final Plat	Review for Recording
Base Fee Per Plat	\$220	\$0
Plus Per Lot Fee	\$220	\$0

<b>Merger Deed Plat</b>	Final Plat	Review for Recording
Base Fee Per Plat	\$110	\$0
Plus Per Lot Fee	\$110	\$0

<b>Minor Non-Residential Subdivision</b> ≤ 5 Lots; 4 + Residue Lot maximum; and only in existing approved Commercial/Industrial Park	Final Plat	Review for Recording
Base Fee Per Plat	\$330	\$0
Plus Per Lot Fee	\$550	\$0

<b>Major Residential Subdivision</b> > 5 Lots	Concept Plan	Preliminary Plat (each phase)	Final Plat (each phase)	Review for Recording
Base Fee Per Plat	1-50 Lots \$275	\$180	\$100	\$50
Plus Per Lot Fee	50+ Lots \$1,100	\$275	\$135	\$30

<b>Major Non-Residential Subdivision</b> > 5 Lots	Concept Plan	Preliminary Plat (each phase)	Final Plat (each phase)	Review for Recording
Base Fee Per Plat	1-50 Lots \$275	\$180	\$100	\$50
Plus Per Lot Fee	50+ Lots \$1,100	\$275	\$185	\$90

<b>Mobile Home Park Subdivision</b>	Concept Plan	Site Plan, Bonding & Milestone Inspections (Re-inspection Fees Apply)
Base Fee Per Park	\$135	\$135
Plus Per Gross Project Acre		\$110
Per Mobile Home Pad		\$220
Per Principal Building		\$110

**Planning, Zoning & Engineering Departments'**  
**Proposed Land Development Fee Schedule**  
 February 2011

<b>Campground Site Plan</b>	Concept Plan	Site Plan, Bonding & Milestone Inspections (Re-inspection Fees Apply)
Base Fee Per Project	\$135	\$135
Plus Per Gross Project Acre		\$110
Per Campsite		\$55
Per Principal Building		\$110

<b>Townhome, Condominium, Apartment &amp; Motel/Hotel Site Plan</b>	Concept Plan	Site Plan, Bonding & Milestone Inspections (Re-inspection Fees Apply)
Base Fee Per Plat	\$135	\$135
Plus Per Gross Project Acre		\$110
Per Principal Building		\$220
Per Unit		\$110

<b>Cell Tower Site Plan</b>	Site Plan, Bonding & Milestone Inspections (Re-inspection Fees Apply)
Base Fee Per Plan	\$1100

<b>Minor/Limited Site Plan*</b>	Site Plan, Bonding & Milestone Inspections (Re-inspection Fees Apply)
Base Fee Per Plan	\$1200

♦Any non-profit organization proposing a structure 20,000 sq. ft. or less, shall be exempt from noted fee. (Organizations shall provide proof of 501.C.3 status)  
 All county owned property shall be exempt.

**Planning, Zoning & Engineering Departments'**  
**Proposed Land Development Fee Schedule**  
 February 2011

<b>Minor/Full Site Plan*</b> Sites < 5,000 sq. ft. on undeveloped site <b>or</b> < than 10% of existing buildings <b>or</b> 10,000 sq. ft. or less; whichever is less	Site Plan, Bonding & Milestone Inspections (Re-inspection Fees Apply)
Base Fee Per Plan	\$2400
Plus fee for area > 5,000 sq. ft. of impervious area plus disturbed area.	\$0.02 per sq. ft. of impervious + disturbed area over 5,000 sq. ft.
♦Any non-profit organization proposing a structure 20,000 sq. ft. or less, shall be exempt from noted fee. (Organizations shall provide proof of 501.C.3 status) All county owned property shall be exempt.	

<b>Major/Full Site Plan*</b> Sites > 5,000 sq. ft. on undeveloped site <b>or</b> > than 10% of existing buildings <b>or</b> 10,000 sq. ft. or less; whichever is less	Concept Plan	Site Plan, Bonding & Milestone Inspections (Re-inspection Fees Apply)
Base Fee Per Plan		\$3600
Plus fee for area > 5,000 sq. ft. of impervious area plus disturbed area.	\$600	\$0.04 per sq. ft. of impervious + disturbed area over 5,000 sq. ft.
♦Any non-profit organization proposing a structure 20,000 sq. ft. or less, shall be exempt from noted fee. (Organizations shall provide proof of 501.C.3 status) All county owned property shall be exempt.		

<b>Redline Revision</b>	Preliminary Plat	Site Plan
Minor Revision Base Fee Per Plan (up to 3 different revisions on one submission)	\$165	\$165
Major Revision Base Fee Per Plan (up to 3 different revisions on one submission)	\$250	\$250

**Planning, Zoning & Engineering Departments'**  
**Proposed Land Development Fee Schedule**  
 February 2011

<u>Zoning Items</u>	<u>Fee</u>
Zoning Ordinance Text Amendment Application	\$1100
Zoning Ordinance Map Amendment Application (Rezoning)	\$1100 + \$55 per acre
Conditional Use Permit (CUP) Application without LESA	\$275 + \$55 per acre
Conditional Use Permit (CUP) Application with LESA	\$275 + \$55 per acre 50% returned if the project fails LESA 0% returned if the project fails LESA & loses an appeal to BZA
Modification of existing CUP requiring Board/Commission Approval	\$275 + \$25 per acre
Appeal of CUP once issued by Board/Commission	\$275 per appeal filed
Zoning Variance Application	\$110 per section varied
Multiple Use Variances	\$220
Zoning Variance Application (construction/use has commenced prior to BZA approval)	\$165
Administrative Appeal Application (each issue appealed constitutes a separate appeal)	\$110/per item
Zoning Map Interpretation	No Charge
Zoning Text Interpretation	No Charge
Zoning Certificate	\$75
<u>Subdivision Items</u>	<u>Fee</u>
Pre-Proposal Conferences	No Charge
Lot Line Adjustment/Merger	\$110
Subdivision Ordinance Waiver Request	\$110
Minor Final Plat or Site Plan Amendment	\$165
Clerical/Scrivener Error	\$50

**Planning, Zoning & Engineering Departments'  
Proposed Land Development Fee Schedule  
February 2011**

<u>Engineering Items</u>	<u>Fee</u>
Inspection Fee – Land Development Site Inspection	\$55
Re-inspection – Land Development failed inspections	\$55
Construction Bond – Time Extension Request (by staff)	\$330
Construction Bond – Surety Renewal	\$300
Construction Bond – Tolling of Time	\$300
Floodplain Ordinance – Floodplain Delineations	\$11
Floodplain Ordinance – 100 Yr. Flood Elevation Determination	\$11
Floodplain Ordinance – Review of LOMA, LOMR or LOMR-F requests	\$0
<u>Miscellaneous Items</u>	<u>Fee</u>
Aerial Photograph	\$16
Comprehensive Plan	\$13
Zoning Map (small – 11 x 17)	\$5
Zoning Map (medium – 24 x 36)	\$10
Zoning Map (large – 36 x 54)	\$22
CD (copy of meetings, electronic copy of files, etc.)	\$10
Zoning Ordinance	\$28
Subdivision Regulations	\$28
Copies (letter, legal & 11"x17")	\$1/page*
Copies (plan sheets, maps, etc.)	\$7.50/sheet*
*Note: The charge for copies is subject to change and shall be the prevailing rate as set by the County Commission of Jefferson County.	

*Note: The fee amounts shown in bold, italicized blue font are services for which there is no current established fee.*

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

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

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

**IRC - Residential Building Permit Fee Schedule**

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



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

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: April 14, 2011

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

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

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Partial release of the Construction Bond security for Suzanne L. Walls – Walls Nursery (File #S04-16) – Cash in Escrow Agreement with the Bank of Charles Town, Charles Town, West Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a partial release of \$13,628.00 from the construction bond amount for Suzanne L. Walls – Walls Nursery (File #S04-16) for a new construction bond amount of \$11,501.00.

Attachments: Bond Release Letter  
Bond Reduction or Release Request Report  
Map



## 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](http://www.jeffersoncountywv.org)

PRESIDENT

*Patsy Noland*

January 7, 2010

VICE PRESIDENT

*Dale Mamrot*

COMMISSIONER

*Frances Morgan*

COMMISSIONER

*Walt Pellish*

COMMISSIONER

*Lyn Widmeyer*

Mr. Joshua Householder  
Bank of Charles Town  
Commercial Lending  
P. O. Box 906  
Charles Town, West Virginia 25414

RE: Cash in Escrow Agreement dated January 6, 2010 Construction Bond Surety for Suzanne L. Walls – Walls Nursery (File #S04-16).

Dear Mr. Householder:

The Jefferson County Commission authorizes a partial release of \$13,628.00 from the construction bond amount for Suzanne L. Walls - Walls Nursery (File #S04-16), for a new construction bond amount of \$11,501.00. This project is located on the south side of Route 9 (Charles Town Road) approximately 1000 feet east of the Berkeley County line. Work remaining includes but is not limited to the following:

1. Landscaping buffer

In summary, you are hereby authorized to reduce the amount of the above referenced Cash in Escrow Agreement, originally issued in the amount of \$25,129.00 to \$11,501.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Patricia A. Noland, President  
Jefferson County Commission

PAN:rfb

cc: Ms. Susanne L. Walls  
16333 Hamilton Station Road  
Waterford, Virginia 20197  
Department of Engineering

COUNTY ADMINISTRATOR  
*Tom Bowls*

DEPUTY COUNTY ADMINISTRATOR  
*Sandy Shuster McDonald*

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

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

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

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 2/23/2011 JCPC File No S04-16

Consultant/Engineer/Firm Name: Suzanne L. Walls

Mailing Address: 16333 Hamilton Station Road

City: Waterford State: VA Zip: 20197-

Contact Person: Suzanne L. Walls Phone: (703) 850-3393

Project/Subdivision Name Walls Nursery

Section/Phase: Route 9

Review Comments:

The Bond **Reduction** request is **Approved**

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

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

Bonding Policy & Unit Cost Figures attached for your use.

Comments:

Recommends bond reduction from the remaining bond of \$25,129.00 by \$13,628.00 for a new retained bond of \$11,501.00.

LAND DEVELOPMENT INSPECTION  
APPROVED FOR:

BOND REDUCTION \$11,501.00

BY: Norma J. Kuroski 4-7-11  
INSPECTOR DATE

Original Bond Amount: \$58,329.61 Current Bond Amount: \$25,129.00

Cost of Work Remaining: \$4,293.00 + Contingency Amount: \$7,208.00

Approved for Revised Bond Amount: \$11,501.00

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

Signature: Norma J. Kuroski Date: 4/7/2011

Wendale Springs  
Elementary

T.A. Lowery Elem. School...E-5  
Washington High Sch (*future*)...D-8  
Wildwood Middle School  
(*future name*)...E-5  
Wright Denny Intern School J-3

\* On The National Register  
of Historic Places

**Other Schools**  
The Country Day School...B-7  
Harpers Ferry Job Corps Ctr...F-5

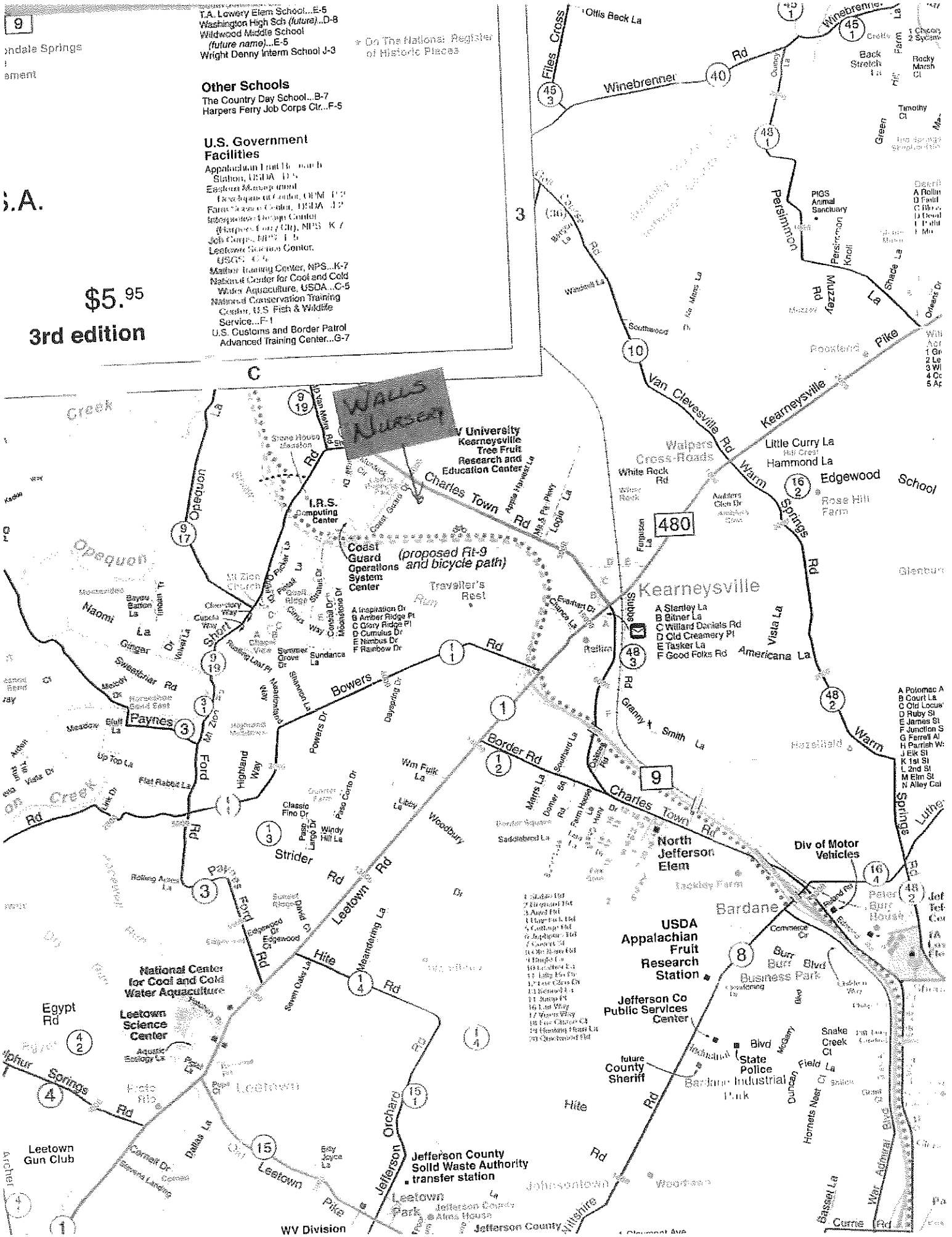
**U.S. Government  
Facilities**

Appalachian Fruit Research  
Station, USDA...D-5  
Eastern Kentucky  
Development Center, ODM...F-2  
Farm Business Center, USDA...J-2  
Intelligence Support Center  
(Harpers Ferry Ctr), NPS...K-7  
Job Corps, DPM...L-5  
Leetown Station Center,  
USGS...C-6  
Master Training Center, NPS...K-7  
National Center for Cool and Cold  
Water Aquaculture, USDA...C-5  
National Conservation Training  
Center, U.S. Fish & Wildlife  
Service...F-1  
U.S. Customs and Border Patrol  
Advanced Training Center...G-7

S.A.

\$5.95

3rd edition



*Walls Nixson*

WV University  
Kearneysville  
Tree Fruit  
Research and  
Education Center

IRS  
Computing  
Center

Coast  
Guard  
Operations  
System  
Center  
(proposed Fit-9  
operations and bicycle path)

Kearneysville

North  
Jefferson  
Elem

USDA  
Appalachian  
Fruit  
Research  
Station

Jefferson Co  
Public Services  
Center

Jefferson County  
Solid Waste Authority  
transfer station

State  
Police

Bardane  
Industrial  
Park

War  
Admiral  
Blvd

Currie  
Rd

- A Potomac A
- B Court La
- C Old Locust
- D Ruby St
- E James St
- F Junction S
- G Farrell Al
- H Parrish W
- J Elk St
- K 1st St
- L 2nd St
- M Elm St
- N Alley Cal

- A Polomac A
- B Court La
- C Old Locust
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- J Elk St
- K 1st St
- L 2nd St
- M Elm St
- N Alley Cal

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

**AGENDA REQUEST FORM**

Name: County Commission

Department or Entity: \_\_\_\_\_

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: \_\_\_\_\_

Date Requested – 2<sup>nd</sup> 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:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Robert Shirley

Department or Entity: JCSO

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

Date Requested - 1<sup>st</sup> Choice: April 14th

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

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

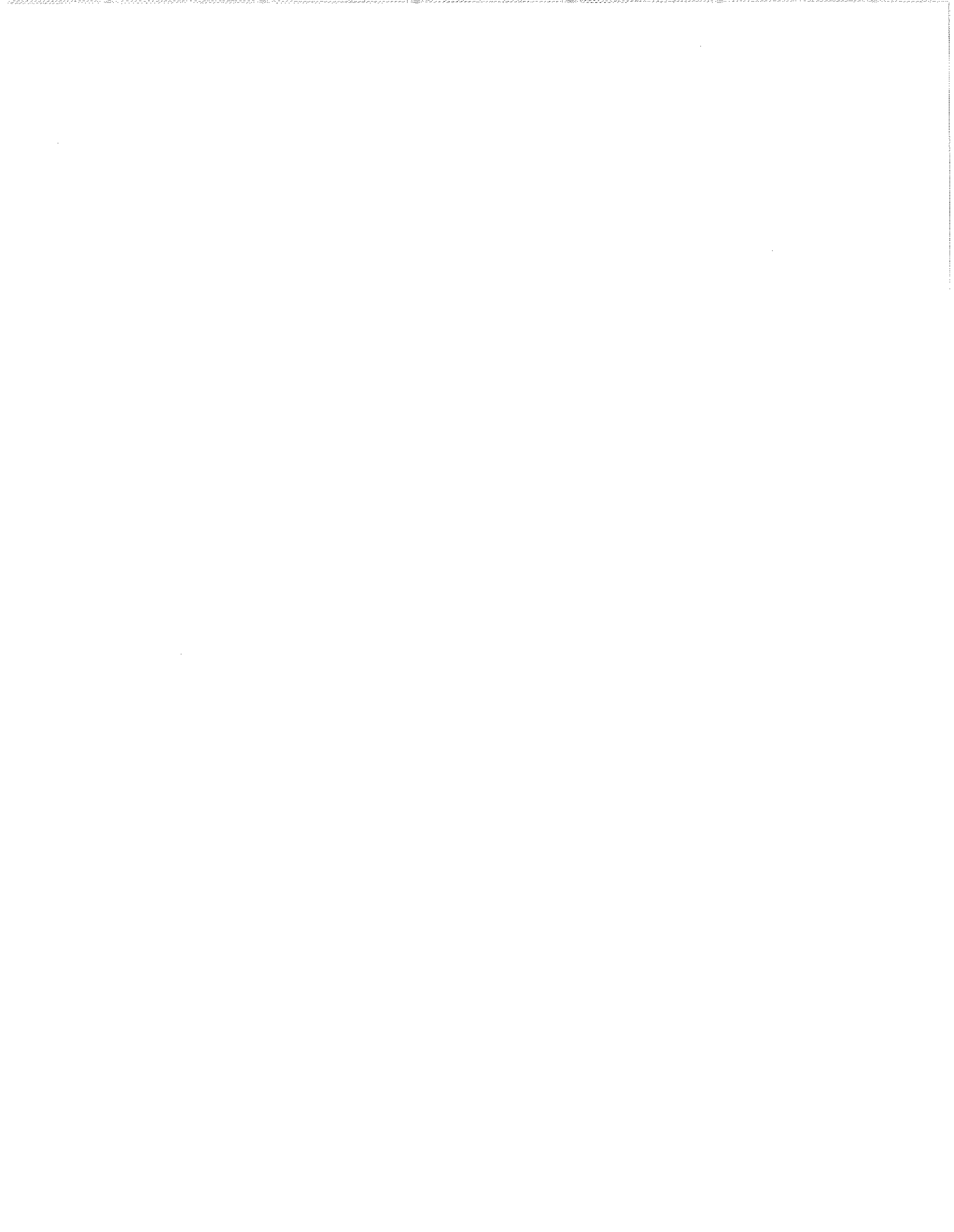
Subject:  
Meet and approve hire of Matthew Armel

Please provide the County Commission with a description of your request or presentation, including any background information: The Sheriff's office has a vacant, budgeted position of Deputy Sheriff. Matthew Armel is a certified officer, eligible for hire thru Civil Service Commission. He has passed all preliminary qualifications, with exception of a pending medical evaluation. In anticipation of a successful evaluation, I am seeking favorable consideration of his appointment.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):  
I move to approve the hire of Matthew Armel for the position of Deputy Sheriff.

Attachments:

\* This is a condition set forth in his offer letter.



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

Name: Bill Polk, Maintenance Director 

Department or Entity: Maintenance

Estimation of amount of time needed for appointment: Approx. 15 minutes

Date Requested – 1<sup>st</sup> Choice: April 14, 2011

Date Requested – 2<sup>nd</sup> Choice: April 21, 2011

If a specific date is needed, please provide reason for specific date: **The vendor has specified a deadline date for the quoted purchase price(s).**

Subject: **Vehicle acquisition approval**

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): ***Motion by "\_\_\_\_\_"; second by, "\_\_\_\_\_” to approve the acquisition of the four vehicles presented by Bill Polk, totaling, \$78,597.00; three for the Department of Maintenance and one for the Department of Homeland Security and Emergency Management.***

Attachments:  
**2011 Vehicle Acquisition Proposal**  
**Stephens Auto Center vehicle quotes**

Jefferson County Maintenance Department  
2011 Vehicle Acquisition Proposal

Quantity	Department	Make/Model	Price	Options needed for Operation	Purchase Price
1	Homeland Sec. & Emergency Mana.	Ford Expedition	\$27,196.00		\$27,196.00
2	Maintenance Department	Dodge Dakota	\$14,851.00	\$299.00	\$30,300.00
1	Maintenance Department	Ford F-350	\$20,316.00	\$785.00	\$21,101.00

**Total Purchase Price     \$78,597.00**

CLASS 8 AUTOMOBILE  
 Full-Size Utility, 4 Wheel Drive, 4 Doors,  
 7400 GVWR  
 Includes but is not limited to: Chevrolet Suburans, Ford Expedition

*Expedition*

Vendor Name: STEPHENS AUTO CENTER  
 Manufacturer / Brand: FORD  
 Delivery: 60-120 days est.  
 Model Name & Number: Expedition SSV

HP	TORQUE
310/5.4L V8	365/5.4L V8

Standard Equipment Requirements:	
Engine	MIN: 300 HP 360 TORQUE
Transmission	Automatic w/Overdrive
Steering	Power
Brakes	Power/ABS
Radio	AM/FM
Glass	All Tinted
Mirrors	Left & Right Outside
License Plate Mounts	Front & Rear
Tires	All Season
Spare Tire	Full Size w/ Jack
Rear Window/Defogger	STD
Fuel Tank	Standard
Front Seat	STD
Rear Seat	Bench
Air Conditioning	Installed
Floor Mats	Installed
Front Air Bags	Installed
Price Each Flex Fuel	\$27,195
Price Each Gasoline	\$27,195

1 Off Road Package including Linked Slip Rear Includes:

- Axle-lac-loc differential
- Engine Cooling - heavy duty
- Skid plate Group
- Suspension - Heavy Duty W/gas Shocks
- All Terrain Tires
- Tow Hooks

- 2 AM/FM w/ CD Player
- 3 Shop/Service Manual
- 4 CD Service Manual
- 5 Tilt Wheel & Cruise Control
- 6 Keyless Entry
- 7 Power Windows / Power Locks
- 8 Tow Package
- 9 Side Air Bags
- 10 Exterior colors

- 11 Slush/All Weather Mats (Driver & Passenger)
- 12 Slush/All Weather Mats (Second Row)
- 13 Slush/All Weather Mats (Cargo)
- 14 Low Range 4 Wheel Drive
- 15 Delete Floor Mats (Deduct)
- 16 Delete Cloth Seats (Deduct)
- 17 Delete Carpet (Deduct)
- 18 Dual Gas Tanks (gas only)
- 19 Remove Console (Delete) (Console between seats)
- 20 FOB Dealership: (Deduct)
- 21 FOB Other than Metro Charleston - Per Mile
- 22 3rd Row Seating

	\$	NA
	\$	NA Traction Control STD
	\$	Incl. in trailer tow
List items included in this group	\$	NA
	\$	STD
	\$	STD
	\$	Front STD
	\$	STD
	\$	199
	\$	199
	\$	STD
	\$	STD
	\$	STD
List items included in this group	\$	336
	\$	STD
	\$	NA
	\$	Rubber Floor STD
	\$	Rubber Floor STD
	\$	NA
	\$	STD
	\$	NA
	\$	NA
	\$	STD
	\$	NA
	\$	STD
	\$	10
	\$	1.59
	\$	744

Additional information:

Running boards \$370, convenience package includes message center, adjustable pedals, reverse sensing \$336  
 front bucket seats are cloth, 2nd vinyl - to make 2nd and 3rd (if ordered) add \$102  
 XLT package add \$4,271 XLT without SSV add \$1,898

*Deadline To Order 6-24-11*

070-48-10-001

**CLASS 10 TRUCK**  
 Small Pickup, 2 Wheel Drive, Extended Cab, 6 Cylinder,  
 4200 GVWR, Short Bed  
 Includes but is not limited to: Ford Ranger, Toyota Tacoma, Mazda B2300

Vendor Name: STEPHENS AUTO CENTER  
 Manufacturer / Brand: DODGE  
 Delivery: 60 - 120 DAYS EST.  
 Model Name & Number: DAKOTA NDIL33

Standard Equipment Requirements:

Engine	MIN: 200 HP 225 TORQUE
Transmission	Automatic
Steering	Power
Brakes	Power
Radio	AM/FM
Glass	All Tinted
Mirrors	Left & Right Outside
License Plate Mounts	Front & Rear
Cargo Box	Fleetside
Bumper	Rear Step Factory Installed
Tires	All Season
Spare Tire	Full Size w/ Jack
Air Conditioning	STD
Front Seat	Standard seating
Standard Floor Covering	Installed
Front Air Bags	Installed

HP	TORQUE
210/3.7L V6	235/3.7L V6

EPA HGWY	EPA CITY
20	15

Price Gas Engine: \$14,851  
 Price Each Flex Fuel: \$15,785

- Options:
- 1 AM/FM w/ CD Player
  - 2 Shop/Service Manual
  - 3 CD Service Manual
  - 4 Limited Slip Rear End
  - 5 Tilt Wheel & Cruise Control
  - 6 Keyless Entry
  - 7 Power Windows / Power Locks
  - 8 Exterior colors
  - 9 Side Air Bags
  - 10 Slush/All Weather Mats (Driver & Passenger)
  - 11 Slush/All Weather Mats (Second Row)
  - 12 Slush/All Weather Mats (Cargo)
  - 13 Slide Rear Window
  - 14 Front seat bench
  - 15 Bed Liner
  - 16 Manual Transmission w/Overdrive (Deduct)
  - 17 Delete Cloth Seats (Deduct)
  - 18 Delete Carpet (Deduct)
  - 19 FOB Dealership: (Deduct)
  - 20 FOB Other than Metro Charleston - Per Mile

\$	STD
CONTACT	VENDOR
CONTACT	VENDOR
\$	289
TILT-STD, CRUISE	\$223
\$	NA
\$	NA
SEE BELOW	
\$	STD
\$	60
\$	NA
\$	NA
\$	NA
\$	NA
\$	218
\$	NA
\$	NA
NA - FLOOR MATS	\$18
\$	10
\$	1.59

Duel Gas Tanks (gas only)  
 Additional Information:  
 DEEP CHERRY RED AND DEEP WATER BLUE \$200 - OTHERS NO CHARGE  
 TRAILER TOW \$134

*Deadline To Order 4-29-11*

070-48-19-000

**CLASS 2+ TRUCK**  
 Large Pickup, 1 Ton, 4 Wheel Drive,  
 10,000 GVWR, Long Bed  
 Includes but is not limited to: GMC Sierra 3500, Dodge Ram 3500

Vendor Name: STEPHENS AUTO CENTER  
 Manufacturer / Brand: FORD  
 Delivery: 60-120 DAYS EST.  
 Model Name & Number: F350 F35

**Standard Equipment Requirements:**

Engine	MIN: 300 HP 360 TORQUE
Transmission	Automatic
Steering	Power
Brakes	Power/ABS
Radio	AM/FM
Glass	All Tinted
Mirrors	Left & Right West Coast Type
License Plate Mounts	Front & Rear
Tires	All Season Load Range E
Spare Tire	Full Size w/ Jack
Cargo Box	Rear Step / Factory Installed
Bumper	Installed
Air Conditioning	STD
Auto Locking Hubs	Installed
Standard Floor Covering	Installed
Front Air Bags	Installed

HP	TORQUE
385	485

Price Each Gasoline \$20,316  
 Price Each Flex Fuel \$20,316

**Options:**

- 1 Dual Rear Wheels
- 2 Off Road Package Including Limited Slip Rear, Includes:  
 Axle-trac-loc differential  
 Engine Cooling - heavy duty  
 Skid plate Group  
 Suspension - Heavy Duty w/ Gas Shocks  
 All Terrain Tires  
 Engine Cooling Heavy Duty

324  
 83  
 378

- 3 AM/FM w/ CD Player
- 4 Shop/Service Manual
- 5 CD Service Manual
- 6 TEL Wheel & Cruise Control
- 7 Keyless Entry
- 8 Power Windows / Power Locks
- 9 Side Air Bags
- 10 Diesel Engine
- 12 Tow Package
- 13 Snow Plow Package
- 14 Exterior Colors
- 15 Carpet Interior
- 18 Dual Gas Tanks (gas only)
- 17 Swing Out Mirror
- 18 Slush/Al Weather Mats (Driver & Passenger)
- 19 Slush/Al Weather Mats (Second Row)
- 20 Slush/Al Weather Mats (Cargo)
- 22 Dual Gas Tanks
- 23 Extended Cab w/ Third and Fourth Door
- 24 2 Wheel Drive (Deduct)
- 25 Delete Truck Bed (Deduct)
- 26 Flatbed 6' Long (see attached specs)
- 27 Utility Bed 6' Long (see attached specs)
- 28 Crane (see attached specs)
- 28 6 Cylinder (Deduct)
- 30 V-8 Engine
- 31 Crew Cab w/ Third and Fourth Door
- 32 Delete Cloth Seats (Deduct)
- 33 Remove Console (Delete) (Console between seats)
- 34 FOB Dealerstep: (Deduct)
- 35 FOB Other than Motor Charleston - Per Mile
- 36 Available Aide Rails

List Items Included in this group

\$ 1133  
 \$ 785

Enter Total Off Rd Pkg. Above

\$	228
GAS 189 - DIESEL 219	
GAS 189 - DIESEL 219	
TILT-STD, CRUISE \$165	
INCL W/P. WINDOWS/LOCKS	
\$	706
STD	
\$	6503
STD \$854 WITH BED DELETE	
\$	71
STD	
NA	
STD	
STD	
\$	69
\$	19
NA	
NA	
\$	2961
\$ -	1977
\$-519 DELETES SPARE ALSO	
	2401
	5200
\$ -	8060
NA	
STD	
\$ -	3787
STD	
NA	
\$ -	10
\$	1.59
CONTACT VENDOR	

PTO PROVISION \$232 - DIESEL ONLY, POWER WINDOWS, LOCKS, MIRRORS, \$880 WITH CREW CAB  
 REMOTE START \$162 - REQUIRES POWER EQUIP, ALUM WHEELS \$498, UP-FITTER SWITCHES \$104  
 TAILGATE STEP \$311, SPRAY IN BEDLINER \$374, TRAILER BRAKE CONTROLLER \$191, SHIFT ON THE FLY \$154, CAB STEPS \$256  
 UTILITY BODY PAINT \$325 EXCEPT WHITE, FUEL FILL HOSE KIT \$272 - BACKUP ALARM \$104

**Deadline To Order 5-20-11**



Commission Office Use Only

Date on Agenda: 4-7-11

Appt Time or New Business:

10:45 AM

(2)

HOLD  
OVER  
TO  
4-14-11

**AGENDA REQUEST FORM**

Name: Tim Boyde, County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: April 7, 2011

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

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

Subject: **Discuss Recycling Grant - Solid Waste Authority**

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

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

Attachments:



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

HOLD  
OVER  
TO NEXT  
AGENDA  
4-14-11

**AGENDA REQUEST FORM**

Name: Nichelle Hosby

Department or Entity: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: April 7, 2011

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

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

Subject: **Appointment to the Development Authority**

Please provide the County Commission with a description of your request or presentation, including any background information: **Appointment to the Development Authority - One 3 year term ending April 5, 2014 - Represents Shepherdstown**

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

Attachments:

HOWARD MILLS  
P.O. BOX T  
SHEPHERDSTOWN  
WEST VIRGINIA 25443  
hgmills@citlink.net  
304-876-6860

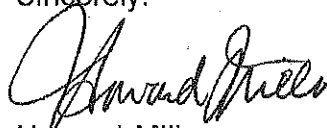
Jan. 18, 2011

Nichelle Adams Hosby  
Executive Assistant  
Jefferson County Commission

Dear Nichelle Hosby:

Having just been named Interim Vice President of the Jefferson County Development Authority, I would be interested in being considered for another term.

Sincerely:

  
Howard Mills

**RECEIVED**

JAN 21 2011

Jefferson County Commission



## 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](http://www.jeffersoncountywv.org)

PRESIDENT

*Patsy Noland*

VICE PRESIDENT

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

COMMISSIONER

*Walt Pellish*

COMMISSIONER

*Lyn Widmyer*

January 14, 2011

Howard Mills

P.O. Box T

Shepherdstown, WV 25443

Dear Mr. Mills:

Please be advised that your term on the Development Authority will expire on April 5, 2011. Until the County Commission has acted to appoint someone for another Three 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, March 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 Boyle*

DEPUTY COUNTY ADMINISTRATOR

*Sandy Slusher McDonald*



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

**AGENDA REQUEST FORM**

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

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

Date Requested – 1<sup>st</sup> Choice: April 14, 2011

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

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

The request is to approve matching funds from the Planning Department budget for a scope of work being considered by the HEPMPO Interstate Council on April 20, 2011

Subject: **Authorization to utilize Planning Department Professional Services funds as a part of the local match to the HEPMPO scope of work for the US 340 East Transportation Project**

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

In conjunction with the County Planning Department's land use planning effort related the US 340 Corridor – East Gateway Plan, the Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) is initiating a contract to provide transportation planning assistance and technical modeling support for the same section of US 340 in accordance with their Long Range Transportation Plan (LRTP). HEPMPO is the regional transportation planning organization that all federally funded transportation projects have to go through for the three-county region. The HEPMPO consultant's draft scope of work that is being reviewed by the HEPMPO Interstate Council on 4/20/11 requires a local match of \$13,661. Originally the local match was going to be covered by the \$15,000 given to Jefferson County by the Eastern Panhandle Transportation Authority (EPTA) and a \$5,000 match from the County. If a decision is made to take the \$15,000 EPTA money out of this project (as discussed below), I am respectfully requesting that the County Commission allow the Planning Department to use a portion of the Professional Services funds in the Department's current budget as a match for this project. Please note that the land use element of this project is listed as an action item in the 2004 County Comprehensive Plan, an excerpt of which is attached.

HEPMPO's project is listed in their LRTP and they have timed it to coordinate with our East Gateway Plan because it is intended to develop a transportation model that can analyze the current congestions issues and model the impact of alternative land use scenarios on the road network. One particular aspect of their consultant's proposal includes the use of a program called MetroQuest that would allow an on-line interactive opportunity for the County residents. We and the State are interested in using this as it will be the first time that it is being used in the state and may be a model for other transportation planning projects in the future. Bob Gordon, Director of HEPMPO, will be present at the 4/14/11 meeting to explain the scope of work that they are intending to fund for our benefit and to answer any other questions that you may have about this project and other plans for US 340. I have attached an e-mail from Bob that explain the financing breakdown related to this project.

In addition to these planning efforts, I have been told that the State DOH is planning on reopening the Environmental Impact Statement (EIS) for the southern US 340 four-laning. The Eastern Panhandle Transportation Authority (EPTA) has informed me that the \$15,000 given to Jefferson County was intended to help facilitate the southern four-laning project. They would prefer that that money not be applied as a match for the HEPMPO transportation modeling and planning work for the East Gateway Plan. I am very interested in having the County Planning Department be an active participant in the state's EIS process for the southern four-laning in an effort to continue to coordinate future land uses with access issues and transportation

plans. My expectation is that any land use or zoning product that comes out of the East Gateway Plan will be something that can be applied the full length of US 340.

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

I move to authorize the County Planning Department to utilize funds from their Professional Services budget line item as a part of the local match to the HEPMPO scope of work for the US 340 East Transportation Project.

Attachments:

- Excerpt from 2004 Comp Plan
- 4/6/11 E-mail from Bob Gordon re: US 340 Plan

**Historic Gateway Special Study Area (from pages 72-73)**

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 3.25: 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.*

From Chapter 5: Implementation (p. 106, emphasis added)

REC. NO.	RECOMMENDATION	IMPLEMENTATION	MEASUREMENT
3.25  Page 73	<i>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.</i>	<i>Initiate a cooperative planning effort with the WV DOT to improve the US 340 corridor.</i>	<i>Improved traffic flow, appearance and land use coordination in the US 340 corridor <b><u>east of Charles Town.</u></b></i>

**From:** [Gordon, Robert](#)  
**To:** "[Lyn Widmyer](#)"; "[Jennifer Brockman](#)"  
**Cc:** [Perry J Keller](#); [Baker, Jill](#); [Mullenax, Matt](#); "[Frazier, Jim](#)"  
**Subject:** RE: FW: Updated draft Budget for Rt340 study  
**Date:** Wednesday, April 06, 2011 8:56:23 AM

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Lyn,

As we discussed when we met last week with Jennie, the cost proposal for this draft scope of work will cover the transportation planning needs of the current East Gateway project recently started by Jefferson County. The total cost of the proposed scope of work is \$136,614. The federal portion of this total will be \$109,291 and will be provided by the WVDOT out of their discretionary planning funds. It is not funds that are in the annual allocation available to the MPO. The remaining 20% (\$27,322) of the project cost will be split between Jefferson County and WVDOT (State funds). The 10% share for the County and the State will be \$13,661. In our discussions last week, we decided that the funds provided through the EP Transportation Authority ( \$15,000 of the \$20,000 earmark) would not be used for this project. Since this would only leave \$5000 of local funding available for the project, it was agreed that the discretionary funding that Jennie has available to her would be used to make up the shortfall in local funding. If that is truly the case, then we can proceed with the proposed study as per the draft scope of work provided.

As I described above, this would leave the \$15,000 provided through the EP Transportation Authority to be used for a future planning project on the section of US 340 (south) between Charles Town and the Virginia line. However, since the MPO does not have excess funding available in our annual appropriation of funding, any federal or state money that would be required for a future study of the section of US340 (south) would be at the discretion of the WVDOT and subject to fund availability and support of the proposed project by WVDOT. When a proposed study is developed, then the WVDOT can review it and determine if discretionary money is available at the time.

In short, it will preserve the \$15,000 provided through the EP Transportation Authorities, but it does not guarantee that WVDOT discretionary funding will be available. Keep in mind, that proposed East Gateway Study is the second project this year that we have requested WVDOT to use discretionary funds to support, the other being the Ranson/Charles Town Transportation Fiscal Impact Study. Both of these projects are more than \$100,000.

I hope that this addresses your concerns.

Bob

Robert S. Gordon  
Director - HEPMPO  
33 West Washington Street  
Hagerstown, MD 21740

Telephone: (240)313-2081  
Cell: (304)676-9400  
Fax: (240)313-2084

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**From:** Lyn Widmyer [mailto:lynwidmyer@gmail.com]  
**Sent:** Tuesday, April 05, 2011 2:29 PM  
**To:** Gordon, Robert  
**Cc:** Jennifer Brockman  
**Subject:** Re: FW: Updated draft Budget for Rt340 study

without reviewing this in detail, I just need your input Bob on whether this reserves money for the section of US 340 between CT and the Virginia line. I have spoken with Sen. Unger and the person in charge of the environmental review and I do think we need to have some money to help (if needed) in terms of this study. Thanks!

On Tue, Apr 5, 2011 at 1:51 PM, Gordon, Robert <[rgordon@washco-md.net](mailto:rgordon@washco-md.net)> wrote:  
Jennie,

Attached is the updated cost breakdown for the proposed scope of work on the US 340 study. I asked Jim to provide a cost breakdown by fiscal year. Since the project will carryover from one fiscal year to the next, I have to adjust the MPO work program to cover the work being done in each year.

Thanks,

Bob

Robert S. Gordon  
Director - HEPMPO  
33 West Washington Street  
Hagerstown, MD 21740

Telephone: [\(240\)313-2081](tel:(240)313-2081)  
Cell: [\(304\)676-9400](tel:(304)676-9400)  
Fax: [\(240\)313-2084](tel:(240)313-2084)

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**From:** Frazier, Jim [mailto:[JFRAZIER@mbakercorp.com](mailto:JFRAZIER@mbakercorp.com)]  
**Sent:** Tuesday, April 05, 2011 12:26 PM  
**To:** Gordon, Robert  
**Subject:** Updated draft Budget for Rt340 study

Bob,

Attached is our budget separated by FY. The totals remain the same and I included all of Task 1 and the data collection efforts for this FY ending June 30. I also included a portion of the modeling hours that would include setting up the TAZ structure for the study. The remaining tasks are planned after July 1.

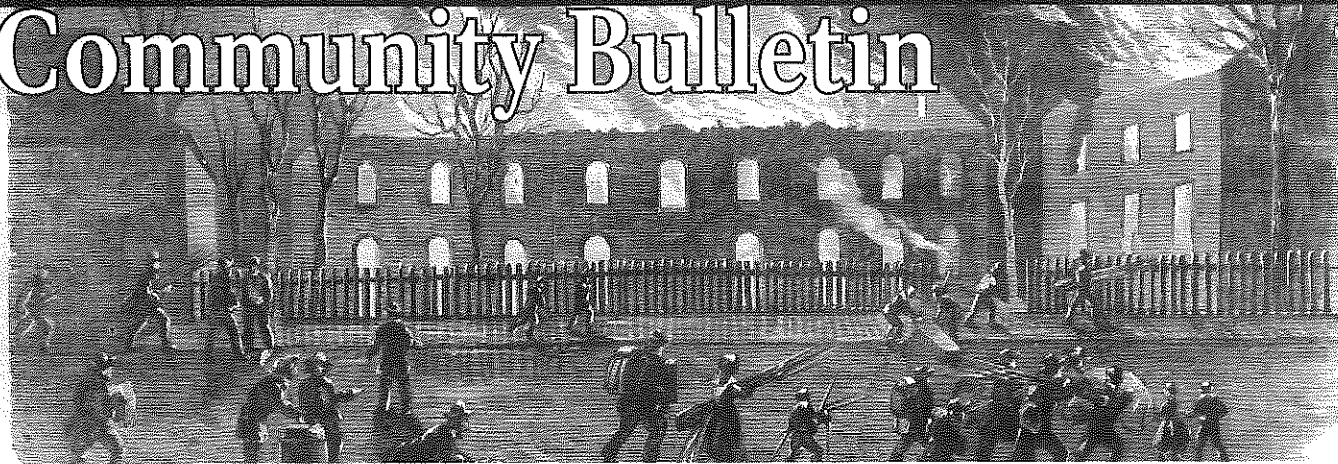
Also, we agree to keep our rates at the current level and not adjust them for Year 4 of our contract. These rates are reflective in our estimate.

Let me know if you need anything else.  
Thanks.  
Jim





# Community Bulletin



## War Comes to Harpers Ferry: Burning of the Arsenal

Join us for this two-day event about the April 1861 secession of Virginia from the Union and the subsequent burning of the Federal Arsenal at Harpers Ferry. Activities will include, living history, ranger conducted programs and family/youth stations. This is a fee free weekend!

### Saturday, April 16

9:00 am – 9:30 pm Park Bookshop open

10:00 – 9:30 pm Information & Orientation Tent open

10:00 – 5:00 pm Book & Author Tent open

10:00 – 4:00 pm Armory Archeology Excavation

10:00 – 4:00 pm Arsenal & Armory Archeology Exhibition

10:00 – 4:00 pm Hands on History: A Museum Object Lesson

11:00 – 4:00 pm Staffed Living History Exhibits

11:00 – 4:00 pm Family & Youth Activities: Refugee Wagon, Hands-on Gun Puzzle, Telegraph, Under Fire,

1861 Vodcast Viewing

11:00 – 12:30 pm War Comes to Harpers Ferry Ranger-guided Program

11:00 - 1:00 pm Steve Stanley, author of *Complete Gettysburg Guide*, Booksigning

1:00 – 3:00 pm Adam Goodheart, author of *1861* Discussion & Book Signing

3:00 – 5:00 pm John Hoptak, author of *Battle of South Mountain* Discussion & Book Signing

2:00 – 3:30 pm War Comes to Harpers Ferry Ranger-guided Program

3:00 – 4:00 pm Songs of Struggle & Freedom – Jasmine Muhammed

4:00 - 5:00 pm The New Way of Things: Armory Superintendent Barbour's Speech

5:30 - 6:30 pm I'll Burn This Town and Have Blood: John Brown's War on Slavery

6:00 - 7:30 pm On Whose Orders? Virginia Militia Procession, 2-mile walk from Cavalier Heights Visitor Center to Lower Town

7:30 - 8:00 pm Fife and Drum Performance

8:00 - 9:00 pm Destroy What I Cannot Defend: Burning of the Arsenal  
A visitor participation commemoration

9:45 pm Last shuttle departs Lower Town for Cavalier Heights Visitor Center

Join us for Saturday evening highlights:

6:00 p.m. *On Whose Orders? Virginia Militia Procession*: A 2-mile procession from the Cavalier Heights Visitor Center to Lower Town. Contemplate the steps of the Virginia militia as they marched closer to treason and war.

7:30 p.m. a Fife and Drum performance at the River Tent examines the power of patriotic music and the decision to take up arms.

8:00 p.m. *Destroy What I Cannot Defend: Burning of the Arsenal*: The final hours of the Harpers Ferry Armory. Join federal soldiers as they desperately decide to destroy or defend the Arsenal with candlelight & a photographer's special affect. The evening concludes with a somber, candlelit commemoration at the Armory Engine House.

## Sunday, April 17

10:00 – 4:00 pm Information & Orientation Tent open

10:00 – 4:00 pm Book & Author Tent open

10:00 – 4:00 pm Armory Archeology Excavation

10:00 – 4:00 pm Arsenal & Armory Archeology Exhibition

10:00 – 4:00 pm Hands on History: A Museum Object Lesson

11:00 – 1:00 pm Thomas Clemens, editor *The Maryland Campaign of September 1862, Volume I: South Mountain*, Discussion & Book Signing

11:00 – 4:00 pm Family & Youth Activities: Refugee Wagon, Hands-on Gun Puzzle, Telegraph, Under Fire, 1861 Vodcast Viewing

11:00 – 4:00 pm Staffed Living History Exhibits



National Park Service  
U.S. Department of the Interior

The history of Harpers Ferry has few parallels in the American drama. It is more than one event, one date, or one individual. It is multi-layered, involving a diverse number of people and events, decisions and actions that influenced the course of our nation's history. Visit Harpers Ferry and step into history.

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

Visitor Center  
304-535-6029

Harpers Ferry Historical Association Bookshop  
304-525-6881

Harpers Ferry NHP Home Page  
[www.nps.gov/hafe/](http://www.nps.gov/hafe/)

The National Park Service cares for the special places saved by the American people so that all may experience our heritage.

12:00 – 1:00 pm War Comes to Harpers Ferry, A ranger-guided program

1:00 – 3:00 pm Scott L Mingus, Sr., author of *Flames Beyond Gettysburg: The Confederate Expedition to the Susquehanna River, June 1863* Discussion & Booksigning

2:00 – 3:00 pm War Comes To Harpers Ferry: The Guns, A ranger-guided program

5:45 pm Last shuttle departs Lower Town for Cavalier Heights Visitor Center

## Volunteers Needed for 23rd Annual River Cleanup

Join us on Saturday, April 9th, from 9:00 a.m. to noon, rain or shine, to clean up the shoreline of the Potomac River. Harpers Ferry National Historical Park and River and Trail Outfitters, BTI Whitewater and River Riders staff have two Potomac River clean-up sites planned for this day. They are:

Potoma Wayside, across from the intersection of Hwy. 340 and Rte. 671. Please meet/park in the gravel lot upstream and across the highway, next to the gas station. Debris will be collected along the Potomac shoreline in a concentrated location. Short, yet steep hike down to clean up site.

Potomac Street Extended, meet in the train station parking lot. Debris will be collected along the shoreline of the Potomac River. Includes a 2-3 miles hike along shoreline to pick up debris.

It is recommended that all volunteers wear long pants, boots or sturdy shoes, and be prepared to get dirty. Trash bags will be provided. Please bring work gloves and refillable water bottles for your drinking water.

This annual event, sponsored by the Alice Ferguson Foundation, is the largest single watershed cleanup in the region. Join us on April 9th. It's time to take out the trash!

For more information about the clean up at Harpers Ferry, contact Jessica Liptak at [Jessica\\_Liptak@nps.gov](mailto:Jessica_Liptak@nps.gov) or 304-535-5017.

## Team Up to Clean Up Harpers Ferry Battlefield

On Saturday, April 2, 2011, history buffs and preservationists from around the country will team up with the eleventh annual Civil War Trust (CWT) to help clean and restore America's priceless battlefields, cemeteries and shrines. The nationwide effort – dubbed Park Day – is underwritten with a grant from History (formerly The History Channel). Park Day is presented in partnership with Take Pride in America, a division of the U.S. Department of the Interior.

Harpers Ferry National Historical Park is one of the sites that will benefit from Park Day-related activities. Volunteers are needed to clean up the Schoolhouse Ridge North Battlefield. From 8 a.m. to 12 noon volunteers will remove vegetation and wire from fence lines on the battlefield using hand tools. Meet at the park Visitor Center and wear boots, long pants, long-sleeve shirts. Bring a pair of work gloves, water, snacks and be prepared to get dirty. Tools will be provided by the park.

This event will be cancelled in the event of inclement weather. T-shirts provided by CWT will be available to all volunteers.

Join us on April 2nd. For more information, contact Volunteer Coordinator Jessica Liptak at 304-535-5017 or by e-mail at [Jessica\\_Liptak@nps.gov](mailto:Jessica_Liptak@nps.gov).

LAW OFFICE OF  
JAMES V. KELSH

Telephone  
(304) 343-1654

300 Summers St., Ste. 1230  
P.O. Box 3713  
Charleston, WV 25337-3713  
kelshlaw@yahoo.com  
WV State Bar #6617

Facsimile  
(304) 343-1657

March 31, 2011

Honorable Patsy Noland, President  
Jefferson County Commission  
124 E. Washington Street  
Charles Town, WV 25414

RE: Tolling Agreements with Developers

Dear Ms. Noland:

I write to you on behalf of the Jefferson County Public Service District ("District") to alert the Jefferson County Commission to a concern of the District regarding the Commission's recent practice of entering into agreements with developers to toll bonding requirements pursuant to the September 2, 2010 Site Improvement Bonding and Bond Surety Policy (the "Policy").

When a developer tolls its bonds, the Policy requires "that no construction and installation of site improvements shall be allowed" and that "lots are restricted from being sold." Policy, §10. The form tolling agreement ("Form Agreement") attached to the Policy provides that once a bond is tolled, "[n]o Infrastructure Improvements... shall occur or be permitted on the Land." Form Agreement, ¶2 (b) (ii). The Form Agreement states that "Declarant shall not commence, or cause any third party to commence, the construction of any single family residence or other structure on any portion of the Lot." ¶4.

The District's concern is that the quoted terms in the Policy and the Form Agreement will complicate the District's acquisition of easements and lots, and construction of facilities on land that is subject to a tolling agreement. To be clear, the District would not construct facilities on land that is subject to a tolling agreement for the purpose of serving the development that is in tolled status. Rather, the District expects situations may arise where the District needs to construct transmission lines or pump stations on or across land that is in tolled status for the purpose of serving District customers located outside of the development that is in tolled status.

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APR 04 2011

Jefferson County Commission

cc: Roger Goodwin


Honorable Patsy Noland, President  
Jefferson County Commission  
March 31, 2011  
Page 2

The problem the District has identified herein has not manifested itself with respect to the two developments, Thorn Hill and Harvest Hills that are now in tolled status.

The District has no particular solution to recommend to the Commission at this time. The District is willing to meet with a Commission representative and affected County Department members to address this issue further.

Please feel free to contact me at any time regarding this matter. Thank you for your consideration and assistance.

Very truly yours,



James V. Kelsh  
(WV State Bar No. 6617)

JVK/sls

cc: Sue Lawton

Jennifer Brockman

(Jefferson/3-31-11 Noland ltr re tolling agmnts with developers)



400 Westfield Road  
Charlottesville, VA 22901

March 29, 2011

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Tim Boyde  
Jefferson County Administrator  
124 East Washington Street  
Charles Town, WV 25414

***RE: Important Information – Price Changes***

Dear Mr. Boyde:

Beginning May 1, 2011, we are adjusting some of our prices in your community.

While we have been highly focused on controlling our costs for the benefit of our customers, we continue to invest in next-generation technology and equipment to support new product features, more programming choices and to improve the customer experience. These investments make it possible to provide the additional services customers demand while delivering continued innovations.

At Comcast, we're hard at work transforming our products by adding the content, interactivity and new features that customers want in order to bring them the greatest value in entertainment. And we stand behind it all with the Comcast Customer Guarantee, our promise to provide a consistently superior experience backed by 24/7 customer service, more convenient appointments and the best products and services.

The enclosed attachment will provide you with further detailed information regarding the scheduled price adjustment. As always, if you should have any questions or concerns regarding this, or any cable-related matter, please feel free to contact me at (540) 974-5123.

Sincerely,

A handwritten signature in cursive script that reads "Paul Comes".

Paul Comes  
Director, Government Affairs

**Price Change Notice**  
**Effective May 1, 2011**

The changes below affect the following areas served by the Jefferson County/Ranson channel line-up: Bolivar, Charlestown, Harpers Ferry, Jefferson County, Ranson, and Shepherdstown.

New prices will be reflected on May 2011 billing statements. All prices are subject to applicable franchise fees and state sales tax, and are subject to change.

	<u>Current Monthly Price</u>	<u>New Monthly Price</u>
<b><u>VIDEO SERVICES</u></b>		
Limited Basic	\$19.00	\$20.70
Expanded Basic	\$37.66	\$38.85
Standard Service (not available for new subscription)	\$56.66	\$59.55
Digital Starter	\$61.66	\$59.55
Digital Preferred Package	\$69.61	\$73.50
Digital Preferred with 1 Premium	\$77.56	\$81.45
Digital Preferred with 2 Premiums	\$91.56	\$95.45
Digital Preferred with 3 Premiums	\$99.56	\$103.45
Digital Preferred Plus (not available for new subscription)	\$96.56	\$100.45
Digital Premier	\$101.56	\$106.40
Total Premium (not available for new subscription)	\$101.56	\$105.45
Selecto (not available for new subscription)	\$11.95	\$13.95

<b><u>DIGITAL SERVICES</u></b>		
Digital Classic (not available for new subscription)	\$14.95	\$17.95
Digital Preferred	\$14.95	\$17.95
Digital Starter/Preferred/MultiLatino Additional Outlet	\$8.00	\$9.25
Sports Entertainment Package	\$6.00	\$6.95
DVR Service	\$15.90	\$15.95
HD Additional Outlet	\$11.95	\$9.25

<b><u>INSTALLATION/OTHER PRICES</u></b>		
Installation – Unwired Home	\$46.00	\$49.95
Installation – Prewired Home	\$32.00	\$39.95
Installation – Additional Outlet (same trip)	\$17.75	\$19.95
Installation – Additional Outlet (separate trip)	\$28.00	\$29.95
Other Installation – Upgrade (trip required)	\$16.00	\$19.95
Other Installation – Downgrade (trip required)	\$10.00	\$19.95

Other Installation – Upgrade/Downgrade (no trip)	\$1.99	\$2.49
Connect VCR/DVD (same trip)	\$10.00	\$8.00
Connect VCR/DVD (separate trip)	\$16.00	\$19.95
Activate Pre-Existing Additional Outlet (same trip)	\$10.00	\$8.75
Activate Pre-Existing Additional Outlet (separate trip)	\$10.00	\$15.00
Other Installation – Relocate Outlet (same trip)	\$21.00	\$15.25
Other Installation – Relocate Outlet (separate trip)	\$21.00	\$22.50

<b><u>OTHER CHARGES</u></b>		
Service Call (video)	\$30.00	\$39.95

**JEFFERSON COUNTY, WEST VIRGINIA**

**Engineering Department**

116 East Washington Street

P.O. Box 716

Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

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

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MEMORANDUM

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

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

DATE: APRIL 4, 2011

SUBJECT: WATERSIDE RESERVE SUBDIVISION, SECTION I & II  
FILE #05-19

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

Waterside Reserve Subdivision, Section I & II (File #05-19), which is secured by Letter of Credit #598 with First United Bank & Trust, located in Oakland, Maryland in the amount of \$139,942.00.

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

RLG:rfb

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APR 05 2011

JEFFERSON COUNTY COMMISSION

02 April 2011 - Resignation date

Matthew Harris

P.O. Box 1135

Ranson, WV 25438

Jefferson County Commission

124 East Washington St.

Charles Town, WV 25414

Dear Commission:

Letter or Resignation

The letter comes to you in the time of the sincerest concerns. I have carefully monitored the Commission and Commissioners activities. I have had the opportunity of reviewing the County budget. I have sent numerous letter of concern and discuss.

Under careful consideration of all the above named activity, I am respectfully resigning my post from the E911 Advisory Board as Matthew Harris (Citizens for Jefferson County). The reasoning for my resignation coming from deep thought and consideration to the Citizen of Jefferson County.

My position of the E911 Advisory Board has brought no benefits to the Citizens of Jefferson County. The Jefferson County Commissioners have brought no benefit to the Citizens of Jefferson County. Numerous special interest activities having no benefit to Jefferson County Citizens have received benefits by each other the Commissioners. Jefferson County Commissioners have been and still are directing funds paid by the tax payers towards special interest program, but yet, they come to no serious benefit to the Citizens of Jefferson County. Commissioners have turned a blind eye to issue involving utility companies.

I have no seen one program designed or developing to benefit the Citizens of Jefferson County. We can afford to spend tax payer dollars to employee someone to manage our funds, but having one Commissioner having a business background cannot take the time to save those funds by reviewing the County Economics himself or seeking to find a volunteer to perform the responsibility. I myself having a business background and presently being educated in Economics and Corporate Economics have not been asked to review the issue.

**RECEIVED**

APR 07 2011

Jefferson County Commission

It seems that our tax paying dollars are going to benefit the special interests of the Commissioners and yet nothing is in the budget to benefit the Citizens of Jefferson County.

How is this possible? People are afraid to speak up and say stop. I cannot support and/or defend a County Commission that does not and/or cannot support and defend its Citizens.

The opinions of the people is complete discuss of the County Commission. Although it's almost impossible to satisfy every individual, we are supposed to be making the right decisions to defend and support the Citizens.

I can assure the Citizens of Jefferson County that I am not going any place. I will continue to support and defend the Citizen of Jefferson County with pride.

I can promise the Jefferson County Commission, you will continue to receive weekly and monthly communication letters in support and defense of our Citizens. Citizens deserve to be treated with respect and dignity. Making decisions for a community who strives for higher expectations from their County and may want to incorporate is dependent upon economics instead of what is right for the people of its community is wrong. Supporting and defending a local post office to keep in business to benefit the people is a purpose to be strived for. Increasing the support given to our County Volunteer Fire Departments is a benefit to its people. Reducing their benefits is an insult to their efforts.

Matthew Harris

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

**TO LAY THE LEVY**

**The County Commission of Jefferson County, will hold a Special Session on Tuesday, April 19, 2011, at 10:00 a.m. in the Old Charles Town Library Meeting Room located at 200 E. Washington Street, (Samuel Street Entrance) Charles Town, West Virginia 25414.**

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

**The public is invited to attend.**

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

**NOTICE  
JEFFERSON COUNTY COMMISSION  
MEETING CANCELLATION**

The regular meeting scheduled on Thursday, April 21, 2011, has been cancelled. The Commission will resume its regular session on Thursday, April 28, 2011, at 9:30 a.m.

**NOTICE OF MEETING**  
**Jefferson County Commission**  
**Council of Governments Roundtable Meeting**

The County Commission of Jefferson County will hold a Council of Governments Roundtable meeting on Wednesday, April 27, 2011 at 5:00 p.m. at the Old Charles Town Library Meeting Room, 200 E. Washington Street (Samuel Street Entrance), Charles Town, West Virginia 25414.

The following topic will be discussed:

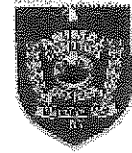
- Chesapeake Bay compliance/Utility rates and providers
- Next meeting and agenda topics discussion

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

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



**Jefferson County Animal Control**  
161 Poor Farm Rd Kearneysville, WV 25430  
Phone: (304) 728-3289 Fax: (304) 728-4889



## MEMORANDUM

RECEIVED

To: Jefferson County Commission

APR 06 2011

Date: April 6, 2011

JEFFERSON COUNTY COMMISSION

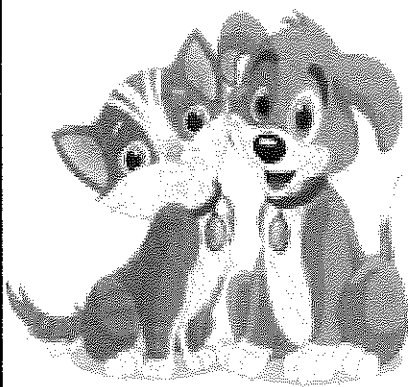
From: Denise Lambiotte, Animal Control Supervisor

Subject: Low Cost Rabies Clinic

Jefferson County Animal Control and Jefferson County Health Department are partnering to provide a low cost rabies clinic for the animal owner's of Jefferson County. It will be held on Saturday, April 30, 2011 @ the Mountain Community Center at the corner of HWY 9 and Mission Rd. The hours will be from 11:00am-2:00pm. Hillside Animal Hospital is generously donating the time of one of their veterinarians for this event. Attached is a flyer that is being distributed across Jefferson County.

# **RABIES VACCINATION CLINIC**

**Saturday April 30, 2011  
@ 11 AM to 2 PM  
Jefferson County Residents  
(ID Required)  
Cats & Dogs Only!**



# **\$10.00**



**Cash Only Please**

**Location: Mountain Community Center  
Corner of Mission Road & Route 9**

**For Info Contact: Animal Control (304) 728-3289**

**Sponsors:**

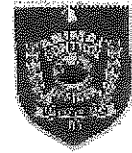
**Jefferson County Animal Control**

**Jefferson County Health Department**

**Hillside Veterinary Clinic**



**Jefferson County Animal Control**  
161 Poor Farm Rd Kearneysville, WV 25430  
Phone: (304) 728-3289 Fax: (304) 728-4889



**MEMORANDUM**

RECEIVED

APR 06 2011

JEFFERSON COUNTY COMMISSION

To: Jefferson County Commission

Date: April 6, 2011

From: Denise Lambiotte, Animal Control Supervisor. *Denise*

Subject: Donation to Jefferson County Animal Control

Jefferson County Animal Control received a \$100.00 donation from Mrs. Lee Paulson in gratitude for the dog she recently adopted from our facility. Mrs. Paulson came all the way from Middletown, MD to meet "Dooley" aka Valentino and instantly fell in love with him. I have attached a copy of her note and a picture of "Dooley".

THANK YOU!

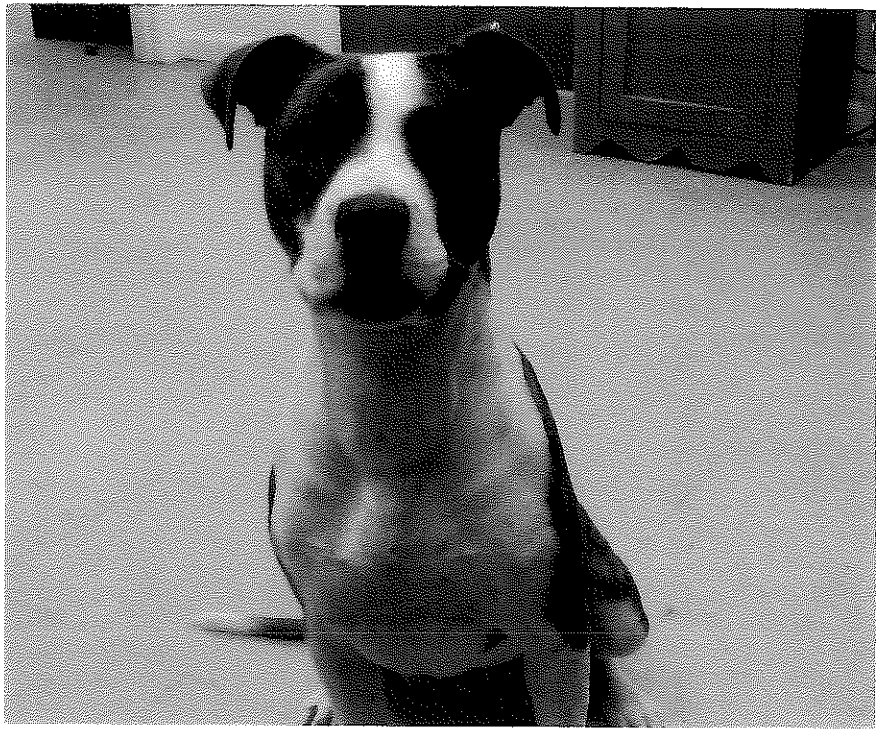
DOOLEY (used to be  
Valentino) IS

PERFECT AND SO

ARE YOU! I ADORE

DOOLEY.

hee



## Nichelle Hosby

---

**From:** Mark Barlet [mark@ablegamers.org]  
**Sent:** Wednesday, April 06, 2011 11:14 AM  
**To:** nhosby@jeffersoncountywv.org  
**Subject:** Invite: Accessibility Arcade @ SU April 16th

My County Commissioners,

My name is Mark Barlet, President of the AbleGamers Foundation. I know many of you personally. Our organization is doing a Game Accessibility Arcade @ Shepherd University on April 16th from 10am to 4pm.

Free for all, and would REALLY like to see you there to show your support to the people with disabilities in our area.

Thank you!

More info below.

<http://www.ablegamers.org/arcade>

For many people with disabilities, games offer a window to the world. To showcase the progress in accessible gaming the AbleGamers Foundation is bringing "The Game Accessibility Arcade" to Shepherd University on April 16, 2011. The all-day presentation will offer hands-on focus showcasing accessibility technology that can enable play on the Nintendo Wii, Microsoft Xbox, Sony PS3, and more. The foundation will be featuring hardware from Broaden Horizons, Evil Controllers, Peregrine and many more, as well as, some great software, including the newly launched My Golf Game, from VTree LLC.

Mark Barlet, President  
The AbleGamers Foundation

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

Week Ending Date	Week Ending April 2, 2011
To be Deposited on:	April 8, 2011
Amount Played	83,443,785.24
Amount Won	74,976,844.71
Amount Promo	223,567.00
MWAP Contribution	<u>43,538.09</u>
<b>Adjusted Gross Terminal Revenue</b>	<b><u>8,199,835.44</u></b>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>327,993.42</u>
<b>Net Terminal Revenue</b>	<b><u>7,871,842.02</u></b>
Surcharge @ 10%	787,184.20
State Share Excess @ 58%	456,566.84
Track Share of Capital Reinvestment @ 42%	330,617.36
Track Share of Capital Reinvestment @ 42% - 96%	\$ 317,392.67
Track Share of Capital Reinvestment @ 42% - 4%	\$ 13,224.69
<b>Adjusted Net Terminal Revenue</b>	<b><u>7,084,657.82</u></b>
Racetrack @ 46.50% / 42%	2,975,556.28
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,904,709.70
Race Track Purses @ 7% / 14% / 8%	566,772.63
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	35,423.29
Greyhound Development @ .75%	53,134.93
Thoroughbred Development @ .75%	53,134.93
Racing Commission @ 1%	70,846.58
County/Municipality @ 2%	141,693.16
3% Funds:	
Tourism Promotion Fund @ 1.375%	97,414.05
Development Office Promotion Fund @ .375%	26,567.47
Research Challenge Fund @ .5%	35,423.29
Capitol Renovation and Improvement Fund @ .6875%	48,707.02
2004 Capitol Complex Parking Garage Fund @ .0625%	4,427.91
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>70,846.58</u>
	<b><u>7,084,657.82</u></b>

**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%	RANSON 35.08%	SHEPHERDS TOWN 14.29%
3 days ending: 7/1/10- 7/3/10	\$ 115,402.58	\$ 115,402.58	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
07/10/10	\$ 205,731.64	\$ 205,731.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/17/10	\$ 161,386.76	\$ 161,386.76	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/24/10	\$ 160,368.28	\$ 160,368.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/31/10	\$ 157,802.08	\$ 157,802.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/07/10	\$ 161,617.82	\$ 136,494.98	\$ 25,122.84	\$ 3,120.27	\$ 8,682.45	\$ 916.98	\$ 8,813.09	\$ 3,590.05
08/14/10	\$ 156,753.36	\$ 78,376.68	\$ 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	\$ 2,844.79	\$ 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	\$ 24,342.36	\$ 2,570.88	\$ 24,708.62	\$ 10,065.17
10/02/10	\$ 142,027.72	\$ 71,013.86	\$ 71,013.86	\$ 8,819.92	\$ 24,542.39	\$ 2,592.01	\$ 24,911.66	\$ 10,147.88
10/09/10	\$ 138,623.00	\$ 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	\$ 8,766.15
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	\$ 18,766.53	\$ 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	\$ 16,651.35	\$ 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
02/12/11	\$ 134,943.68	\$ 67,471.84	\$ 67,471.84	\$ 8,380.00	\$ 23,318.27	\$ 2,462.72	\$ 23,669.12	\$ 9,841.73
02/19/11	\$ 144,037.08	\$ 72,018.54	\$ 72,018.54	\$ 8,944.70	\$ 24,889.61	\$ 2,628.68	\$ 25,264.10	\$ 10,291.45
02/26/11	\$ 151,088.04	\$ 75,544.02	\$ 75,544.02	\$ 9,382.57	\$ 26,108.01	\$ 2,757.36	\$ 26,500.84	\$ 10,795.24
03/05/11	\$ 149,070.68	\$ 74,535.34	\$ 74,535.34	\$ 9,257.29	\$ 25,759.41	\$ 2,720.54	\$ 26,147.00	\$ 10,651.10
03/12/11	\$ 133,958.96	\$ 66,979.48	\$ 66,979.48	\$ 8,318.85	\$ 23,148.11	\$ 2,444.75	\$ 23,496.40	\$ 9,571.37
03/19/11	\$ 146,226.52	\$ 73,113.26	\$ 73,113.26	\$ 9,080.67	\$ 25,267.94	\$ 2,668.64	\$ 25,648.13	\$ 10,447.88
03/26/11	\$ 136,981.60	\$ 68,490.80	\$ 68,490.80	\$ 8,506.56	\$ 23,670.42	\$ 2,499.91	\$ 24,026.57	\$ 9,787.34
04/02/11	\$ 141,693.16	\$ 70,846.68	\$ 70,846.68	\$ 8,799.15	\$ 24,484.58	\$ 2,585.90	\$ 24,852.97	\$ 10,123.98
Subtotal	\$ 5,470,120.94	\$ 3,191,092.21	\$ 2,279,028.73	\$ 283,055.36	\$ 787,632.33	\$ 83,184.58	\$ 799,483.22	\$ 325,673.24

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

VIDEO LOTTERY REPORT  
FY 2009

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

FY 2010

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

FY 2011

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

Table Game Revenues  
FY 2011

Date	Amount
July/Aug 10	154,185.68
Sept. 2010	94,247.84
Oct-10	105,903.60
Nov-10	108,717.67
Dec-10	118,721.11

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	Jan-11 106,189.21
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	2/12/2011	67,471.84	
2/21/2009	91,838.41	2/20/2010	76,946.12	2/19/2011	72,018.54	
2/28/2009	80,806.88	2/27/2010	72,024.40	2/26/2011	75,544.02	Feb-11 105,776.45
3/7/2009	48,837.13	3/6/2010	76,936.85	3/5/2011	74,535.34	
3/14/2009	96,025.39	3/13/2010	71,007.37	3/12/2011	66,979.48	
3/21/2009	79,002.82	3/20/2010	74,335.38	3/19/2011	73,113.26	
3/28/2009	79,250.83	3/27/2010	69,941.88	3/26/2011	68,490.80	
4/4/2009	75,968.30	4/3/2010	70,636.28	4/2/2011	70,846.58	
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			
<b>TOTALS 4403564.04</b>			<b>4041141.56</b>	<b>3191092.21</b>	<b>793741.56</b>	

APR 07 2011

# Jefferson County Public Service District

## Jefferson County Public Service District Regular Board Meeting March 1, 2011

Jefferson County Commission

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Tuesday, March 1, 2011 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Secretary, Jim Cummins; Treasurer, Peter Appignani; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; and District Legal Counsel, Jim Kelsh. Chairman Joe Hankins was absent from the meeting.

Treasurer Appignani called the meeting to order at 7:00PM.

### Public Comments

None.

### OLD BUSINESS

#### Review Minutes of February 7 Regular Board Meeting

The minutes of the February 7, 2011 regular Board meeting were approved as presented.

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to accept the February 7, 2011 minutes as presented. Approved 2-0.**

#### Update on Flowing Springs Wastewater Treatment Plant Project

The District had received an order from the Public Service Commission (PSC) requiring the filing of additional testimony and hearing which will be held on May 3<sup>rd</sup>. Mr. Kelsh stated the pre-filed testimony is due by March 24<sup>th</sup>. Ms. Lawton informed the Board that the West Virginia Department of Environmental Protection is requesting more information for the NPDES permit.

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

#### Update on the Under-billing of Job Corps

Ms. Williams, the District Finance Manager has been in contact with Richard Jackson from Job Corp regarding the billing error payment. He has been out of town and will continue to work on this issue when he returns. Ms. Lawton also informed the Board that Job Corp will be setting up a program with the District to allow Job Corp students to paint the inside of the Districts office building. The cost to the district will be the cost of the supplies only.

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

### NEW BUSINESS

#### Discussion of Thorn Hill Bond Tolling by County and Impact to the District of the New Tolling Language in County Agreement

Recently the County adopted a policy on the tolling of performance bonds for approved development projects. This will allow a developer to reduce the amount of the bond for a set period of time, but the affected property cannot be developed in any way on the lots within the development until the bond is reinstated in full. Mr. Kelsh informed the Board that although the District has no easements in Thornhill, this new County policy may cause some problems for the District in the future if we would need an easement through, or acquisition of, a parcel which is tolled. He suggested sending a letter to the County regarding this concern. Ms. Susan Rissler Sheely, from Long Marsh Lane, was in the audience and commented on this item. She stated she has been in attendance at the meetings regarding the Thorn Hill bond tolling and informed the Board that if the developer doesn't post the new bond at the new rate in the required time period, the platted lots will go back to being "unplatted".

**Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to direct Mr. Kelsh to draft a letter to the County regarding this issue. Approved 2-0.**

Update on Clean Water Coalition on Lobbying Effort for Chesapeake Bay Funding

Mr. Kelsh updated the Board. The District recently joined the Clean Water Coalition to help with the Lobbying effort for SB 245, a bill designating the use excess lottery funds for upgrades to, and construction of, Bay compliant wastewater plants. The Coalition has been lobbying for the provision to allow the grant pool to be used by utilities that have closed on projects before December 2011 and to remove the provision of allowing only systems with 1.5% median household income being able to use the grant money. The bill is currently at the Senate Finance Committee for a vote.

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

Update on Countywide Utility Coalition

At the last Countywide Utility Coalition meeting in January, Mr. Kelsh was assigned the task of drafting a letter to the County Commission on behalf of the Coalition addressing the possibility of consolidating utilities which the County Commission suggested it might undertake at an October roundtable meeting. In the letter Mr. Kelsh had drafted, which was comprised of the group's comments, he stated the consolidation of utilities would be unlikely and a study is discouraged, but a study of the creation of a new countywide stormwater utility showed more potential and such a study would be encouraged.

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

Discussion on the Alternate Main Line Extension Agreement with B.C. Partners for Breckenridge East

This item was tabled until next month.

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

Consider Approval of Generator Contract Renewal from AR&E

The past 3 years, the District has approved Apparatus Repair & Engineering, Inc. (AR&E) for an annual preventative program for generator maintenance for each of the pump stations. The contract is up for renewal and the Board felt it is worth renewing.

**Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to renew the contract with Apparatus Repair & Engineering, Inc. for generator maintenance with an annual cost of \$9,944.00. Approved 2-0.**

Discussion of any expenses over budget

There were no expenses over budget.

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

Disbursements

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to approve disbursements for Cavaland water expenses in the amount of \$1,019.12, Glen Haven water expenses in the amount of \$1,613.11. Approved 2-0.**

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to approve disbursements for the Public Service District expenses in the amount of \$167,341.38. Approved 2-0.**

Approve Transfer of \$22,763.00 from Renewal & Replacement Account to Sewer Operating for New Pumps at 1-11, 4-4, and 4-7

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to approve the transfer of \$22,763.00 from Renewal & Replacement Account into Sewer Operating Account for new pumps. Approved 2-0.**

Approve Transfer of \$3,000.90 from Sewer Security Deposit Account to Sewer Operating for Security Deposit Refunds

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to approve the transfer of \$3,000.90 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Approved 2-0.**

Approve Transfer of \$64.40 from Glen Haven Security Deposit Account into Glen Haven Operating for Security Deposit Refunds

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to approve the transfer of \$64.40 from Glen Haven Security Deposit Account into Glen Haven Operating Account for Security Deposit Refunds. Approved 2-0.

General Manager's Report

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

Siemens Report - Siemens Water Technologies installed the Bioxide system at the Breckenridge pump station. The system is working well and has taken away the odor from the Ranson pump station area.

Employee Changes - The Operations Manager, Joe Castaldo, has decided to leave the District for other opportunities. The Board is appreciative of all his work for the District.

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

Public Comment

None.

Correspondence

None.

**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. Approved 2-0.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to return to public session. Approved 2-0.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to direct Mr. Kelsh to request an opinion from the Ethics Board on whether Mr. Appignani should recuse himself from the Jefferson Utilities general investigation case currently at the Public Service Commission. Approved 2-0.

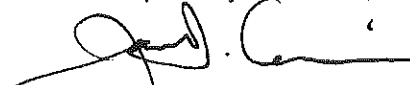
**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to designate Mr. Cummins to help Mr. Kelsh draft comments on the proposed decentralized sewer rules which are due back by March 15<sup>th</sup>. Approved 2-0.

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

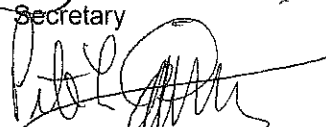
There being no further business at this time, the meeting was adjourned at 8:20PM

The next regular meeting is scheduled for April 4, 2011 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



James D. Cummins  
Secretary



Peter L. Appignani  
Treasurer

**NOTICE OF PUBLIC HEARING  
COUNTY COMMISSION OF JEFFERSON COUNTY  
PROPOSED UPDATED FEE SCHEDULES**

The County Commission of Jefferson County will hold a public hearing concerning Proposed Updated Fee Schedules on Thursday, May 12, 2011 at 7:00 p.m. in the Old Charles Town Library meeting room 200 East Washington Street, Charles Town, West Virginia. At this hearing the Commission will receive public comment concerning the Proposed Updated Fee Schedules.

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

No decisions will be made at this hearing.

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



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

March 25, 2011

Dear Board and Legislative Committee Members:

It's time to make plans to attend the County Commissioners' Association of WV's Spring Board & Legislative Committee meeting scheduled for May 15-16, 2011, at Glade Springs Resort, Raleigh County, WV. A block of rooms have been reserved at \$135.00 per night. Reservations should be made by calling Glade Springs at 855-848-8843. **April 16<sup>th</sup> is the reservation cutoff date.** Check in time on Sunday is after 4:00 p.m. and checkout is 11:00 a.m.

Following is the "tentative meeting schedule..."

Sunday – May 15, 2011

- 1:00 p.m. Services Review Committee
- 4:00 p.m.-6:00 p.m. Legislative Meeting
- 7:00 p.m. Dinner

Monday –May 16, 2011

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

The registration fee for the board meeting will be \$135.00 per county attendee/ \$45.00 for guests. Registration for guests includes dinner, breakfast, and lunch. Please clip the registration form below and return to this office by May 9, 2011 or fax your registration to 346-3512.

***Cancellation Policy: There will be no penalty for cancellations received on or before May 9, 2011! May 9, 2011, and there after, all no-shows will be charged the full registration amount. We apologize for the need to adopt this policy, but on this date, the costs for room rentals, refreshments, etc. are incurred on your behalf even when you cancel and the Association is stuck with covering the cost. Thanks for your cooperation!***

Name	Title	County

- I will attend Spring Board & Legislative Mtg./ Bill my County \$135.00 Registration Fee
- I will attend/ Check enclosed for \$135.00 Registration Fee
- I am unable to attend

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

- |                          |      |   |
|--------------------------|------|---|
|                          | Name |   |
| <input type="checkbox"/> |      | Will pay (\$45.00 per guest) at door (Includes Dinner on Sunday, breakfast and lunch on Monday) |
| <input type="checkbox"/> |      | Check for Guest(s) enclosed (\$45.00 per guest)   |