

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, SEPTEMBER 8, 2011
9:30 A.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. Jennifer Brockman, Director of Planning and Zoning
- Recommendation of the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for portions of properties known as the Hott Property, designated as Tax Map 15, Parcel 47 and 56 of the Harpers Ferry District located at the southwest corner of Route 9 and new Route 9 near the Virginia State line - Discussion/Action

UNFINISHED BUSINESS:

2. Funding Resolution - Farmland Protection Board - Discussion/Action

NEW BUSINESS:

3. Approval of Lease - 201 North George Street, Charles Town - Discussion/Action
4. Selection of a date for a public hearing concerning a combined fire an ambulance fee to be instituted in the County (DM) - Discussion/Action
5. Resolution - National Moment of Remembrance of the 10th Anniversary of September 11th - Discussion/Action - Discussion/Action
6. Resolution - Postal Area Mail Processing - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

ADJOURN

CORRESPONDENCE:

Reminder - Notice of Public Hearing on Thursday, September 15, 2011 at 7:00 p.m. regarding proposed amendments to the Jefferson County Zoning and Land Development Regulations.

Thank you letter received from the Good Shepherd Interfaith Volunteer Caregivers regarding the contribution from the Jefferson County Commission from the video lottery funds.

Thank you letter received from Hospice of the Panhandle, Inc. regarding the contribution from the Jefferson County Commission from the video lottery funds.

Weekly settlement report for the Charles Town Races received from the West Virginia Lottery, week ending August 27, 2011.

NACo Prescription Drug Discount Card Program Report.

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, September 1, 2011

A meeting of the Jefferson County Commission was held on Thursday, September 1, 2011 in the County Commission meeting room at the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patricia Noland, Dale Manuel, Frances Morgan, Lyn Widmyer and Walt Pellish; Tim Boyde, County Administrator, Nichelle Hosby, Executive Assistant and Jimmy Eddy, Bailiff. (An audio tape of this September 1, 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 Pellish led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the Minutes of the August 18, 2011 meeting as presented.

Motion seconded by Ms. Morgan and unanimously approved.

Mr. Manuel noted that the Computer Assisted Dispatch meeting scheduled for August 23, 2011 was rescheduled for Tuesday, August 30, 2011.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$31,420.39, being purchase order numbers: 50414, 53155, 53156, 48821, 52926, 49545, 53211, 53117, 53115, 53113, 53114, 53122, 53121, 53120, 53119, 53259, 53255, 53116, 53118, 53123, 53124, 53125, 52991, 52997, 52996, 52995, 52994, 58992, 53154, and 52939 . Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE:

Motion by Ms. Morgan to approve the accounts payable for August 25, 2011 in the amount of \$250,547.36. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Morgan to approve the accounts payable for September 1, 2011 in the amount of \$286,233.65. Motion seconded by Mr. Pellish and unanimously approved.

PUBLIC COMMENT

There was no public comment was made.

Jennifer Maghan, County Clerk gave an update on the maintenance that will be required on the election equipment and on the upcoming election.

NEW BUSINESS:

- 1. Request for approval of re-appointment of Sergeant Kevin E. Plumer to the Jefferson County**

Enhanced 9-1-1 Advisory Board as a State Police Representative.

Motion by Mr. Manuel to approve the re-appointment of Sergeant Kevin E. Plumer to the Jefferson County Enhanced E 9-1-1 Advisory Board for a three year term expiring September 1, 2014. Motion seconded by Ms. Widmyer and unanimously approved.

2. Request for approval of amendments to the Agenda Policy.

Motion by Ms. Widmyer to approve the Agenda Policy with the added amendment that when a Holiday falls on a Monday, the Agenda will be posted on the preceding Friday. Motion seconded by Ms. Noland and unanimously approved.

3. Request for approval of amendments to the Meeting Session Policies.

Motion by Mr. Manuel to approve the amendments to the Meeting Session Policies. Motion seconded by Ms. Morgan and unanimously approved.

PRESENTATIONS:

4. Angela Banks, Assessor presented Exonerations' and Notice of Apportionment.

NOTICE OF APPORTIONMENT OF JOINTLY OWNER MOTOR VEHICLES

Upon presentation by Angela Banks, Assessor, Motion by Mr. Manuel, second by Mr. Pellish, to approve the Notice of Apportionment of Jointly Owned Motor Vehicles filed by a certified copy of a final divorce order entered under provisions of section fifteen, article two, chapter forty-eight of the West Virginia Code, Ticket No. 314175 for Tax Year 2011, in the amount of \$264.66 for the following, the Motion was unanimously approved:

NAME	HUSBAND/WIFE	ASSESSED VALUE	TAXES DUE
Colleen Pope	Wife	\$ 5600	\$ 154.38
Samuel Pope	Husband	\$ 4000	\$ 110.28
TOTAL TAXES DUE:			\$ 264.66

Angela Banks, Assessor, requested exoneration for Jane V. Pilkington in the amount of \$24.92 for tax year 2011.

Motion by Ms. Morgan to approve exoneration of \$24.92 for Jane V. Pilkington, Ticket No. 316159. Motion seconded by Mr. Pellish and unanimously approved.

Angela Banks, Assessor, requested exoneration for Candace R. D 'Aurora in the amount of \$343.51 for tax year 2011.

Motion by Ms. Widmyer to approve exoneration of \$343.51 for Candace R. D' Aurora, Ticket No. 305410. Motion seconded by Mr. Manuel and unanimously approved.

Angela Banks, Assessor, requested exoneration for Paul J. and Annde N. Bailey in the amount of \$92.48 for tax year 2011.

Motion by Mr. Morgan to approve exoneration of \$92.48 for Paul J. and Annde N. Bailey, Ticket No. 305161. Motion seconded by Mr. Pellish and unanimously approved.

Angela Banks, Assessor, requested exoneration for Joan F. Keith in the amount of \$92.90 for tax year 2011.

Motion by Mr. Pellish to approve the exoneration of \$92.90 for Joan F. Keith, Ticket No. 315627. Motion seconded by Mr. Manuel and unanimously approved.

Angela Banks, Assessor, requested exoneration for MMD LLC in the amount of \$775.06 for tax year 2011.

Motion by Ms. Morgan to approve the exoneration of \$775.06 for MMD LLC, Ticket No. 28129. Motion seconded by Ms. Noland and unanimously approved.

Angela Banks, Assessor, requested exoneration for Jeffrey S. Lynn in the amount of \$9,557.56 for tax year 2011.

Motion by Mr. Manuel to approve the exoneration of \$9,557.56 for Jeffrey S. Lynn, Ticket No. 306294. Motion seconded by Ms. Morgan and unanimously approved.

5. Roger Goodwin, Chief County Engineer request complete release of construction bond security for Washington Homes of West Virginia, Inc. - Sheridan Sales Trailer (File #00-33) – Cash in escrow with United Bank in Charles Town, WV.

Motion by Ms. Morgan to approve the complete release of the construction bond security for Washington Homes of West Virginia, Inc. – Sheridan Sales Trailer (file #00-33). Motion seconded by Mr. Pellish and unanimously approved.

Mr. Goodwin gave an update on the Clean Water Standards Seminar he attended.

6. Nelson Parkinson of Hospice of the Panhandle requested a waiver of a building permit fee in connection with a Day of Caring project.

Mr. Parkinson gave a report on a ramp and door that will be addressed during a Day of Caring.

Motion by Ms. Morgan to approve the waiver of building permit fees for the Day of Caring project. Motion seconded by Mr. Manuel and unanimously approved.

7. Ward Zigler discussed the Bullskin Run Historic District.

Jennifer Brockman, Director of Planning and Zoning was present and gave comments.

The Commission took a ten minute break at 10:43 a.m.

The Commission reconvened at 10:53 a.m.

8. Barbara Miller, Director of Homeland Security and Emergency Management:

Ms. Miller reminded everyone that today begins National Preparedness Month.

Request to submit the Emergency Management Planning Grant Application.

Motion by Ms. Morgan to approve the Emergency Management Planning Grant Application as presented and authorize the President to affix her signature. Motion seconded by Mr. Manuel and unanimously approved.

Request to renew the Memorandums of Understanding with Jefferson County Schools.

Motion by Mr. Manuel to approve the Memorandums of Understanding with Jefferson County Schools and to authorize the President to affix her signature. Motion seconded by Mr. Pellish and unanimously approved.

Ms. Morgan reported on the Mass Care Grant application available through the WV Department of Military Affairs and Public Safety and Volunteer, WV.

9. Lynn Fields, Deputy Probate Clerk, reported on the Petition of Leland C. Bradley to resign as Co-Executor of the Estate of Edwin Lee Demory.

Larry Osborne and George Miller were present and gave comment.
Stephanie Grove, Assistant Prosecuting Attorney was present and gave comment.

Motion by Ms. Noland to approve the Petition of Leland C. Bradley to resign as Co-Executor of the Estate of Edwin Lee Demory. Motion seconded by Mr. Pellish and unanimously approved.

10. Peter Fricke, Farmland Protection Board

Present were Elizabeth Wheeler, Liz Ubile, Eric Lewis, Chris Lotze and Shepherd Ogden.

Mr. Fricke presented a PowerPoint of the Farmland Protection Boards' annual report.

Motion by Ms. Widmyer to accept the Farmland Protection Board annual report as presented. Motion seconded by Ms. Morgan and unanimously approved.

Mr. Fricke revisited the discussion on \$502,000 in Federal Matching Funds.
Additional comments were Eric Lewis, Accountant.

Motion by Ms. Morgan to allocate \$225,000 in local matching funds to the Farmland Protection Board. Motion seconded by Ms. Widmyer and failed 2-3. Commissioners Pellish, Noland and Manuel voted no.

Amendment by Ms. Morgan to allocate \$103,000 in local matching funds or the actual available amount to the Farmland Protection Board. Motion seconded by Ms. Widmyer and failed 2-3. Commissioners Manuel, Noland and Pellish voted no.

Motion by Ms. Widmyer to allocate \$37,000 in local matching funds for the Farmland Protection Board. Motion seconded by Ms. Morgan and failed 2-3. Commissions Noland, Pellish and Manuel voted no.

The Commission agreed to send a Resolution to the Governor's office requesting they grant the Farmland Protection Board \$502,000.

11. Commissioner Widmyer requested the Planning Commission develop an overlay for neighborhood commercial that allows approval of zoning requests with conditions that protect the character of the adjoining neighborhood; address traffic issues, stormwater management, lighting and landscaping and size of development.

Jennifer Brockman, Director of Planning and Zoning, was present and gave comment. Stephanie Grove, Assistant Prosecuting Attorney was present and gave comment.

12. Bill Polk, Maintenance Director:

Mr. Polk gave an update on Columns of the Courthouse.

Request approval to award the Heating Fuel bid to Smith Oil Company with cost effective billing at .1327 cents per gallon.

Request approval to award the Propane bid to Thompson Gas with cost effective billing at .38 per cents per gallon.

Motion by Ms. Widmyer to accept the bids of Smith Oil Company to provide Heating Fuel and Thompson Gas to provide Propane as recommended by the Maintenance Director. Motion seconded by Ms. Morgan and unanimously approved.

Request approval to award the elevator service bid to KONE Inc.

Motion by Mr. Manuel to approve KONE Inc. the elevator service bid. Motion seconded by Ms. Noland and unanimously approved.

Request to accept/exchange surplus property between the Jefferson County Maintenance Department and the Jefferson County Board of Education. The Jefferson County Board of Education will receive a Surplus 2002 Ford F-250 Pickup Truck and the Jefferson County Maintenance Department will receive a surplus heating system.

Stephanie Grove, Assistant Prosecuting Attorney was present and gave comment.

Motion by Ms. Morgan to authorize the exchange of the 2002 Ford F-250 pickup and the heating system between the Jefferson County Maintenance Department and the Jefferson County Board of Education. Motion seconded by Mr. Manuel and unanimously approved.

Mr. Polk reported on the walk through of the Courthouse after the earthquake.

13. Agenda item number 9 regarding the Charles Town Heritage Festival and the Courthouse lawn was resolved and therefore removed from the Commission agenda.

COUNTY ADMINISTRATOR REPORTS:

County Administrator Tim Boyde:

- Reported that the request for the Regional Jail to meet with the Commission is in the works and will be forth coming.
- Reported on an email from Hospice of the Panhandle concerning an appreciation to Governmental Agencies for their support will be held September 21, 2011 at 11:30 a.m. at 122 Waverly Court.
- Reported on the Finance Director applications.

Request for update on NACo prescription drug program.

Request for a Fall schedule on Budgets.

Request for a Resolution in support of Postal Mail Processing in Martinsburg.

COUNTY COMMISSIONER REPORTS:

Commissioner Widmyer:

- Attended the Eastern Panhandle Trailblazers meeting.
- Attended the Jefferson County Emergency Services Agency.
- Attended the demonstration on the Computer Assisted Dispatch system.
- Attended a seminar on the Clean Water Standards

Commissioner Morgan:

- Attended the African American Festival.
- Attended the Jefferson County Fair.
- Attended the Farmland Protection Retreat.
- Attended the demonstration on the Computer Assisted Dispatch system.
- Attended the Jefferson County Emergency Services Agency meeting.
- Announced the Constitutional Day Lecture in Shepherdstown on September 14, 2011 at 7:00 p.m.
- Announced that there is a scholarship opportunity listed in the State Journal.

Commissioner Manuel:

- Attended the African American Festival and Parade
- Attended the Jefferson County Emergency Services Agency meeting.
- Attended the demonstration on the Computer Assisted Dispatch system.
- Attended the Jefferson County Fair.

Commissioner Pellish:

- Attended the demonstrations of the Computer Assisted Dispatch systems.
- Attended the Jefferson County Emergency Services Agency meeting.
- Attended the Jefferson County Fair.

Commissioner Noland:

- Attended the Jefferson County Fair.
- Attended the Jefferson County Emergency Services Agency meeting.
- Attended the Computer Assisted Dispatch demonstration.
- Reported that the Day Report Center is now open in Jefferson County.

There being no further business, Ms. Morgan made a motion to adjourn the meeting. Mr. Manuel seconded the motion and it was unanimously approved.

Upon rising the meeting was adjourned until Thursday, September 8, 2011 at 9:30 a.m.

PATRICIA A. NOLAND, PRESIDENT

PURCHASE ORDERS TO BE APPROVED
September 8, 2011

DEPARTMENT	PURCHASE ORDER NUMBER	AMOUNT	VENDOR	DESCRIPTION
COUNTY CLERK	53212	\$ 159.16	Pifer Office Supple	Seals, Post-it notes & card stock
COURTHOUSE	53134	\$ 135.00	Vital Signs	Sign for HLS- Veh -3
	50508	\$ 5,000.00	RCS Security	Purchase of a lift
HOMELAND SECURITY	53179	\$ 975.00	JC Chamber of Commerce	Leadership Jefferson Tuition
OTHER BUILDINGS	53137	\$ 423.00	Spectrum Fire Protection	Repairs to Sprinkler System
	53136	\$ 540.00	BK Office Supply	6 ft folding tables
	53135	\$ 3,713.41	84 Lumber	Materials
	53092	\$ 6,994.25	Capital Tristate	Electrical supplies
	53133	\$ 3,944.35	Alliance Electrical	Electrical work/ maint bldg Bardane
	50509	\$ 5,800.00	N.I.C.E. Transport	Move classroom from S. Jefferson to Sheriff's shooting range
SHERIFF	53128	\$ 176.77	C.A.R.S.	Scheduled repairs Veh: 41, 46, 46, & 55
GRAND TOTAL		\$ 27,860.94	Printed at 11:29 a.m. on 9/6/11	



Commission Office Use Only
 Date on Agenda: 9-8-11
 Appt Time or New Business:

AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: September 8, 2011

Date Requested – 2nd Choice: September 15, 2011

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

Subject: **Recommendation of Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for portions of properties known as the Hott Property, designated as Tax Map 15, Parcels 47 and 56 of the Harpers Ferry District, located at the southwest corner of Route 9 and new Route 9 near the Virginia state line**

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

On August 9, 2011, the Jefferson County Planning Commission held a Public Hearing for the purpose of receiving public input regarding a landowner-initiated petition to rezone 42 acres of the owners' 59 acre property (consisting of two parcels) located at the southwest corner of Route 9 and new Route 9 near the Virginia state line. The rezoning request is from the Rural zoning classification to the Residential-Light Industrial-Commercial zoning classification. Pursuant to state law, WV Code 8A-7-9(c), the County Commission must receive the advice of the Planning Commission regarding whether such a request is consistent with the County's adopted Comprehensive Plan.

To this end, the Planning Commission held a Public Hearing, reviewed the applicant's application, the staff's report on the consistency with the Comprehensive Plan (attached), received public input, and made a determination regarding consistency with the Comprehensive Plan. Based on a review of the 2004 Comprehensive Plan and the 2010 Blue Ridge Mountain Communities Area Watershed Common Vision, and in consideration of a number of conditions that the applicant presented with the request, the Planning Commission, by a vote of 6 for and 1 against, found that "the rezoning request is consistent with the Comprehensive Plan". The Planning Commission's recommendation is tied to the conditions included in their motion (attached) and it is imperative that the County Commission receive assurance from legal counsel as to whether such conditional rezoning is legally defensible under WV law, and the appropriate legal mechanism by which the conditions offered by the applicant could be made enforceable.

It is the Planning and Zoning staff's understanding that the County Commission has the option of making their decision on this Zoning Map amendment request based on the record of the Planning Commission or based on a separately held Public Hearing, taking the Planning Commission's advice into effect. Legal Counsel can advise on the requirements of the West Virginia code regarding amendments to locally adopted ordinances for the Commission's consideration.

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

I move to schedule (Action) / (a Public Hearing) on the Proposed Zoning Map Amendment for the David and Catherine Hott property located on Route 9 on _____, 2011 at _____ pm.

OR

I move to (approve)/(disapprove) the requested Zoning Map Amendment for David and Catherine Hott Property based on the finding that the request (is)/(is not) consistent with the 2004 Jefferson County Comprehensive Plan.

Attachments:

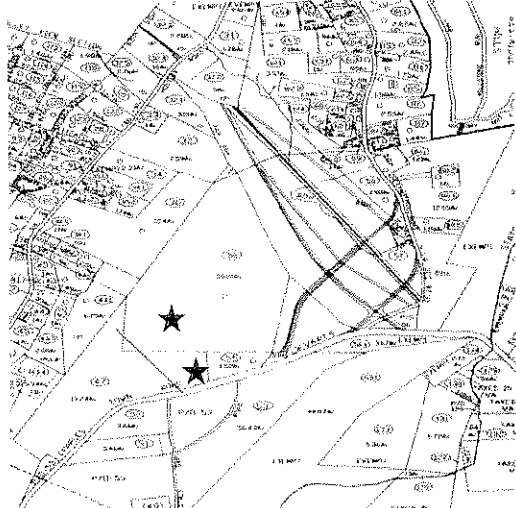
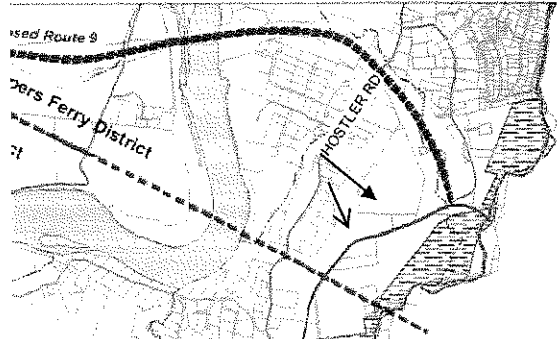
- **Staff Assessment on the Hott Rezoning Application to Planning Commission/County Commission (by Seth Rivard date August 9, 2011)**
- **Planning Commission Approved Motion with multiple conditions (approved 8/9/11)**

Staff Report

Jefferson County Planning Commission Meeting

August 9, 2011

Item #4 Request for Zoning Map Amendment (Rezoning) by David and Catherine Hott for property designated as Tax District: Harpers Ferry, Map 15, portions of Parcels 47 and 56, from the Rural Zoning District to the Residential/Light Industrial/Commercial Zoning District. The property is adjacent to both the current Route 9 (Charles Town Rd.) and the Route 9 currently under construction and is a total of 42 acres.

APPLICANT:	David and Catherine Hott
OWNER :	David and Catherine Hott
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	William H. Gordon & Associates
PROPERTY LOCATION:	
LEGAL DESCRIPTION:	District: Harpers Ferry, Map: 15, portions of Parcels: 47 and 56
	
	Rural
CURRENT ZONING DISTRICT:	

SURROUNDING PROPERTIES:	Zoning Map Designation: North: Rural South: Rural East: Rural West: Rural
LOT AREA:	42 Acres
PRIOR CASES:	None
VARIANCE(S):	None
REQUEST ZONING DISTRICT:	Residential/Light Industrial/ Commercial Zoning District
Requested Planning Commission Action:	Recommend approval or not approval of the proposed rezoning (map amendment) to the County Commission.

Introduction and Purpose

David and Catherine Hott, owners of the subject properties which are located along Route 9 on the Mountain directly adjacent to and behind Torlonas Restaurant, have requested that 42 acres of their properties detailed below be rezoned from the Rural Zoning District to the Residential/Light Industrial/ Commercial Zoning District. The parcels are identified as Tax Map 15, Parcels 47 and 56 of the Harpers Ferry District. Parcel 47 is approximately 19.24 acres and Parcel 56 is approximately 39.81 acres. All of Parcel 56 and part of parcel of 47 is being requested for rezoning. A total of 42 acres is proposed for rezoning and the remaining acreage will remain Rural (Image 1).

The properties are located at the southwest corner of the new Route 9 and existing Route 9 and have an existing access to the existing Route 9. The new Route 9 being constructed is directly to the east of the parcels proposed for rezoning. No direct connection to new Route 9 will be created for the subject properties now or in the future. The parcels are currently zoned Rural and are wooded and vacant. With the exception of the Village of Mannings, which is approximately 1 mile away, the entire mountain is zoned Rural (Image 2). The applicant has requested rezoning of the 42 acres from Rural to Residential-Light Industrial-Commercial. The remaining approximately 17 acres will remain Rural and the applicant is planning to build their home on that land. The following report has been prepared to assist the efforts of the Jefferson County Planning Commission and Jefferson County Commission to make findings regarding the consistency of the proposed rezoning with the Jefferson County Comprehensive Plan, in accordance with West Virginia State Code requirements.

Statutory Authority and Requirements

The West Virginia State Code Section 8A-7-9 provides that a locally adopted zoning ordinance and its maps may be amended by the County Commission with the advice of

the Planning Commission. Article 12 of the County Zoning Ordinance also requires that the "procedure for amendment [by petition] shall be as dictated in Section 8A-1-1 et seq of the West Virginia State Code as amended." As concerns amendments by petition, State Statute provides that, "Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan." [See *WVC 8A-7-9(c)*] This subsection of the State Code also states that, "If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area."

Scope of this Assessment

This report focuses on whether or not the rezoning application is consistent with the Comprehensive Plan. Staff believes that there have not been major changes of an economic, physical or social nature, within the area involved, which were not anticipated when the comprehensive plan was adopted and which would have "substantially" altered the basic characteristics of the area. This belief is limited to the proposal to rezone the subject site.

The format for this assessment includes quotes, in italics from specific provisions of the Comprehensive Plan, which are identified by page number citation at the end of the sentence where it is quoted. Staff has used these notations and quotations in order to address sections of the Comprehensive Plan as it relates to the proposed rezoning. Identification of the specific page numbers where these provisions can be found in the Plan, permits the Planning Commission and/or County Commission to easily locate the particular provision and personally evaluate the provision in the context of the larger Plan document. When available or appropriate, map references are provided with maps located in the Appendix to this report.

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

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

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

Rezoning Conditions Agreed to by the Applicant

The applicant has agreed to apply some conditions to the rezoning request. The applicant and Staff have had a discussion regarding conditions that the applicant is willing to abide by in this rezoning request. Staff cannot and has not compelled conditions upon the applicant. Below are the agreed upon conditions:

- Shields on lighting to direct light downward. No box lighting on sides of building without louvers to direct light toward the ground. Submit a photometric plan at the time of site plan submission showing no greater than 0.5 foot candles at the property line, with the exception of vehicular entry points.
- Use of Low Impact Design (LID) techniques will be used on the site to provide water quality measures, to the extent allowed by Jefferson County. Emphasis will be placed on controlling soil erosion and establishing a vegetated cover that will reduce erosion potential.
- Tree canopy coverage of 20% over the entire property that is subject to the rezoning. The 20% coverage would include existing trees and new trees planted with future site plan submittals.
- Tree preservation areas will be a minimum of 20 feet in width to maintain canopy areas. Tree canopy preservation areas will be identified on all future site plans with tree protection details.
- Parking lot screening with vegetation at a minimum of 2 foot or taller provided between the road and parking locations.
- No more than 40% of any structure comprised of metal siding, concrete panels, split face block, EFIS or vinyl on the front and sides of a structure. No use of concrete block would be permitted on the front and sides of the structure. Use of concrete panels, split face block, EFIS, vinyl or use of concrete block would be allowed on the rear of a building, so long as the rear is not visible from a street/road or right of way. Use of brick, stone, fiber cement siding (such as Hardi Plank), wood, stucco, would not have any limitations.
- Entrances to buildings shall front the street to which the building is oriented.
- Dumpster enclosures shall match buildings in color and like material.
- Outdoor storage areas shall be screened from view of all right of ways.
- LED message board signs or streaming signage are prohibited.
- The only use proposed to be restricted is residential activity. None of the remaining uses in the district are proposed to be restricted. Applicant has stated

that they intend to bring their septic business and related equipment to the rear of the property, which would be similar to a contractor's yard. The site would be fully screened from Route 9 and adjacent properties. There are no specific uses currently planned for the balance of the property and the applicant has suggested that a nursery or landscaping business, a Dollar General store, a gas station, and other neighborhood-serving land uses are options that are being considered.

- Applicant shall abide by the hillside protection/slope requirements found in Zoning Ordinance and Subdivision Regulations.

Relevant Comprehensive Plan Elements and Commentary

One of the weaknesses of the 2004 Comprehensive Plan is that there is a not future land use map and not all areas of the County are adequately addressed. There are sections of the plan that clearly discuss the growth potential of certain areas of the County. However there are other areas of the County, where future impacts and opportunities seem evident, and the document is silent relative to future planning implications in those areas.

Where the Comprehensive Plan is silent, the directive found in state law that "...the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan..." is difficult to comply with where the document provides minimal or no guidance. It is possible to speculate that if the plan does not address areas or locations of the County, that the plan might have anticipated those areas would not fundamentally change from their condition in 2004.

Transportation Components from the Comprehensive Plan

Since the 2004 Comprehensive Plan does note in several places within the text that new Route 9 is proposed to be built, Staff cannot conclude "...that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area." All the changes that have occurred in that location were anticipated, as it relates to transportation improvements. While the road improvement is discussed from a transportation perspective, the writers of the Comprehensive Plan did not contemplate the land use impact that this new transportation feature would have on the adjacent properties.

The new and nearly complete Route 9 will assist in alleviating some of the current traffic volume on the existing Route 9. The Comprehensive Plan does acknowledge existing problems with the current Route 9 (pg. 30). All of the existing traffic concerns on Route 9 are not located near this property. In the Plan Policies on page 8, the Comprehensive Plan states "*This Plan identifies strategies to assure that community facilities and transportation infrastructure are provided in sequence with new development.*" The new transportation infrastructure may reduce traffic on the exiting Route 9, providing for

potential new development to occur with improvements in that location. Since access to this site is from the existing Route 9, turn movements into this site may be safer and less congested with the new Route 9 coming on line. Aside from recognizing that the four-lane Route 9 is proposed, the Comprehensive Plan provides little guidance on how that might impact future growth in this area.

Environmental Comments from the Comprehensive Plan

The Comprehensive Plan notes the follow environmental elements that apply to this rezoning request:

- *Plan recommends that Jefferson County natural features, particularly stream valleys, be conserved as green space and that significant natural features be afforded protection as development proceeds (pg. 8).*
- *Promote growth and development that are both economically and environmentally sound (pg. 19).*
- *Promote the conservation of the natural, cultural, and historical resources and the preservation of the County's scenic beauty (pg. 19).*
- *Caves, scenic vistas, wildlife corridors and cliff areas are just several examples of additional forms of natural resources that contribute to the environmental and cultural mix that is Jefferson County. The topography, geology, hydrology, and biological diversity of the environment is one of the hallmarks that makes Jefferson County the beautiful environment that it is. Unfortunately, not every form of natural resource can be discussed in detail within the context of a Comprehensive Plan (pg. 52).*
- *The protection of scenic vistas has been the subject of public comment during this process (pg. 52).*
- *Should the County identify the protection of scenic vistas as an issue to address, this is best done through the adoption of standards within the ordinances, so that all parties are aware of their rights and responsibilities in this regard (pg. 52).*

The noted sections above highlight the elements that need to be considered when planning for the future and for any potential development. Resources that exist today are difficult to replace once lost. Jefferson County is shaped by its natural, cultural and historic resources. If not planned for properly, Jefferson County could become as indistinct from many other communities and lose features that make it different from other places. Preservation of the natural resources on this property is important. As noted above, the need to provide "...development that are both economically and environmentally sound..." is important to provide that balance. That balance is not a lofty goal, it is a reality that can be accomplished.

As noted above the applicant is willing to provide some tree preservation on the site and supplement the site with additional canopy tree plantings to achieve a 20% canopy cover. The tree preservation and new trees is not only important for how this site looks from the existing and new Route 9, but how the Mountain looks when viewed from a distance or below. The Mountain has a unique development pattern. Considering there are approximately 3,191 houses in that geographical area, when looking up the Mountain, the viewer sees very little disturbance and primarily only trees are visible. The retention of existing trees and vegetation would allow for the scenic views from below to be maintained. Additionally, if done properly, the preservation of existing trees within the development could provide immediate environmental and aesthetic value, ensuring that development and the environment would coexist. While the 20% is a minimum, it is hoped that the 42 acres would possibly exceed that requirement to maintain a healthy forest cover that currently exist on nearly all of the land east of the Shenandoah River and also maintain the character of the Mountain.

This condition the applicant has presented is in keeping with the draft Urban Tree Canopy Goals and Plan under consideration for adoption this Fall. Goals that might be relevant to this proposal include "Develop implementable land use policies which encourage the retention of existing tree canopy coverage on steep slopes and in riparian buffer areas." Further, the Urban Tree Canopy Goals and Plan outline this recommendation, "Consider developing implementation recommendations that build upon this planning effort and the 2008 Green Infrastructure Assessment analysis as a part of the 2014 Comprehensive Plan Update, particularly developing land use policies that will help to assure minimizing the fragmentation of the identified core forest areas that contain large patches of intact forest". It is hoped that any development in this heavily forested areas of the County would strive to meet these proposed goals.

Lighting and Signage Comments from the Comprehensive Plan

The Comprehensive Plan details lighting and signage on page 58 outlining that:

- *"With the growth of commercial and residential development in the County in the 1990s, the issue of commercial lighting and business signs has been raised as an issue by elements of the community, with the concern that a proliferation of such utilities will damage the rural character of the County and the small town character of its municipalities."*
- *"Measures can be codified in the Ordinances which reduce the amount of glare, through the use of full cut-off light fixtures and revised sign regulations that permit businesses sufficient exposure without turning commercial areas into "neon orchards". Due to property rights and enforcement volume concerns, this Plan specifically does not address lighting maintained by homeowners."*
- *"Often referred to as a "night sky ordinance", amendments can be codified that address parking lot and other forms of commercial lighting, as well as illuminated signage, so that the County can maintain its rural nighttime environment."*

The applicant has agreed to reduce light and glare for the structures built on the property by directing light down by the use of shields and louvers. This condition should reduce the effect of lighting up the Mountain and casting light on to surrounding properties, particularly those at a lower elevation. A photometric plan shall be required with each site plan ensuring that no more than 0.5 foot candles can be measured at the property line. There are very few commercial establishments on the Mountain, and most stores close in the early evening hours. The applicants willingness to not turn an otherwise residential community into a brightly lighted center is in keeping with the nature of the Mountain. In addition, the applicant has stated that LED message board signs or streaming signage will not be permitted.

Economic Growth and Development Comments from the Comprehensive Plan

Economic growth and development are discussed on page 63 of the Comprehensive Plan and the following points that relate to this rezoning are outlined:

- *Historically, small business development in the region has taken place in close proximity to housing and population growth. Earlier development and transportation trends created an economic mix that was geared to serve the needs of the local community. Hence, the older, more established small business firms are located in Charles Town and the other municipalities.*
- *In recent years, population growth and transportation improvements have generated new markets for small businesses. Multi-purpose shopping centers have been built on the outskirts of Charles Town and Shepherdstown, thereby creating competition for downtown businesses. In some instances, shopping centers have attracted downtown merchants to suburban locations. In addition, relatively easy access to Maryland and Virginia fosters shopping in Hagerstown, Frederick, Martinsburg, Leesburg and Winchester, retarding small business development in the County.*
- *While recent small business development on the fringe areas has helped increase the variety of goods and services available to area residents, it also heightened the competitive disadvantage of the traditional central business district, most notably Charles Town and Ranson. Although the municipalities are not within the planning jurisdiction of the County, it should be noted that having its major urban center handicapped by an abandoned, neglected or under-used commercial core is not in the County's best interest.*

While retail and commercial activity in the County has a tendency to detract from the urban cores, where appropriate infrastructure is present, there are limited situations where this type of activity is acceptable. The Mountain is unique in its development patterns and difficulty in its ability to access retail and commercial services. Currently

there are limited commercial services east of the Shenandoah and the distance to commercial services currently requires indirect travel to those locations. The proposed development is in relatively close proximity to existing housing and population. The impact on existing retail and commercial activity in the County would be limited.

The applicant has applied to rezone to the Residential-Light Industrial-Commercial District. The Comprehensive Plan on page 71 outlines a few recommendations related to this Zoning District; one of those recommendations is noted here:

- *A second, less pressing issue is whether property that is in this district, but part of a larger tract under common ownership should be required to submit a concept plan for the development of the entire tract as part of the application for development of the initial phase of the project. By policy statement, the Planning Commission does ask for a concept plan, but it is nonbinding and advisory only. Requiring the approval of a concept plan (subject to revision if circumstances and needs change) would allow the Planning Commission to view how the development as a whole would affect the area and how the initial phase would coordinate with the proposed build out concept.*
- *RECOMMENDATION 3.20: A concept plan for an entire tract in this district and other districts should be required when submitting an application seeking to develop only a portion of that tract, including codified standards for what should appear on the concept plan.*

Taking into account the numerous uses in this district; the recommendation outlined above is reasonable. The variety of uses and intensity of uses is broad. While not to the extent intended in the Comprehensive Plan, the applicant has made an effort to provide some level of detail of how the uses will develop based on architectural details, landscaping preservation and screening and lighting standards. The broadness of this request reinforces previously expressed public concern regarding the need for additional zoning districts to allow for additional land use options, which the Planning Commission has determined to be a high priority in the upcoming Zoning Ordinance text amendment process.

Blue Ridge Mountain Communities Area Watershed Common Vision

During the summer and fall of 2010, the Planning Staff, with the assistance of a consulting firm, held 3 extensively publicized and well attended outreach meetings for stakeholders and citizens of the Mountain. The purpose of these meetings was for stakeholders of the Mountain discuss with the Planning Staff and formulate their vision for the Mountain. At its core, these meetings asked the same question, "What is your vision for the Mountain in 20 years?" It was a productive and rewarding outreach that has resulted in a group of concerned and caring citizens who are trying to address concerns or build on strengths of the Mountain. It should be noted that this Visioning

effort was a first step toward the development of a Watershed Plan or Small Area Plan for the Mountain that will be tied to the 2014 County Comprehensive Plan. As such, the comments and recommendations of the Visioning document should be awarded similar weight as the policy statements in the 2004 Comprehensive Plan as it reflects the Vision for this area of the County.

A common and yet pervasive concern from those meetings was "...the potential need for new future regulations to protect the watershed and Mountain residents, as well as to preserve the personal property rights enjoyed by Mountain residents (pg. 3 of the Common Vision)." This dichotomy was understood by many participants who understood the difficulty and necessity of protecting property rights while understanding the need for possible regulatory requirements. Expressed clearly in the Vision, "Some participants of the visioning process felt that providing options may inspire residents to maintain and improve water quality, while still allowing for positive landowner choices (pg. 3 of the Common Vision)."

By offering some conditions to the rezoning, the applicant has begun to supply some of the balance between property rights and preservation that the public is seeking. The proposed conditions provide an opportunity for a balance of regulatory control and potentially more land use rights if an approval is granted to the applicant. Currently, all property owners in the County have property rights and specific permitted uses within the zoning district that they are in; it's the level and intensity of uses that the owner may want to increase by applying for a rezoning or a Conditional Use Permit. The major weakness of the Residential-Light Industrial-Commercial District is that while it is the least intense district in the zoning code allowing for commercial uses, it permits such a wide range of uses as to be overindulgent. This is a real and legitimate concern to those citizens wouldn't mind having some additional uses in their neighborhood, but the intensity of uses is significant in the Residential-Light Industrial-Commercial District.

An equally strong feeling among the Blue Ridge Mountain stakeholders who participated in the Visioning process is that "Residents and stakeholders participating in this process want to see the Mountain retain its character and natural beauty (pg. 3 of the Common Vision)." They further noted that they "...want to see current tree canopy preserved. The Mountain topography, trees, and vegetation serve to mitigate soil erosion and runoff. Protected natural features also maintain the current beauty and quality of life and create opportunities for recreation and tourism (pg. 3 of the Common Vision)." Again, the dichotomy between the need to protect property rights while also wanting to maintain the feel of the mountain in its rural wooded environment was expressed by many participants. Those who have moved to the Mountain area of the County truly appreciate, care for and respect the Mountain for its unique natural and geographic features. Embodied within this is a feeling of self-sufficiency. The melding of the two elements creates for a unique culture that is not often expressed elsewhere.

Hence they take great pride in feeling the need to protect their area from activity that might impact the character and natural beauty of the Mountain and yet allow some reasonable use of the land.

During the outreach meetings, discussion was presented on future activity on the Mountain and the potential for increased intensity of land use. The residents noted that "Looking to the future, residents seek the preservation of the natural feel and wooded landscape on the Mountain that contrasts with the urbanized feel of the neighborhoods in the valley (pg. 3 of the Common Vision)." Relative to commercial development, it was noted that "Although there was not a consensus among participants on this specific issue, some residents would like to see some commercial development in the future. The types of development suggested, which should possibly be discussed in more detail during future planning efforts, included small market stores, a gas station, a hardware store, and parks and recreational opportunities (pg. 3 of the Common Vision)." It is important to note the concern of "urbanized feel" is associated with commercial development that disrespects the natural features of the Mountain also applies to residents who move to the wooded environment and clear cut a building lot to create an urban lawn.

Some of the concessions proposed in the conditions by the applicant, such as landscaping, lighting and architectural elements, could assist in retaining some character of the community.

Staff Recommendation

As noted earlier, this staff report focuses on whether or not the rezoning application is consistent with the Comprehensive Plan as required by state law. While it is arguable that the 2004 Comprehensive Plan is not specific enough to provide direction regarding the proposed rezoning, the Blue Ridge Mountain Communities Area Watershed Common Vision indicates the need for some neighborhood commercial services to be provided in a convenient and a well-balanced manner.

Therefore, staff believes that the Planning Commission and County Commission could reasonably conclude that the requested rezoning from Rural to Residential-Light Industrial-Commercial is in conformance with a locally adopted plan, provided that the applicant's recommended conditions are a part of the approval process. Based on the unique development patterns of the Mountain, and being geographically removed other retail centers, the ability to have this type of use is not unreasonable and will not adversely affect other retail centers in the County. This unique condition provides the ability to support this rezoning in this location.

Through an effort on the part of the applicant to provide some conditions on the rezoning, there are elements which allow the rezoning to be more palatable. The applicant has stated that the conditions outlined above will be added as a deed

restriction to the property. The architectural limits on the amount of building materials provide assurance that structures will have some level of detail to the design. While not required, the applicant should consider using certain architectural features that present a stone/wood lodge, cabin, chalet, and other rustic wood elements on structures to be in keeping with and highlighting the higher elements in the Mountains built environment. If required as a part of the rezoning approval, the applicant(s) would be required to provide architectural building elevations as a part of the site plan process showing they have met the design criteria. All outdoor storage shall be screened from view and dumpster enclosures shall match buildings in color and like material.

The applicant's commitment to offer preservation of existing trees and planting of new canopy trees to achieve a minimum of 20% tree canopy coverage is consistent with an effort to maintain the character of the Mountain and reduce the urbanized feel of the development. Mountain stakeholders noted strongly the need to retain the mountains natural and existing character on the Mountain. While the proposed area for rezoning is large at 42 acres, it is expected that future lot sizes will be based on the need for onsite septic areas, internal road, parking areas, building setbacks and other site constraints. The combination of these elements may reduce the number of possible buildings and lots on this site.

It should be noted that at the recommendation of the Planning Commission, Staff met with the applicant to discuss the option of pursuing a Conditional Use Permit (CUP). The applicant stated that they did not want to pursue the option of a CUP. While a CUP may have been the best way to proceed with this type of conditionally approved process, the conditioned rezoning has the net effect of resulting in the desired outcome.

With the conditions noted in this report, it is reasonable to approve the request.

Image 1

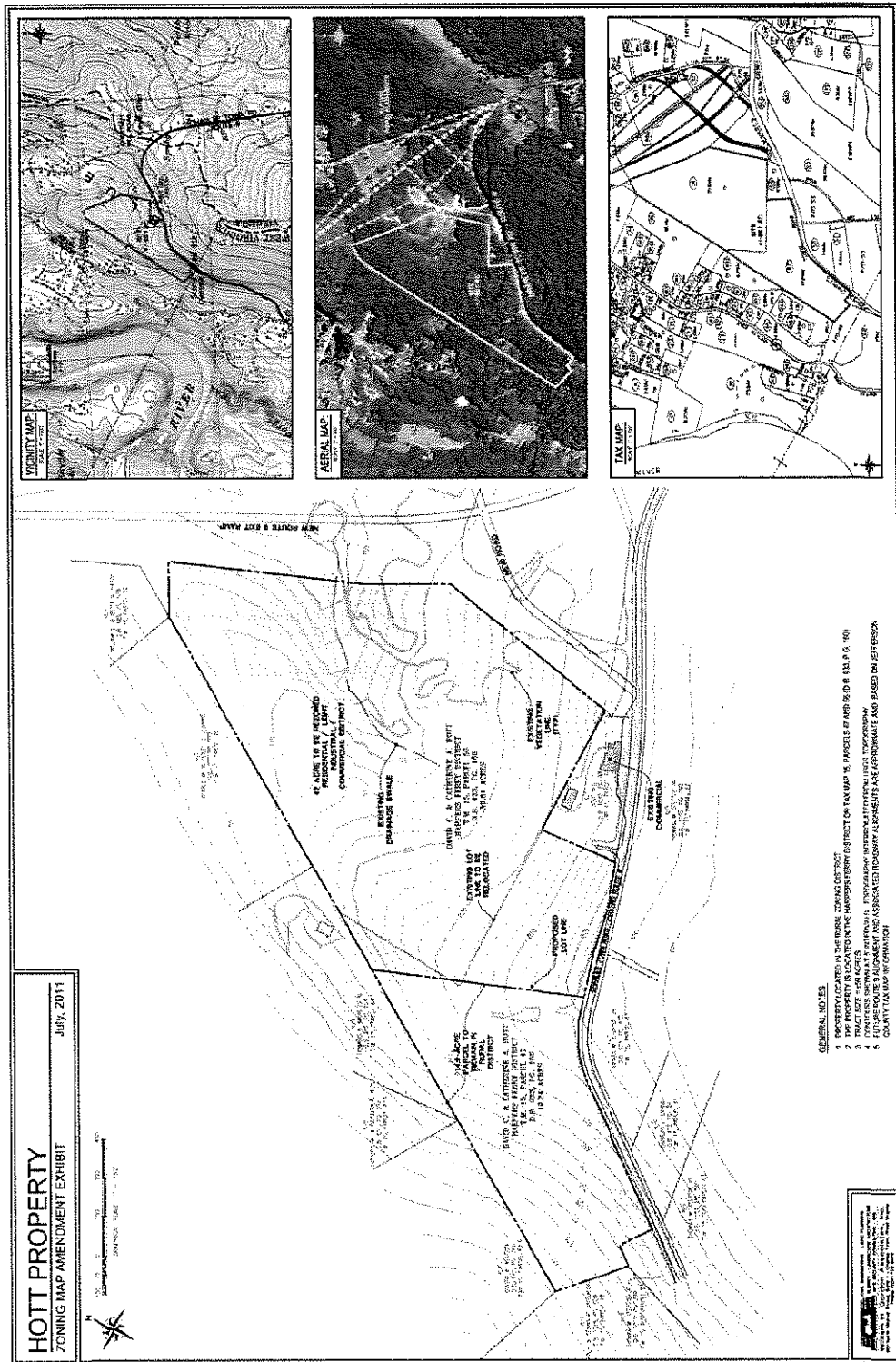
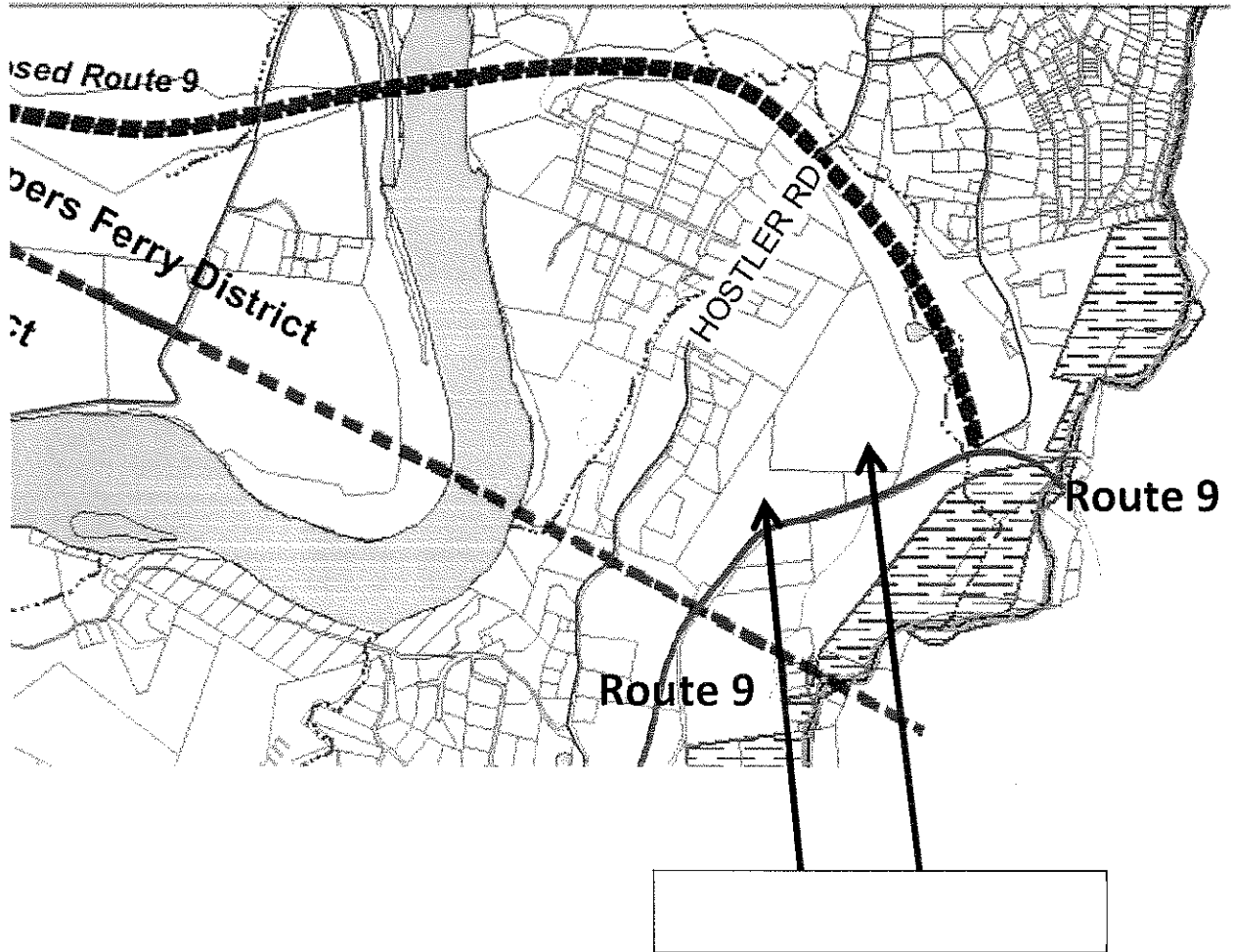


Image 2



**A Motion Recommending Approval of a
Rezoning for Hott Property
August 9, 2011**

Whereas, David and Catherine Hott has requested rezoning of property known as the Hott Property; and

Whereas, The property is identified as Parcels 47 and 56 as shown on Tax Map 15 of the Harpers Ferry District, cumulatively consisting of 59 acres; and

Whereas, The applicant is requesting a portion of Parcels 47 and 56, comprising of 42 acres, be rezoned from Rural to Residential-Light Industrial-Commercial as shown in the exhibit below; and

Whereas, The remaining 17 acres will remain Rural; and

Whereas, The requested rezoning process complies with the requirements in accordance with the provisions of Article 12 of the Jefferson County Zoning and Land Development Ordinance, effective July 7, 1988, as amended and West Virginia State Code Section 8A-7-9; and

Whereas, The Planning Commission finds that the requested rezoning conforms with the adopted 2004 Comprehensive Plan as outlined subject to the conditions attached hereto as Exhibit A; and

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

Whereas, Staff recommends approval of the requested rezoning based on the conditions outlined in the staff report attached which include but are not limited to a merger deed with proper consideration for single 42 acre parcel, bar any residential use, require set-back of 50 foot and vegetation buffers and such other conditions as set forth in Exhibit A; attached hereto and

Now therefore be it moved, that the Jefferson County Planning Commission recommends approval the request for rezoning from Rural to Residential-Light Industrial-Commercial for property identified in the Jefferson County Tax Map as Parcels 47 and 56 as shown on Tax Map 15 of the Harpers Ferry District.

The portion of the record of the Planning Commission meeting pertaining to this application and the official minutes thereof are incorporated herein by reference as if set forth in full herein.
Recommended ____ this __ day of August

By vote of the Jefferson County Planning Commission
By a vote of Yes No


Daniel Hayes, Commission President

Exhibit A to Hott Re-Zoning

1. Merger deed would be recorded prior to rezoning containing all of the following restrictions which would be placed upon the merger parcel and recorded in the land records of Jefferson County such that the restrictions touch and concern the land and would run with the land.
2. Shields on lighting to direct light downward. No box lighting on sides of building without louvers to direct light toward the ground. Submit a photometric plan at the time of site plan submission showing no greater than 0.5 foot candles at the property line, with the exception of vehicular entry points.
3. Use of Low Impact Design (LID) techniques will be used on the site to provide water quality measures, to the extent allowed by Jefferson County. Soil erosion and establishing a vegetated cover that will reduce erosion potential shall be implemented.
4. Tree canopy coverage of 20% over the entire property that is subject to the rezoning shall be maintained as part of the final development. The 20% coverage would include existing trees and new trees planted with future site plan submittals.
5. Tree preservation areas will be a minimum of 20 feet in width to maintain canopy areas. Tree canopy preservation areas will be identified on all future site plans with tree protection details.
6. Parking lot screening with vegetation at a minimum of 2 foot or taller provided between the road and parking locations.
7. No more than 40% of any structure comprised of metal siding, concrete panels, split face block, EFIS or vinyl on the front and sides of a structure.
8. No use of concrete block would be permitted on the front and sides of the structure. Use of concrete panels, split face block, EFIS, vinyl or use of concrete block would be allowed on the rear of a building, so long as the rear is not visible from a street/road or right of way.
9. Use of brick, stone, fiber cement siding (such as Hardi Plank), wood, stucco, would not have any limitations.
10. Entrances to buildings shall front the street to which the building is oriented.
11. Dumpster enclosures shall match buildings in color and like material.
12. Outdoor storage areas shall be screened from view of all right of ways.

13. LED message board signs or streaming signage are prohibited from the subject property.
14. The only use proposed to be restricted is residential activity. No residential development shall take place upon the parcel to be re-zoned. None of the remaining uses in the district are proposed to be restricted. Applicant has stated that they intend to bring their septic business and related equipment to the rear of the property, which would be similar to a contractor's yard. The septic system and related equipment would be fully screened from Route 9 and adjacent properties. There are no specific uses currently planned for the balance of the property and the applicant has suggested that a nursery or landscaping business, a Dollar General store, a gas station, and other neighborhood-serving land uses are options that are being considered.
15. All uses of the subject property shall abide by the hillside protection/slope requirements found in Zoning Ordinance and Subdivision Regulations.

<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: Tim Boyde, County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: September 8, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Resolution - Funding - Farmland Protection Board**

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:

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

Whereas, at a regular meeting of the County Commission of Jefferson County on Thursday, September 1, 2011 met and;

Whereas, the County Commission discussed the opportunity to match \$502,000 in Federal Funds granted for the FY2009 funding cycle to the Jefferson County Farmland Protection Board and;

Whereas, these funds would be used by the Jefferson County Farmland Protection Board to purchase conservation easements for four qualified properties and;

Now, Therefore Be It Resolved that the County Commission of Jefferson County supports Farmland Protection but does not have the funds to grant the matching funds for the FY2009 funding cycle to the Jefferson County Farmland Protection Board.

Adopted this ____ day of September, 2011.

Patricia A. Noland, President

Commission Office Use Only

Date on Agenda: 9-8-11

Appt Time of New Business:

AGENDA REQUEST FORM

Name: Tim Boyde, County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: September 8, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Approval of Lease - 201 N. George Street, Charles Town**

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: <u>9-8-11</u></p> <p>Appt Time or <u>New Business</u>:</p>

AGENDA REQUEST FORM

Name: Dale Manuel, Commissioner

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: September 8, 2011

Date Requested – 2nd Choice: _____

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

Subject: Selection of a date for a public hearing concerning a combined fire and ambulance fee to be instituted in the County

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): **Move to select a date for a public hearing concerning a fire and ambulance fee to be instituted in the County**

Attachments:

3

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

AGENDA REQUEST FORM

Name: Tim Boyde, County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: September 8, 2011

Date Requested – 2nd Choice: _____

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

Subject: Resolution - Join the National Moment of Remembrance of the 10th Anniversary of September 11th

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:

RESOLUTION

The Jefferson County Commission Joining the National Moment of Remembrance of the 10th Anniversary of September 11th

WHEREAS, the governing body of Jefferson County Commission expresses their support of the United State's Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT RESOLVED that the governing body of Jefferson County Commission:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the governing body of the Jefferson County Commission calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

BE IT FURTHER RESOLVED that the governing body of the Jefferson County Commission encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

Adopted this 8th day of September, 2011 by the Jefferson County Commission

Patricia Noland, President

Dale Manuel, Commissioner

Walt Pellish, Commissioner

Lyn Widmyer, Commissioner

Frances Morgan, Commissioner



<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: Tim Boyde, County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: September 8, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Resolution - Opposition of the mail consolidation plan**

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:

RESOLUTION

WHEREAS, the County Commission of Jefferson County acknowledges that the US Postal Service is conducting an AMP study at the Martinsburg Postal Facility and;

WHEREAS, all areas with postal zip codes beginning with 254 will be affected and;

WHEREAS, all mail set from the 254 area to the 254 area will no longer arrive next day and;

WHEREAS, outgoing mail being transported to Baltimore for processing will likely experience delays and;

WHEREAS, it is likely that some local postal customers will not receive their mail until after 5pm and;

WHEREAS, that moving our mail processing to Baltimore will make our local delivery service unreliable and;

WHEREAS, that this move could result in job losses to some current employees of the Martinsburg Post Office and;

THEREFORE, BE IT RESOLVED, that the County Commission of Jefferson County resolves to go on record in opposition to the mail consolidation plan.

Adopted this 8th day of September, 2011:

Patricia Noland, President

Dale Manuel, Commissioner

Lyn Widmyer, Commissioner

Walt Pellish, Commissioner

Frances B. Morgan, Commissioner

NOTICE OF PUBLIC HEARING

COUNTY COMMISSION OF JEFFERSON COUNTY

The County Commission of Jefferson County will hold a Public Hearing on Thursday, September 15, 2011, at 7:00 p.m. in the County Commission meeting room located at the Old Charles Town Library Meeting Room on the ground floor, 200 East Washington Street, Charles Town, WV 25414.

The purpose of the hearing is for public input for the following amendments:

- Proposed Amendments to Article 12 and Section 2.2 of Jefferson County Zoning and Land Development Ordinance
- Proposed Amendments to Articles 20 and 26 of the Jefferson County Subdivision and Land Development Regulations
- Proposed Amendments to Article 4A and Sections 2.2 and 10.3 of the Jefferson County Subdivision and Land Development Regulations
- Proposed Amendments to Article 24 of the Jefferson County Subdivision and Land Development Regulations

Anyone wishing to provide written or oral comment may do so at this meeting or send comment to info@jeffersoncountywv.org.

The proposed amendments are available at the following website:

<http://www.jeffersoncountywv.org/>

Copies of the documents can be found at the Department of Planning office located at 116 East Washington Street in Charles Town, the County Commission office located at 124 E. Washington Street in Charles Town, and on our website.

If you have any questions, please call the Department of Planning office at (304) 728-3228.

A decision will be made at a later date.

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

MAIN OFFICE
P.O. Box 1882
101 South Princess Street
Shepherdstown, WV 25443
P: (304) 876-3325
F: (304) 876-1645



Good Shepherd Interfaith Volunteer
CAREGIVERS
A Faith In Action Program

SOUTH JEFFERSON
221 East Washington Street
Charles Town, WV 25414
P: (304) 725-2262

www.gsivc.org

August 22, 2011

Ms. Sandy McDonald
Deputy County Administrator
Jefferson County Commission
PO Box 250
Charles Town, WV 25414

Dear Sandy,

On behalf of our Board of Directors, staff, volunteers, and care receivers, please accept our sincere thanks for granting our program \$15,000 in video lottery funds. We are overjoyed with the County Commission's decision to support our worthy cause.

These funds will be used to supplement Good Shepherd Caregivers' operating expenses so we may continue to provide free services to home-based older adult and/or disabled Jefferson County residents, in order to promote independence, security and well-being—resulting in a stronger, more caring community.

This is a formal request to release \$15,000 to Good Shepherd Caregivers, Attn: Paula Marrone-Reese, PO Box 1882, Shepherdstown, WV 25443. Please feel free to contact me if you need additional information. We deeply appreciate your support and value all you do to serve the citizens of Jefferson County, ultimately enriching their lives and our neighborhoods.

Sincerely,

Paula Marrone-Reese
Executive Director

AUG 26 2011

Jefferson County Commission

Bless you all for
your help! We could
not do it without
you! Paula

Building the Dream

HOSPICE
OF THE PANHANDLE, INC.

Aug 29, 2011

Dear Mr. Ireland

On behalf of the Board of Hospice
I would like to thank you
and the other Commissioners
for your generous contribution
to our Hospice Capital Campaign.
We hope that this inpatient
facility will enable us to better
serve our community during
this critical time of life.
Sincerely
Phyllis LeTart

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

Week Ending Date	Week Ending August 27, 2011
To be Deposited on:	September 2, 2011
Amount Played	65,696,671.56
Amount Won	58,874,743.02
Amount Promo	<u>208,926.00</u>
MWAP Contribution	<u>5,487.13</u>
Adjusted Gross Terminal Revenue	<u>6,607,515.41</u>
Administrative Costs @ 4%	264,300.62
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>6,343,214.79</u>
Surcharge @ 10%	0.00
State Share Excess @ 58%	0.00
Track Share of Capital Reinvestment @ 42%	0.00
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	0.00
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	\$ -
Adjusted Net Terminal Revenue	<u>6,343,214.79</u>
Racetrack @ 46.50% / 42%	2,949,594.88
Lottery Fund @ 30% / 0%	1,902,964.47
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	444,025.04
Workers' Compensation Debt Reduction @ 7% / 0%	444,025.04
Employee Pension Fund @ 1% / .5%	63,432.14
Greyhound Development @ .75%	47,574.11
Thoroughbred Development @ .75%	47,574.11
Racing Commission @ 1%	63,432.14
County/Municipality @ 2%	126,864.28
3% Funds:	
Tourism Promotion Fund @ 1.375%	87,219.20
Development Office Promotion Fund @ .375%	23,787.06
Research Challenge Fund @ .5%	31,716.07
Capitol Renovation and Improvement Fund @ .6875%	43,609.60
2004 Capitol Complex Parking Garage Fund @ .0625%	3,964.51
1% Funds:	
State Capitol Complex Parking Garage @ 1%	-
Cultural Facilities and Capitol Resources @ .5%	31,716.07
Capitol Dome and Capitol Improvements @ .5% / 1%	31,716.07
	<u>6,343,214.79</u>

WEST VIRGINIA LOTTERY
 First Benchmark
 Charles Town
 County / City Split
 Fiscal Year 2012

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 8.19%	CHARLES TOWN 41.20%	HARPERS FERRY 2.24%	RANSON 34.78%	SHEPHERDS TOWN 13.59%
2 days ending: 7/1/2011 - 7/2/2011	\$ 69,824.12	\$ 69,824.12	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week Ending:								
07/09/11	\$ 171,717.28	\$ 171,717.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/16/11	\$ 143,019.52	\$ 143,019.52	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/23/11	\$ 146,508.00	\$ 146,508.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/30/11	\$ 144,510.28	\$ 144,510.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/06/11	\$ 151,495.28	\$ 151,495.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/13/11	\$ 149,711.80	\$ 117,350.38	\$ 32,361.42	\$ 2,650.40	\$ 13,332.90	\$ 724.90	\$ 11,255.30	\$ 4,397.92
08/20/11	\$ 143,228.24	\$ 71,614.12	\$ 71,614.12	\$ 5,865.20	\$ 29,505.01	\$ 1,604.16	\$ 24,907.39	\$ 9,732.36
08/27/11	\$ 126,864.28	\$ 63,432.14	\$ 63,432.14	\$ 5,195.09	\$ 26,134.04	\$ 1,420.88	\$ 22,061.70	\$ 8,620.43
Subtotal	\$ 1,246,878.80	\$ 1,079,471.12	\$ 167,407.68	\$ 13,710.69	\$ 68,971.95	\$ 3,749.94	\$ 58,224.39	\$ 22,750.71

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ (334,815.32)

VIDEO LOTTERY REPORT

FY 2009		FY 2010		FY 2011		FY 2012	
Date	Amount	Date	Amount	Date	Amount	Date	Amount
7/5/2008 *	169,912.56	7/4/2009 *	128,262.42	7/3/2010	115,402.58	7/1-2/2011	69,824.12
7/12/2008	176,592.38	7/11/2009	168,815.08	7/10/2010	205,731.64	7/9/2011	171,717.28
7/19/2008	160,344.08	7/18/2009	160,652.98	7/17/2010	161,386.76	7/16/2011	143,019.52
7/26/2008	162,982.74	7/25/2009	158,869.08	7/24/2010	160,368.28	7/23/2011	146,508.00
8/2/2008	178,171.04	8/1/2009	174,493.08	7/31/2010	157,802.08	7/30/2011	144,510.28
8/9/2008	123,538.04	8/8/2009	138,408.80	8/7/2010	136,494.98	8/6/2011	151,495.28
8/16/2008	82,482.89	8/15/2009	81,222.14	8/14/2010	78,376.68	8/13/2011	117,350.38
8/23/2008	76,426.18	8/22/2009	76,260.31	8/21/2010	76,199.02	8/20/2011	71,614.12
8/30/2008	89,459.86	8/29/2009	80,472.92	8/28/2010	72,460.03	8/27/2011	63,432.14
9/6/2008	91,644.46	9/5/2009	80,798.15	9/4/2010	76,362.84		
9/13/2008	79,729.93	9/12/2009	86,286.92	9/11/2010	82,969.36		
9/20/2008	71,269.36	9/19/2009	70,010.15	9/18/2010	67,638.78		
9/27/2008	79,735.73	9/26/2009	69,316.87	9/25/2010	70,435.06		
10/4/2008	75,186.22	10/3/2009	72,286.04	10/2/2010	71,013.86		
10/11/2008	77,139.04	10/10/2009	69,650.63	10/9/2010	69,311.50		
10/18/2008	80,668.26	10/17/2009	73,560.21	10/16/2010	75,234.62		
10/25/2008	64,379.44	10/24/2009	67,581.66	10/23/2010	70,290.80		
11/1/2008	68,352.42	10/31/2009	64,528.30	10/30/2010	65,615.04		
11/8/2008	70,823.02	11/7/2009	63,741.59	11/6/2010	61,337.62		
11/15/2008	65,565.50	11/14/2009	65,959.64	11/13/2010	64,595.28		
11/22/2008	63,883.80	11/21/2009	59,547.05	11/20/2010	56,010.08		
11/29/2008	69,850.12	11/28/2009	72,399.98	11/27/2010	71,170.90		
12/6/2008	55,696.68	12/5/2009	51,006.51	12/4/2010	53,215.08		
12/13/2008	60,178.04	12/12/2009	52,460.58	12/11/2010	46,944.00		
12/20/2008	52,189.19	12/19/2009	32,834.39	12/18/2010	42,076.76		
12/27/2008	72,205.91	12/26/2009	53,406.34	12/25/2010	50,450.28		
1/3/2009	96,504.65	1/2/2010	92,980.40	1/1/2011	85,152.12		
1/10/2009	53,286.62	1/9/2010	55,020.46	1/8/2011	54,301.30		

1/17/2009	56,068.87	1/16/2010	60,551.28	1/15/2011	54,005.90
1/24/2009	71,474.63	1/23/2010	69,943.53	1/22/2011	60,924.74
1/31/2009	61,089.80	1/30/2010	48,527.75	1/29/2011	48,036.94
2/7/2009	83,539.63	2/6/2010	37,155.14	2/5/2011	60,777.44
2/14/2009	76,054.44	2/13/2010	44,334.00	2/12/2011	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
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	4/9/2011	67,076.78
4/18/2009	80,598.22	4/17/2010	69,335.92	4/16/2011	64,698.56
4/25/2009	75,571.46	4/24/2010	68,714.11	4/23/2011	67,674.14
5/2/2009	73,957.05	5/1/2010	68,799.06	4/30/2011	66,807.50
5/9/2009	76,697.22	5/8/2010	67,403.54	5/7/2011	66,379.74
5/16/2009	71,925.70	5/15/2010	70,186.32	5/14/2011	66,699.76
5/23/2009	81,395.43	5/22/2010	64,695.71	5/21/2011	63,210.44
5/30/2009	82,161.55	5/29/2010	67,157.40	5/28/2011	64,724.06
6/6/2009	74,895.74	6/5/2010	77,371.80	6/4/2011	74,952.34
6/13/2009	67,327.23	6/12/2010	66,106.29	6/11/2011	62,203.12
6/20/2009	75,500.53	6/19/2010	64,888.48	6/18/2011	61,200.76
6/27/2009	67,354.10	6/26/2010	63,950.29	6/25/2011	65,470.44
6/30/2009 ***	32,059.58	6/30/2010	29,667.19	6/30/2011	34,351.16

TOTALS 4403564.04

4041141.56

4016541.01

1079471.12

Table Game Revenue
 FY 2011

Date	Amount
July/August, 2010	154,185.68
September, 2010	94,247.84
October, 2010	105,903.60
November, 2010	108,717.67
December, 2010	118,721.11
January, 2011	106,189.21
February, 2011	105,776.45
March, 2011	120,927.10
April, 2011	130,654.61
May, 2011	130,492.02
June, 2011	121,576.41
July, 2011	141,718.01

1439109.71



NACo Prescription Drug Discount Card Program

Jefferson County, WV													
MONTH	TOTAL	PLAN PRICED	% OF PLAN PRICED	RETAIL PRICED	% OF RETAIL PRICED	MEMBER COST	AVG MEMBER COST	RETAIL SUBMITTED PRICE	AVG RETAIL SUBMITTED PRICE	PRICE SAVINGS	AVG PRICE SAVINGS	% OF PRICE SAVINGS	TOTAL UTILIZERS
2011													
JULY	150	97	64.67%	53	35.33%	4,893.78	\$ 32.63	\$ 6,898.57	\$ 45.99	2,004.79	\$ 13.37	29.06%	76
JUNE	154	96	62.34%	58	37.66%	4,571.00	\$ 29.68	\$ 6,763.62	\$ 43.92	2,192.62	\$ 14.24	32.42%	78
MAY	167	99	59.28%	68	40.72%	5,157.29	\$ 30.88	\$ 7,332.44	\$ 43.91	2,175.15	\$ 13.02	29.66%	87
APRIL	162	94	58.02%	68	41.98%	5,051.23	\$ 31.18	\$ 7,145.17	\$ 44.11	2,093.94	\$ 12.93	29.31%	79
MARCH	201	109	54.23%	92	45.77%	5,624.14	\$ 27.98	\$ 7,845.15	\$ 39.03	2,221.01	\$ 11.05	28.31%	95
FEBRUARY	150	83	55.33%	67	44.67%	4,236.29	\$ 28.24	\$ 6,083.92	\$ 40.56	1,847.63	\$ 12.32	30.37%	78
JANUARY	186	109	58.60%	77	41.40%	5,607.92	\$ 30.15	\$ 7,872.18	\$ 42.32	2,264.26	\$ 12.17	28.76%	93
2010													
DECEMBER	191	111	58.12%	80	41.88%	5,995.10	\$ 31.39	\$ 8,231.73	\$ 43.10	2,236.63	\$ 11.71	27.17%	96
NOVEMBER	240	141	58.75%	99	41.25%	6,735.08	\$ 28.06	\$ 9,599.10	\$ 40.00	2,864.02	\$ 11.93	29.84%	113
OCTOBER	242	137	56.61%	105	43.39%	6,570.09	\$ 27.15	\$ 9,167.52	\$ 37.88	2,597.43	\$ 10.73	28.33%	118
SEPTEMBER	194	113	58.25%	81	41.75%	5,602.61	\$ 28.88	\$ 7,935.87	\$ 40.91	2,333.26	\$ 12.03	29.40%	96
AUGUST	236	152	64.41%	84	35.59%	10,491.08	\$ 44.45	14,042.33	\$ 59.50	3,551.25	\$ 15.05	25.29%	104
JULY	232	143	61.64%	89	38.36%	7,825.67	\$ 33.73	10,752.94	\$ 46.35	2,927.27	\$ 12.62	27.22%	111
JUNE	224	143	63.84%	81	36.16%	6,120.75	\$ 27.32	\$ 8,712.68	\$ 38.90	2,591.93	\$ 11.57	29.75%	111
MAY	226	146	64.60%	80	35.40%	6,630.75	\$ 29.34	\$ 9,525.34	\$ 42.15	2,894.59	\$ 12.81	30.39%	106
APRIL	252	150	59.52%	102	40.48%	7,705.22	\$ 30.58	11,178.59	\$ 44.36	3,473.37	\$ 13.78	31.07%	113
MARCH	242	149	61.57%	93	38.43%	6,802.19	\$ 28.11	10,079.39	\$ 41.65	3,277.20	\$ 13.54	32.51%	112
FEBRUARY	206	139	67.48%	67	32.52%	6,839.07	\$ 33.20	\$ 9,871.06	\$ 47.92	3,031.99	\$ 14.72	30.72%	105
JANUARY	267	169	63.30%	98	36.70%	7,459.20	\$ 27.94	10,596.25	\$ 39.69	3,137.05	\$ 11.75	29.61%	127
2009													
DECEMBER	217	135	62.21%	82	37.79%	6,578.01	\$ 30.31	\$ 9,311.32	\$ 42.91	2,733.31	\$ 12.60	29.35%	101
NOVEMBER	226	137	60.62%	89	39.38%	6,269.59	\$ 27.74	\$ 8,967.87	\$ 39.68	2,698.28	\$ 11.94	30.09%	99
OCTOBER	218	140	64.22%	78	35.78%		\$ 29.67	\$ 9,020.85	\$ 41.38		\$ 11.71	28.29%	96