

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

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. Certification of October 4, 2011 Special General Election Results
2. 10:00 a.m. Paulette Sprinkle, Executive Director, Jefferson County Convention Visitors Bureau
- Information regarding economic impact of tourism in the past year
3. 10:15 a.m. Tish Appignani, Convention Visitors Bureau
- Introduction of John Whisenant, Director of the Tennessee Tourism Roundtable, a consultant recently hired by the CVB to evaluate the agency - Mr. Whisenant will explain the goals of the CVB
4. 10:30 a.m. **BREAK**
5. 10:45 a.m. Carolyn Zdziera, Community Alternatives to Violence
- Presentation of Proclamation for October as Domestic Violence Awareness Month - Discussion/Action
6. 11:00 a.m. Quarterly Fiduciary Review - Lynn Fields, Probate Office
- Present estates opened since the last quarterly meeting for approval and waivers/accounting that have been fully probated to be closed - Discussion/Action

7. 11:15 a.m. Ed Smith and Ron Fletcher, 5-Year Plan PR Committee
 - (a) Provide an update on the 5-year Plan PR Committee status, plans and time lines
 - (b) Request funding to meet the goals agreed upon at the last joint Jefferson County Emergency Services Agency County Commission meeting - Discussion/Action

8. 11:30 a.m. Roger Goodwin, Chief County Engineer
 - a) Calling of the Bond for Sheridan Estates Subdivision - File #00-33 - Discussion/Action
 - b) Tolling request for Harvest Hills Subdivision, Phase II, Section 1, Lots 51-71, Lots 405-419 & Residue - File #07-01 Tolling Request - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

9. 11:45 p.m. Work Session - Water Advisory Committee (WAC) - present work plan

10. 12:15 p.m. ADJOURN

DEPARTMENT HEAD REPORTS

- Jennifer Brockman, Departments of Planning and Zoning

CORRESPONDENCE:

Notice of intent to appoint to the North Eastern Regional EMS (NERMS) on November 3, 2011:
- One 3-year term ending October 31, 2014
- One unexpired term ending October 31, 2012

Good Shepherd Caregivers' Newsletter for Fall 2011 - "Neighbor to Neighbor."

Received from the Harpers Ferry Historical Association - Newsletter "The View."

Minutes of the Regular Board Meeting of September 6, 2011 received from the Jefferson County Public Service District.

Fax received from West Virginia Association of Counties regarding Regional Jail Inmate Per Diem Rate continuance of \$48.80 for fiscal year 2013.

Weekly settlement reports for the Charles Town Races received from the West Virginia Lottery for week ending October 8, 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, October 13, 2011

A meeting of the Jefferson County Commission was held on Thursday, October 13, 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 and Walt Pellish. Commissioner Widmyer was absent with notice. Also present were Tim Boyde, County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddy, Bailiff. (An audio tape of this October 13, 2011 meeting is available through the Jefferson County Commission Office.)

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

PLEDGE OF ALLEGIANCE

Commissioner Morgan led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Morgan to approve the Minutes of the **October 6, 2011 regular meeting** as presented. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Morgan to approve the Minutes as amended of the **October 6, 2011 Public Hearing held at 10:30 a.m.** Motion seconded by Mr. Manuel and unanimously approved.

Motion by Mr. Manuel to approve the Minutes as presented of the **October 6, 2011 Public Hearing held at 7:00 p.m.** at Blue Ridge Elementary School. Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Pellish to approve Purchase Orders in the amount of \$129,804.23, being purchase order numbers: 53162, 50535, 50532, 50533, 50534, 53251, 50579, 50580, 50581, 53229, 53230, 49546, 49547, 50574, 50576, 50577, 50429, 50430, 53008, 53009, 53011, 53012 and 50578. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE:

Motion by Ms. Morgan to approve the accounts payable in the amount of \$244,806.68. Motion seconded by Mr. Manuel and unanimously approved.

PUBLIC COMMENT

Comments by **David Tabb** regarding several issues: 1) Planning Commission's report of October 11, 2011 regarding Hite Road soil samples; 2) urban tree planting; 3) proposed zoning amendments exclusive of the cottage industry proposed amendments; 4) Case No. 11C125; 5) Planning Commission By-Laws; 6) proposed drilling of a well on a battlefield behind Kohl's.

Kathy Knight, President of the Carriage Park Homeowners' Association, commented on issues regarding the Rt.

340 corridor and cottage industries.

PRESENTATIONS:

1. **Angie Banks, County Assessor** – request for approval of employment for vacancy position in Assessor’s Office.

Motion by Mr. Manuel to approve the promotion of a current part-time employee to a full time position in the Assessor’s Office at a beginning salary of \$30,384.70. Motion seconded by Mr. Pellish and unanimously approved.

NEW BUSINESS:

2. **Abigayle Holler and Renee Ellenberger, National Youth Advocate Program** – request to approve the use of the County Commission meeting room on Thursday, November 3, 2011 from 6:00 p.m. to 8:00 p.m. for foster parent training.

Motion by Mr. Manuel to approve the use of the County Commission meeting room on Thursday, November 3, 2011 from 6:00 p.m. to 8:00 p.m. for foster parent training. Motion seconded by Ms. Morgan and unanimously approved.

3. **Request for approval of applicants William Clarke, Joel Croson and Mark Pantalone for the Jefferson County Deputy Sheriff Reserves.**

Motion by Mr. Manuel to approve the applications of William Clarke, Joel Croson and Mark Pantalone for positions on the Jefferson County Deputy Sheriff Reserves. Motion seconded by Mr. Pellish and unanimously approved.

4. **Request for decision on the allocation of \$9,277.53 received from the State of West Virginia as Methane Severance Tax Revenue for fiscal years 2009, 2010 and 2011.**

Motion by Mr. Manuel that the \$9,277.53 check for Methane Severance Tax Revenue be put into a fund allocated to libraries and fire companies. Motion seconded by Mr. Pellish and unanimously approved.

PRESENTATIONS continued:

5. **Doug Pittinger, Jefferson County Emergency Services** – request for funding for two vehicles for the JCESA.

Mr. Pittinger introduced Edward Hannon, the new Deputy Director of the Jefferson County Emergency Services Agency after which Mr. Hannon described his work experience and qualifications for the position.

Motion by Mr. Manuel that the Commission utilize the fee fundable impact fees to purchase one new vehicle contingent upon a recommendation by the Jefferson County Emergency Services Agency that the fee fundable impact fees be used for this purpose, and then take Mr. Boyde’s suggestion and utilize the Coal Severance Fund to purchase the other necessary vehicle. Ms. Noland seconded the motion for purposes of discussion.

Ms. Morgan asked if Mr. Manuel’s motion was divisible and it was agreed that it could be divided into two motions. Ms. Noland called for a vote on the first motion wherein Mr. Manuel moved that the fee fundable

impact fees be used to purchase one new vehicle, contingent upon a recommendation by the Jefferson County Emergency Services Agency that the fee fundable impact fees be used. Motion was unanimously approved.

A vote was taken on Mr. Manuel's second motion wherein at Mr. Boyde's suggestion; the Coal Severance Fund would be used to purchase a second necessary vehicle. Motion was unanimously approved.

The Commission took a brief recess at 10:20 a.m.

The Commission reconvened at 10:30 a.m.

COUNTY ADMINISTRATOR REPORTS:

County Administrator Tim Boyde:

- Mr. Boyde attended a meeting with individuals from Loudoun County and the Loudoun County Administrator, along with Mr. Polczynski of the County's 911 Center regarding the Mutual Aid Agreement. Stumbling blocks and possible solutions were discussed. He reported that he forwarded Loudoun County's possible solutions on to Mr. Gianato at the West Virginia Division of Homeland Security and Emergency Management and is waiting for his reply. Another meeting needs to be scheduled as the current Mutual Aid Agreement is due to expire on December 15, 2011.
- Mr. Jacobs was in Tuesday and Wednesday of this week doing some training and working with Staff regarding the classification compensation package that's currently in place. He will return on November 2, 2011 to do a workshop on Performance Management.
- Met with an individual who has some human resource experience to ascertain what he might be able to lend to the County either on a contractual or a consultation basis.
- With regard to the CFO applicants, Mr. Boyde stated that he is currently on the second round of interviews and should be able to come to some determination within the next week or two.

COUNTY COMMISSIONER REPORTS:

Commissioner Morgan:

- Attended a Jefferson County Board of Health meeting.
- Attended a Farmland Protection Board meeting and several related smaller meetings.
- Attended the County Commission Public Hearing at the Blue Ridge Elementary School regarding the request for rezoning of the Hott property.

Commissioner Pellish:

- Attended the County Commission Public Hearing at the Blue Ridge Elementary School regarding the request for rezoning of the Hott property.

Commissioner Manuel:

- Announced that the Moulton Park Boat Ramp is now open for public use.
- Attended the Independent Fire Company Gun Bash.
- Attended the County Commission Public Hearing at the Blue Ridge Elementary School regarding the request for rezoning of the Hott property

Commissioner Noland:

- Participated in the election canvass.
- Attended a Convention and Visitors Bureau Board meeting at the Clarion in Shepherdstown.
- Toured the Eastern Panhandle Free Clinic.
- Toured the County's new maintenance facility.
- Attended the County Commission Public Hearing at the Blue Ridge Elementary School regarding the request for rezoning of the Hott property

PRESENTATIONS continued:

- 6. Roger Goodwin, Chief County Engineer** – request to approve the complete release of the Construction Bond security for Beallair Homes LLC – Beallair Subdivisions, Phase 1, Lots 1-49 & Residue A-E (File #02-36).

Motion by Mr. Pellish to approve the complete release of the Construction Bond security for Beallair Homes LLC – Beallair Subdivisions, Phase 1, Lots 1-49 & Residue A-E (File #02-36). Motion seconded by Mr. Manuel and unanimously approved.

Motion by Mr. Manuel to require Beallair Homes LLC to replace the Construction Bond security with a Surety Bond in the same amount. Motion seconded by Mr. Pellish and unanimously approved.

The Commission took a brief recess at 10:49 a.m.

The Commission reconvened the meeting at 10:53 a.m.

- 7. Lynn Fields, Probate Office** – request that the Sheriff be appointed as Administrator of the Estate of Shawn Hufnagel.

Motion by Ms. Morgan to appoint the Sheriff as Administrator of the Estate of Shawn Hufnagel. Motion seconded by Mr. Manuel and unanimously approved.

- 8. Interviews and Appointments to the Building Commission were not discussed. No action taken.**

Motion by Ms. Morgan that the Commission enter into an Executive Session to discuss pending litigation and update several matters. Motion seconded by Mr. Manuel and unanimously approved. The Commission entered into an Executive Session at 11:00 a.m.

Motion by Ms. Morgan to conclude the Executive Session. Motion seconded by Mr. Pellish and unanimously approved. The Commissioners concluded the Executive Session at 11:45 a.m.

There being no further business, motion by Mr. Manuel to adjourn. Motion seconded by Ms. Morgan and unanimously approved. Upon rising the meeting was adjourned until Thursday next, October 20, 2011.

PATRICIA A. NOLAND, PRESIDENT

SPECIAL SESSION:

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

At a Special Session of the County Commission of said County and State held at the Courthouse thereof on Tuesday, October 11, 2011, beginning at 9:30 o'clock a.m.

PRESENT: Commissioner Patricia Noland
Commissioner Lyn Widmyer
Commissioner Walter Pellish
Commissioner Frances Morgan arrived at 10:10 a.m.
Commissioner Dale Manuel was absent with notice.

The County Commission of Jefferson County, sitting as a Board of Canvassers, met this 11th day of October, 2011 at 9:30 a.m. for the purpose of canvassing ballots cast in the October 4, 2011 Special Election for Governor of West Virginia.

Jennifer Maghan, County Clerk, and Nikki Painter, of the County Clerk's office, were present and assisted with the Canvass.

Commissioner Noland led Canvassers and staff in the Pledge of Allegiance.

The Board proceeded with the Canvass by reviewing each precinct one at a time, checking to make sure the counts were accurate and to review the provisional ballots from the polls. The Commission reviewed each provisional ballot to determine if the ballot could or could not be accepted to be counted. By random drawing, Precincts 17 and 35A ballots were counted by hand.

Precinct 3:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Devona Snyder	Noland	Widmyer	✓		Poll Worker	Motion carried

Precinct 7:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Jacinta Price	Widmyer	Pellish	✓		Voting in new precinct	Motion carried
Andrew Henry	Widmyer	Pellish	✓		Voting in new precinct	Motion carried

Precinct 13A:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
John Williams	Widmyer	Pellish	✓		Poll Worker	Motion carried

Precinct 13B:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Melodie Williams	Pellish	Widmyer	✓		Poll worker	Motion carried

Precinct 15:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Judy Carroll	Pellish	Widmyer	✓		Poll worker	Motion carried
Steven Crowe	Pellish	Noland	✓		Poll worker	Motion carried
Paul Wilt	Widmyer	Manuel	✓		Poll worker	Motion carried

Precinct 16:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Therese Senyitko	Widmyer	Pellish	✓		Voting in new precinct	Motion carried
John Senyitko	Widmyer	Pellish	✓		Voting in new precinct	Motion carried
Deborah Gravitt	Pellish	Noland	✓		Poll worker	Motion carried

Precinct 21A:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Yvonne Goff	Pellish	Noland	✓		Absentee received in time	Motion carried

Precinct 21B:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
John Staub	Pellish	Widmyer	✓		Registration okay	Motion carried
Carol Nelson	Widmyer	Pellish		✓	Voted in wrong precinct	Motion carried
Dorothy Ott	Pellish	Noland	✓		Poll worker	Motion carried

Precinct 22A:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Elizabeth Stagnor	Pellish	Widmyer	✓		Poll worker	Motion carried

Precinct 23A:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Suzanne Crowder	Noland	Pellish		✓	Not registered	Motion carried

Precinct 23B:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Mary Werner	Pellish	Widmyer	✓		Voting in new precinct	Motion carried
Metha Crouch	Pellish	Widmyer	✓		Poll worker	Motion carried

Precinct 25A:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Ophelia Brown	Widmyer	Pellish	✓		Card rec'd after poll books were printed	Motion carried

Precinct 25B:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
James Stahler	Pellish	Widmyer	✓		Card rec'd after poll books were printed	Motion carried

Precinct 26:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Linda Fricke	Pellish	Widmyer	✓		Poll worker	Motion carried
Marvin Smith	Noland	Widmyer	✓		Absentee - rec'd in time	Motion carried

Precinct 27:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Johnnie Anderson	Morgan	Noland		✓	Not registered	Motion carried
Dorothy Anderson	Noland	Morgan		✓	Not registered	Motion carried

Precinct 28:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Juliane Ford	Morgan	Pellish	✓		Poll worker	Motion carried
Patricia Mills	Morgan	Pellish	✓		Poll worker	Motion carried

Precinct 32:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Eleanor Schubert	Morgan	Pellish		✓	Not registered	Motion carried

Precinct 33:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Delores Allen	Morgan	Widmyer	✓		Poll worker	Motion carried
Bruce Kressin	Pellish	Morgan	✓		Poll worker	Motion carried

Precinct 34:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Debra Cornwall	Pellish	Morgan	✓		Poll worker	Motion carried
Douglas Blash	Pellish	Noland		✓	Nor registered	Motion carried
Evan Boggess	Widmyer	Morgan	✓		Registration okay	Motion carried
Donald Eddy	Pellish	Widmyer	✓		Voting in new precinct	Motion carried
Christopher Lopez	Morgan	Pellish	✓		Voting in new precinct	Motion carried
Susan Cook	Morgan	Noland	✓		Problem with address but corrected	Motion carried
Stephanie Dowdy	Noland	Widmyer		✓	Nor registered	Motion carried

Precinct 35A: Hand counted

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Cynthia Fraula-Hahn	Pellish	Widmyer		✓	Not registered	Motion carried
Hilary Grabowski	Pellish	Morgan	✓		Absentee - rec'd in time	Motion carried

Precinct 35B:

NAME OF VOTER	Motion	Second	Accept	Reject	REASON ACCEPTED OR REJECTED	VOTE
Elizabeth Coyle	Morgan	Pellish	✓		Poll worker	Motion carried

The Count Team was dismissed at 10:45 a.m.

Ms. Morgan made a motion to set the bond at Three Hundred Dollars (\$300.00) for a recount. Mr. Pellish seconded the motion and it was unanimously approved.

Ms. Maghan advised the Board of Canvassers that a date for certification of the ballots would be set by the State at the time the last county finishes its canvass.

There being no further business, motion by Ms. Morgan to adjourn the canvass. Motion seconded by Mr. Pellish and unanimously approved. The Board of Canvassers adjourned at 11:00 a.m.

PATRICIA A. NOLAND, PRESIDENT

PURCHASE ORDERS TO BE APPROVED
October 20, 2011

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
ADDRESSING	52978	\$ 1,285.90	SHANNON-BAUM SIGNS	Street signs
CIRCUIT CLERK	50443	\$ 160.52	PIFER OFFICE SUPPLY	Ink pads, stampers, markers ect.
	50444	\$ 373.47	CASTRO & HARRIS	Juvenile Order books
	50446	\$ 180.19	PIFER OFFICE SUPPLY	Ribbon, tape, appt. books, pens
	50447	\$ 1,524.23	CASTRO & HARRIS	File folders
	50449	\$ 105.00	JEFFERSON CENTER	Collate & Stuff jury envelopes
	50450	\$ 185.52	MATTHEW BENDER & CO.	WV Code 2011 10A & 10B
COUNTY CLERK	50536	\$ 125.00	CAT TAIL RUN HAND BOOKBINDING	Label replacements for marriage record books
COUNTY COMMISSION	53252	\$ 510.00	NOVENTRI	Training for cable station
COURTHOUSE	50583	\$ 2,895.00	SNAP ON TOOLS - MARK ANDREWS	Auto supplies
	50587	\$ 6,500.00	CRAIGO 1ST CHOICE	Duct work in garage
ENGINEERING	53263	\$ 7,473.50	ANALYTICAL SERVICES	Phase II & III Westridge Hills
MAINTENANCE	50588	\$ 4,900.00	CRAIGO 1ST CHOICE	Replacement of Conf. room HVAC
OTHER BUILDINGS	50586	\$ 1,026.76	KUBIC CONSTRUCTION INC.	Contracted services
	50582	\$ 3,360.00	WINCHESTER SECURITY	Annual Fire Alarm inspection

	50589	\$ 624.02	BK OFFICE SUPPLY	Copy paper
	50590	\$ 859.50	FIRE SAFETY EQUIPMENT	Fire extinguisher service install
	50592	\$ 1,325.00	JEFFERSON COUNTY FAIR ASSOC.	Road upgrade at shooting range
SHERIFF	48562	\$ 517.10	FLEET SAFETY EQUIPMENT	Protection Equipment (Grant)
	48563	\$ 544.00	GALLS	Mount LED lights (Grant)
	48564	\$ 1,370.00	TOWN GUN SHOP	REM 87 MCS (Grant)
	48565	\$ 2,596.17	US CALVARY	Front & Back Panels (Grant)
SHERIFF TAX	49535	\$ 600.00	HELEN MILBOURNE	2010 DEL Property sale
VARIOUS	50591	\$ 7,508.68	SMITH OIL COMPANY	Heating oil (Courthouse & others)
GRAND TOTAL		\$ 46,549.56		

Printed at 11:37 a.m. on 10/17/11

<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: County Commission

Department or Entity: _____

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: October 20, 2011

Date Requested – 2nd Choice: _____

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

Subject:
Certify Election Results

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:



Natalie E. Tennant
Secretary of State
State of West Virginia

Office of the Secretary of State
Building J, Suite 157-K
1900 Kanawha Blvd. E.
Charleston, WV 25305

Telephone: (304) 558-6000
Toll-Free: 1-866-SOS-VOTE
Fax: (304) 558-0900
www.wvsos.com

Date: October 12, 2011
To: County Clerks
County Commissioners
From: Dave Nichols, Manager
Elections Division
Re: Statewide Declaration and Recount Request Period

As of **3:05 p.m., October 12, 2011**, all 55 West Virginia counties have completed canvass of the Special General Election and have declared the results. This officially begins the 48-hour recount request period.

If no recount is requested in your county, you may certify the results at **3:05 p.m., Friday, October 14, 2011**.

W.Va. State Code §3-6-9(a)(8)(B):

“For a candidate on the ballot in more than one county, the board may not enter an order certifying the election results for a period of forty-eight hours after the final county's board has publicly declared the results of the election. In such case, each relevant board shall notify the Secretary of State immediately following each relevant board's public declaration of results. For offices on the ballot in more than one county, the Secretary of State shall notify the board of each relevant county when the final county has made a public declaration of the results of the election. **At the end of the 48-hour period in this section, an order shall be entered by each relevant county certifying all election results** except for those offices in which a recount has been demanded.”

If no recount has been requested by 3:05pm Friday, October 14 2011, the commission should meet to certify the result of the election and transmit the information to the Elections Division. Please send the copy of the certified results by fax (304-558-8386) or email (dnichols@wvsos.com).

If you have any questions or concerns, please feel free to contact the Elections Division by phone at (304)558-6000.

Debbie Stellato

From: Paulette Sprinkle [execdir@wveasterngateway.com]
Thursday, October 13, 2011 11:51 AM
dstellato@jeffersoncountywv.org
agenda request

mission Office Use Only
on Agenda: 10/20/11
Time or New Business: 10:15am

AGENDA REQUEST FORM

Name: Paulette Sprinkle, Executive Director

Department or Entity: Jefferson County CVB

Estimation of amount of time needed for appointment: 6-10 minutes

Date Requested – 1st Choice: October 20, 2011

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date: **The CVB already has a request in to introduce our new consultant. I would like to present new info on tourism in Jefferson County just before the introduction so our tourism people in the audience can see both closely together.**

Subject: **Economic impact of tourism in the past year.**

Please provide the County Commission with a description of your request or presentation, including any background information: **I will provide a notebook to each commissioner with info from the state with its newest economic study and annual report, economic stats, highlights in notebook form.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **No motion, only info for them**

Attachments: **Will bring three ring binders for each commissioner.**

Commission Office Use Only	NA
Date on Agenda:	10-20-11 ✓
Appt Time or New Business:	10:15 AM

AGENDA REQUEST FORM

Name: Tish Appignani

Department or Entity: Convention & Visitors Bureau

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: October 20, 2011

Date Requested – 2nd Choice: _____

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

This is the only time our consultant will be in town

Subject: The Jefferson County CVB has hired a consultant to re-evaluate our agency. We would like to introduce him to the commission and explain our goals. I have visited with Patsy about this. (His name is John Whisenant, Director of the Tennessee Tourism Roundtable.

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:

Biographical Information
John Whisenant

John Whisenant is the founder and president of The Crossroads Company, a multi-service travel industry management and marketing company, and is the CEO/Executive Director of The Tennessee Tourism Roundtable, the statewide association representing the public and private tourism industry in Tennessee.

John has over 30 years of experience in the tourism and destination management and marketing industry.

From 1996--2006, he served as the Executive Director of the Williamson County Convention and Visitors Bureau in Franklin, Tennessee. During his 10-year tenure at the Bureau, travel-related expenditures in Williamson County grew from \$100 million annually to \$212 million, travel-related employment grew from 1,280 persons to 2,050, and travel-generated sales tax collections grew from \$8.31 million to \$15.76 million. He developed and launched several new programs of work for the Bureau during this time, including comprehensive marketing, branding, and visitor profile research programs; a meetings and conventions marketing and sales function; a tour and travel marketing program; a sports marketing program; and a heritage tourism division. While with the WCCVB, he led the CVB and the community through a strategic reorganization process resulting in the establishment of the CVB as an independent 501(c)6 organization with a budget four times larger than its previous one.

Whisenant's travel industry experience also includes marketing the entire State of Tennessee as a Tourism Development Consultant in the Marketing Division of The Tennessee Department of Tourist Development. While with the Department, he worked with destinations, attractions, hoteliers and other travel-related interests from across the state in both domestic and international marketing, advertising, promotion and sales. Prior to his service at the Department, Whisenant was on the professional staff at Opryland Theme Park for several years in the Operations and Human Resources Departments.

John holds the Certified Destination Management Executive designation from the Destination Marketing Association International and the Certified Tennessee Tourism Professional designation from the Tennessee Tourism Roundtable and the University of Tennessee Tourism Institute.

He has served as Chair of the Tennessee Association of Convention and Visitors Bureaus; Chair of the Middle Tennessee Tourism Council; on the Tourism Committee of the Destination Marketing Association International, and the Board of Directors of the Tennessee Senior Olympics.

He and his wife Debbie live in Nashville and have two sons, Andy and Ben.

Commission Office Use Only

Date on Agenda: 10/20/11

Appt Time or New Business: 10:45am

AGENDA REQUEST FORM

Name: Cardlyn Zdziera

Department or Entity: Community Alternatives to Violence

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

Date Requested - 1st Choice: 10/20

Date Requested - 2nd Choice: 10/27

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

Subject:

Commissioners to sign proclamation For Domestic Violence Awareness Month in October

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: 10/20/11 ✓</p> <p>Appt Time or New Business: 11:00 am</p>
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AGENDA REQUEST FORM

Name: Lynn Fields

Department or Entity: Probate Office

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

Date Requested – 1st Choice: October 20th, 2011 ✓

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

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

Subject: **Quarterly Estate Approvals/Closings**

Please provide the County Commission with a description of your request or presentation, including any background information: **The Probate Office wishes to present estates opened since the last quarterly meeting for approval, and waivers/accountings that have been fully probated to be closed.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **To approve new estates opened and close fully probated estates.**

Attachments: **None**

7a 7b

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>10/24/11</u></p> <p>Appt Time or New Business: <u>11:30 am</u></p>
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AGENDA REQUEST FORM

Name: Ed Smith and Ron Fletcher

Department or Entity: 5 Year Plan PR Committee

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: Thursday October 20, 2011

Date Requested – 2nd Choice: Thursday October 27, 2011

If a specific date is needed, please provide reason for specific date: **Due to the time line this committee is attempting to meet we are requesting the first available time to meet with the Commission.**

Subject: **Provide an update on the 5 year plan PR Committee status, plans and timelines. Request funding to meet the goals agreed upon at the last joint JCESA/County Commission meeting.**

Please provide the County Commission with a description of your request or presentation, including any background information: **At the September 27, 2011 meeting with the JCESA Board and County Commission the 5 year PR plan was discussed. The recommendation was to have a professional company assist with the PR campaign. A PR committee was to be formed with representation from all fire companies and the JCESA. This committee has been formed and has met to discuss implementation of the campaign. The co-chairs of the committee met with a representative from Kelley-Nelson Inc. to explore their abilities to meet the needs of our committee. Linda Kelley provided a proposal that was reviewed at the committee meeting. After further review the motion was made to secure funding for Kelley-Nelson Inc. to assist with our PR campaign.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **I would like to make a motion for a sum not to exceed \$25,000.00 for implementation and delivery of the 5 year plan PR campaign. These funds would be sent to and monitored by the JCESA with monthly reports provided to the County Commission. As invoices are submitted draws would be made from the money allocated.**

Attachments: Kelley-Nelson letter of agreement.

KELLEY-NELSON, INC.

19 First Street, Suite 101
BERRYVILLE, VA 22611
703-727-9514
Linda@kelleynelson.net

October 3, 2011

Mr. Ed Smith
Fire Chief (Retired)
Independent Fire Company
Post Office Box 925
Charles Town, WV 25414

Mr. Ed Hannon
Deputy Director
Jefferson County Emergency Services Agency
419 16th Avenue
Ranson, WV 25438

Dear Messrs. Smith and Hannon:

Following is a simple letter of agreement for your consideration with regard to the contract projects related to the 2011-2012 public education and awareness campaigns regarding the establishment and implementation of a county-wide emergency services fee as it affects residential and business/commercial property owners. This letter of agreement includes all associated initiatives and projects as assigned as part and parcel of the overall education and awareness campaign and specifically includes management, implementation and oversight of related initiatives and projects as assigned.

This constitutes a simple letter of agreement between Linda Kelley, President, Kelley-Nelson, Inc. (Consultant) and Jefferson County Emergency Services/Jefferson County Fire and Rescue Association (Client) for Consultant to provide communications services, project management, implementation and oversight on the basis of agency time purchased by the Client.

The overall project scope of work is to provide project management, implementation and oversight for projects directly related to communications, community relations and outreach, public affairs and support as it relates to the initiative noted in paragraph #1 above.

Provide services in support of the **2011-2012 public education and awareness campaigns regarding the establishment and implementation of a county-wide emergency services fee on behalf of Jefferson County Emergency Services and Jefferson County Fire and Rescue Association** (and other entities as assigned), include, but are not limited to:

- Assist in maintaining long-standing relationships and establish new relationships with the community at large, community leaders, elected officials and business leaders specifically as part of ongoing activities as it relates to community outreach/education/awareness as part of the new 2011-2012 campaign to establish and implement a county-wide emergency services fee through regular communications via 1:1/group meetings, telephone and email, public hearings and briefings, mass mailings, media outreach via the use of ads/ press releases and editorial round tables, etc.

KELLEY-NELSON, INC.

19 First Street, Suite 101
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- Attend community/public meetings such as County Commissioners, Mayors and Town Councils, civic groups, Chamber of Commerce, etc. as observer and/or to accompany Team Member Presenters and Speakers (Client).
- Provide writing services to create and/or assist in the creation of documents in formats including, but not limited to, PowerPoint, executive summary and talking point/position papers and presentations for Team Member Presenters and Speakers (Client); as well as create and/or assist in the creation of press releases, media advisory documents and ads.
 - Management and oversight of press release/media advisory distribution to media outlets
 - Management and oversight of press release/media advisory distribution to local elected boards and community groups; i.e., County Commissioners, Mayors and Town Councils, Planning Commission(s), School Board, Constitutional Officers, Chamber(s) of Commerce, civic organizations, target audiences specific to subject matter and other county, state and local VIPs.
 - Draft communications plan documents to include 2-3 rounds of edits by team members prior to finalization and distribution. Including create and/or assist in the creation of collateral materials to support the primary communications planning document such as timelines, activity/accountability grids, engagement grids, event reports, research, contact reports, etc.
- Management, oversight and implementation of projects to update and maintain current contact lists of local, county and state elected officials, appointed governing bodies, fire and rescue, civic organizations, HOA organizations, media, etc. for use during outreach, briefings, presentations to facilitate the dissemination of important and time sensitive information.
 - Management and oversight of schedules for briefings with civic organizations, HOAs, businesses and business associations.
- Additional duties and assignments as requested for the **2011-2012 public education and awareness campaigns regarding the establishment and implementation of a county-wide emergency services fee** for community outreach, community relations, public affairs, grassroots efforts, message creation, message delivery, briefing and presentation development and design in partnership and coordination with Ed Smith, Ed Hannon, the Jefferson County Emergency Services Agency, Jefferson County Fire and Rescue Association and the County Commissioners for Jefferson County and others as appropriate.

KELLEY-NELSON, INC.

19 FIRST STREET, SUITE 101
BERRYVILLE, VA 22611
703-727-9514
Linda@kelleynelson.net

General Fee Schedule

Kelley-Nelson, Inc. services are offered on an **hourly fee basis of \$60.00 per hour.**

Hourly Basis: Consultant is engaged under a simple letter of agreement for a specific time period at an hourly billing rate as represented above. Consultant and Client agree upon the estimated number of hours of work per month. Consultant invoices client monthly, based on the hourly rate for the actual number of hours worked that month. Client will be notified in advance of pending hourly overages in a given month and must agree to overages in advance. Agreement may be cancelled by either party with 30 days' notice to the other. Any hours worked prior to cancellation will be billed immediately with payment due in 30 days. Any significant increase in the agreed upon monthly hours specified in this contract will be added to this agreement as approved by both parties.

Retainer Basis: Consultant is engaged under a simple letter of agreement for a specific time period at an hourly billing rate as represented above. Consultant and Client agree upon the estimated number of hours of work per month. Consultant invoices client monthly, based on that hourly estimate. Any overage of actual hours worked, in excess of the paid retainer are billed in the next month's invoice at the retainer rate as herein represented. Client will be notified in advance of pending hourly overages in a given month and must agree to overages in advance. Agreement may be cancelled by either party with 30 days notice to the other. Any excess retainer after the 30-day cancellation is refunded by the Consultant to the Client. Retainer work may be applied to multiple projects as requested by the Client. Any significant increase in the retainer hours specified in this contract will be added to the retainer upon agreement by both parties.

Agreement may be cancelled by either party with a 30 day written notice to the other. Apart from the non-refundable engagement fee, upon cancellation any fees in excess of actual Consultant hours worked are refunded to the Client. Any hours worked in excess of the estimated project hours are billed to the Client at the project rate represented in the fee schedule. Overage hours must be approved in advance by the Client in writing.

On both engagement options, in addition to hourly fees, Client agrees to pay all associated costs for third-party contractor support services such as research, data entry, data base, administrative, clerical and/or support staff as may be deemed necessary to meet project goals and deadlines. Client agrees to pay all associated costs for travel, meals and lodging if Contractor or vendors are required to travel outside of Jefferson County/Loudoun County area at Client's request. Any such charges will be included as appropriate in invoices with supporting receipts. Any such additional charges must be approved in advance by the Client.

Additional terms of this agreement are outlined in the attached "Statement of Terms and Conditions".

KELLEY-NEILSON, INC.

19 FIRST STREET, SUITE 101
BERRYVILLE, VA 22611
703-727-9514
Linda@kelleyneilson.net

Agreement

Client and Consultant have elected to work under the _____ engagement option for this agreement.

The term of consulting services is _____ through _____.
Monthly estimated/average hours are: _____ hours per month for a total of \$ _____ per month for the term of this letter of agreement. Invoices will be submitted on the first of each month for the previous month (October hours will be billed on November 1) and all invoices are to be paid 30 days after receipt by the Client. Consultant will obtain Client approval for hours in excess of the agreed to hours per month as noted in this letter of agreement. Routine expenses incurred in the normal course of doing the job such as mileage, are covered by the hourly rate, however, extraordinary expenses will be invoiced in addition to the retainer. Travel and other major expenses directly related to the Client's project will be billed for reimbursement included in the regular monthly invoice.

I understand that all information and data (hereafter "information") obtained from Jefferson County Emergency Services Agency, Jefferson County Fire and Rescue Association and the County Commissioners for Jefferson County in the performance of services pursuant to this letter of agreement are proprietary and shall be kept confidential from all persons with the exception of Jefferson County Emergency Services Agency, Jefferson County Fire and Rescue Association and the County Commissioners for Jefferson County and those persons designated by the aforementioned to receive or share said information.

Thank you for this opportunity to assist you and your organization with community outreach, communications and project management services.

Sincerely,

Linda Kelley
President

Attachment: Execution Document
Statement of Terms and Conditions

KELLEY-NELSON, INC.

**19 First Street, Suite 101
BERRYVILLE, VA 22611
703-727-9514
Linda@kelleynelson.net**

EXECUTION DOCUMENT:

Agreement between Kelley-Nelson, Inc. (Contractor) and Inova Loudoun Hospital/Inova Health System/Inova Loudoun Medical Campus Leesburg (Client).

By the signature affixed hereto the Client accepts the Letter of Agreement and the Statement of Terms and Conditions as presented.

Accepted: **Jefferson County Emergency Services Agency
Jefferson County Fire and Rescue Association
County Commissioners for Jefferson County**

Signature

Print Name

Date

Accepted: **KELLEY-NELSON, INC.**

Signature

Print Name

Date

<p>Commission Office Use Only</p> <p>Date on Agenda: 10/20/11</p> <p>Appt Time or New Business: 11:30 AM</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 – 1st Choice: October 20, 2011

Date Requested – 2nd Choice: _____

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

Subject: Sheridan Estates Subdivision – Bonding - File #00-33

Please provide the County Commission with a description of your request or presentation, including any background information: See attached Memorandum dated October 11, 2011 from Roger Goodwin, Chief County Engineer.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize the staff to call in the Construction Bond and associated Letter of Credit #9570145840 0003 in the amount of \$972,616.00 for the Sheridan Estates Subdivision – File #00-33 and proceed with Option No. 1 and/or Option No. 2 as outlined in the Memorandum dated October 11, 2011 from Roger Goodwin, Chief County Engineer.

Attachments: October 11, 2011 Memorandum
Site Location Map

MEMORANDUM

Jefferson County, West Virginia Engineering Department

TO: County Commission of Jefferson County

FROM: Roger Goodwin, P.E.
Chief County Engineer

DATE: October 11, 2011

SUBJECT: Sheridan Estates Subdivision – Bonding
JCPC File No. 00-33

Introduction

The Sheridan Estates Subdivision is a residential subdivision consisting of 178 single family lots located on the north side of Route 340 (across the road from the U.S. Customs & Border Patrol Training Center) near Harpers Ferry. There are homes on 63 of the lots. The subdivision is served by public water and sanitary sewer services. Stormwater management is provided by three stormwater management detention basins and two infiltration basins. The project was approved and construction of the required site improvements began in year 2003. Some of the site improvements remain to be completed.

On October 26, 2010, the Sheridan Estates Homeowner's Association (HOA) submitted a letter to the Engineering Department requesting that we compel the developer to fix the roadway that is in disrepair in Phase 1, and to complete the street paving and remaining miscellaneous site improvements. Since then, on five different occasions from October, 2010 through May, 2011, the Chief County Engineer either corresponded with or spoke with the developer and/or the developer's geotechnical engineer regarding the need to address the HOA's concerns and to complete the work in Phase 1 of the subdivision. Each time the developer indicated that the issues will be addressed; as a result, the Chief County Engineer agreed to the developer's request for several time extensions. May 31st was the last expiration date for the developer to complete the work; however, no work has been done as of August 26, 2011.

Due to the developer being non-responsive, the Sheridan Estates HOA submitted a second letter on May 31, 2011, to the Engineering Department requesting that the County Commission call-in the bond and complete the work in Phase 1 of the Sheridan Estates Subdivision. The following is the status of the construction bond and the bond surety:

Developer: Sheridan Estates, LLC
c/o James Jost, Managing Partner
James Jost & Company, Inc.
7120 Minstrel Way
Columbia, MD 21045

Original Bond Amount: \$2,747,743.00

Current Bond Amount: \$ 972,616.00

Surety Provider: Irrevocable Letter-of-Credit (#9570145840 00003) in the amount of \$972,616.00 from BB&T Bank.

The bond agreement expired on July 30, 2009 (after this date, the County Commission has the right to call-in the bond), but the bond surety, in the form of a letter-of-credit with BB&T Bank, does not expire until January 15, 2012.

Supporting Documentation

Copies of the following supporting documents are attached:

- Sheridan Estates HOA letter dated October 26, 2010
- Sheridan Estates HOA letter dated May 31, 2011
- Bonding Agreement dated September 22, 2003
- BB&T Bank letter-of-credit #9570145840 00003 (expires Jan. 15, 2012)
- April 13, 2011 letter from the Chief County Engineer to the developer summarizing the history of efforts to compel the developer to address the HOA's issues and concerns, and to complete the site improvements.
- Photos from August 23, 2011 site visit.
- Notice to Stop Issuance of ILP/Building Permits
- West Virginia State Code, Chapter 8A, Article 6, Section 3(b)

Site Improvements Remaining to be Completed:

The record shows that the developer was previously given the following direction regarding incomplete work in Phase 1, which includes but is not limited to the following:

- a. Repair roadway shoulders where rutted out.
- b. Remove "alligator cracking" of roadway asphalt base course and failed subgrade. Replace the failed subgrade with suitable material compacted to the required specifications, and the place stone base and asphalt base course material prior to placing the asphalt

surface course. Be advised that the roadway pavement cracking and rutting are indicators that the roadway subgrade has failed. This cannot be fixed by patching or overlaying with asphalt.

Do not place the asphalt surface course until the roadway subgrade and stone base repairs are complete and verified by our office or certified by a geotechnical engineer.

- c. Place the roadway asphalt surface course. It appears that none of the asphalt surface course is in place as of this date.
- d. Stabilization of all disturbed/bare areas including roadway shoulders/ditch lines and the storm water management basins.
- e. Complete the unfinished work on the all roadways and storm drainage culverts.
- f. Complete all remaining utilities work.
- g. Complete any landscaping and buffer requirements.
- h. Install traffic control signs & bus shelters, etc.; as applicable.
- i. Complete any off-site utility lines and the PSD's waste water treatment plant.

In addition, the following additional items need to be addressed:

- j. Provide and maintain all erosion and sediment control measures during completion of the work; and complete final site stabilization.
- k. Complete stormwater management basin no. 3.
- l. Install the rip-rap stone aprons at the storm culverts remaining to be installed.
- m. Set all property/lot corners.
- n. Provide as-built certification of stormwater management basin no. 3.
- o. Complete the creation of the homeowner's association.
- p. Complete the transfer of all common areas, stormwater management facilities, and road rights-of-way to the HOA.

Creation of Homeowner's Association & Transfer of Common Areas

A. Sheridan Estates HOA:

There is no document on record in the county clerk's office indicating that the Sheridan Estates Homeowner's Association (HOA) has been created by the developer.

There are no deeds on record in the county clerk's office indicating that the developer has transferred all common areas, stormwater management facilities, and road rights-of-way, etc. to the Sheridan Estates HOA.

B. Water System:

Jefferson Utilities, Inc. (JUI) will own and operate the water system in the subdivision. There is no evidence that the developer has conveyed the water system to JUI; however, JUI is operating and maintaining the water system until it is conveyed.

JUI has approved the release of the following bond amounts:

- 75% of the bond amount for the on-site water system; and
- 100% of the bond amount for the off-site 16" diameter waterline.

JUI has requested that all remaining bond amounts for the water system not be released.

C. Sanitary Sewer System & WWTP:

The Jefferson County PSD will ultimately own and operate the waste water treatment plant and the sanitary sewer system in the subdivision. However, the system has not yet been conveyed to JCPSD. Until then, Jefferson Utilities, Inc. (JUI) is operating the sanitary sewer system under contract with the developer.

The record indicates that the Jefferson County PSD has approved the release of the following bond amounts:

- 85% of the on-site sanitary sewer system; and
- 98% of Pump Station no. 2; and
- 80% of the off-site sanitary sewer lines.
- No bond amount has been released for Pump Station no. 1

The Jefferson County PSD has requested that all remaining bond amounts for the sanitary sewer system not be released.

Platting of Lots and Issuance of Building Permits

There are 178 lots in the Sheridan Estates Subdivision. As of August 18, 2011, building permits for homes have been issued and homes constructed on 63 lots. The platting of the lots and construction of homes is as follows:

Phase 1 – Final Plat (Lots 1, 26, 38-78, 94, 109, 132, 159; Residue Lots A-F)

The lots final platting for Phase 1 results in at least one lot on every street in the subdivision; thus requiring that the entire infrastructure shown on the Preliminary Plat be bonded and installed as part of the Phase 1 Final Plat. Because of this, the final platting of the lots for Phase 2 required no additional site improvements; therefore, no additional bonding was required under the approval of the Phase 2 Final Plat.

Of the 47 lots in Phase 1, 41 of the lots have dwelling units on them. The following lots do not have dwelling units on them as of August 26, 2011:

Lots 1, 26, 38, 78, 109, 132 & 159

Phase 2 – Final Plat (Lots 2-25, 27-37, 79-93, 95-108, 110-131, 133-158, 160-178)

All site improvements required to serve the lots in Phase 2, are required to be installed under the Phase 1 construction bond. Of the 131 lots in Phase 2, 16 of the lots have dwelling units on them. The following lots do not have dwelling units on them as of August 26, 2011:

Lots 2-25, 27-37, 79-81, 85, 86, 92, 98, 101, 103, 105-108, 110-131, 133-158, & 160-178.

Due to the failure of the developer to meet the conditions of the final plat (e.g., complete the site improvements, create the HOA, transfer ownership of the common areas, etc.), the Office of Building Permits & Inspections has stopped issuing ILP/Building Permits for all remaining lots in the subdivision – under the authority of West Virginia State Code, Chapter 8A, Article 6, Section 3(b) - as of September 29, 2011. See the copy of the notice in the supporting documents.

Summary

In summary, the construction of the Sheridan Estates Subdivision project was started in year 2003. The developer has had 8 years – including several time extensions - to complete the work. The record indicates that no work has been done since year 2007. In addition, the developer has been non-responsive to both the Sheridan Estates HOA's and the Engineering Department's recent requests to address the issues of maintenance, repair, and completion of the infrastructure for primarily the occupied lots in the Sheridan Estates Subdivision. Therefore, I am requesting that the County Commission authorize the following action:

Option No. 1

1. Call-in the bond and the letter-of-credit in the amount of \$972,616.00 with the intent of using the funds to fix/complete only those site improvements (i.e., roads, utilities, storm drainage, stormwater management, seeding & mulching, traffic control devices, etc.) that are needed to serve only the lots that currently have dwelling units on them, which includes the following streets:
 - Chickamauga Drive (Station 35+50 to Station 56+00)
 - Powder River Court
 - Yellow Tavern Court
 - Winchester Court
 - Fiver Forks Drive
 - Old Harbor Court
2. Continue the ban on the issuance of building permits for all remaining currently unoccupied lots, as allowed under West Virginia State Code, Section 8A-6-3(b).
3. Authorize staff to contact the surety provider, BB&T Bank and negotiate the following:
 - A. Either BB&T Bank or the County completes the repairs and improvements noted in item number 1 above using escrowed bond funds; and
 - B. BB&T Bank creates the Homeowner's Association; and
 - C. BB&T Bank completes the transfer of ownership of all common areas stormwater management facilities, and road rights-of-way, etc. to the homeowner's association; and
 - D. BB&T Bank completes the transfer of ownership of any water and sanitary sewer utilities, pump stations, and waste

water and sanitary sewer utilities, pump stations, and waste water treatment plant to the appropriate public service district, if not already done.

- E. BB&T Bank processes and records a merger deed that merges all remaining lots that are not located on the roads mentioned in item no. 1 above. This will essentially return these lots to "residue parcel" status, with the right to be subdivided again in the future. Removal of these lots from the land records will eliminate the need to complete the remaining site improvements and prevent these lots from being sold without the required site improvements in place.
- F. Once items A, B, C, D and E are addressed by BB&T to the satisfaction of the County Commission of Jefferson County, all remaining surety funds will be returned to BB&T bank and the ban on issuing building permits will be lifted for the following sixteen currently unoccupied lots: 38, 78, 79, 80, 81, 85, 86, 92, 98, 101, 103, 105, 106, 107 108, &109.

Option No. 2 (if Option No. 1 is not possible)

- 1. Call-in the bond and the letter-of-credit in the amount of \$972,616.00 with the intent of using the funds to fix/complete only those site improvements (i.e., roads, utilities, storm drainage, stormwater management, seeding & mulching, traffic control devices, etc.) that are needed to serve only the lots that currently have dwelling units on them, which includes the following streets:
 - Chickamauga Drive (Station 35+50 to Station 56+00)
 - Powder River Court
 - Yellow Tavern Court
 - Winchester Court
 - Fiver Forks Drive
 - Old Harbor Court
- 2. Continue the ban on the issuance of building permits for all remaining currently unoccupied lots – as allowed under West Virginia State Code, Section 8A-6-3(b) - until the owner/developer meets the following obligations:
 - a. Creates the Homeowner's Association; and
 - b. Completes the transfer of ownership of all common areas stormwater management facilities, and road rights-of-way, etc. to

- c. Completes the transfer of ownership of any water and sanitary sewer utilities, pump stations, and waste water treatment plant to the appropriate public service district, if not already done; and
 - d. The owner/developer completes the site improvements for all currently unoccupied lots located on Stone River Court, Wilderness Court, Lookout Mountain Court and Chickamauga Drive (from Sta. 0+00 to Sta. 35+50); or the developer executes a new bond agreement and posts a satisfactory bond and surety for the completion of all remaining site improvements, in accordance with the current bonding policy and current unit costs.
3. The county commission authorizes staff to record a document in the land records of the Jefferson County Clerk's Office serving as a "buyers beware" notice to possible purchasers of any remaining lots that building permits will not be issued. The notice would be removed once items no. 1 and no. 2 above are satisfactorily addressed.

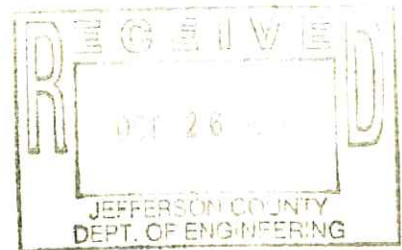
Supporting Documents

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- Notice to Stop Issuance of ILP/Building Permits
- West Virginia State Code, Chapter 8A, Article 6, Section 3(b)

00-33

orig. File

731 Chickamauga Drive
Harpers Ferry, West Virginia 25425
October 26, 2008



FILE

Jefferson County Department of Engineering
100 East Washington Street
P.O. Box 338
Charlestown, WV 25414

Dear Sir:

As a member of the Board Of Directors of the Sheridan Estates Home Owners Association I have been asked to request your services in inspecting the roads in the now completed phase 1 of our community. The roads are and have been in a state of ill repair since we moved in. The last property was completed in July of 2010 and five ton concrete barricades have been placed at the intersection of Chickamauga Dr. and Five Forks Rd. to prevent any construction traffic from entering our completed section of the development.

We are currently living with eroded and sunken sections of the temporary road, an unmarked construction speed bump, degraded shoulders, repair patches of uneven height and texture of asphalt, sections which are not properly crowned for water drainage, and raised sewer covers along the road way.

Winter is approaching and last winter several of the snow plows were damaged when they plowed our community because they could not see the raised sewer covers due to the snow.

It is our understanding that the initial 30 month bonding for completion of the final road has long since expired. We therefore respectfully request that Jefferson County through your office perform an official assessment of the roads in our completed section of the community. Also that the applicant either be compelled by Jefferson County to install the final surface to compliance with County Code, or that the posted bond be forfeited and the proceeds applied by Jefferson County to complete construction of the roadways to final surface and grade.

It will be greatly appreciated by all homeowners in the community if our plight with horrible road conditions is given your immediate attention.

Respectfully yours,


Eula Odom

Eula Odom
731 Chickamauga Drive
Harpers Ferry, West Virginia 25425
May 31, 2011



FILE

Jefferson County, West Virginia
Engineering Department
Attn: Mr. Roger L. Goodwin, P.E.
116 East Washington Street
P.O. Box 716
Charles Town, West Virginia 25414

Re: Sheridan Estates Subdivision Road repairs

Dear Mr. Goodwin:

On October 26, 2010 I delivered a letter to the Engineering Department which outlined the deteriorated condition of the streets in our subdivision. At that time I was told that a site inspection would be made and that your department would make a determination of necessary repairs if needed.

Based on the site inspection the next communication I received from your Department stated that a copy of my letter in which I requested that repairs be made by the developer or else that Jefferson County pull the bond and bring our roadways up to compliance with county code had been sent to Mr. Herb Jonkers who had signed the subdivision Final Plat and the bonding agreement as "Managing Partner" for Sheridan Estates Subdivision, LLC. That Mr. Jonkers did not respond to your letter which asked that he respond no later than December 31, 2010, the fact that when you were finally able to speak with Mr. Jonkers he informed you that he is not the managing partner and never was a partner of the Sheridan Estates Subdivision, LLC raises many questions about the legality of his signature on those documents. Mr. Jonkers referred you to a Mr. James Jost of James Jost & Company and said that Mr. Jost was the managing partner for Sheridan Estates LLC.

On February 2, 2011 you sent a letter to Mr. James Jost Managing Partner for Sheridan Estates LLC requesting a response no later than February 25, 2011. It was most encouraging to our community when we received notice that Mr. Jost did respond on February 23, 2011 and that he had obtained the services of Mr. Mohamad Abu-Kassem, P.E. of GeoDesign and Engineering, Inc. to inspect the pavement at Sheridan Estates and provide a comprehensive plan regarding making the necessary repairs. After being neglected and having our concerns fall on deaf ears for so long we were delighted that finally a Managing Partner was going to take decisive action and bring our roadways to code.

In April I received a letter in which Mr. Jost requested an extension of time to get back to your office with a comprehensive course of action and stated that the work would then be made within forty-five days.

Today, May 31, 2011 is the 30th day since Mr. Cost requested the extension and absolutely nothing has been done to improve our community roadways.

Are we the victims of a shell game? Will yet another Managing Partner be introduced to yield nothing for our community?

Hope springs eternal, are we to continue to hope until eternity comes? We were hoping that it would not be necessary for the county to pull the bond, at this point we wish to proceed by any means necessary.

Respectfully Yours,



Eula Odom

President Sheridan Estates H.O.A.

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, SHERIDAN LLC, Route 2, Box 99E, Charles Town, West Virginia 25414, is held and firmly bound to the COUNTY COMMISSION OF JEFFERSON COUNTY, a West Virginia public corporation, with control and supervisory functions over the Jefferson County Planning Commission, in the penal sum of Two Million Seven Hundred Forty Seven Thousand Seven Hundred Forty Three Dollars and No Cents (\$2,747,743.00), for the completion of erosion and sediment control devices, storm water management measures, grading, roadways, water and sewer lines and associated appurtenances, for the payment of which, well and truly to be made, it binds itself, its successors in title and its assigns.

The condition of the above obligation is such that, whereas the Jefferson County Planning Commission has approved and consented to the recordation in the Office of the Clerk of the Jefferson County Commission the final plat of the Sheridan Subdivision, Lots 1, 26, 38-78, 94, 109, 132, 159 & Residue Lots A-F, a subdivision of lands of SHERIDAN LLC, the property is located on the north side of Route 340/13 (Frontage Road-Shipley Elementary) at 0.16 miles and 0.10 miles east of its intersection with Route 230 - Mile Post 0.37 and 0.43 respectively, which is to consist of 47 single family lots on 45.067 acres with a 54.20006 acre residue, more or less, with roadways and appurtenance thereto, for the purpose of selling such lots and appurtenances thereto to buyers thereof, and, whereas the improvements required to be made on such subdivision, as required by the Jefferson County Subdivision Ordinance have not yet been made, which improvements are detailed in Planning Commission File No. 00-33.

NOW, THEREFORE, if SHERIDAN LLC, shall well and truly complete the

construction and installation of such improvements by October 22, 2005, and pay all costs attendant thereto, in compliance with the Jefferson County Subdivision Ordinance, then this bond shall be wholly null and void, otherwise, to remain in full force and effect.

A. The County Commission of Jefferson County, West Virginia, shall execute and deliver to the Maker hereof complete or partial satisfaction of this bond when the same is requested by the Maker hereof, according to the following provisions:

1. A complete satisfaction and exoneration shall be granted by the County Commission of Jefferson County upon presentation of evidence by the Maker that all terms and conditions of this bond have been satisfied.
2. Requests for partial satisfaction may be made from time to time, provided that such requests are for amounts in excess of \$10,000.00 of improvements completed or for the completion of all required improvements for any single bond even though less than \$10,000.00; partial satisfaction shall be granted upon presentation of evidence by the Maker that work equal in value to the amount of the satisfaction requested, has been completed and that all terms and conditions of the bond sought to be partially satisfied have been satisfied.
3. The County Commission of Jefferson County shall not consent to any satisfaction under provisions 1 or 2 above, until being first provided with a written statement from the County Engineer certifying that required improvements have been satisfactorily completed. Furthermore, the County Commission of Jefferson County shall not consent to any satisfaction under provisions 1 or 2 above, until

the Maker has paid the County Commission of Jefferson County a fee of Fifty Dollars (\$50.00) for each site inspection (after the erosion and sediment control devices have been inspected and approved, all subsequent County Engineer inspections shall be \$50.00) conducted by the County Engineer, at the request of the Maker.

B. The bond is secured by an Irrevocable Letter of Credit dated the 27th day of August 2003 from Branch Banking & Trust Company of Virginia, 1308 Devils Reach Road, Suite 200, Woodbridge, Virginia 22192 (Irrevocable Letter of Credit Number #082703-A) which is on file in the offices of the Jefferson County Planning Commission. By acceptance of the above irrevocable letter of credit as security, the following conditions shall apply:

1. The irrevocable letter of credit shall be in the amount of \$2,747,743.00 and shall be attached to this bond and made a part hereof.
1. The irrevocable letter of credit shall be clearly written to provide the beneficiary with direct and immediate access to the loan funds upon submission by the beneficiary of a signed draft request.
2. The irrevocable letter of credit shall remain in full force and effect as security for this Bond until such time as the bond is released. The letter of credit shall be renewed by SHERIDAN LLC, thirty (30) days prior to the expiration of the letter of credits to provide uninterrupted security for this bond.

***EXPIRATION DATES FOR ALL LETTERS OF CREDIT WILL BE EITHER JANUARY 15 OR JULY 15 OF A GIVEN YEAR.**

3. Signed draft requests against the irrevocable letter of credit will be made by the Jefferson County Commission (beneficiary) for one or both of two reasons:
 - A. Failure on the part of SHERIDAN LLC to complete improvements according to the terms of this bond.
 - B. Failure on the part of SHERIDAN LLC to renew the irrevocable letter of credit thirty (30) days prior to the expiration date.
4. Drafts made against the irrevocable letter of credit by the Jefferson County Commission will be used exclusively for the purpose of completion of improvements herein above required.
5. Drafts made against the irrevocable letter of credit for reason 4A will be used by the Jefferson County Commission to complete or procure the completion of improvements herein above required.
6. Drafts made against the irrevocable letter of credit for reason 4B will be escrowed with a local commercial bank or savings and loan association by the Jefferson County Commission and will be held, during the life of this bond, for the purpose of guaranteeing improvements herein above required.

WITNESS the following signatures and seals:

WITNESS:

Rebecca Burns

Date: 9/22/03

SHERIDAN LLC

By: [Signature]

Print Name: HERBERT JANKERS

Title: Mgr

Date: 9/22/03

WITNESS:

Rebecca Burns

Date: 9/22/03

COUNTY COMMISSION OF JEFFERSON
COUNTY WEST VIRGINIA

By: [Signature]

Print Name: Jolie D. Smith

Title: County Administrator

Date: 9/22/03

PROJECT INSPECTION MILESTONE CHART
SHERIDAN SUBDIVISION, LOTS 1, 26, 38-78, 94, 109, 132, 159 & RESIDUE LOTS A-F
PC FILE #00-33
APRIL 22, 2003

PROJECT INSPECTIONS ARE NECESSARY AT:

- PLACEMENT OF EROSION AND SEDIMENT CONTROL DEVICES
- COMPLETION OF LAYING OF UNDERGROUND UTILITY LINES PRIOR TO BACKFILLING
- COMPLETION OF STORM WATER MANAGEMENT FACILITIES
- COMPLETION OF GRADING FOR STREETS
- COMPLETION OF BASE STONE INSTALLATION AND COMPACTION
- COMPLETION OF ASPHALT PAVING
- COMPLETION OF FINAL GRADING AND SEEDING
- COMPLETION OF FINAL PROJECT DETAILS

GENERAL PROJECT NOTES

THE DEVELOPER SHALL REQUEST INSPECTIONS 48 HOURS IN ADVANCE WHENEVER POSSIBLE.

EROSION CONTROL MEASURES SHOULD BE INSTALLED PRIOR TO ANY SIGNIFICANT EARTH WORK.

ALL UTILITY TRENCHES SHALL BE COMPACTED TO 95% OF MAXIMUM DRY DENSITY WHERE THEY CROSS UNDER ROADS AND PARKING AREAS.

REQUESTS FOR DESIGN CHANGES MUST BE SUBMITTED IN WRITING AT LEAST 5 DAYS IN ADVANCE OF CONSTRUCTION OF THE PROPOSED ITEM.

JEFFERSON COUNTY BONDING POLICY

ADOPTED - MAY 25, 1995

AMENDED - APRIL 10, 1997

AMENDED - AUGUST 20, 1998

AMENDED - DECEMBER 1, 2000

- A. Projects That Require Construction Bonds
 - 1. Approved subdivisions of land requiring infrastructure improvements.
 - 2. Commercial, industrial, multi-family and institutional projects that require a site plan.

- B. Length of Construction Bonds
 - 1. 2 ½ years of all improvements.

- C. Extensions of Construction Bonds
 - 1. 1 ½ years provided:
 - a. All dwelling units are served by a road that is totally improved with exception of the top coat of asphalt;
 - b. All erosion and sediment controls are in place and functioning properly;
 - c. Storm water Management facilities are in place either as temporary silt traps per plan or as permanent SWM protected from silt from undisturbed areas in the project. The SWM facility itself will be stabilized;
 - d. \$300.00 in fees are paid;
 - e. Surety is re-evaluated to determine if amount is still appropriate;
 - f. Additional surety is added if (e) is not adequate;
 - g. Existing infrastructure shall be reconstructed or redesigned if failing or substandard. ((f) then applies) ; and,
 - h. Elements of the preliminary plat or site plan that have not been constructed shall be reviewed for compliance with current design standards and said plat or plan shall be modified to meet current standards as required.

- D. After the erosion and sediment control devices have been inspected and approved all subsequent County Engineer inspections shall be \$50.00. County discretionary inspections shall not be assessed the fee.

- E. Approved Sureties are Limited to:
 - 1. Irrevocable Letter of Credit (Addendum A) from any bank within 150 miles of Charles Town, West Virginia; or,

2. Cash-in-Escrow (addendum B) at any bank within 150 miles of Charles Town, West Virginia; or,
 3. Irrevocable Letter of Commitment (addendum C) from any bank in Jefferson County.
- F. Approved surety shall be formatted as shown on the attached sheets unless otherwise approved by the County Administrator and the Planning Director or the County Commission.
- G. Parties other than the owner may provide the surety as allowed in the subsection F above and execute the construction bond; provided, however, that the third party adds their signature to the statement of acceptance on the associated plat.
- H. Bonding arrangements cannot be made prior to Planning Commission approval of project.

After the County Engineer has approved the construction bond amount and approved surety has been presented to the Planning Commission office, the construction bond shall be prepared. Upon notice from the Planning Commission office to the County Commission office that the surety and bond are in accordance with the Jefferson County Commission bonding policy, the Commission President or County Administrator may affix signature to the bond which will constitute acceptance by the County Commission of Jefferson County. All such action shall be reported to the Jefferson County Commission as an agenda information item at their next meeting.

An appeal of this process will adhere to (I.) below of the Jefferson County Bonding Policy adopted May 25, 1995.

- I. To be approved by the County Commission on a Thursday all surety must be submitted to the Planning Commission office by 5:00 p.m. on the preceding Monday. If the office is closed on such Monday then the deadline is 12:00 p.m. on Tuesday.
- J. The County shall retain the 15% contingency fee on all components until the final release is approved. Except that if a project's required surety has been greater than \$333,333.00 and goes below that amount because of releases, the contingency amount retained will be \$50,000.00 until final release of all bonded items.
- K. In the event that a previously released component fails before the final release, no monies will be released until said component is corrected and approved.



00-33

AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT

BRANCH BANKING AND TRUST COMPANY

LETTER OF CREDIT NO. 9570145840 00003

Martinsburg-Commercial Loans

DATE 12/13/2010

BENEFICIARY:

NAME JEFFERSON COUNTY COMMISSION

ADDRESS 104 EAST WASHINGTON STREET

CITY/STATE/ZIP CHARLES TOWN, WV 25414-0000

FOR ACCOUNT OF

NAME SHERIDAN LLC

ADDRESS 7120 MINSTREL WAY STE 208

CITY/STATE/ZIP COLUMBIA, MD 21045-5292

THE LETTER OF CREDIT IS HEREBY AMENDED AS FOLLOWS:

PLEASE RENEW LETTER OF CREDIT #9570145840/00003 IN THE AMOUNT OF \$972,616.00 TO A NEW

EXPIRATION DATE OF JANUARY 15, 2012.

RE: SHERIDAN LLC FILE #0023

IT IS UNDERSTOOD THAT THIS AMENDMENT TO THE LETTER OF CREDIT IS SUBJECT TO ACCEPTANCE BY THE BENEFICIARY. ALL OTHER TERMS AND CONDITIONS OF THE ORIGINAL LETTER OF CREDIT SHALL REMAIN UNCHANGED.

BRANCH BANKING AND TRUST COMPANY

[Signature]

AUTHORIZED SIGNOR



ACCOUNT# / NOTE#

9570145840 00003

1827WV (9711)



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

April 13, 2011

Sheridan Estates LLC
c/o Mr. James Jost
James Jost & Co., Inc.
7120 Minstrel Way
Columbia, MD 21045

Re: Sheridan Estates Subdivision (JCPC File No. 00-33) – HOA Complaint

Dear Mr. Jost:

This letter is in response to your April 11, 2011, email letter and the unfinished site work at the Sheridan Estates Subdivision that resulted in a complaint to our office by the Sheridan Estates Homeowner's Association. A brief review of the history of this issue is as follows:

1. In a letter dated May 23, 2007, The Chief County Engineer pointed out to the developer the incomplete site work and the deficiencies in some of the work completed at that point in time. Our file indicates that no action has been taken to date to complete any more of the work and/or address the issues raised in the letter. The developer has failed to complete the site work even after requesting and receiving several time extensions from the Jefferson County Commission. The last bond time extension expired on July 30, 2009.
2. The Sheridan Estates Home Owner's Association (HOA) filed a written complaint with the Chief County Engineer on October 26, 2010, complaining about the unfinished site work in the first phase of the subdivision, and the disrepair of the subdivision streets.
3. The Chief County Engineer sent a letter, dated December 13, 2010, to Mr. Herb Jonkers – the person we understood to be the "developer" - making him aware of the HOA's complaint and concerns. Mr. Jonkers never responded to the letter. However, Mr. Jonkers did subsequently tell the Chief County Engineer and the Bonding Administrator that he is not the

developer of the Sheridan Estates Subdivision and never was a partner of the Sheridan Estates LLC; that Mr. James Jost is the managing partner.

4. The Chief County Engineer sent a letter, dated February 9, 2011, to Mr. James Jost, as managing partner of the Sheridan Estates LLC, relaying the complaint and concerns raised by the Sheridan Estates Homeowner's Association; and informed Mr. Jost that the Chief County Engineer is preparing to recommend to the county commission that they call-in the \$972,616.00 construction bond. Mr. Jost was told that "if you have any objections or comments, please contact the Chief County Engineer in writing by Friday, February 25, 2011". On February 23, 2011, the Chief County Engineer received an email from Mr. Jost, Managing Member, Sheridan LLC, stating:

"We have engaged Mr. Mohamad Abu-Kassem, P.E. of GeoDesign and Engineering, Inc. to inspect the pavement at Sheridan Estates and provide a comprehensive plan regarding making the necessary repairs.

We would appreciate the County's indulgence in allowing us the time to evaluate the situation and come up with a plan to rectify it."

5. The Chief County Engineer sent a letter, dated February 28, 2011, to Mr. James Jost agreeing to wait until March 31, 2011, to hear from GeoDesign on their recommendations for satisfactorily addressing the issues and concerns expressed by the Sheridan Estates HOA. It was pointed out that "time is of the essence in this matter." On March 30, 2011, the Chief County Engineer received an email from Mr. Mohamad Abu-Kassem, President, of GeoDesign wanting to discuss the issues at the Sheridan Estates Subdivision. The Chief County Engineer spoke to Mr. Abu-Kassem and told him that he needed to submit a plan for fixing the streets and a schedule for completing the remaining site work by April 13, 2011. As of April 13, 2011, the Chief County Engineer has not received a plan for fixing the streets.
6. The Chief County Engineer received an email on April 11, 2011, from Mr. James Jost stating that he has "engaged Mr. Mohamad Abu-Kassem, PE, to evaluate the extent and specifics of what needs to be done." Mr. Jost indicated that it is his hope to determine what needs to be done and to begin the work within 45 days.

Considering the lengthy history behind getting the incomplete site work completed and the HOA's issues satisfactorily addressed, it is my hope that this matter will soon be resolved. It is my understanding that Mr. Mohamad Abu-Kassem recently visited the Sheridan Estates Subdivision to investigate the issues and determine what needs to be done; and he has met with representatives from the Sheridan Estates HOA while on site. Therefore, I will delay making a request to the county commission to call-in the

bond. Please be advised that my office is available to help you and Mr. Abu-Kassem with any information you may need in satisfactorily completing the work. If you have any questions regarding the specifics of the bonding for this project, please feel free to contact Ms. Rebecca Burns, Bonding Administrator, at 304-728-3257.

Sincerely,



Roger L. Goodwin, P.E.
Chief County Engineer

C: BB&T Bank
Mr. Brett Butler, V.P.
148 South Queen Street
Martinsburg, WV 25401

Sheridan Estates HOA
c/o Ms. Eula Odom, HOA President
731 Chickamauga Drive
Harpers Ferry, WV 25425

Norma Kuroski, Land Development Inspector
Rebecca Burns, Bonding Administrator

Sheridan Estates
Subdivision
JCPC No. 00-33

Chickamauga Drive

August 23, 2011



Sheridan Estates
Subdivision
JCPC No. 00-33

Chickamauga Drive



Sheridan Estates
Subdivision
JCPC No. 00-33

Winchester Court



Yellow Tavern Court

Powder River Court



Sheridan Estates
Subdivision
JCPC No. 00-33

SWM Basin no. 1



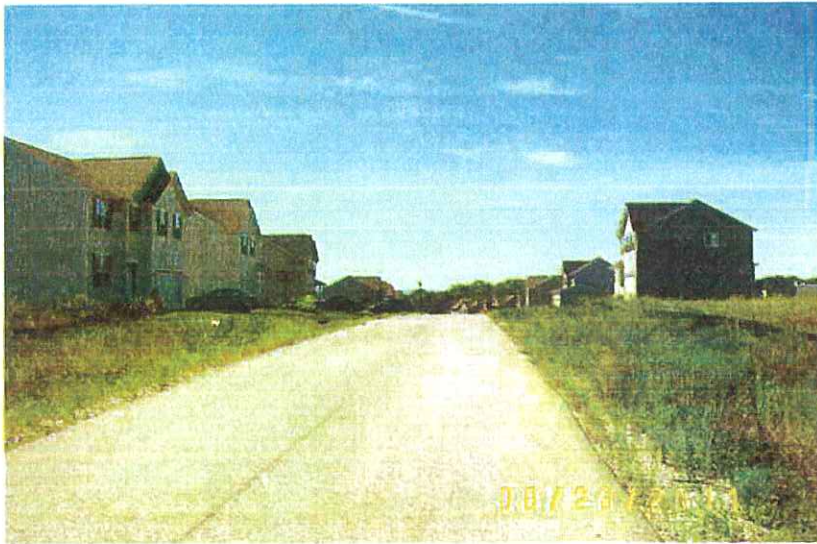
SWM Basin no. 2

Chickamauga Drive at
Entrance
Sta. 56+00



Sheridan Estates
Subdivision
JCPC No. 00-33

Five Forks Drive



Sheridan Estates
Subdivision
JCPC No. 00-33

Five Forks Drive



Sheridan Estates
Subdivision
JCPC No. 00-33

Five Forks Drive



Five Forks Drive Looking
past Cold Harbor Court
to Entrance

Cold Harbor Court



Sheridan Estates
Subdivision
JCPC No. 00-33

Chickamauga Drive near
SWM Basin no. 3; note
that roadway grading is
not complete and is now
overgrown.



SWM Basin no. 3; note
that basin filled in with
sediment that now needs
cleaned out, and is also
overgrown.

MEMORANDUM

Jefferson County, West Virginia
Engineering Department

TO: Rebecca Burns, Office Manager
Kim Sisk, Permits Clerk
Jonathan Saunders, County Engineer
Mike Monaghan, Building Inspector
Haines Kimble, Building Inspector
Mason Carter, Ordinance Compliance Officer

FROM: Roger Goodwin, P.E.
Chief County Engineer/Building Official

DATE: September 29, 2011

SUBJECT: Sheridan Estates Subdivision (JCPC File No. 00-33) - Building Permits

Notice

Be advised that as of September 29, 2011, the Jefferson County Office of Building Permits & Inspections is not to accept building permit applications for single-family dwellings or any other structures on the following lots in the Sheridan Estates Subdivision, until further notice:

Sheridan Estates Subdivision

Phase 1 – Final Plat

(Lots 1, 26, 38, 78, 109, 132 & 159)

Phase 2 – Final Plat

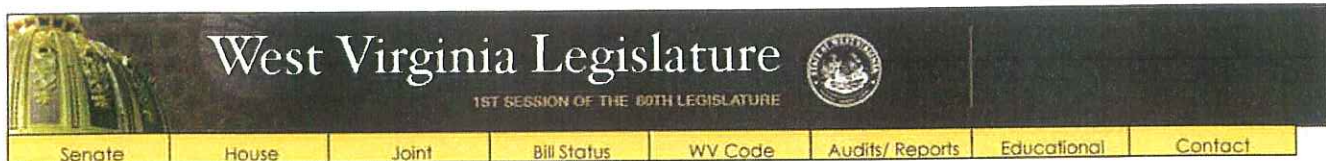
(Lots 2-25, 27-37, 79-81, 85, 86, 92, 98)

&

(Lots 101, 103, 105-108, 110-131, 133-159, & 160-178)

This directive to withhold acceptance of building permit applications and issuance of building permits is under the authority granted in West Virginia State Code, Section 8A-6-3(b); and is due to the owner/developer's failure to comply with the requirements of the Sheridan Estates Subdivision plats and the Owner/Developer's bonding agreement with the County Commission of Jefferson County, West Virginia.

C: Tim Boyde, County Administrator
Stephanie Grove, Assistant Prosecuting Attorney



WEST VIRGINIA CODE

CHAPTER 8A. LAND USE PLANNING.**ARTICLE 6. METHODS OF SECURITY.****§8A-6-1. Bond requirements.**

(a) If a bond is used as an acceptable method of security for infrastructure construction, then it shall meet the following requirements:

- (1) Be in an amount to cover the infrastructure construction, as determined by the governing body;
- (2) Be payable to the governing body;
- (3) Have adequate surety and be satisfactory to the governing body;
- (4) Specify the time for the completion of the infrastructure construction; and
- (5) Specify the date and/or condition for when the bond will be released.

(b) The money from the bond shall only be used by the governing body to which the bond is payable, for the completion of the infrastructure construction, when the infrastructure construction is not completed as approved at the issuance of the bond.

§8A-6-2. Conditions as part of final plat approval.

(a) A subdivision and land development ordinance may provide for the voluntary proffering by a landowner as a requirement of final plat approval for a development project.

(b) For purposes of this section, a "voluntary proffer" is a written offer by a landowner to a governing body whereby the landowner offers to satisfy certain reasonable conditions as a requirement of the final plat approval for a development project. A voluntary proffer made to a governing body shall be in lieu of payment of an impact fee as authorized by section four, article twenty, chapter seven of this code: *Provided*, That no proffer may be accepted by a governing body in lieu of an impact fee that would otherwise go to schools without the approval of the county board of education.

(c) For purposes of this section, a condition contained in a voluntary proffer is considered reasonable if:

- (1) The development project results in the need for the conditions;
- (2) The conditions have a reasonable relation to the development project; and
- (3) All conditions are in conformity with the comprehensive plan adopted pursuant to this chapter.

(d) No proffer may be accepted by a governing body unless it has approved a list detailing any proposed capital improvements from all areas within the jurisdiction of the governing body to which the proffer is made, which list contains descriptions of any proposed capital improvements, cost estimates, projected time frames for constructing the improvements and proposed or anticipated funding sources: *Provided*, That the approval of the list does not limit the governing body from accepting proffers relating to items not contained on the list.

(e) For purposes of this section, "capital improvement" has the same definition as found in section three, article twenty, chapter seven of this code.

(f) If a voluntary proffer includes the dedication of real property or the payment of cash, the proffer shall provide for the alternate disposition of the property or cash payment in the event the property or cash payment is not to be used for the purpose for which it was proffered.

(g) Notwithstanding any provision of this code to the contrary, a municipality may transfer the portion of the proceeds of a voluntary proffer intended by the terms of the proffer to be used by the board of education of a county in which the municipality is located upon the condition that the portion so transferred may only be used by the board for capital improvements.

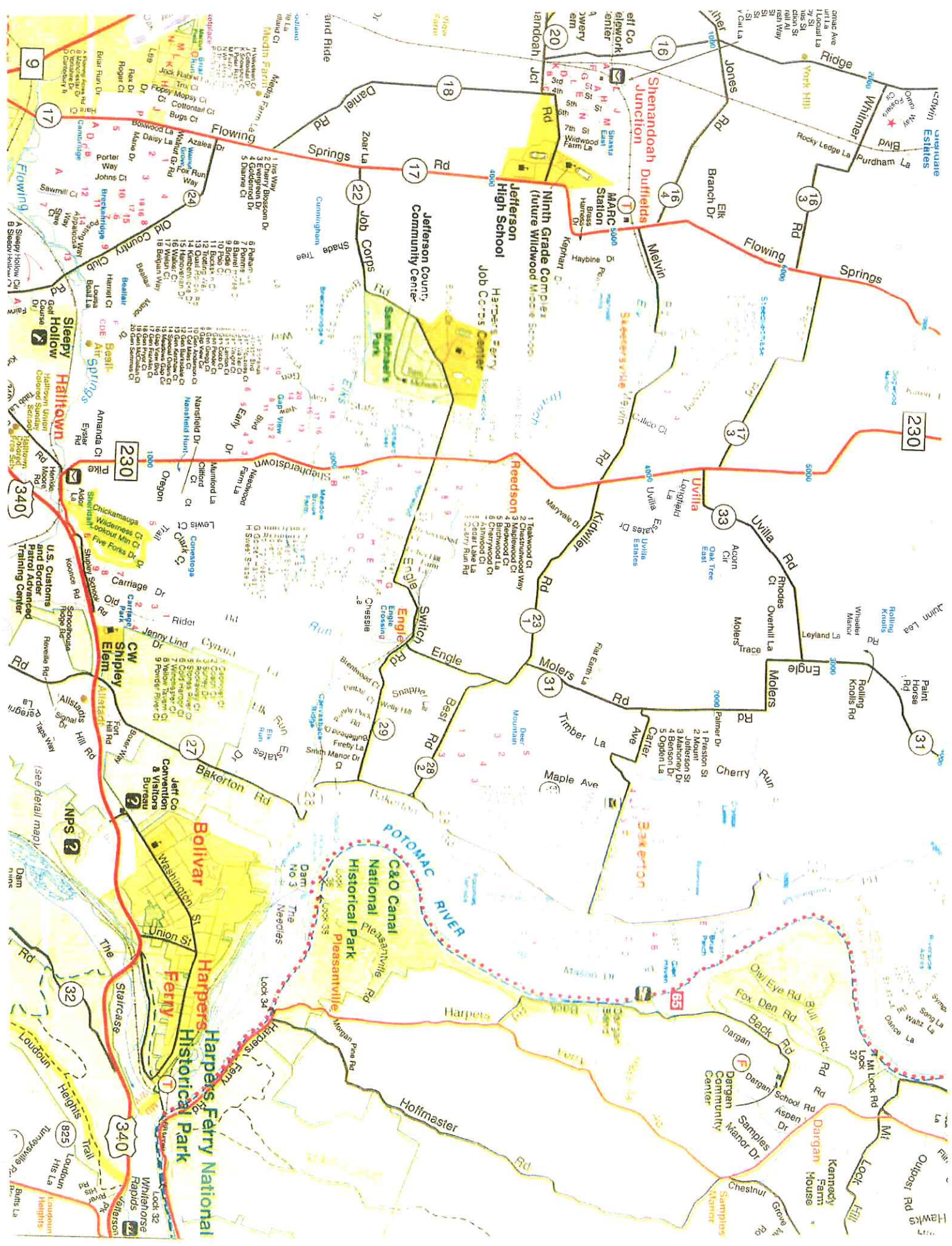
§8A-6-3. Enforcement and guarantees.

(a) The planning commission is vested with all the necessary authority to administer and enforce conditions attached to the final plat approved for a development project, including, but not limited to, the authority to:

- (1) Order, in writing, the remedy for any noncompliance with the conditions;
- (2) Bring legal action to ensure compliance with the conditions, including injunction, abatement, or other appropriate action or proceeding; and
- (3) Require a guarantee satisfactory to the planning commission in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of the improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the planning commission upon the submission of satisfactory evidence that construction of the improvements has been completed in whole or in part.

(b) Failure to meet all conditions attached to the final plat approved for a development project shall constitute cause to deny the issuance of any of the required use, occupancy or improvement location permits, as may be appropriate.

Note: WV Code updated with legislation passed through the 2011 2nd Special Session



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8 (6)

<p>Commission Office Use Only</p> <p>Date on Agenda: 10/20/11</p> <p>Appt Time or New Business: 11:30am</p>

AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: October 20, 2011

Date Requested – 2nd Choice: _____

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

Subject: Tolling of Construction Bond for Harvest Hills Subdivision, Phase II, Section 1, Lots 51-71, Lots 405-419 & Residue – File #07-01.

Please provide the County Commission with a description of your request or presentation, including any background information: Peter Chakmakian on behalf of Arcadia Development Company, owner/developer, has requested tolling of the construction bond for the Harvest Hills Subdivision, Phase II, Section 1, Lots 51-71, Lots 405-419 and Residue – File #07-01.


Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize the Commission and Staff to accept and execute the Tolling of Bonding Agreement with the owner/developer of the Harvest Hills Subdivision, Phase II, Section 1, Single Family Lots 51-71, Lots 405-519 and Residue - File #07-01.

Attachments: Tolling of Bonding Agreement
Roger Goodwin's Memo dated October 13, 2011
Site Location Maps

MEMORANDUM

Jefferson County, West Virginia
Engineering Department

TO: County Commission of Jefferson County

FROM: Roger Goodwin 
Chief County Engineer

DATE: October 13, 2011

SUBJECT: Harvest Hills Subdivision, Phase II, Section 1, Lots 51-71, Lots 405-419 & Residue (JCPC File no. 07-01) – Tolling of Bonding Request

This memorandum is in response to the attached Tolling Agreement for Arcadia Development Company, dated August 29, 2011, requesting to be allowed to toll the bond on the Harvest Hills Subdivision, Phase II, Section 1, Lots 51-81, Lots 405-419 & Residue. My comments are as follows:

1. The project is a residential subdivision consisting of 36 single family lots in the Harvest Hills Subdivision located on the east side of Flowing Springs Road (Route 17) and the south side of Melvin Road (Route 17/2), in the Shepherdstown Tax District, Tax Map 24, Parcel 12 and Tax Map 24A, Parcels 16 & 17.
2. The Developer is the:

Arcadia Development Company
1602 Village Market Boulevard
Suite 360
Leesburg, VA 20175
3. The initial/current bond amount is \$1,419,162.00
4. No work has started and no lots have been sold.
5. The developer is requesting to be allowed to toll the bond for the following reason:

“...due to the severe downturn in the economy, and in particular, the housing industry, the Declarant has decided to delay

construction of the Infrastructure Improvements

6. The bonding policy states that:

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

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

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

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

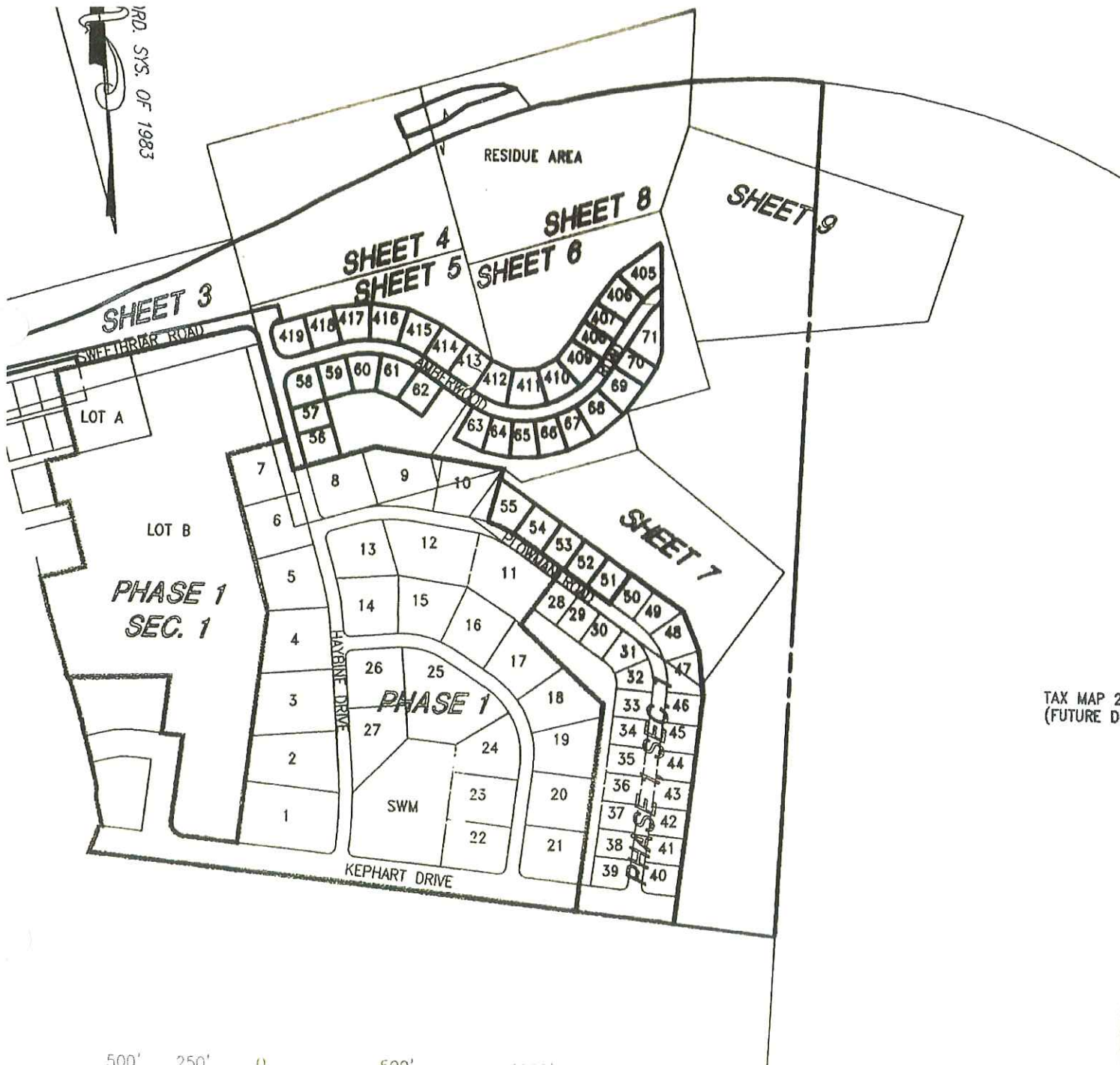
- B. Tolling of the bond has a 4-year time limit. If the developer fails to re-post the full construction bond before expiration of the time limit, the developer will be in default of the agreement.
- C. The developer cannot begin any site improvements or sell any lots as long as the bond is being tolled.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

amount of the construction bond at the current construction costs at that time. Once the construction bond is reposted, the merger deed and the \$10,000 surety are returned to the developer.

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

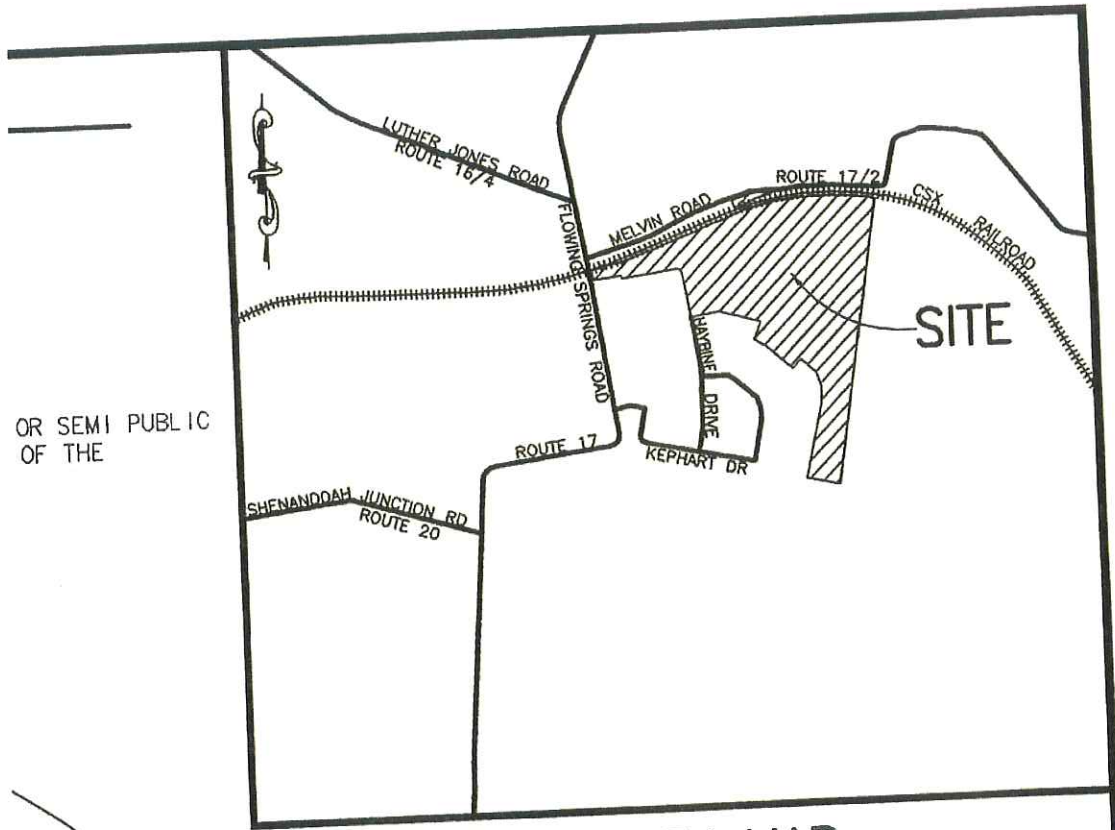
Recommendation: The project meets the requirements to be allowed to toll the bond. Recommend authorizing the Commission President and staff to execute the Tolling of Bonding Agreement with the developer, provided the County Commission finds that it is justified due to current economic conditions.

R.D. SYS. OF 1983



TAX MAP 2 (FUTURE DI

500' 250' 0 500'



OR SEMI PUBLIC
OF THE

VICINITY MAP
SCALE: 1" = 2000'

ARCEL 13
OPEMENT)

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

THIS AGREEMENT REGARDING BONDING OBLIGATIONS AND DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS (this "Declaration") is made and entered into as of the 29th day of August, 2011, by Arcadia Development Co. ("Declarant") and the **COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA** (the "County Commission").

WHEREAS, Declarant is the owner of a certain tract of land located in Jefferson County, West Virginia, legally described in the deeds found recorded in the Jefferson County Clerk's Office in Deed Book 935 at page 604, Deed Book 985 at page 363 and Deed book 1029 at page 429 (the "Lands"); and

WHEREAS, the Land has been legally subdivided (the "Subdivision") into Harvest Hills Subdivision, Phase II, Section I, Lots 51-71, Lots 405-419, 50' Right of Way called Amberwood Road & Residue consisting of (36) single family lots (the "Lots") pursuant to and in accordance with the subdivision ordinance of Jefferson County, West Virginia in effect on July 18, 1979, (the "Subdivision Ordinance"), and as shown on that certain plat of the Harvest Hills Subdivision, Phase II, Section 1, Lots 51-71, Lots 409-419, 50' Right of Way called Amberwood Road & Residue, recorded in the Office of the Clerk County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 198 (the "Final Plat"); and

WHEREAS, Declarant posted a bond with the County Commission in the form of a *letter of credit*, in the amount of \$1,419,162.00 (the "Existing Infrastructure Bond") to secure the completion of all infrastructure improvements to be made in connection with the development of the Subdivision (the "Infrastructure Improvements") as itemized on that certain Construction Bond - Estimate, dated November 17, 2008, (the "Bond Estimate"), and approved by the Jefferson County Department of Planning, Zoning & Engineering (the "Department") on November 25, 2008; and

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

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

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

1. **Incorporation of Recitals; Defined Terms.** The foregoing recitals are hereby incorporated into this Declaration by this reference as if fully set forth herein. Capitalized terms

used herein and not defined or cross-referenced herein shall have the meanings ascribed to such terms in the Subdivision Ordinance.

2. Modification of Original Bonding Obligations.

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

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

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

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

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

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

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

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

5. **Default.**

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

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

(c) The maximum length of time for tolling the bond shall be four (4) years. At the time of executing this agreement, the Declarant shall execute a merger deed that merges the lots back into the parent tract. The merger deed shall be held by the Bonding Administrator for the Jefferson County Commission. If the Declarant fails to repost the New Infrastructure Bond and the Bond Surety within four (4) years of the date of this agreement, the County Commission shall have the right to record the merger deed and revoke all project approvals; and the \$10,000 surety for the Site Stability Bond shall be forfeited to the County Commission. The merger deed may

not be recorded by the County Commission if the Declarant posts the Construction Bond and Bond Surety prior to expiration of the four (4) year tolling period; in such case, the merger deed shall be returned by the County Commission to the Declarant. In the event of recordation of the merger deed, the parent tract and residue parcel shall retain all future development rights under the land development ordinances in effect at the time the future application for land development is presented to the County.

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

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

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

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

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

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

Harvest Hills Subdivision, Phase II, Section 1, Lots 51-71, Lots 405-409, 50' Right-of-way called
Amberwood Road & Residue
(Subdivision Name)

Jefferson County Planning Commission File No. 07-01

_____, Arcadia Development Co.
(Applicant/Developer Name)

By: [Signature]

Date 08 / 29 / 2011

Printed Name: Eli Reinhard

Title: President

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

STATE OF Virginia, COUNTY OF Loudoun, to wit:

I, Carla E. Coffey, a Notary Public in and for the State and
County aforesaid, do hereby certify that Eli Reinhard
and N/A, as President
and N/A, respectively of the ARCADIA DEVELOPMENT
CO., whose names are signed to the foregoing, this day personally appeared before me in my State
and County aforesaid and acknowledged their signature above (and the Corporate Seal as the
genuine Seal of the said corporation).

Given under my hand this 29th day of August, 2011.

My commission expires:

November 30, 2014

(Affix Notary Seal)

[Signature]
Notary Public



COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

By: _____ Date ____/____/____

Printed Name: _____, President

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

STATE OF _____, COUNTY OF _____, to wit:

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

Given under my hand this _____ day of _____, 2011.

My commission expires:

(Affix Notary Seal)

Notary Public

ATTEST:

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

Sandy McDonald

From: "Rebecca Burns" <bburns@jeffersoncountywv.org>
To: "Sandy McDonald" <sandy@jeffersoncountywv.org>; "Nichelle Hosby" <nhosby@jeffersoncountywv.org>
Cc: "Engineering Department" <engineering@jeffersoncountywv.org>; "Roger Goodwin" <rgoodwin@jeffersoncountywv.org>; "Stephanie Grove" <sgrove@jeffersoncountywv.org>
Sent: Thursday, October 13, 2011 11:57 AM
Attach: Agenda Request Form for Sheridan #00-33.eml; Tolling Request for Harvest Hills, Phase II, Section 1 #07-01.eml; Sheridan Estates Subdivision - Bonding File #00-33.eml
Subject: Agenda Request for 10/20/11 County Commission Meeting
Sandy and Nichelle,

I have attached the following items for the County Commission agenda for October 20, 2011:

1. Calling of the Bond for Sheridan Estates Subdivision – File #00-33
2. Tolling Request for Harvest Hills Subdivision, Phase II, Section 1, Lots 51-71, Lots 405-419 7 Residue – File #07-01 Tolling Request

If you need anything else of me please let me know.

Thanks.

Becky
Becky Burns, Office Manager
Jefferson County Department of Engineering &
Office of Building Permits & Inspections
Office (304)-728-3257

Commission Office Use Only

Date on Agenda: 10/20/11

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Departments of Planning and Zoning

Estimation of amount of time needed for appointment: for packet for information only (if the CC wants this could be a 15 minute appointment to allow discussion)

Date Requested - 1st Choice: 10/20/11

Date Requested - 2nd Choice:

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

Subject: First Quarterly Report of the FY 12 Work Plan for the Departments of Planning and Zoning

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

In the Spring 2011, County Departments were asked to submit a Work Plan to the County Commission for their use is developing the County Budget. The Work Plan described the proposed work efforts for Fiscal Year 2012. At that time, the County Commission indicated that they would like to receive periodic updates regarding progress made on the Work Plans. The first quarter of FY 2012 ended September 30, 2011. Attached is a quarterly report on the Departments of Planning and Zoning's Work Plan for FY 2012 for the County Commission's information and use.

For your reference, the Departments of Planning and Zoning's FY 2012 Work Plan is also attached. As the County Commission is aware, Staff and the Planning Commission have prioritized needed amendments to the Zoning Ordinance and Subdivision Regulations and the progress on these amendments is noted in the Quarterly Report.

If the County Commission has any questions or would like staff to attend a meeting to provide more detail, please let us know.

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

N/A

Attachments:

- 1) Planning & Zoning 1st Quarterly Report FY 2012
- 2) Departments of Planning and Zoning's FY 2012 Work Plan (revised 5/24/11)

1st Quarter Report -- FY 2012 Work Plan County Commission (July - September 2011)

PRIORITY	PROJECTS	TIME FRAMES from FY 11/12 Mid-March on-rolling	Status or Number Completed (July 11 -- Sep. 11)	Outstanding Tasks	REQUIRED RESOURCES/STAFF	REQUIRED HEARINGS	ANTICIPATED RESULTS
	Day to Day Customer Service		198				
	Walk in customers - general information, zoning requests, process, etc.		76				
	Process Subdivision Permits		6				
	Zoning Certificates Issued		471				
	Call in customers - general info, zoning questions		409				
	Email to general planning/zoning mailboxes (note: individuals receive over 100 per month each)						
	Day to Day Development Review Responsibilities:	on-going					
	Minor Site Plans		1				
	Limited Site Plan		1				
	Major Site Plans, including Concept Plans		4				
	Merger Deeds, Lot Line Adjustments		5				
	Minor Subdivision Plans		3				
	Major Subdivision Plans (Concept, Preliminary, Final)		0				
	Conditional Use Permits/Neighborhood Compatibility Meetings		0				
	Zoning Variances (requirements, dimensional variances, Subdivision Waivers including requests related to time frames or requirements)		11				
	CUZ Time Extensions		2				
	Pre-proposal Conferences		6				
	Zoning Map Amendments (rezoning)		3 new (Sanction Approved by CC 6/30/11)	Public Hearings: Met -- 10/9/11; Gibson -- 11/8/11; Cramer -- 11/8/11	SR, SB, JMB	PC PH and possible CC PH	
	Staff to Planning Commission meetings, including staff reports and presentations	on-going	4 Regular Meetings 6 staff report related to land development applications				
	Staff to Board of Zoning Appeals meetings, including staff reports and presentations	on-going	3 BZA meetings 11 staff reports for land development applications				
	Staff Training -- new skills, planning and zoning related functions	on-going	None this Quarter				
	Various non-PC and non-BZA Meetings, including participation in County Commission; other agendas such as WAC, JCDA, Health Department, PSD, HEP/PO TAC, WIP II Work Group; other Region 9 Meetings as requested; and follow up meetings with applicants and their representatives.	on-going	JB - 125 meetings attended; SA - 69 meetings attended; SB - 84 meetings attended				
Special Project	Proposed Subdivision Regulations Amendments		Proposed Am to Articles 20 & 26 re: Add1 minor site plan sit. footage (PC vote 7/26/11; CC 8/18/11; CC PH 9/15/11); Proposed Am to Article 24 combining Subdivision & Completeness Reviews for Site Plans and Plans (PC PH 7/12/11; PC vote 7/12/11; CC 8/18/11; CC PH 9/15/11)	County Commission PH follow up and possible action meeting 10/6/11; CC voted to have add1 comments to PC staff by 10/20/11; follow up work session 11/3/11	SR, SB, JB	possibly	
Special Project	Proposed Zoning Ordinance Amendments		Policy Neutral Am. Approved by CC 7/7/11; Am to Article 4A Home CXC/Cottage Ind (PC vote 7/26/11; CC 8/18/11; CC PH 9/15/11); Am to Article 12 (PC PH and vote 7/12/11; CC 8/18/11; CC PH 9/15/11)	County Commission PH follow up and possible action meeting 10/6/11; CC voted to have add1 public and CC comments to PC staff by 10/20/11; follow up work session 11/3/11; Kick-off roundtable discussion with regulation providers 10/21/11; drafting new Commercial Zoning categories October/November 2011 for PC review and action	SR, SB, JB	possibly	

1st Quarter Report -- FY 2012 Work Plan County Commission (July - September 2011)

PRIORITY	PROJECTS	TIME FRAMES from FY 11-12 Work Plan	Status or Number Completed (July 11 - Sept. 11)	Outstanding Task	REQUIRED RESOURCES/STAFF	REQUIRED HEARINGS	ANTICIPATED RESULTS
Special Project	340 Corridor East Gateway Study	Spring 2011 - January 2012	6/16/11 meeting summary and follow up preparation for and follow up to 3rd Public Meeting 9/17/11 meeting, including development of 3 land use alternatives based on public input and Traffic Analysis Zones for data analysis; Metro Quest Phase 2 preparation	Trail related meeting with Trail Blazers 10/18/11; MetroQuest Phase 2 open 10/7/11 - 11/11/11; drafting of text and preferred alternative maps; public meeting to chose preferred alternative 12/6/11	SR, SB, JB		
Special Project	340 Corridor South Study	Spring 2012 - Winter 2013	No Work this quarter				
Special Project	2014 Comprehensive Plan	Fall 2012 - Spring 2014 (18 month); adoption 2014	No Work this quarter				
Special Project	Urban Tree Canopy Plan Adoption		Urban Tree Canopy Draft Plan & Goals Meetings: Shepherdstown (8/18/11), Bolivar (9/6/11); County PC PH (7/26/11)	Scheduled for Recommendation of Approval to CC 10/13/11	JB		
Special Project	Urban Growth Boundaries		Shepherdstown UGB recommended to CC 9/15/11	CC requested letter to Shepherdstown requesting more information for CC signature	JB		
Special Project	Participation in WIP II Meetings held by DEB and follow up Chesapeake Bay activities		WIP II Developed Lands Work Group 8/3/11; Ches. Bay WIP II Summit 8/30/11; speaker at 6th Annual Chesapeake Bay Forum 9/30/11	monthly conference calls	JB		
Special Project	Review and Potential Implementation of Region 9 Model Stormwater Regulations		WIP II meetings (above)		JB, SR, engineering		
Special Project	Summer Intern hired to initiate data analysis		Summer Intern worked May through mid-Sept. 2011; researched existing conditions data, 2010 Census data, community facilities data, etc in preparation for 2014 Comp Plan Update; also assisted with TAZs and land use alternatives for US 340 East Gateway Plan	no further action at this time			

**JEFFERSON COUNTY WV
DEPARTMENTS OF PLANNING AND ZONING
FY 2012 WORK PLAN (revised 5/24/11)**

MISSION STATEMENT

The mission of the Departments of Planning and Zoning is to provide a healthy, pleasant environment for those who live, work and visit Jefferson County, by blending the unique natural and built resources of our community with quality, sustainable development that ensures responsible and sound growth.

We are a knowledgeable, respectful, dedicated staff who welcome community based problem solving and public/private cooperation that assists the community in implementing standards which create a positive impact and achieves its ultimate vision.

ACCOMPLISHMENTS FY 11 (July 2010 – May 2011)

- Adoption of comprehensive 'policy neutral' amendments to the 2008 Subdivision Regulations (approved August 2010);
- Development of Amendments to Wireless Telecommunications Section of 1988 Zoning Ordinance – recommended to County Commission for adoption (approved 3/10/11);
- Initiation of 'policy neutral' amendments to the 1988 Zoning Ordinance (scheduled for hearing 6/9/11);
- Development of an accurate and up-to-date Zoning Map (in conjunction with GIS and Assessor staff) and regular update policy (Approved January 2011);
- Successful implementation of a National Fish and Wildlife Foundation grant through an extensive outreach effort with broad public input from mountain residents resulting in a visioning document for the Blue Ridge Mountain (Final Documents presented to County Commission December 2010);
- Initiation of a US 340 Corridor-East Gateway Plan, including the formation of a Technical Advisory Committee in preparation for a public kick-off meeting in the Spring 2011 (held 3/24/11);
- Successfully obtained an Urban Tree Canopy Grant in cooperation with Charles Town and Ranson, the Division of Forestry, the GIS staff, and the Cacapon Institute to be completed by May 2011;
- Ensured open and effective communication between the County Commission and Planning Commission; between the County and the Cities; between the County and various County and Regional planning, economic development, and environmental groups, including, but limited to, the Region 9 Model Stormwater Regulation Steering Committee Meetings and the quarterly HEPMPO Technical Advisory Committee meetings;
- Provided excellent and timely professional support to the Planning Commission (PC) and the Board of Zoning Appeals (BZA), including the development of more professional and thorough staff reports and presentations at the PC and BZA meetings and numerous special PC projects, including, but not limited to Old Standard Quarry research and follow up, research related to noise agreements related to Summit Point Raceway, proposed Federal Land Rezoning along US 340, follow up with all active development projects regarding changes in state law;
- Developed an well developed work plan, including regular quarterly reports on the FY 11 work plan;
- Staff development and training to include staff participation the Regional GIS Conference, the Regional Development in Karst Communities Conference, the Green Infrastructure Conference, numerous Smart Code Webinars hosted by Ranson, National APA Conference, Tri-State Regional Planning Conference;
- Actively participated in the monthly Region 9 Model Stormwater Regulation Steering Committee Meetings and quarterly HEPMPO Technical Advisory Committee meetings;
- Developed numerous iterations of a land development fee schedule at the direction of the Planning Commission and County Commission for possible implementation (to be voted upon 6/2/11).

CUSTOMERS SERVED -- Calendar Year 2010

Customers of the Departments include the County Commission, Planning Commission, Board of Zoning Appeals, the development community and the citizens of the County. These customers are served in many ways, including some of the following:

Planning Commission (PC):

22 meetings (including 21 Public Hearings), 3 special meetings, 10 Citizen Outreach Meetings, 4 workshops,

	10 PC Subcommittee Meetings, 14 meetings regard PC items with County Commission
Board of Zoning Appeals (BZA):	11 meetings (including 28 actionable items)
Walk-in Customers	Average: 40/month
Call-in Customers (to main Department line)	Average: 165/month
E-mail Customers (to Department mail boxes)	Average: 61/month
Information Request Forms (IRFs):	158
Pre-Proposal Conferences (PPCs):	42
Projects Reviewed:	106
Regional/Cross Jurisdictional Outreach Meetings	89

GOALS FY 12

- Develop a well managed citizen participation effort which utilizes community based problem solving and public/private cooperation in the development of a Corridor Plan for the US 340 Corridor-East Gateway Plan (time frame: 4/11 – 1/12);
- Complete efforts to draft potential amendments for the 1988 Zoning Ordinance and 2010 Subdivision Regulations with key stakeholder involvement throughout Fiscal Year (ongoing - 6/12);
- Initiate, in cooperation with the local state delegates and senators, potential amendments to WV Code 8A to help streamline development review process (Summer 2011)
- Initiate an analysis of 2010 Census Data for Jefferson County, in particular as it relates to the data needs of the 2014 Comprehensive Plan Update (utilizing a summer intern Summer 2011);
- Participate, in cooperation with the Department of Engineering in the DEP's WIP II Plan for the Chesapeake Bay Watershed, including a determination as to the best method of locally implementing the Model Stormwater Regulations (Summer – Winter 2011);
- Work cooperatively with County's Municipalities in their on-going planning efforts (on-going);
- Initiate a comprehensive analysis of the build out potential for the County as a whole under current zoning and approval process (possible contracted service);
- Work with GIS Department to finalize draft Major and Minor Subdivision Map and to develop a policy for regular update and maintenance of this Map;
- Develop a process to streamline the approval of Economic Development opportunities within the County through an analysis of current regulations and processes and working cooperatively with the development community;
- Initiate and Implement Digitization and Document Management System in cooperation with the Engineering, Building and GIS Departments;
- Provide Excellent Customer Service with a timely response to questions and requests (on-going);
- Provide thorough and responsive support of Planning Commission, Board of Zoning Appeals and County Commission (on-going);
- Facilitate Pre-proposal Conferences (PPCs) which enable citizens with proposals to understand the regulations and processes and which encourage problem solving and public/private cooperation (on-going); and
- Provide thorough and timely Development Review for all plats and plans submitted to our Departments (on-going).

Possible Additional Tasks

- Initiate, in cooperation with the WV DOH, a citizen based planning effort for the development of a corridor plan for the US 340 Corridor South between Charles Town and the southern Virginia line (Spring – Winter 2012);
- Continue to provide support to the Blue Ridge Mountain Community through assistance to a proposed citizen's committee and possible follow through with a grant if awarded;
- Support for on-going Chesapeake Bay Tree Grants and programs

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, November 3, 2011, or as soon thereafter as the Commission may decide:

North Eastern Regional EMS, Inc -

- **One - Three year term ending October 31, 2014**
- **One - Unexpired term ending October 31, 2012**

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

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284 or emailing nhosby@jeffersoncountywv.org.

THANKS - JEFFERSON COUNTY COMMISSION



Good Shepherd Interfaith Volunteer
CAREGIVERS
A Faith In Action Program

NEIGHBOR TO NEIGHBOR

A Neighbor's Independence Depends on You

Fall 2011

Good Shepherd Receives Governor's Service Award

We are proud to announce that Good Shepherd Caregivers received the Governor's Service Award for 2011.

West Virginia's volunteers quietly perform amazing things all around us every day. The Governor's Service Award showcases outstanding examples of community leadership as role models so the public will appreciate the value of service for themselves and their communities. Good Shepherd was one of two organizations selected from among 16 nominations, and was recognized for exemplary dedication to service and volunteerism.

First Lady Joanne Tomblin, wife of Governor Earl Ray Tomblin, presented the award to Paula Marrone-Reese and Angie Hill on August 10 during a celebration banquet held during the Faces of Leadership conference in Charleston.

We are so proud of this achievement and of everyone in our community who made it possible: the volunteers who help in our office, assist our care receivers, serve on our board, and perform so many services; our donors, including



From left, Angie Hill, First Lady Joanne Tomblin and Paula Marrone-Reese at the banquet.

individuals, businesses, churches, local governments, and foundations; and our care receivers, who show us what is needed and whose appreciation keeps us going.

From Our Director

By Paula Marrone-Reese



Summer has gone too quickly, but not without leaving some wonderful memories for us at Good Shepherd to cherish for years to come.

The month of June brought smiles to our faces as we saw the energy and enthusiasm of high school students serving in our community. Each year the Diocese of Arlington (Virginia) Office of Youth Ministry offers a work camp for students to experience community service. This year, Good Shepherd coordinated over 40 projects, such as wheel chair ramps, bathroom handicap accessibility, door replacement, building decks, painting, and repairs. Our care receivers received both labor and materials free through the generosity of this group. Each year, the students raise funds to support the entire cost of this project. There are a few loose ends currently being tied up, but this project was a winner all around.

Our staff enjoyed some much-needed family time during the month of July. I vacationed with my mom Helen, sister Alice, nieces Brooke, Baily, Brier, and Bella, nephew Caden, and husband Kevin at Ocean City, Maryland. Angie Hill was a little bit more adventurous, going four-wheeling with husband Bobby, son James, her sister-in-law Toni, and a friend. The big treat for Angie and family was the visit from their son Justin, who is serving in the U. S. Army at Fort Wainwright, Alaska. Nancy Marmorella and son Anthony traveled the farthest, to visit with her parents at their summer home in Nova Scotia, while husband Nick held down the fort in Charles Town. Nancy's daughters Rebecca and Teresa flew in from California to spend time with the family in Nova Scotia. Last but not least, Betty Shipley and husband Garry accompanied her son Garry and his wife Michelle, along with grandchildren Alex and Kristina, to the Outer Banks in North Carolina. Betty says that driving on the beach for hours and sea-shell hunting were very relaxing.

Angie and I headed to Charleston the week of August 8, for the state volunteer conference, Faces of Leadership.

Continued on page 2

Fall 2011



Good Shepherd Interfaith Volunteer
CAREGIVERS

A Faith In Action Program

Main Office
P.O. Box 1882
7311 MARTINSBURG PIKE
SHEPHERDSTOWN, WV 25443

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Paula Marrone-Reese
EXECUTIVE DIRECTOR

Angela Hill
PROGRAM MANAGER

Nancy Lynn Marmorella
SERVICE COORDINATOR &
NEWSLETTER EDITOR

Betty Shipley
RECEPTIONIST

Sandy Cooksey
DATA ENTRY CLERK

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CHARLES TOWN, WV 25414

Monica Larson
NEWSLETTER LAYOUT VOLUNTEER

The Rev. Georgia DuBose
& Sidney Marrone
VOLUNTEER NEWSLETTER ASSISTANTS

John Lilga
VOLUNTEER MEDICAL EQUIPMENT MANAGER

Special thanks to Ivan Severson
and staff for photography.

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From Our Director

Continued from page 1

The conference was packed with workshops and sessions that were relaxing, inspiring or invigorating – and sometimes all three. (If you're talking to Angie and she suddenly starts giggling, please don't take it personally; she's only practicing the laughter yoga she learned there!) A highlight for us was the banquet at which West Virginia's First Lady Joanne Tomblin presented Good Shepherd Caregivers with the Governor's Service Award. We plan to make this conference a yearly training for the staff of Good Shepherd.

Summer is such a busy time for everyone, including our volunteers and care receivers. Thank you to everyone who still found time to lend a hand to their neighbors. This brings me to a concluding quote that I heard during the conference:

*"Volunteers don't get paid,
not because they are worthless,
but because they are priceless!"*

Good Shepherd Caregivers Board of Directors

Dan Rowzie
PRESIDENT

Dave Spunich
VICE-PRESIDENT

Gary Tucker
SECRETARY

Karen Kinnett
TREASURER

Ruth Brown
Katherine Dunbar
Kevin Haymaker
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Jack Lantzy
The Rev. Susan MacDonald
The Rev. Joanna Marceron
The Very Rev. Melanie McCarley
The Rev. Dr. G. T. Schramm
Betty Severson
Dan VanBellegem

Shepherdstown 250 Anniversary & Celebration

Get Involved

Shepherdstown is turning 250 years old! Shepherdstown250 would love for you to get involved in the year-long celebration, and there are many ways you can do so.

Visit www.shepherdstown250.com for more information. You may also call 304-876-2398 or send an email to info@shepherdstown250.com. Commemorative merchandise will be available soon!

Glory Days Guest Checks Wanted: Dining For Dollars Fundraiser

Continuing through April 30, 2012, Good Shepherd can receive 10% of your food purchases at Glory Days Grill, 190 Oak Lee Drive in Ranson, WV. Just ask your server for a copy of your guest check (not credit card receipt) and bring it to our office (7311 Martinsburg Pike in Shepherdstown) or mail it to Good Shepherd Caregivers, Attn: Angie Hill, P. O. Box 1882, Shepherdstown, WV 25443.

New To Our Office

We welcome Sandy Cooksey to Good Shepherd Caregivers as our Data Entry Clerk. Sandy comes to us on loan from the Title V program through the Department of Labor and Potomac Highlands. Sandy likes to knit, crochet and volunteer at the homeless shelter. She is involved at her church and enjoys spending time with her dogs, Hobbit and Baxter. Please introduce yourself to Sandy and let her know how much her service is appreciated!

Monthly Meal Ministry

The monthly meal ministry at Zion Episcopal Church continues. A free meal is served in the gymnasium of the church parish house at 221 East Washington Street, Charles Town (the building our South Jefferson office is in) on the last Saturday of each month, from 12 noon to 2 p.m. Meals may also be carried out or delivered.

The end of the month is a time when many families and senior citizens find their pantries and their wallets getting low, as they wait for their monthly checks to arrive, and Zion Episcopal is reaching out to those in our community who need a little extra help at that time.

Zion Episcopal Church welcomes volunteer help and monetary donations for the meals. For further information, or to arrange delivery of the monthly meal within Jefferson County, please call the church office at (304) 725-5312.



Spirit Night at Chick-fil-A: Dec. 1st

Looking for a great place to visit with your friends and family as well as a place to enjoy great food? Please join Good Shepherd Caregivers for Chick-fil-A Spirit Night on Thursday, December 1st. 15% of all designated sales between the hours of 5:30 - 7:30 p.m. will be donated back to our organization. We look forward to seeing you there—don't forget the voucher!

Clip and bring this voucher



Join us for Spirit Night

Thursday, December 1st, 2011

5:30 – 7:30 p.m.



BRING THIS VOUCHER AND
GIVE IT TO THE CASHIER
SO 15% OF YOUR PURCHASE
IS DONATED TO GOOD
SHEPHERD CAREGIVERS!

Not only do you win, but the
Cows win too!!!

With Sympathy

Good Shepherd extends our deepest condolences to the families of the following care receivers, volunteers and community members:

Ben Andrews
Lawrence Bloom
Kyle Colbert
Ethan Fischer
Rebecca Fowler
Virginia Hockensmith
Nina Jackson
Quineth Janssen-Smith
Dolores Jones
Barbara Kriemelmeyer
Sarah Link
Mary McCauley
Virginia Milburn
Lige Miller
Grace Noble
Daniel Pagliochini
Dorothy Penwell
Bill Piercy
Janice Popkins
Jerry Shaffer
Dick Super
Jean Vacha
Geraldine Willingham
Betty Wise

Notes for Our Volunteers

By Nancy Lynn Marmorella, Service Coordinator

Even after 21 years of providing services, Good Shepherd is always looking for ways to help things run more smoothly. You, our volunteers, can help by keeping just a few things in mind.

- First, wait until you reach a member of our staff before you assume that a volunteer assignment is yours. If you email us or leave a message saying you wish to take a particular assignment, one of us will get back to you to confirm.
- Please do your best to keep track of your assigned services to our care receivers. We have calendars you can use for this purpose. If you think you need a reminder, please let us know and we'll have someone call you a day or two ahead of the assignment.



Volunteers Richard Womeldorf and Scott Tsukuda chat at our volunteer picnic, held at Morgan's Grove Park in May.

- Once you receive an assignment, please call the care receiver within a day or two, and then confirm with the care receiver again the morning of the assignment.
- If a care receiver asks you for a service directly, please remind her or him that all requests must go through our office. Even if you want to do it, the care receiver should still call us. Then we will confirm it with you. This prevents you from being put on the spot, and also keeps Good Shepherd informed. If you have a regular, standing service you do for a care receiver, please make sure that we know about it.
- If you are interested in doing a particular type of volunteer service and have not been asked recently to do so, please give me a call and let me know of your interest.

Thank you for all you do for us and our care receivers! As always, if you have any questions or concerns, please contact me.

KEEP'N IN TOUCH!

Now you can visit Good Shepherd Caregivers on Facebook, <http://www.facebook.com/GoodShepCare>, or follow us on Twitter at <http://twitter.com/GoodShepCare>.

Vegetables & Sides

From Our Cookbook

With the fall season upon us, what better way to utilize garden vegetables than an easy recipe using zucchini? The below recipe is provided in our *Feed Your Faith* cookbook, which is available at our office for a donation of any size.

ZUCCHINI CASSEROLE

- | | |
|-----------------------------|-----------------------------|
| 3 cups thin sliced zucchini | 1 cup thinly sliced carrots |
| ½ cup chopped onion | 1 box stuffing mix |
| 1 can cream of chicken soup | 1 stick melted margarine |
| 1 cup sour cream | |

Combine all ingredients together, place in lightly greased casserole dish and bake at 350° for 30 minutes.

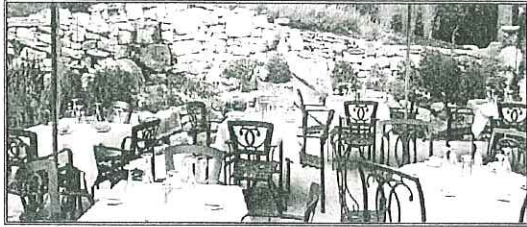


It's always a treat when we get to meet one of the people we serve and have spoken to on the phone so many times. We were thrilled when volunteer Christel Devlin stopped by our office after taking Augustine Strouther to an appointment. Shown from left are Christel, Nancy Marmorella, Augustine, and Betty Shipley (holding Cricket Marrone-Reese).

GOOD SHEPHERD CAREGIVERS ANNOUNCES

4th Annual Tastes from Around the World

Complementary wines and finely prepared cuisines from Argentina, France, Germany & Greece



Thursday, October 6, 2011

6:30 PM

Bavarian Inn's Hunt Room and Patio
\$65 each or \$120 per couple

Please call 304-876-3325 to reserve
a seat or table today!

\$30 charitable per ticket

Wish List

Can you help by donating any of the following?

- Copy paper (white and colors)
- Mailing labels (2 & 3 column)
- Bottled water (individual size) for volunteers & events
- Garbage bags (13 & 33-gallon)
- Mailbox
- PA system
- Stamps (17-, 28- & 44-cent)
- Shepherdstown Chronicle subscription
- Spirit of Jefferson subscription

18th Annual Caregivers' Golf Classic Update

Winners from our May 6 golf tournament were:



1st Place: Keith McCall,
Dennis Johnson, Ted Johnson,
Cliff Smith



2nd Place: Don Clendening,
Wayne Clark, Chet Hines,
Charlie Luttmann



3rd Place: Dale Walter, Karen
Kinnett, Nancy Streeter, Laurie
Quinn

This spring, Girl Scout Troop 40145 took on a special project with Good Shepherd Caregivers. Under the direction of troop leaders Margaret Damm and Jennifer Wabnitz, the girls baked birthday cakes and delivered them to several of our care receivers. Mary Cooper, pictured here with the Scouts, was among those who received a very special birthday visit.



Welcome, New Volunteers!

Many thanks to our newest volunteers:

Alec Baach	Todd Fraser	Dave Leathers
Paul Browne	Susan Glenn	Cindy Morrow
Christina DeWitt	Dan Kinder	Tina Price

Auction Donations Needed

Good Shepherd is seeking donations of items and services for our annual Potter's Bowl Auction, which will take place in March. Please let us know if you have something to offer.

Honor Roll

Good Shepherd Caregivers is grateful to all individuals, organizations and businesses contributing to our work. This report includes only the names of donors whose gifts were received between March 26 and August 15, 2011. We apologize if your name has been incorrectly entered or unintentionally omitted; please call our office with any such additions or corrections. Thank you!

Honor Roll March 26 – August 15, 2011

GUILD OF HONOR

Lifetime Partners (\$10,000 cumulative)

Continuing members:

Anonymous
Coe, David & Margaret
Dorsey, Honnor
Dunn, Stan & Kitty
Helen Parker Willard Foundation
Hockensmith, Charles & Debra
Hockensmith, Dean & Wilma (Dean's Lawnmower Shop)
Jones, Stan & Judy
Kemnitzer, Dave & Sue
Willard, Henry II & Louise

Benevolent Partners (\$2,500-\$9,999 cumulative)

Continuing members:

Alvarez, Ray & Mary
Anonymous
Coe, Frank & Wilma
Cox, Phil & Fran
D'Onofrio, Tom & Sandra
Drennen, Margaret
Goodrich, Mina
Hammann, Connie & Mary Ann
Henderson, Roy & Flora
Hill, Lily
Kinnett, Doug & Karen
MacDonald, Randy & Susan
Martin, Tom & Lolly
McDonald, Angus
Miller, Gregory & Paula
Moore, Ed & Helen
Moosy, Dr. John
Severson, Ivan & Betty
Smith, Grant & Renny
Smith, Mark & Susan
Spunich, Dave & Linda
Vickers, Charlotte

Honorary Partners (\$500-\$2,499 cumulative)

New members:

Anonymous²
Beam, Paul³

Benedict, Dow²
Bresland, John³
Bringewatt, Rich & Valerie Wilbur
Buskell, Zelma²
Dempsey, John & Margaret²
Humphreys, Dave & Laura
May, Boyd
Streeter, John & Nancy
Wilkins, Harry & Helen *IHO Paula Marrone-Reese*

Continuing members:

Akers, Katherine *IMO Lynn Akers Glass*
Anonymous
Asam, Erwin & Carol
Bloom, Ann
Catlett, Mary Sue
Chapman, Dabney
Drennen, Bill & Sarah
Driehuys, Leo & Henny
Ehman, Joseph & Jean
Erlebach, Karine
Giese, Chris & Liz
Jenkins, David
Kerneck, Dr. Clyde & Judy *IMO Yvonne Moosy*
Lantzy, Jack
Lilga, John & Judy
Lind, David & Nada
Menefee, Robert
Miller, Lex & Pam
Monroe, Genny
Morotti, Helen
Ott, John
Ross, Sherman & Elinor
Shaffer, Jerry & Connie
Siler, Joe & Norma
Sloate, Tom & Lenore
Soltow, Fred
Strite, Larry & Nancy
Tyler-McGraw, Marie
Warriner, Ralph
Wheeler, Bim & Judy
Wicks, Chuck II *IMO Elsie & David Harne*

GOLF CLASSIC CAREGIVERS BUSINESS COUNCIL

Major Benefactors

Dean's Lawnmower Shop
Highmark BlueCross BlueShield of WV
Jefferson Security Bank

Leading Benefactor

Flurie, Slick, & Kinnett, CPA's, P.A.

Contributing Benefactors

Alpha Associates
American Public University
Bank of Charles Town
Brian Palank, D.D.S.

Hollywood Casino at Charles Town Races
United Bank

Tee Box

Accurate Systems, Inc.
Bavarian Inn
City National Bank
Cruise Holidays
Dean's Lawnmower Shop
Guy's Buick-GMC Inc.
Holiday Inn Express of Charles Town
Holistic Psychology Services
Hoxton Financial, Inc.
In Memory of Meade Dorsey - *Connie Hammann*
Jefferson Utilities, Inc.
Mumaw & Vickers, PLLC
Ours Lawyer Lewis & Co, PLLC
Shepherdstown Specialty Storage
Skinner Law Firm
Smith Elliott Kearns & Company, LLC
Specialty Business Supplies
State Farm Insurance
The Peterson Group at Morgan Stanley *Smith Barney*
The Tuckers
Thomassen Ford Mercury
Whale of a Wash
WVUH-East

Tribute

Judge & Maggie Drennen for a wonderful community – Bill Drennen

CIVIC, BUSINESS & GOVERNMENT ORGANIZATIONS

Bavarian Inn
Charles Town Rotary Club
City of Charles Town
City National Bank
Jefferson County Chamber of Commerce Arts & Crafts Festival
Jefferson Distributing
Ours Lawyer Lewis & Co PLLC
Skinner Law Firm
Whale of a Wash

CHURCHES AND RELIGIOUS GROUPS

Charles Town Baptist Church
First Church of God
New Street United Methodist Church
Shepherdstown Presbyterian Church
St. Agnes Catholic Church
St. Peter's Lutheran Church
Trinity House Thrift Shop

GRANTS

City of Charles Town
City of Ranson
Jefferson County Commission
Lutheran Community Foundation –
The Jack & Gretchen Weigel Fund

Honor Roll *continued*

Royal Scott Foundation
United Way of the Eastern Panhandle

CIRCLE OF FRIENDS

Sponsors (\$100-\$499)

Allen, Betty
Ansalvish, James
Barth, Don & Pat *IMO Jerry Shaffer*
Basset, Carole³
Gessler, Fred
Gross, Marie & Beth Easterday
Haymaker, Kevin & Dennise
Hill, Angela
Hoadley, Norleen²
Horner, Dr. Doug
Kendall, Jack³
Kozak, Steve
Molenda, Kenneth
Naylor, Norman or Sandra *IMO Aunt Mary McCauley*
Porter, Charlotte
Quinn, Laurie
Rakoff, Dr. Mike
Romano, Michael
Roy, Anne³
Shantz, Charles & Karen
Simon, Elliot & Isabel
Stevenson, Rose
Summerford, Ben
Van Tassell, Bob & Gail
Watson, Charles
Weese, Maria *IMO Mary McCauley*
Ziegler, Danielle³

Supporters (\$50-\$99)

Baluch, Stephen²
Binkley, Harriet *IMO Edward Pine & Eleanor Fink*
Carper, Lisa *IHO Max & Shirley Derr*
Kline, Bill
Miller, Charles H.
Olcott, Margaret
Painter, Walter & Doris *IMO Mary McCauley*
Patterson, Mahlon & Joanne
Perkins, Frances
Rohel, Donald²
Smeltzer, John & Phyllis *IMO Jerry Shaffer*
Vaccaro, Dolores

Contributors (up to \$50)

Anonymous (2)
Batch, Kimberly
Bernat, Edwina
Cline, Doris
Cook, James
Didden, Kate
Endorf, William *IHO Vic Marchand*
Houck, Lucy
Janes, Virginia
Hebb, Rosa & Sandra

Moore, Sara *IMO Jerry Shaffer*
Parmesano, Vina
Raffo, Karen
Raymond, Richard
Rowgh, Mathew³
Snyder, Harold²
The Office *IMO Mary McCauley*
Topping, Susan
Wilson, George
Wilson, Rose
Woodward, Charles & Peggy

IN-KIND DONATIONS

Aldis, Pheny
Accurate Systems
Austin, Bonnie
Chick-fil-A
Doss, Martha
Hedges, Rob
Hoxton, Arch & Connie *IHO our volunteers*
King's Pizza¹
Kinnett, Karen
Marmorella, Nancy
Marrone-Reese, Kevin
McDonald's
Panera
Potomac Mecklenburg Garden Club
Progressive Printing
Shepherdstown Specialty Storage, LLC
Smith, Sharon
St. Agnes Social Concerns Committee
Tucker, Gary
VanBelleghem, Dan¹
Ward, Ruth
Zion Episcopal Church

Golf Classic Sponsors

Hole-in-one prize
Thomassen Ford-Mercury

Door Prizes

Alamo Drafthouse Cinema
Beach Break Tanning Salon
Blue Moon Café
Christian Caine Jewelers
Cress Creek Country Club
D'Accord Boutique
Dickinson & Wait Craft Gallery
Dish: A New American Bistro
Domino's Pizza
Encore-Apparel in Motion
Four Seasons Books
Head Hunters
The Heavenly Garden
Insight Services
John's Café
LaTrattoria Italian Eatery
Locust Hill Golf Course
O'Hurley's General Store
Old Opera House
River Riders

Shepherdstown Paint & Art
Sleepy Hollow Golf Course
Steppin' Out Shoes & Such
Van Tol Florist
Video Den

Food & Drinks

Chick-fil-A
Domino's
GSIVC Board Directors & Staff
Jefferson Distributing
Martin's
Wal-Mart

Medical Equipment:

Davison, Karen
Chance, Theresa
Gessler, Georgia
Hollyoak, Bonnie
Johnston, Davie
Kidwiler Family
Kinnett, Doug
Nick, Karen
Olsen, Julie
Winters, Mary

¹ inadvertently left off previous list

² United Way designation

³ CFC designation

Chase Away the Winter Blues....

.... with some kitchen magic -- while helping Good Shepherd Caregivers! A noted chef will be teaching a special class focusing on desserts, with proceeds benefiting Good Shepherd. The class will be held this winter at the Shepherdstown home of Pheny and John Aldis. Class size will be limited. This would make a wonderful gift for anyone who likes to cook! Please contact our office in December for more information.

Give the Gift of Time....

.... at your vacation home or time-share. Good Shepherd is seeking the donation of the use of a timeshare or vacation home, to be auctioned at our Potter's Bowl in March. All such donations are tax-deductible. Please call our office if you can donate this -- or anything else!



Good Shepherd Interfaith Volunteer
CAREGIVERS
 A Faith In Action Program

Nonprofit Organization
 U.S. Postage
PAID
 Shepherdstown, WV 25443
 Permit No. 55

NEIGHBOR TO NEIGHBOR

P.O. Box 1882
 Shepherdstown, WV 25443
 Address Service Requested

MR. TIM BOYDE
 JEFF. CO. COMMISSION
 P. O. BOX 250
 CHARLES TOWN WV 25414-



Board member Gary Tucker was feeling "just ducky" as he promoted our Rubber Ducky Classic outside our office.

2541490250 8004



Calendar of Events

Oct. 6 Tastes From Around the World, 6:30 p.m., Bavarian Inn

Oct. 10 Good Shepherd Caregivers Corporation Meeting, 7:00 p.m., Trinity Episcopal Church Fellowship Hall, Shepherdstown. Public invited to attend.

Nov. 6 Daylight Saving Time Ends

Nov. 12 Volunteer Training, 10 – 12 p.m. at Zion Episcopal Church parlor, Charles Town

Nov. 15 Annual Appeal Commences

Nov. 24-25 Offices Closed

Dec. 1 Chick-fil-A Spirit Night, 5:30-7:30 p.m.

Dec. 26 Offices Closed

Jan. 2 Offices Closed

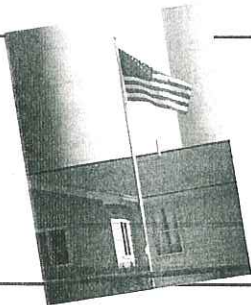
Jan. 14 Spaghetti Dinner, 6 – 8 p.m., Shepherdstown Fire Hall

Jan. 16 Offices Closed

Feb. 13-19 Random Acts of Kindness Week

Feb. 20 Offices Closed

Mar. 9 Potter's Bowl & Auction, 6 – 8 p.m., Shepherdstown Fire Hall



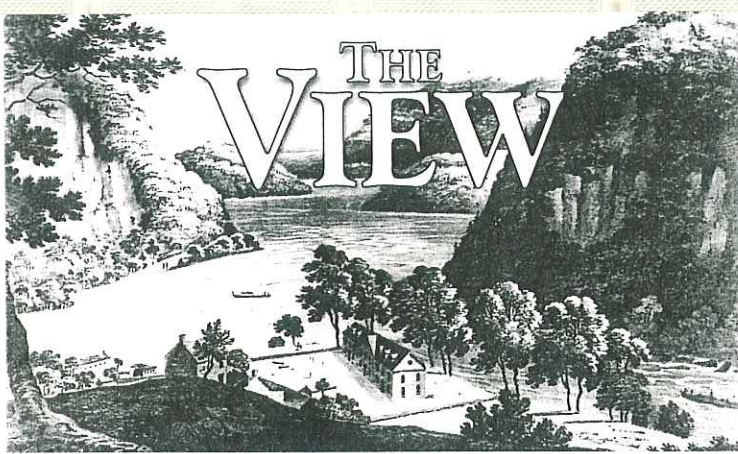
IN HONOR OF OUR VOLUNTEERS

Several donors took notice of our request for a flag (Spring 2011 newsletter wish list). Following its arrival via 18-wheeler and installation by two volunteers, here is the final result... Arch and Connie Hoxton donated this in honor of our volunteers! Many thanks!

NEIGHBOR TO NEIGHBOR

Published for the
Members and Friends
of the Harpers Ferry
Historical Association

Fall 2011



Border Town: Harpers Ferry in 1861

When U. S. Army Lt. Roger Jones lit the fuses in the armory and arsenals on April 18, 1861—destroying what he could not defend—war came to Harpers Ferry. The next day, an army led by “feather bed” and “corn stalk” militia officers began to fill the Virginia landscape.

Farmers joined doctors as privates. Teachers marched shoulder-to-shoulder with shoemakers. Laborers drilled daily with student scholars. Area citizen David Hunter Strother wrote these men were “earnest, eager, reckless fellows, marching with a free and vigorous step . . . most admirable material for a rebellion.”

Although enthusiastic and excited, the citizen soldiers lacked much needed discipline. The day after the arsenal explosion, Strother noted, “Confusion reigned supreme, ably seconded by whiskey.” Sent to the Ferry to bring order to the chaos was Colonel Thomas Jonathan Jackson.

Without delay, the former VMI instructor organized the recruits into regiments, began rigorous daily drill, and—to the chagrin of many soldiers—disposed of the whiskey. He also dismantled the armory’s valuable arms-making machinery and shipped it to Confederate factories further south. When Brigadier General Joseph E. Johnston arrived as the higher-ranking post commander on May 23, Jackson concentrated his energies on turning the First Virginia Brigade into the effective force soon to be known as the “Stonewall Brigade.”

Because it stood at the gateway into the strategic Shenandoah Valley, Virginia’s new

overall commander Robert E. Lee believed Harpers Ferry was a key defensive position. “As regards Harpers Ferry” he wrote,



“its abandonment would be depressing to the cause of the South.” General Johnston disagreed. After surveying its geography between two rivers and three heights, he informed Lee, “I regard Harpers Ferry as untenable.”

Thus on June 13, three weeks after his arrival, Johnston ordered an evacuation. As the rebels departed, they set fire to the armory buildings and B&O railroad bridge. Two weeks later, the rifle factory and nearest wagon bridges were all torched. Civilian trade was severed; their economy destroyed. All but a handful of families left town, many armory workers following the machinery

continued on page 2

IN THIS ISSUE:

Civil War
Sesquicentennial
Event: Battle of
Bolivar Heights

Life on the Canal

Association
Celebrates 40 Years

*Ruins of the B&O Railroad
bridge at Harpers Ferry, June
1861. (Library of Congress)*

*The picture which appears
on our newsletter's nameplate,
dating from 1803, is one of the
oldest prints of Harpers Ferry.
Twenty years earlier, in 1783,
Thomas Jefferson had declared
that this view was “worth a
voyage across the Atlantic.”*

Armory Superintendent Members

Jo (Kuhn) Curtis in
memory of Jim Kuhn
and Alexander and Mary
Murphy
Brandywine, MD
Dr. Robert Johnson
Harpers Ferry, WV
Ronald Jones
Our Lady of Sorrows
School
Farmington, MI
Nancy Myers, in Honor of
Don Campbell
Harpers Ferry, WV
Jim and Suzanne Silvia
Taunton, MA & Harpers
Ferry, WV

Paymaster Members

Cynthia Gayton
Harpers Ferry, WV
Tony Horwitz
Vineyard Haven, MA

Master Armorer Members

Allison Alsdorf
Harpers Ferry, WV
Kirk Bradley
Sanford, NC
Donald and Patricia
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Harpers Ferry, WV
Rock Comstock
Vienna, VA
Hon. and Mrs. Thomas
Curtis and Family
Baltimore, MD
Peter Dessauer
Harpers Ferry, WV
Kim and Frank Edwards
Edgewood, MD
Laurence Freiheit
Berkeley Springs, WV
Rebecca Harriett
Rocky Mount, VA

continued on page 3

Border Town: Harpers Ferry in 1861 Continued from Page 1

south. "A dead calm reigned," recalled resident Joseph Barry. "The stillness was rendered oppressive."

Learning the Rebel position was abandoned, the Union Army advanced. After a brief occupation, the Federals prudently re-deployed on the Maryland side of the Potomac. The first skirmish in Harpers Ferry happened on July 4, 1861. After the firing ceased, confectioner and loyal Unionist Frederick Roeder walked to "the Point" where the Potomac and Shenandoah Rivers flow together. There, a ricocheting Union bullet mistakenly hit him in the groin. Mortally wounded, Roeder made his way back to his house on High Street. There he died on the back porch of his home, the town's first civilian casualty.

In mid-August the Federals withdrew to Frederick, Maryland, leaving behind one corps to prevent the Southerners from crossing the river, to protect the canal and fords in the vicinity, and to eliminate travel, communication, and trade between Maryland and Virginia. During September and October rifle shots often broke the silence and echoed from mountain to mountain. This kept the citizens on edge. "Everything that moved about the streets they shot at vindictively," wrote Joseph Barry. "The appearance of even a mullein leaf swaying in the wind elicited a volley."

One private business that survived the outbreak of war was Herr's Mill, located on Virginus Island, an industrial area along the Shenandoah River. In August, Massachusetts troops had disabled it to prevent its use by Confederates. Now Abraham Herr, a Union supporter, proposed Union soldiers remove the wheat. Herr hoped to save his mill for future operation. The plan included a large boat for transport, local civilians

impressed to move the wheat, and troops and artillery to protect the operation.

In mid-October, Confederate authorities received word that Federal troops had invaded Virginia, and were confiscating valuable grain. Colonel Turner Ashby quickly maneuvered his men into place for an attack.

On October 16, 1861, the second anniversary of John Brown's Raid, the Chambers family was warned of the approaching Confederate threat. While seeking refuge the family crossed paths with soldiers from Pennsylvania and Wisconsin on picket duty. Passing by the pickets, 17-year-old Jennie Chambers warned them of the approaching Confederates. Refusing to pull back without orders, the Federals told Jennie to go ahead but to signal them if the rebels appeared. She had only gone 25 yards when she saw a company of Confederate cavalry on the railroad tracks by the river. She turned and waved a warning to the Federal pickets.

Jennie's mother Mary recalled, "Immediately a volley of bullets whistled over her head from the guns of the Confederate cavalry and the Union pickets returned the fire and ran. The Confederate cavalry came dashing down the railroad after them." The Federal soldiers made their escape through town and across the Potomac to Maryland. Soon, Rebel artillery opened fire and the Union troops were under attack from both School House Ridge to the west and Loudoun Heights to the south.

Union commander Colonel John Geary quickly deployed to block the three principal routes toward the Ferry—leaning his left on the Shenandoah, his center atop Bolivar Heights, and his right protecting the Potomac. Ashby's men pressed forward, driving the bluecoats backward, until reaching the outskirts of the village of Bolivar. The Rebel cavalry, supported by Ashby's infantry mili-

This article combines material from the Association's soon-to-be released publications *Harpers Ferry Under Fire: A Border Town in the American Civil War* by Dennis Frye, and *The Harpers Ferry Anthology: Civil War Era Stories by Park Rangers and Volunteers*. Anthology stories include: "In Good Hands: Jackson's New Recruits at Harpers Ferry" by Autumn Cook; "The

House on High Street" by John King; "War on Their Doorstep" by David Fox; "A Patriot of Pennsylvania at Harpers Ferry" by Tyler Gum; and "The Battle of Bolivar Heights" by Jeff Bowers.

Both of these publications will be available for sale at the Park Bookshop or by calling 304-535-6881.



Union capture of abandoned Confederate cannon during the Battle of Bolivar Heights. (Sketch by Thomas Nast)

tia and two cannon, charged three times—“increasing in impetuosity with each repetition”—but were checked each time by the defenders from Wisconsin, Massachusetts, and Pennsylvania.

A three hour stalemate ended at approximately 11:00 a.m. when Federals arrived with reinforcements, seizing the Rebel flank along the Potomac edge of the line. Seeing this as “the key to the success of the action,” Colonel Geary ordered an attack along his entire front. This forced a gradual Confederate withdrawal, during which the Southerners left behind one cannon with a broken axle. By 1:30 p.m., the Federals were “in possession of the heights from river to river.” Soon the colors of the 28th Pennsylvania Volunteers was unfurled “on the soil of Virginia, and planted on an eminence of Bolivar Heights.”

Geary claimed his “victory was complete.” Ashby, too, was pleased, as the U.S. forces withdrew from Harpers Ferry that

night, clearing that region of invaders. Despite all the bullets and cannonading, neither side suffered many casualties. During the night following the fight, Colonel Geary visited the iron foundry at Shenandoah City (just upstream from Virginus Island), where he ascertained it was “used by the rebels for casting shot and shell of all kinds.” He promptly ordered the foundry burned that night. Two days later, Confederate cavalry disguised as civilians crept onto Virginus Island and torched Herr’s Mill.

Approximately three weeks before his first clash with the South, Geary had written to his wife about Harpers Ferry. Where the Shenandoah and Potomac Rivers converge “the waters seem to refuse to commingle and become one. The clearness and limpidity of the Potomac...the muddyness [sic] of the Shenandoah...I cannot help thinking it resembles the condition of our country; the clear waters of the north refusing to mingle with those from the south.”

Master Armorer Members (Cont’d)

Bruce Kramer
Baltimore, MD
Gregory Light
Fort Lupton, CO
Anne A. Long
Myersville, MD
Cynthia K. Mason
Baltimore, MD
Linda Parks
Washington, DC
George Rutherford
Ranson, WV
Ed Wheelless and Chris
Craig
Harpers Ferry, WV

Recent Donations

James R. Schatz, Jr.
John Frye
The Gilder Lehrman
Institute of American
History, New York, NY
Mahoning Valley Civil
War Roundtable,
Boardman, OH



Civil War Sesquicentennial Special Event: “In the Shadows of John Brown: The 1861 Battle of Bolivar Heights” October 15-16, 2011

Harpers Ferry National Historical Park invites the public to attend “In the Shadow of John Brown: The 1861 Battle of Bolivar Heights,” 10:00 AM to 5:00 PM, October 15-16, 2011.

Two years to the day after John Brown’s Raid, Union and Confederate troops clashed on Bolivar Heights. Guided tours and orientation talks on this battle will be offered throughout the weekend. There will be artillery and small arms firing demonstrations and Living History programs depicting events leading up to the battle. The USPS will open a Cancellation Station Sunday at 10:00 AM with opening remarks by Bolivar Mayor Robert J. Hardy.

Music will be provided by The Wildcat Band Saturday at 12:00 and 4:00 PM. Songs of the Civil War will be performed by Greg

Artzner and Terry Leonino at 12:30 PM Sunday. Also on Sunday, visitors can hear Home Front Musicians: The Gallant 28th NY, at 1:00 and 4:00 PM.

Family/youth activities include a telegraph station, scavenger hunt, battlefield bivouac, and “Wonder Wall” which invites visitors to share their thoughts on the justification of war for the freedom and equality of all Americans.

Commemorative items, books, and music will be sold at the Harpers Ferry Historical Association’s Sales Tent. HFHA will also host author presentations and book signings. See below for author information.

For more information call 304-535-6029 or visit the Harpers Ferry National Historical Park website at www.nps.gov/hafe.

Local Authors to Speak at Sesquicentennial Event

West Virginia and the Civil War: Mountaineers are Always Free (The History Press, 2011) The only state born as a result of the Civil War, West Virginia was the most divided state in the nation. About forty thousand of its residents served in the combatant forces—about twenty thousand on each side. The Mountain State also saw its fair share of battles, skirmishes, raids and guerrilla warfare, with places like Harpers Ferry, Philippi and Rich Mountain becoming household names in 1861. When the Commonwealth of Virginia seceded from the Union on April 17, 1861, leaders primarily from the northwestern region of the state began the political process that eventually led to the creation of West Virginia on June 20, 1863.

The book about these West Virginians and their civil war was written by renowned Civil War historian Mark A. Snell. Snell is the director of the George Tyler Moore Center for the Study of the Civil War in Shepherdstown, West Virginia. He is a retired U.S. Army officer and a former assistant professor at the U.S. Military Academy

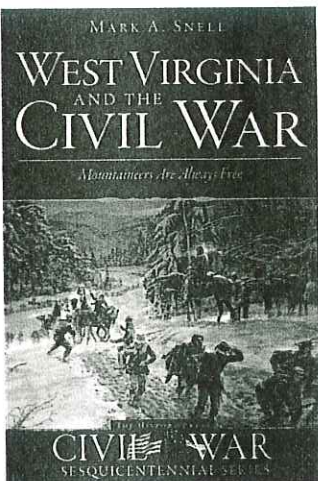
at West Point. He has written several books about the Civil War.

Discussion and book signing, Harpers Ferry National Historical Park, Saturday, October 15, 1:00 PM.

Trembling in the Balance: The Chesapeake & Ohio Canal During the Civil War (Blue Mustang Press, 2011) HFHA member Timothy Snyder’s new book is the story of a canal company’s struggle to operate a significant business enterprise in one of the nation’s major theaters of war. Since the C&O Canal was located on Maryland’s southern border with Virginia, it experienced much of the war firsthand. Due to the proximity of the canal to so many conflicts, large and small, this book includes a great amount of detailed military history. The canal played a role in major battles, like Antietam and Gettysburg, and in smaller conflicts, such as Ball’s Bluff and Stonewall Jackson’s raids on Dam Number 5.

Snyder grew up near Williamsport, Maryland, about a half mile from the canal.

continued on next page



Life on the Canal

by Suzanne Silvia

Many years ago, while out walking along the Chesapeake and Ohio Canal towpath with my husband, an abandoned lock house caught my eye. I immediately crossed the dry canal bed—much to my husband's consternation—and peered into the window. I wondered what the house thought, empty and seemingly forgotten, waiting these long years . . . My interest was sparked. I wanted to know who lived there, what was life like for the family? Thus, began my journey to learn as much as possible about this bygone way of life.

I read as much as I could on lock house families and the history of the canal. Every trip down South meant another stop along the canal. However, I still wanted to see and feel what the canaller's life was like—to live it. Imagine my delight when I learned about the Canal Quarters program! This is a program in which guests can stay overnight in a lock house. Different lock houses depict various eras of the canal. This program literally transports one back in time.

Last October, my husband and I stayed at Pennyfield Lock. (#22) The house stands as it did in the 1840s. Everything is authentic—the furniture, the dining, living and bedroom quarters, the paint scheme. Walking into the house is like walking through a portal into the past. A table is set up with vintage photographs, books on the canal, and articles with firsthand accounts by those who lived and worked on the canal. Sitting outdoors by the house during the nighttime hours

is truly amazing. There is no traffic to be heard, no electric lights . . . only the soft sounds of the Potomac River and crickets singing their songs. As I readied for bed

Lockhouse 22 on the C&O Canal near Potomac and historic Tobytown, Maryland. (Courtesy Suzanne Silvia)



(by the light of a lantern) I heard the water rushing into the canal. "So this is what life was like," I marveled to myself.

What a wonderful program, and a wonderful opportunity to breathe, see, touch, hear, and live history.

For information about staying at a lock house visit the C&O Canal Trust's website: www.canaltrust.org/quarters.

Continued from previous page

His book began as his M.A. thesis and is the culmination of over a decade of research and writing. He earned an M.A. degree in history from Shippensburg University and has published several articles on Maryland's history concerning the Underground Railroad, the Secession Crisis, and the Civil War.

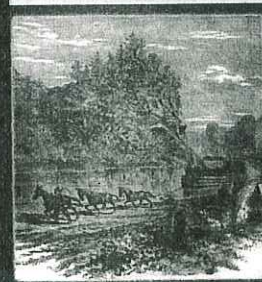
"This book is filled with fascinating information on the people, places, and

events that make the C&O Canal's Civil War history so colorful and dramatic. It is a rare and remarkable story, and Tim Snyder tells it more fully and expertly than anyone has before." — Karen M. Gray, Ph.D., C&O Canal historian

Discussion and book signing, Harpers Ferry National Historical Park, Saturday and Sunday, October 15 and 16, 3:00 PM.

Trembling in the Balance

The Chesapeake and Ohio Canal During the Civil War



by Timothy R. Snyder

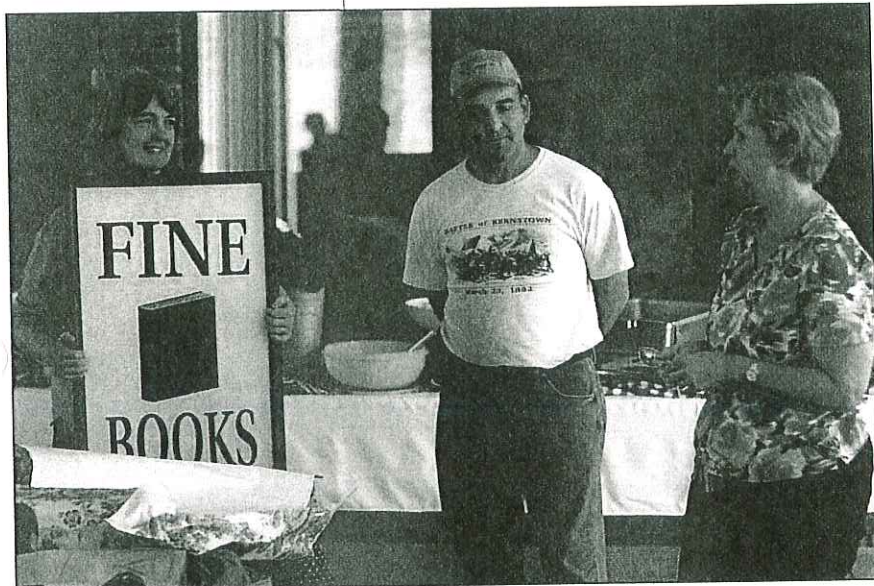
HFHA Celebrates 40 Years

Right: NPS personnel and HFHA charter members Marsha Wassel and Dennis Frye recognize Debbie Piscitelli's years of service with a signed Charley Harper print, "Beach Birds".



Below: Piscitelli receives a commissioned replica of the original Park Bookshop sign from HFHA president Jim Silvia and staff member Sue Baker. (Courtesy Jim Wassel)

Thank you to all of the members and old friends who joined us on June 4th and 5th to help celebrate our 40th Anniversary. Members were treated to several private tours and got to participate in nineteenth century bread baking and ice cream making demonstrations. (Quite a work out!) The Sunday picnic had a wonderful turnout and a few tears were shed as Executive Director Debbie Piscitelli was honored for her 30 years of selfless dedication to the Association and to Harpers Ferry National Historical Park.



Congratulations to raffle winners Mark Elrod (collection of Civil War books), Adam Bowles (overnight stay at C&O Canal House), and Carol Gallant (limited edition Mort Kunstler Civil War print). Special thanks to all those who helped organize and execute this special event including: Sue Baker, Stephanie Sager, Wally Magaha, Melinda Day, Susan Journell, Dave Gilbert, John Frye, David Fox, Tyler Gum, Anne Long, and Jim and Suzanne Silvia.

Below Left: Mark Elrod claims his raffle prize. (Courtesy Jim Wassel)

Below Right: Member Bill Berry learns the art of nineteenth century bread baking.





Above: Board member Anne Long (left) with Ranger Guinevere Roper. (Courtesy Jim Wassel)



Right: Board member Dave Gilbert leads a waterpower tour of Virginius Island.

Harpers Ferry Historical Association Membership Application

- I wish to join the Harpers Ferry Historical Association (*new member*)
- I wish to renew my membership (*renewal*)

Please enroll me in the following member category (*check one*):

- \$25 Armory Worker** – Basic membership for a family household. Benefits include a newsletter subscription, a 15% discount on all bookshop purchases, a vinyl decal, and invitations to annual meeting and events.
- \$25 Sarah Jane Foster** – An alternative basic membership for educators. Benefits include the above plus open house for teachers and discounts on programs for teachers.
- \$45 Millwright** – For those members who are frequent visitors to the park. Benefits are the same as Armory Worker category plus a 12-month Harpers Ferry Park entrance pass.
- \$100 Master Armorer** – A supporting membership category. Includes all benefits of the Millwright category plus a *Harpers Ferry in the Civil War* pictorial book, member recognition in our newsletter and at our annual meeting, and a special tour.
- \$250 Paymaster** – For businesses, vendors or family donors who wish to contribute to the Association's mission. Benefits include 15% discount on all bookshop purchases; a newsletter subscription; vinyl decal; invitations to annual meetings, events, and association-sponsored education programs; a 12-month park pass; *Harpers Ferry in the Civil War* pictorial book; recognition in newsletter and at annual meeting; special tour; and additional membership card.
- \$500 Armory Superintendent** – For supporters (individual and corporate) who wish to perpetuate Association and Park education programs. Benefits include 15% discount on all bookshop purchases; a newsletter subscription; vinyl decals; invitations to annual meeting, events, and education programs; *Harpers Ferry in the Civil War* pictorial book; recognition in the newsletter and at annual meeting; special tour; an Amercia the Beautiful pass (for use in all parks) for individuals; and a display plaque for businesses.

- I am not interested in receiving member benefits, but I would like to make a contribution in the amount of _____ to aid the mission of the Harpers Ferry Historical Association.

- I am a Charter Member and would like to make a donation of _____.

- Check if this is a new address for you

Name

Address

City

State

Zip

Telephone

E-mail

Please clip and mail to:

Harpers Ferry Historical Association
P.O. Box 197
Harpers Ferry, WV 25425

Toll-free: 1-800-821-5206

Phone: (304) 535-6881

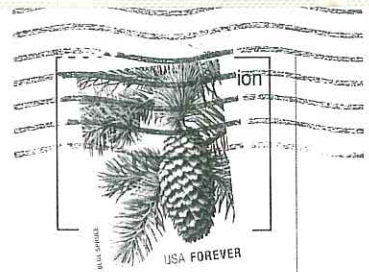
Fax: (304) 535-6749

Email: hfha@earthlink.net

The Harpers Ferry Historical Association operates the National Park Bookshop in Lower Town Harpers Ferry. Profits from sales are returned to the park to support interpretive and educational programs to enhance your visit.

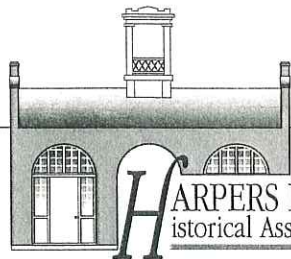
You are invited to join this unique organization and be a part of Harpers Ferry's special family. For more information call (304) 535-6881, send e-mail to hfa@earthlink.net, or visit our website at www.harpersferryhistory.org.

Harpers Ferry Historical Association
Post Office Box 197
Harpers Ferry, WV 25425



LYN WIDMYER
JEFFERSON COUNTY COMMISSION
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CHARLES TOWN, WV 25414

2541490250 8004



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EDITOR
Cathy Baldau

GRAPHIC DESIGNER
Dave Gilbert

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2011 Schedule of Events

These events are made possible through the efforts of park staff, NPS volunteers, living history groups, and the Harpers Ferry Historical Association. For more information call 304-535-6029 or visit the Harpers Ferry National Historical Park website at www.nps.gov/hafe.

October 29-30 Under Fire: The Battle of Harpers Ferry 1862

11:00 AM to 4:00 PM. Bolivar Heights Battlefield. Join the members of the Baltimore Light Artillery as they demonstrate the might and intimidation of field artillery. Firing demonstrations at 1:00, 2:00, and 3:00 PM.

November 5-6 Roeder's Tavern Cider Making 1860

11:00 AM to 4:00 PM. Lower Town. Join living history rangers and volunteers for cider-making demonstration and fall food preservation.

December 3-4 Captain Flagg's US Quarter Master City: Prospects of Peace 1864

11:00 AM to 4:00 PM. Lower Town. Join over 175 living history volunteers as they help present park visitors with a unique window into the magnitude and scope of Captain Flagg's 1864 US Quartermaster city.

facebook

The Harpers Ferry Historical Association is now on Facebook! Search Facebook for "Harpers Ferry Historical Association". Like our page to receive notifications of upcoming park special events, bookshop news, and related park information.

Jefferson County Public Service District

Jefferson County Public Service District Regular Board Meeting September 6, 2011

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Tuesday, September 6, 2011 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Joe Hankins; Secretary, Jim Cummins (arrived late); Treasurer, Peter Appignani; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; Operations Manager, Joe Freeze; Pentree Engineers, John Tuggle and Zane Summerfield; District Legal Counsel, Jim Kelsh; and liaison for the County Commission, Commissioner Lyn Widmyer.

Chairman Hankins called the meeting to order at 7:02PM. Since Mr. Cummins was running late to the meeting, the Board decided to handle the budget discussions first until he arrived.

NEW BUSINESS

Discussion of any Expenses over Budget

Ms. Lawton informed the Board that the Fleet Services account is over budget this month.

Action: No action taken by the Board.

Disbursements

Action: Motion made by Mr. Appignani and seconded by Mr. Hankins to approve disbursements for Cavaland water expenses in the amount of \$4,927.00, Glen Haven water expenses in the amount of \$3,607.99. Approved 2-0.

Action: Motion made by Mr. Appignani and seconded by Mr. Hankins to approve disbursements for the Public Service District expenses in the amount of \$147,813.98. Approved 2-0.

Approve Transfer of \$2,707.23 from Sewer Security Deposit Account to Sewer Operating for Security Deposit Refunds

Action: Motion made by Mr. Appignani and seconded by Mr. Hankins to approve the transfer of \$2,707.23 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Approved 2-0.

Approve Transfer of \$1,250.00 from Future Needs Account to Sewer Operating for Web Pay Invoice

Action: Motion made by Mr. Appignani and seconded by Mr. Hankins to approve the transfer of \$1,250.00 from Future Needs Account into Sewer Operating Account for Web Pay Invoice. Approved 2-0.

Public Comments

Tom Baldau, Harpers Ferry resident, commented on the decision by the Public Service Commission (PSC) to deny the District's Flowing Springs Wastewater Treatment Plant certificate application. He agreed with the decision and believed the Board owed the community and rate payers an apology for wasting the money and effort on a wastewater treatment plant that is not necessary. He requested to repeat his comments when Mr. Cummins arrives.

Consider Purchase of Sewer Camera

Mr. Freeze discussed the need for purchasing a sewer camera for District staff. There have been numerous occasions when staff has needed to use one, but no other utilities in the area currently have one that is working. He would like to purchase a color camera with accessories and at least 150 feet of cable not to exceed \$5000. The Board agreed that a sewer camera was needed for District staff.

Action: Motion made by Mr. Appignani and seconded by Mr. Hankins to purchase the sewer camera discussed or a similar model with options not to exceed \$5,000.00. Approved 2-0.

OLD BUSINESS

Update on Flowing Springs Wastewater Treatment Plant Project

Mr. Kelsh updated the Board on the denied decision on the Flowing Springs wastewater treatment plant certificate case at the Public Service Commission (PSC). He informed the Board that the West Virginia Department of Environmental Protection would appreciate a letter from the District if the Flowing Springs wastewater treatment plant is not going to be pursued so the funds committed to this project can be released for other projects. The Board has the legal right to appeal the PSC ruling on the case by September 11th if they wish to do so. The Board took public comments on this issue.

Mr. Cummins then arrived to the meeting at 7:23PM.

Todd Baldau repeated his comments he made earlier in the meeting.

Commissioner Patsy Noland, Jefferson County Commission, was disappointed in the PSC decision, but was not surprised. She felt the Flowing Springs wastewater treatment plant is needed, but with the make-up of the Supreme Court at this time an appeal would not be successful.

Jacquelyn Milliron, intervener in the Flowing Springs PSC certificate case, stated she was not against wastewater treatment plants or the location of the proposed Flowing Springs wastewater treatment plant, but was against plants that are solely paid for by her, a customer of the District. Ms. Milliron commended the Districts staff, particularly Ashley Stottlemeyer, for the help in providing her with requested documents.

Commissioner Lyn Widmyer, Liaison to the Jefferson County Commission, requested the District figure out what happens next regarding sewer capacity in the County due to recent permit requests by developers.

Heidi Parker, intervener in the Flowing Springs PSC certificate case, agreed with the results of the PSC decision and stated the ones needing the plant should be the ones who pay for it, not the rate payers. Ms. Parker was not against the project itself or the location of the plant, but the means of paying for the costs. She believed that wasted time was spent on something that should not have gotten this far and even more time should not be spent by the District filing an appeal.

With there being no further public comments, Mr. Hankins expressed his thoughts. He stated there has been no project he has personally worked harder on and he takes full accountability of pushing the project forward. Mr. Hankins explained that projects have a window of opportunity and timing was not in favor of this project with the current status of the economy and funding options. He did not offer an apology for the project as requested because he felt the project needed to move forward and it is his personal opinion that it will be needed in the future. One of the challenges of the Board is thinking ten or twenty years in advance. The Board was trying to think in advance, involve the public, play by the rules, and illustrate complete transparency throughout the entire process of this project. Mr. Hankins stated there is no value in moving forward with an appeal, but the District will construct a new plan and move forward because wastewater in the County is in poor shape and investments will have to be made in the future.

Action: Motion made by Mr. Appignani to not pursue actions to file an appeal with West Virginia Supreme Court and send a letter to DEP informing them that the Flowing Springs plant is not going to be pursued so the funds committed to this project can be released for other projects.

Further discussions were made at this time. Mr. Cummins stated he supports Mr. Hankins' comments and feels there is no need to apologize for pursuing this project. He explained that the repercussions for the County will be negative in that small wastewater treatment plants will be proposed if capacity is not available. Mr. Appignani agreed with Mr. Cummins comment regarding the small plants.

Action: After discussions, the motion was approved unanimously.

Mr. Kelsh made the comment and commended the Board as being one of the most knowledgeable and hardworking Board's in the State of West Virginia when it comes to water and wastewater issues, with Mr. Hankins being highly respected throughout the state.

Review Minutes of August 1 Regular Board Meeting

The minutes of the August 1, 2011 regular Board meeting were approved as presented.

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to accept the August 1, 2011 minutes as presented. Approved 2-0. Mr. Hankins abstained due to his late arrival at that meeting.

NEW BUSINESS

Introduction of a Possible Project by Citizens of the Blue Ridge Act and the Westridge Hills Homeowners Association for a Public/Private Partnership between Jefferson Utilities, Inc and the District

John Maxey, a member of the Citizens of the Blue Ridge Act requested this item to be put on the agenda in hopes of the District possibly pursuing a project under the Public Private Partnership agreement the District currently has with Jefferson Utilities. Mr. Maxey informed the Board that the Westridge Hills test wells project that was taken on by the County was completed last month and resulted in two high production commercial design wells drilled out to 8-inch diameter, one with a rate of 150 gallons per minute that was tested by a long-term two week drawdown test and the other producing over 50 gallons per minute before the pump was installed. He stated the Dunn Engineering Report estimated that 50 gallons per minute were needed to solve the problems in the mountain communities, which the two Westridge Hills have proven to exceed. Mr. Maxey has suggested the District submit an application to the West Virginia Infrastructure and Jobs Development Council for a project to own and operate the wells to supply water to the mountain customers. These wells are on the property of the Westridge Hills Homeowner Association, which he stated, has offered to donate both the land and wells to the District. According to Mr. Maxey, the costs of this proposed project would be an estimated \$1.5 million.

Mr. Kelsh stated that the District currently has a design loan debt from a previous 1998 Blue Ridge project for \$145,000 that will need to be paid when the District undertakes another water project. He also stated that the current Memorandum of Understanding the District has with Jefferson Utilities would need to be revised to reflect this new proposed project if the District decides to pursue. The Board commended the County for donating the funds to complete the test wells project in Westridge Hills, but would like to wait for the final report from the County to be published before making any decisions. The District would also like to discuss this proposal with Jefferson Utilities before responding to Mr. Maxey's request. The Board deferred this item to Executive Session for further discussions.

Action: No action taken by the Board.

Discuss Status of Capacity Assurance Agreement (CAA) for Jefferson County Development Authority

Mr. Kelsh updated the Board. With the Public Service Commission denying the Flowing Springs certificate case, they also denied the funding package which included the Capacity Assurance Agreement the District currently has with the Jefferson County Development Authority. The Development Authority recently paid the District \$1 million to reserve capacity by entering into a Capacity Assurance Agreement with the District. Mr. Kelsh informed the Board of three different options the Board could possibly take including refunding the \$1 million dollars to the Development Authority, hold onto the money and negotiate a new agreement and resubmit to the Public Service Commission, or refund the \$1 million dollars and negotiate a new agreement and resubmit to the Public Service Commission.

Tom Bayuzik was in the audience and informed the Board that the Development Authority will be making a recommendation at their Board Meeting on September 13th and will notify the District of their decision.

Action: No action taken by the Board.

Consider Options and Process Path for Creating/Revising PSD Strategic Plan

With the denial of the Flowing Springs wastewater treatment plant certificate case, the District is considering drafting an RFP for a strategic plan long term planning of infrastructure in the County. Mr. Appignani suggested looking into consolidation options in the plan with Charles Town or Ranson. Mr. Cummins stated

that developing a strategic plan to incorporate growth the District does not have control on will be difficult and the help of other entities will be needed, but he believes the plan is necessary. Mr. Appignani responded to Mr. Cummins comments stating the District would have professionals draft the plan and revisit every couple years for updates. Commissioner Widmyer stated that a strategic plan would be a great asset to the County and its citizens.

Action: Motion made by Mr. Appignani to professionally undertake the creation of a strategic plan. A brief discussion took place before any further actions.

Bob Woodrome, resident of Gap View, suggested completing the Flowing Springs project in stages since the project was too large for its time.

Mr. Hankins commented that the Charles Town strategic plan is a useful document which the District should draft something similar and have consensus with Charles Town and Ranson. He agreed with Mr. Appignani to look into consolidation and suggested getting independent assistance with drafting the plan.

Ms. Milliron, intervener in the Flowing Springs PSC certificate case, stated that what's been missing in the Flowing Springs project is what's in the best interest of the customers. She suggested the District keep in mind the customers interests and what's both environmentally and economically feasible when drafting the plan.

The Board would like staff to draft a Request for Proposals for next month's agenda.

Action: Mr. Appignani amended his original motion and Mr. Cummins seconded to have staff work with the Board to draft a scope for a Request for Proposals and refine with public input and bring back at the October meeting as a first step of creating a strategic plan. Unanimously approved.

Consider Refinance or Repayment Options for BAN for Flowing Springs Project Expenses

Mr. Kelsh informed the Board of the BAN expiration that is coming up on January 6th which was initially approved two years ago to pay for engineering design work by Pentree totaling \$750,000 for the Flowing Springs Wastewater Treatment Plant. He reviewed the three options the Board could choose to take including pursuing a design loan from West Virginia Department of Environmental Protection (DEP), a bond from West Virginia Infrastructure and Jobs Development Council (IJDC), or refinancing the BAN with DEP, MVB Bank, or another private lender. Ms. Lawton received rates from MVB for a 3, 5, and 10 year loan. She would also like to borrow the necessary \$300,000 to upgrade pump station 5-3 in Burr Industrial Park. Along with the \$750,000 debt of the BAN, Pentree also has \$1.3 million invested in the Flowing Springs project that needs to be paid by the District. Mr. Kelsh informed the Board that the District must get approval from the Public Service Commission for any type of loan or grant. The Board would like Chuck Young from Cox Hollida Price to complete a cash flow analysis before making any financial decisions. Ms. Lawton is going to get loan rates options from multiple banks for next month.

Action: No action taken by the Board.

Report on Phase II WIP Summit in Martinsburg 31 August 2011

Mr. Hankins, Ms. Lawton, and the Districts newly hired engineering technician, Matt Piepenburg, along with numerous elected officials, DEP, engineers, local government employees, the public and state legislatures attended the Chesapeake Bay Summit in Martinsburg held by Region 9. The Chesapeake Bay program, phase I and II WIP, nutrient trading, and stormwater rulemaking were discussed at the meeting.

Action: No action taken by the Board.

Consider Upgrades to Glen Haven and Cavaland Water Systems

Ms. Lawton recently completed funding requests from Bureau for Public Health and Region 9 for possible funding assistance for the Glen Haven and Cavaland water systems projects. In 2009, Gwin, Dobson, & Foreman (GDF) engineers completed an evaluation study on both systems and proposed recommendations for upgrading each. The Board would like Ms. Lawton to contact GDF about possibly moving forward on the upgrade projects and draft an addendum to the original agreement. This item will be on the agenda next month.

Action: No action taken by the Board.

Discuss Upgrades to Pump Station 5-3

The District is continuing to experience daily problems at this pump station. Pentree has prepared an estimate to rebuild the pump station, but finding the money to cover the costs is an issue. Ms. Lawton suggested possibly rolling the costs into the refinance of the BAN loan. She will ask for an option which will include these costs in with the BAN costs when researching with banks and the loan options. She is also going to have Chuck Young from Cox Hollida Price draft an analysis based on findings from the banks on the added costs to cover the \$300,000 in upgrade costs. District staff will prepare a Request for Proposals while awaiting the analysis.

Action: No action taken by the Board.

General Manager's Report

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

Cavaland Landscaping - Ms. Lawton received a proposal from Ellen May regarding landscaping around the Cavaland well house costing around \$385. The Board agreed with the proposal and would like to proceed.

Action: No action taken by the Board.

Public Comment

None.

Correspondence

None.

Action: Motion made by Mr. Hankins and seconded by Mr. Appignani to convene in executive session for the purpose of discussing litigation and contract negotiations. Unanimously approved.

Mr. Appignani excused himself from the discussions on the Jefferson Utilities, Inc General Investigation case currently at the Public Service Commission.

Action: Motion made by Mr. Hankins and seconded by Mr. Cummins to return to public session. Unanimously approved.

Action: Motion made by Mr. Hankins and seconded by Mr. Cummins to adjourn. Unanimously approved.

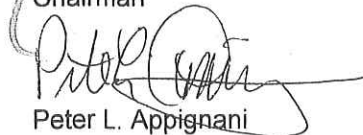
There being no further business at this time, the meeting was adjourned at 11:52PM

The next regular meeting is scheduled for October 3, 2011 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



Joseph A. Hankins
Chairman



Peter L. Appignani
Treasurer

STATE OF WEST VIRGINIA



WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

1325 VIRGINIA STREET, EAST
CHARLESTON, WV 25301-3011
(304) 558-2110
FAX: (304) 558-2115

EARL RAY TOMBLIN
Governor

JOSEPH C. THORNTON
Cabinet Secretary

October 11, 2011

Patricia Hamilton, Executive Director
West Virginia Association of Counties
2211 Washington Street, East
Charleston, WV 25311-2118

*To: All COMMISSIONERS
SHERIFFS
COUNTY CLERKS
F.Y.I From : WVACO*

In keeping with WV Code 94-7-3, the West Virginia Regional Jail and Correctional Facility Authority Board determined the FY 2013 Per Diem Rate at their October 6, 2011 quarterly board meeting. The Board voted that the current Regional Jail Inmate Per Diem Rate of \$48.80 remain the same for Fiscal Year 2013. The vote was unanimous.

Please provide this information to whomever necessary within your respective organizations or agencies that may be responsible for the collection of or the payment of Regional Jail Per Diem Fees.

Please contact me if I can be of any further assistance.

Sincerely,

Paul J. O'Dell, Jr.
Deputy Director
WV Regional Jail Authority

PJO/ahr

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

Week Ending Date	Week Ending October 8, 2011
To be Deposited on:	October 17, 2011
Amount Played	74,261,177.29
Amount Won	66,638,303.87
Amount Promo	<u>235,274.00</u>
MWAP Contribution	<u>5,631.62</u>
Adjusted Gross Terminal Revenue	<u>7,381,967.80</u>
Administrative Costs @ 4%	295,278.71
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>7,086,689.09</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>7,086,689.09</u>
Racetrack @ 46.50% / 42%	3,295,310.43
Lottery Fund @ 30% / 0%	2,126,006.68
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	992,136.47
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	70,866.90
Greyhound Development @ .75%	53,150.17
Thoroughbred Development @ .75%	53,150.17
Racing Commission @ 1%	70,866.90
County/Municipality @ 2%	141,733.80
3% Funds:	
Tourism Promotion Fund @ 1.375%	97,441.97
Development Office Promotion Fund @ .375%	26,575.08
Research Challenge Fund @ .5%	35,433.45
Capitol Renovation and Improvement Fund @ .6875%	48,720.99
2004 Capitol Complex Parking Garage Fund @ .0625%	4,429.18
1% Funds:	
State Capitol Complex Parking Garage @ 1%	-
Cultural Facilities and Capitol Resources @ .5%	35,433.45
Capitol Dome and Capitol Improvements @ .5% / 1%	35,433.45
	<u>7,086,689.09</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
09/03/11	\$ 161,675.52	\$ 80,837.76	\$ 80,837.76	\$ 6,620.61	\$ 33,305.16	\$ 1,810.77	\$ 28,115.37	\$ 10,985.85
09/10/11	\$ 169,691.60	\$ 84,845.80	\$ 84,845.80	\$ 6,948.87	\$ 34,956.47	\$ 1,900.55	\$ 29,509.37	\$ 11,530.54
09/17/11	\$ 133,497.24	\$ 66,748.62	\$ 66,748.62	\$ 5,466.71	\$ 27,500.43	\$ 1,495.17	\$ 23,215.17	\$ 9,071.14
09/24/11	\$ 137,859.60	\$ 68,929.80	\$ 68,929.80	\$ 5,645.35	\$ 28,399.08	\$ 1,544.03	\$ 23,973.78	\$ 9,367.56
10/01/11	\$ 137,743.28	\$ 68,871.64	\$ 68,871.64	\$ 5,640.59	\$ 28,375.12	\$ 1,542.72	\$ 23,953.55	\$ 9,359.66
10/08/11	\$ 141,733.80	\$ 70,866.90	\$ 70,866.90	\$ 5,804.00	\$ 29,197.16	\$ 1,587.42	\$ 24,647.51	\$ 9,630.81
Subtotal	\$ 2,129,079.84	\$ 1,520,571.64	\$ 608,508.20	\$ 49,836.82	\$ 250,705.37	\$ 13,630.60	\$ 211,639.14	\$ 82,696.27

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ (1,217,016.36)

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	9/3/2011	80,837.76
9/13/2008	79,729.93	9/12/2009	86,286.92	9/11/2010	82,969.36	9/10/2011	84,845.80
9/20/2008	71,269.36	9/19/2009	70,010.15	9/18/2010	67,638.78	9/17/2011	66,748.62
9/27/2008	79,735.73	9/26/2009	69,316.87	9/25/2010	70,435.06	9/24/2011	68,929.80
10/4/2008	75,186.22	10/3/2009	72,286.04	10/2/2010	71,013.86	10/1/2011	68,871.64
10/11/2008	77,139.04	10/10/2009	69,650.63	10/9/2010	69,311.50	10/8/2011	70,866.90
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	1520571.64
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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
August, 2011	137,473.92
September, 2011	110,375.25
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	1686958.88