

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, NOVEMBER 10, 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. Angie Banks, Assessor
- Ticket Split/Exonerations - Discussion/Action

UNFINISHED BUSINESS:

2. 10:00 a.m. Appointments to the Jefferson County Emergency Services Agency - Discussion/Action
 - One Citizen representative term ending November 2, 2014
 - One Fire representative term ending November 2, 2014
 - One Fire/EMS representative term ending November 2, 2014
3. 10:30 a.m. **BREAK**
4. 10:45 a.m. Jennifer Brockman, Director of Planning & Zoning
 - a) Discussion of comments received on October 6-20, 2011 and possible action on a proposed Amendment to Article 12 of the Jefferson County Zoning and Land Development Ordinance (March 2011) regarding the Process of Amending the Zoning Map and/or Zoning Text
 - b) Discussion of comments received on October 6-20, 2011 and possible action on a proposed Amendment to Articles 20 and 26 of the Jefferson County Subdivision and Land Development Regulations regarding the Maximum Square Footage Requirements for a Minor Site Plan in each Zoning District

NEW BUSINESS:

5. Approval to reappointment Dave Withers to the Jefferson County Emergency Services Agency as recommend by the Jefferson County Fire and Rescue Association - Discussion/Action
6. Approval of Resolution in Support of Service People - Discussion/Action
7. Tim Boyde, County Administrator
- Discuss copiers and proposed lease - Discussion/Action
8. Bill Polk, Maintenance Director
- Request to hire an Office Assistant to fill a vacancy in the Maintenance Department - Discussion/Action
9. Work Programs for Certain Departments, Boards and Commissions (LW) - Discussion/Action
10. Draft Cable Channel Policy - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

11. 12:00 p.m. RECESS

~~~~~ EVENING SESSION ~~~~~

12. 7:00 p.m. Public Hearing
- Proposed change in the Jefferson County Magisterial Districts

ADJOURN

CORRESPONDENCE/ANNOUNCEMENTS:

Notice that all Jefferson County offices will be closed on Friday, November 11, 2011 in observance of Veterans Day.

Announcement from the City of Charles Town that the crossing from Charles Town to Ranson via N. Lawrence St. and Executive Way will be closed for an approximate 4-week period starting November 2, 2011 due to construction by APU.

Letter received from Jefferson County Homeland Security and Emergency Management announcing two Public Assistance Workshops for Local Officials and eligible applicants on November 30, 2011.

Letter received from Jefferson County resident Diane E. Ferren commenting on the issues discussed at the Roundtable Meeting on October 21, 2011.

Letter received from Jon S. Brusco advising the Commission of his intention to step down as a member of the Jefferson County Board of Zoning Appeals.

Weekly settlement reports for the Charles Town Races received from the West Virginia Lottery for week ending October 29, 2011.

Correspondence received from Joyce Dailey regarding Amendments to the Zoning Ordinance and/or Subdivision Regulations.

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, November 3, 2011

A meeting of the Jefferson County Commission was held on Thursday, November 3, 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, Lyn Widmyer, Frances Morgan and Walt Pellish. Also present were Tim Boyde, County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddy, Bailiff. (An audio tape of this November 3, 2011 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Widmyer led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Morgan to approve the Minutes of the **October 27, 2011 regular meeting** as amended. Motion seconded by Mr. Pellish and unanimously approved.

Motion by Ms. Morgan to approve the Minutes of the **October 27, 2011 Special Session** as presented. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$26,537.08, being purchase order numbers: 50448, 50541, 50542, 50539, 50601, 50602, 49108, 50606, 50604, 50605, 50607, 50608, 50609, 50610, 50611 and 50613. Motion seconded by Ms. Morgan and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the accounts payable in the amount of \$57,928.46. Motion seconded by Mr. Manuel and unanimously approved.

PUBLIC COMMENT:

Mark Dyck, President of the Jefferson County Development Authority updated the Commission on the work done thus far by the transition team and stated that soon the Development Authority will begin conducting a search for an Executive Director.

David Tabb, Jefferson County resident commented on several different issues: 1) he opposes a vote today on the proposed changes to the Planning & Zoning amendments until another public hearing is held; 2) the inequity between funds allocated to the fire companies and Parks & Recreation; 3) stoplight in front of the U.S. Customs and Border Patrol facility.

Kathy Knight, President of the Carriage Park HOA had questions for the Commissioners from the members of the HOA.

COUNTY ADMINISTRATOR REPORTS:

County Administrator Tim Boyde:

- Participated in a conference call with Loudoun County, Virginia officials and Jefferson County representatives in an attempt to resolve the Mutual Aid Agreement issues. Loudoun County and Jefferson County may be willing to accept a Memorandum of Understanding. Loudoun County officials have approved the termination of the Mutual Aid Agreement if the outstanding issues are not resolved by the termination date.
- Met with Don Jacobs and Jennifer Meghan, County Clerk and reached an agreement on salary and compensation. Mr. Jacobs will prepare a Salary and Compensation Schedule for the County Clerk's Office.
- Currently working on policies, the most urgent of which is the issue of taxable fringe benefits.

PRESENTATIONS :

1. **Stephanie Grove, Assistant Prosecuting Attorney** – discussion of the 2nd Congressional District Court Challenge and possible action.

Motion by Ms. Morgan that the Commission convene an Executive Session to discuss the pending litigation and possible action. Motion seconded by Mr. Manuel and unanimously approved. The Commission convened an Executive Session at 9:54 a.m.

Motion by Ms. Morgan to adjourn the Executive Session. Motion seconded by Mr. Manuel and unanimously approved. The Executive Session adjourned at 10:15 a.m.

Ms. Morgan **moved** that the County Commission as a body join the redistricting lawsuit that is proposed stating that there will be no cost to the taxpayers of Jefferson County. Ms. Widmyer seconded the motion and it was unanimously approved.

For the record, Mr. Pellish stated that he believed the discussion had in Executive Session regarding the pending litigation should have more appropriately been held before the public.

2. **Eric Lewis** offered a presentation and explanation of 501 charities and non-profit IRS forms, more specifically Form 990. He explained that a lot can be learned about a company by examining their Form 990 return.

The Commission took a break at 10:38 a.m.

The Commission reconvened its meeting at 10:45 a.m.

3. **Interviews and Appointments to the following Boards:**

North Eastern Regional Emergency Services, Inc.

One unexpired term ending October 31, 2012

One 2-year term ending October 31, 2013

Pete Kelley spoke of his qualifications and requested reappointment to NEREMS.

Motion by Mr. Manuel to reappoint Pete Kelley to the North Eastern Regional Emergency Services, Inc. Board to fill the unexpired term ending October 31, 2013. Motion seconded by Ms. Morgan and unanimously approved.

Doug Pittinger, Director of Jefferson County Emergency Services Agency stated his qualifications to serve on the NEREMS Board.

Motion by Ms. Morgan to appoint Doug Pittinger to the North Eastern Regional Emergency Services, Inc. Board to fill the unexpired term ending October 31, 2012. Motion seconded by Ms. Manuel and unanimously approved.

Jefferson County Emergency Services Agency

One Citizen representative term ending November 2, 2014
One Fire representative term ending November 2, 2014
One Fire/EMS representative term ending November 2, 2014

For the record: Ms. Morgan intends to vote to reappoint all individuals that have applied for reappointment.

Marty Freeman related her qualifications to serve on the Jefferson County Emergency Services Agency.

The other candidates, Alan Williams, Michael Mood, Marshall Demeritt and Dave Withers, were not able to appear due to lack of notice.

The Commissioners, by unanimous consent, postponed voting until next Thursday's meeting after they receive more information about the candidates and legal information regarding the magisterial districts and who can apply to be appointed.

Jefferson County Development Authority Board

One unexpired term ending April 5, 2013

Motion by Ms. Morgan to appoint Dr. Karan Townsend, Ed.D. to the Jefferson County Development Authority Board to fill the one expired term ending April 5, 2013. Motion seconded by Mr. Manuel and unanimously approved.

4. **Susan M Pierce, WV State Historic Preservation Office, Division of Culture and History** and **Aaron Levy** appeared before the Commission to clarify certain information that was discussed during the September 1, 2011 Commission meeting regarding the proposed Bullsken Run Historic District.
5. **Jennifer Brockman, Director of Planning & Zoning** request for approval/adoption of the Urban Tree Canopy Grant Plan.

Motion by Mr. Manuel to approve and adopt the **Urban Tree Canopy Grant Plan** as presented. Motion seconded by Ms. Morgan and unanimously approved.

Request to approve Article 4A, Sec. 22 and Sec. 10-3 – Home Occupations and Cottage Industries.

Motion by Ms. Widmyer to approve and adopt a proposed Amendment to Article 4A, Section 2.2 and Section 10.3 of the Zoning and Land Development Ordinance, and Section 20.203 of the Subdivision and Land Development Regulations regarding Home Occupations and Cottage Industries. Motion seconded by Mr. Pellish and unanimously approved.

Request to approve a proposed Amendment to Sections of Article 24 of the Jefferson County Subdivision and Land Development Regulations regarding Timeframes and Noticing Requirements for Processing Procedures.

Motion by Mr. Pellish to approve the Amendments to Sections of Article 24 of the Jefferson County Subdivision and Land Development Regulations regarding Timeframes and Noticing Requirements for Processing Procedures as presented on September 15, 2011, and outlined on the agenda request with the following addition:

1. The neighbors and adjoining homeowners will be notified of the date of the hearing by Staff.

Motion seconded by Ms. Widmyer and carried 4 -1 with Ms. Morgan voting “no.”

Due to time constraints, the Commissioners unanimously agreed to postpone voting on the other two proposed amendments until the regular meeting next Thursday, November 10, 2011 or possibly the following Thursday.

**The Commission broke for lunch at 12:30 p.m.
The Commission reconvened its meeting at 1:34 p.m.**

8. **Work Session – Water Advisory Committee (WAC)** – Mary Sells presented and clarified the WAC’s proposed work plan which included water quality monitoring of streams, seeps and springs, watershed management and protection, monitoring of the existing County water-related studies and providing the County Commission with recommendations for additional studies relating to water issues that could be pursued by WAC. Ms. Sells stressed the members desire to work with the County Commission and to keep the Commission apprised of the progress of their work. The Commission gave its permission for WAC to seek a qualified individual to fill a vacant position on the Committee.
9. **Elizabeth Wheeler, Jefferson County Farmland Protection Board** request approval of Deed of Farmland Conservation Easement on the Stehr Property. The easement is 219.1 acres and the cost to the Jefferson County Farmland Protection Board is \$523,320.50.

Motion by Ms. Morgan to approve the Deed of Farmland Conservation Easement for the Stehr property. Ms. Widmyer seconded the motion and it was unanimously approved.

COUNTY COMMISSION REPORTS:

Commissioner Widmyer:

- Attended a Jefferson County Public Service Meeting.

Commissioner Manuel:

- Attended the Halloween Paws & Claws Dinner Auction.
- Traveled to the Rt. 340 Defense Shooting Range with Sheriff Shirley and Deputy Jesse Jones and studied the area for possible unsafe conditions.
- Reminder of the dinner at Applebee’s to benefit the Jefferson County Animal Welfare.

Commissioner Morgan:

- Attended a Farmland Protection monitoring in Kearneysville.
- Attended a Telamon Community Action meeting.

Commissioner Pellish:

- Worked on transition issues with the Jefferson County Development Authority.

Commissioner Noland:

- Received many calls offering suggestions regarding the Jefferson County Emergency Services Agency and fire companies issues.

There being no further business, **motion** by Mr. Pellish to adjourn. Motion seconded by Mr. Manuel and unanimously approved. Upon rising the meeting was adjourned at 2:10 p.m. until Thursday next, November 7, 2011.

PATRICIA A. NOLAND, PRESIDENT

**PURCHASE ORDERS TO BE APPROVED
November 10, 2011**

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
ADDRESSING	52979	\$ 2,091.75	SHANNON BAUM SIGNS	Street name signs
ANIMAL CONTROL	53164	\$ 1,066.82	REVIVAL ANIMAL HEALTH	Vaccine, syringes
	53165	\$ 133.61	VALLEY HARDWARE	Mop heads, squeegees, handles
	53166	\$ 427.00	VALLEY PET SEMETARY	Animal carcass disposal
	53167	\$ 222.10	HILLSIDE VET HOSPITAL	Vet exam & medication
	53168	\$ 908.28	ALPHA TECH PET	55 Gal kennel
CIRCUIT CLERK	50458	\$ 105.00	JEFFERSON CENTER	Collate & Fold jury info
COUNTY CLERK	50543	\$ 234.65	PIFER OFFICE SUPPLY	Page protectors, cartridge, holder, parchment paper, ribbons & envelopes
COMMISSION	50468	\$ 84,864.00	WV REGIONAL JAIL	October billing & Powell credit
COMMUNICATIONS	53235	\$ 592.00	TELTRONIC	VAC power supply
MAINTENANCE	50625	\$ 802.90	NORVAC LOCK TECHNOLOGY	Lock work
	50627	\$ 4,560.42	84 Lumber	Materials & supplies
OTHER BUILDINGS	50567	\$ 1,318.56	CAPITAL TRISTATE	Various Electrical Supplies
	50619	\$ 754.90	FISHER AUTO PARTS	Auto supplies

	50620	\$	292.50	ALLIANCE ELECTRIC	Emergency repair to generator (911)
	50621	\$	273.40	FIDELITY POWER SYSTEMS	Repair to generator (911)
	50624	\$	782.47	BK OFFICE SUPPLY	Copy paper & recycle bins
	50628	\$	2,250.00	RCS SECURITY	Security supplies for Briel Bldg
PLANNING	52946	\$	298.02	BK OFFICE SUPPLY	Materials/supplies
PROSECUTING ATTORNEY	50433	\$	1,708.01	SPECIALTY BUSINESS SUPPLY	Office supplies
SHERIFF	53013	\$	3,018.85	TOWN GUN SHOP	Vest & Uniforms
	53014	\$	1,656.70	SUPERIOR AUTO BODY	Remove bumper lights & trim
	53015	\$	13,162.00	WV SIGNAL & LIGHT	Vehicle supplies
	53016	\$	13,632.00	DIGITAL ALLEY	Auto supplies
	50473	\$	6,724.00	MPH INDUSTRIES	Vehicle supplies
	50474	\$	400.00	INTERNATIONAL POLYGRAPH	Polygraph employment
	50475	\$	831.09	GALLS	Uniforms & accessories
	50476	\$	1,184.59	AMERITEL	Copier Service Contract
	50477	\$	223.55	RAY ALLEN MANUFACTURING	Materials/supply/animal
	50478	\$	1,025.00	VITAL SIGNS	Vehicle maint/repair
VARIOUS	50622	\$	475.44	BRIGGS WELDING & RADIATOR	Emergency repair to generator (911) & parts for auto lift
GRAND TOTAL		\$	143,927.86		

Printed at 11:29 a.m. on 10/24/11

Sandy McDonald

From: <tboyde@jeffersoncountywv.org>
To: "Sandy McDonald" <sandy@jeffersoncountywv.org>
Sent: Thursday, November 03, 2011 3:20 PM
Subject: Fw: agenda November 10th, 2011
Sent on the Sprint® Now Network from my BlackBerry®

From: "Angela Banks" <abanks@jeffersoncountywv.org>
Date: Thu, 03 Nov 2011 18:58:56 GMT
To: tboyde<tboyde@jeffersoncountywv.org>
Subject: agenda November 10th, 2011

Tim,

I need to be on the agenda for November 10th, 2011 for a ticket split (divorce) and if any exonerations come up between now and then.

Angela L. Banks
Jefferson County Assessor
104 E. Washington St.
Charles Town WV 25414
304-728-3224

Commission Office Use Only
 Date on Agenda: 11/10/11
 Appt Time or New Business: 10:00 am

AGENDA REQUEST FORM

Name: Nichelle Hosby

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 5-10 min.

Date Requested – 1st Choice: 11/3/2011

Date Requested – 2nd Choice: _____

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

Subject: Interview and Appointment to the Jefferson County Emergency Services Agency Board

- Expired term ending November 2, 2014 representing Citizens
- Expired term ending November 2, 2014 representing Fire
- Expired term ending November 2, 2014 representing Fire/EMS

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): **Motion to approve _____ to an expired term ending November 2, 2014 on the Jefferson County Emergency Services Agency Board representing Citizen.**

Motion to approve _____ to an expired term ending November 2, 2014 on the Jefferson County Emergency Services Agency Board representing Fire.

Motion to approve _____ to an expired term ending November 2, 2014 on the Jefferson County Emergency Services Agency Board representing Fire/EMS.

Attachments:

Revised November 19, 2009

JEFFERSON COUNTY EMERGENCY SERVICES AGENCY (JCESA)
CURRENT BOARD COMPOSITION

The ordinance creating the Jefferson County Emergency Services Agency establishes a matrix for appointments to the board. It provides that the board shall be comprised of:

1. One Commissioner
2. Five Citizens unaffiliated with any Jefferson County fire company
3. Two EMS representatives
4. Two Fire representatives
5. One representative of the Jefferson County Fire & Rescue Association

The Medical Director serves as a non-voting ex officio member.

In addition to the category of representation no more than three members may be from the same magisterial district. A recent amendment to the ordinance provides that the Commissioner and the Fire & Rescue Association member shall be counted in the magisterial district calculation. (Yellow marks expiring terms and Red marks area in need of Correction.)

Categories of Representation

<u>Public</u>	<u>EMS</u>	<u>Fire</u>
Marty Freeman	Brenda Engle	Michael Mood
Ed Boober	Pete Kelley	Todd Wilt, II (resigned)
Robert Murto	Paul Rosa	
Brendan Soennecken		

Magisterial District Representation

<u>Charles Town</u>	<u>Harpers Ferry</u>	<u>Kabletown</u>	<u>Middleway</u>	<u>Shepherdstown</u>
Boober	Soennecken	Freeman	Mood	Murto
Rosa		Engle		Kelley

Jefferson County Emergency Service Agency Board
 Updated: October 2011

Name	Address	Magisterial District	Affiliation	Notes
Marty Freeman		Kabletown	Public	Expires Nov. 2, 2011
Dave Withers			Fire & Rescue Assc.	Separate Appointment
Doug Pittinger, Director				
Ed Booher		Charles Town	Citizen	
Todd L. Witt, II		Kabletown	Fire/EMS	Expires Nov. 2, 2011
R.M. Pete Kelley		Shepherdstown	EMS	
Brenda Engle		Kabletown	EMS	
Robert Murto		Shepherdstown	Public	
Paul Rosa		Charles Town	EMS	
Brendan Soennecken		Harpers Ferry	Public	
Michael Mood		Middleway	Fire	Expires Nov. 2, 2011
Dale Manuel			Commissioner	
Applicants (cannot be in Kabletown District)				
Alan Williams	P.O. Box 195 Charles Town, WV	Charles Town	Fire/EMS	will attend
Michael Mood	51 Shady Acres Lane Kearneysville	Middleway	Fire	cannot attend working on site development
Marty Freeman	P.O.Box 945 Charles Town, WV	Middleway	Citizen	

Todd Wilt II
1890 Myerstown Rd.
Charles Town, WV 25414
(304) 728-3926

October 7, 2011

Jefferson County Commission
PO Box 250
Charles Town, WV 25414

Commissioners,

As stated in your letter dated September 29, 2011, my term as a Board Member to the Jefferson County Emergency Services Agency will expire on November 2, 2011.

At this time I do not wish to pursue another term with the Agency. I appreciate the opportunity the Commission gave me to serve originally. My work with the Agency was both rewarding and educational in many ways. I feel my work with the organization certainly furthered the mission of the Agency and I am proud of some of the accomplishments I was able to help with.

I am quite optimistic the Commission will be able to find another candidate that is suitable to serve the Agency. Should you need anything further please contact me.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Todd Wilt II', with a long, sweeping underline.

Todd Wilt II



JEFFERSON COUNTY COMMISSION

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

Phone: (304) 728-3284 - Fax: (304) 725-7916

Web: www.jeffersoncountywv.org

PRESIDENT

Patsy Noland

VICE PRESIDENT

Dale Manuel

COMMISSIONER

Frances Morgan

COMMISSIONER

Walt Pellish

COMMISSIONER

Lyn Widmyer

September 29, 2011

Todd Wilt, II
1890 Meyerstown Rd,
Charles Town, WV 25414

Dear Mr. Wilt, II:

Please be advised that your term on the Jefferson County Emergency Services Agency Board will expire on November 2, 2011. Until the County Commission has acted to appoint someone for another three year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, November 3, 2011 or as soon thereafter as the Commission may decide.

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

For the Commission,

Nichelle Adams Hosby
Executive Assistant

NAH
termexp

COUNTY ADMINISTRATOR
Tim Bowde

DEPUTY COUNTY ADMINISTRATOR
Sandy Slusher McDonald

October 6, 2011

Jefferson County Commission
PO Box 250
Charles Town, WV 25414

Dear Commission:

In response to your September 29, 2011 letter, I would very much like to continue serving on the Jefferson County Emergency Services Agency Board. I was elected Treasurer and feel continuing to serve in that capacity would give some stability to the Board.

Your assistance is appreciated.

Sincerely,



Marty L. Freeman
PO Box 945
Charles Town, WV 25414

RECEIVED

OCT 07 2011

Jefferson County Commission

Nichelle Hosby

From: Sandy McDonald [sandy@jeffersoncountywv.org]
Sent: Wednesday, August 10, 2011 10:40 AM
To: Nichelle Hosby
Subject: Fw: JCESA Board
Attachments: Marshall.DeMeritt.jpg

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

From: Lyn Widmyer
To: Sandy Slusher McDonald
Cc: Manuel, Dale ; Morgan, Frances ; Noland, Patsy ; Walt Pellish
Sent: Wednesday, August 10, 2011 10:25 AM
Subject: Fwd: JCESA Board

Sandy, could you tell him when the next openings will be advertised? Thanks!

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

From: **Marshall DeMeritt** <demerim@fargoins.com>
Date: Wed, Aug 10, 2011 at 10:15 AM
Subject: JCESA Board
To: pnoland@jeffersoncountywv.org, dmanuel@frontiernet.net, fberrymorgan@aol.com, lynwidmyer@gmail.com, walterpellish@mac.com

Good Morning Commissioners,

I do not want to take much of your time, my name is Marshall DeMeritt. I currently sit as the Chief Operations Officer for Fargo Insurance, and am an active member of the Shepherdstown Fire Department. I am writing to inquire with each of you how I would go about seeking a nomination for the JCESA Board. I feel that I can be a true asset to this board. I would bring a fresh perspective, and a needed vitality to the board. I have a true passion for the Emergency Services of Jefferson County, and although I do my part in Shepherdstown, it is my desire to bring my unique talents and leadership abilities to the board. I am certain my abilities would be an asset to this board. Please help me move forward with this nomination.

Very Respectfully,
Marshall

MARSHALL DEME

Chief Operations Officer (COO)

267-4915

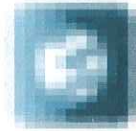
742-8190

mail@fargoins.com

fargoins.com

fargoinsblog.com

Fargo Insurance



Do You Have Adequate Life In

JEFFERSON COUNTY EMERGENCY SERVICES AGENCY BOARD

✓ Marty Freeman **Represents Citizen** Kabletown District
P.O. Box 945
Charles Town, WV 25414
304-535-6851
3 years 11/2/2011 Unexpired term took effect 10/28/2010

✓ Michael Mood **Represents Fire** Middleway District
51 Shady Acres Lane
Kearneysville, WV 25430
304-582-0204
3 years 11/02/2011

✓ Todd L. Wilt, II **Represents Fire/EMS** Kabletown District
1890 Meyerstown Rd.
Charles Town, WV 25414
304-728-3926
3 years 11/2/2011

✓ Dave Withers **Represents Jefferson County Fire and Rescue Association**
Jefferson County Fire & Rescue Association
P.O. Box 101
Charles Town, WV 25414
304-725-2570 304-725-2514
3 years 11/2/2011 Unexpired term took effect 6/17/2010

Ed Boober **Represents Citizen** Charles Town District
PO Box 1125
Charles Town, WV 25414
email: edboober@comcast.net
Cell:304-279-6980
3 years 11/2/12 **unexpired term replacing John Matthews**

R. M. Pete Kelley **Represents Fire/EMS** Shepherdstown District
P.O. Box 1257
Shepherdstown, WV 25443
h: 876-3409
3 years 11/2/12

letters sent
9/29/11

Brendan Soennecken **Represents Citizen** Harpers Ferry District
P.O. Box 542
Harpers Ferry, WV 25425
cell: 304-261-8178
3 years 11/2/12
email: soennecken@gmail.com

Brenda Engle **Represents Fire/EMS** Kabletown District
50 Westhall Drive
Charles Town, WV 25414
h: 725-7258
3 years 11/2/13

Robert Murto **Represents Citizen** Shepherdstown District
887 Cherry Run Road
Harpers Ferry, WV 25425
h:
3 years 11/2/13

Paul Rosa **Represents Fire/EMS** Charles Town District
P.O. Box 1350
Harpers Ferry, WV 25425
535-9961
3 years 11/2/13

Dale Manuel **Represents Jefferson County Commission**
75 Porter Way
Charles Town, WV 25414
304-725-8160

Jefferson County Emergency Services Agency
Doug Pittinger, Director
116 E. Washington Street
304-728-3287 (Office)
FEIN - 55-0751374



JEFFERSON COUNTY COMMISSION

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

Phone: (304) 728-3284 - Fax: (304) 725-7916

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VICE PRESIDENT
Dale Manuel

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Lyn Widmyer

September 29, 2011

Todd Wilt, II
1890 Meyerstown Rd,
Charles Town, WV 25414

Dear Mr. Wilt, II:

Please be advised that your term on the Jefferson County Emergency Services Agency Board will expire on November 2, 2011. Until the County Commission has acted to appoint someone for another three year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, November 3, 2011 or as soon thereafter as the Commission may decide.

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

For the Commission,

Nichelle Adams Hosby
Executive Assistant

NAH
termexp

COUNTY ADMINISTRATOR
Tim Bowde

DEPUTY COUNTY ADMINISTRATOR
Sandy Shusher McDonald



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Dale Manuel

COMMISSIONER

Frances Morgan

COMMISSIONER

Walt Pellish

COMMISSIONER

Lyn Widmyer

September 29, 2011

Michael Mood
51 Shady Acres Lane
Kearneysville, WV 25430

Dear Mr. Mood:

Please be advised that your term on the Jefferson County Emergency Services Agency Board will expire on November 2, 2011. Until the County Commission has acted to appoint someone for another three year term, you are asked to remain serving.

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For the Commission,

Nichelle Adams Hosby
Executive Assistant

NAH
termexp



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Patsy Noland

VICE PRESIDENT
Dale Manuel

COMMISSIONER
Frances Morgan

COMMISSIONER
Walt Pellish

COMMISSIONER
Lyn Widmyer

September 29, 2011

Marty Freeman
P.O. Box 945
Charles Town, WV 25414

Dear Ms. Freeman:

Please be advised that your term on the Jefferson County Emergency Services Agency Board will expire on November 2, 2011. Until the County Commission has acted to appoint someone for another three year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, November 3, 2011 or as soon thereafter as the Commission may decide.

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

For the Commission,

Nichelle Adams Hosby
Executive Assistant

NAH
termexp

Alan Williams
PO Box 195
Charles Town, WV 25414

Jefferson County Commission
Charles Town, WV 25414

RECEIVED

OCT 19 2011

JEFFERSON COUNTY COMMISSION

October 13, 2011

Dear Commissioners,

I am writing you with interest in an appointment to the Jefferson County Emergency Services Advisory Board.

I am an active member of Citizens Fire Company. I have 28 years of experience in fire rescue. I was an active volunteer in Loudoun County as that system made the transition from a mainly volunteer system to a model combination system. I served on several boards and assisted in the policy making process. I have also been a career firefighter / paramedic with the Federal Government and with Loudoun County. Even as a career firefighter I never forgot my roots and remained volunteer friendly.

The fire rescue system in Jefferson County is facing many of the same challenges that faced Loudoun County many years ago. Without experienced people to prepare and guide the system for the inevitable changes, the system will falter and be unable to properly serve the citizens of the county. The system is at a cross road and needs impartial leadership willing to develop a system that will provide the county with the best service while remaining fiscally responsible.

I have enclosed a list of my education, experience, and goals. I look forward to meeting with you soon.

Respectfully,



Alan Williams

Alan Williams
PO Box 195
Charles Town, WV 25414
(571) 246-2269

EDUCATION:

George Washington University: Paramedic and EMS degree program.

Virginia Office of EMS: Emergency Medical Tech, Mass Casualty Management, EMS Command

Virginia Fire Programs: Firefighter III, Fire Officer, Fire Instructor.

National Fire Academy: Fire Officer Management and Leadership. Advanced Command Training.

EXPERIENCE:

Life Member of Purcellville Volunteer Rescue Squad since 1983.

Career Lieutenant with Loudoun County Fire Rescue.

Served as representative to the Loudoun County EMS Counsel.

Served on the Loudoun County Fire Rescue Commission.

Served on Chiefs committee.

GOALS:

Represent the citizens of Jefferson County to the best of my ability and help create a fire rescue system that is impartial and customer service based.

Use my experience to assist in the development of the Jefferson County fire rescue system and guide policy to best serve the community.

Reform the EMS system in Jefferson County whereas the Jefferson County Emergency Services Agency is self sufficient and where additional services can be provided with minimal tax payer burden.



Middleway Volunteer Fire Company, Inc
Post Office Box 1
Summit Point, West Virginia 25446



Request for Reappointment to the JCESA

I Michael T Mood would request to be considered for reappointment to the JCESA Board as a fire representative from the Middleway District. I am currently serving on the JCESA board for the remainder of another's term. I feel that I bring a great deal of experience to the board from my over 20 years of experience in emergency services which include fire, EMS and law enforcement from multiple jurisdictions. I have worked in the positions of firefighter, EMT, law enforcement officer and have worked in positions from entry level through upper management. I believe that my membership on the board is a benefit for the Agency and the fire companies in Jefferson County alike. I strive to make all meetings and participate in discussions and decisions for the better of involved.

Thank you for your consideration.

Sincerely,

Michael T. Mood
51 Shady Acres Lane
Kearneysville, WV 25430

RECEIVED

OCT 24 2011

Jefferson County Commission

<p>Commission Office Use Only</p> <p>Date on Agenda: 11/10/11</p> <p>Appt Time or New Business: 10:45am</p>

AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: **30 minutes**

Date Requested – 1st Choice: November 3, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Discussion of Comments Received October 6 -20, 2011 and Possible Action and Possible Action on a Proposed Amendment to Article 12 of the Jefferson County Zoning and Land Development Ordinance (March 2011) regarding the Process of Amending the Zoning Map and/or Zoning Text**

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

On September 15, 2011, the Jefferson County Commission held a public hearing on the proposed amendments to Article 12 of the Jefferson County Zoning and Land Development Ordinance recommended to them by the Planning Commission. Attached are the Article 12 amendments as presented at the public hearing, a summary of the comments received on September 15th, and recommended changes to the proposed amendments.

On October 6, 2011, the Jefferson County Commission heard additional public testimony and left the proposed amendment open for additional public or County Commission testimony through October 20, 2011. Attached are the additional comments received with staff response and proposed changes for County Commission discussion and consideration.

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

I move to approve the Amendments to Article 12 of the Jefferson County Zoning and Land Development Ordinance regarding the process of amending the zoning map and/or text as presented on September 15, 2011 with the following revisions:

1. Change Section 12.3 (a) as follows:

“The procedure for processing a map amendment petition initiated by the owners of fifty percent or more of the real property ~~in the area~~ to which the petition relates shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.”

2. Change Section 12.4 (a) and (b) as detailed in the matrix and as follows:

12.4(a): ~~“As WV Code §8A allows only the Planning Commission to file a formal petition for a~~ Zoning Ordinance text amendment, ~~cannot be initiated by any person, board, commission or bureau of Jefferson County by submitting a petition and fee to the Departments of Planning and Zoning. T~~he procedure for processing a Zoning Ordinance text amendment initiated by any person, board, commission or bureau of Jefferson County shall be by a written request to the County Commission at a regular meeting.”

12.4(b), second sentence: ~~“It is preferable that s~~Such a request must be submitted in writing to

the office of the Departments of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the request will be presented.

3. Change Section 2.2, Definition of Zoning Ordinance, Map Amendment as follows:

“An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted in within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said the zoning-designation.”, and

4. Change Sections 12.2 (a); 12.2(d)(1)(i); 12(a), 3rd paragraph, 1st sentence; 12.3(b)2nd and 3rd paragraph; 12.4(a) last line 3rd paragraph; 12.4(b), 1st paragraph per the proposed editorial revisions found in the matrix attached, and

5. Change Section 12.2 from 15 days notice to 30 days notice in the paper and posting on the property.

Attachments:

- **Summary Matrix of Public Comments Received and Recommended Action (with additional comments noted)**
- **Recommended Amendments to Article 12 of the Jefferson County Zoning and Land Development Ordinance presented at the Public Hearing on September 15, 2011**

**Public Comments Received at September 15, 2011 County Commission Public Hearing
Proposed Zoning Text Amendment regarding Amending the Zoning Map and/or Text
Article 12 of the Jefferson County Zoning and Land Development Ordinance
Additional Comments Received October 6, 2011 – October 20, 2011 (in red)**

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
1	Conformance with state law	12.2, 12.3, 12.4	Entire proposed amendment	Disagrees with proposed process; believes proposed process is not in conformance with the requirements of WV Code 8A	Planning and legal staff worked on this jointly, state law is confusing and does not clearly differentiate between landowner instated map amendments and PC or CC initiated map amendments and does not specify clearly the text amendment process.	Proposed language clarifies the different processes depending on who the petitioner is and to differentiate between a map and text amendment. No Action Required
2	Language question	Portion of 12.3a	The procedure for processing a map amendment petition initiated by the owners of fifty percent or more of the real property in the area to which the petition relates shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.	Acknowledging that this is language out of the State Code, requests changing "in the area" to "for the property"	Staff agrees that the language "in the area" is confusing.	Proposed revision to 12.3 (a): Delete "in the area" from this sentence
3	Alternative PC process	12.3b	The Planning Commission may opt to proceed on a proposed map amendment by informal written request for action to the County Commission by submitting the same information required above styled as a "Request for Action" rather than as a "Petition."	Clarify this statement or explain why it is recommended	Most of Section 12.3b details how the Planning Commission can initiate a formal map amendment in accordance with State Code. This process requires the County Commission to schedule a public hearing within 60 days of the receipt of the PC petition. It is possible that the PC might want to initiate a map amendment to implement a planning concept that could occur somewhat more informally and for which the tight time frame is not critical. This paragraph was intended to provide the PC and CC an opportunity to pursue such a	No Action Required

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
4	Conflicting sentences	12.4a	A Zoning Ordinance text amendment cannot be initiated by any person, board, commission or bureau of Jefferson County by submitting a petition and fee to the Departments of Planning and Zoning. The procedure for processing a Zoning Ordinance text amendment initiated by any person, board, commission or bureau of Jefferson County shall be by a written request to the County Commission at a regular meeting.	The first 2 sentences of this section appear to be in conflict with each other.	The first sentence states that a text amendment cannot be initiated by submission of a petition and a fee. The second sentence says that if someone wants to initiate a text amendment, they should make the request (not a petition) to the County Commission, who could determine if they want to pursue it. Section 12.4b further presents an alternative process by which someone could make such a request to the Planning Commission, who could add it to their work plan when time permits.	Proposed revision to 12.4 (a): As WV Code §8A allows only the Planning Commission to file a formal petition for a Zoning Ordinance text amendment cannot be initiated by any person, board, commission or bureau of Jefferson County by submitting a petition and fee to the Departments of Planning and Zoning. The procedure for processing a Zoning Ordinance text amendment initiated by any person, board, commission or bureau of Jefferson County shall be by a written request to the County Commission at a regular meeting. Proposed revision to 12.4(b), second sentence: It is preferable that Such a request must be submitted in writing to the office of the Departments of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the request will be presented.
5	Relationship between proposed amendment and state law			Stated that the proposed amendment is not consistent with state law because state law allows an applicant to submit to County Commission as well as Planning Commission; stated that it sounded more like an internal process policy	Legal and planning staffs collaborated on this amendment in an attempt to clarify the difference between the processes for text and map amendments and between land owner initiated and CC/PC initiated map amendments. While an applicant can submit their map amendment petition directly to the CC, it is generally saves time if they submit to the PC office so that staff can ensure the application is complete, accept the application fee, and have the PC set a public hearing at their next meeting. As required by state law, the CC	The proposed amendment regarding the alternative process remains the recommendation of the PC and staff. No Action Required

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
6	Staff initiated revisions			Based on a careful review of the proposed amendments and in light of a recent rezoning request, staff has the following edits that it is recommending for inclusion in this amendment.	cannot take action on a landowner initiated map amendment without the advice of the PC and the PC will always need to hold a public hearing to provide that advice. This is intended to codify the preferred submittal process within the parameters of state law.	<p>Proposed revision to Section 2.2, Definition of Zoning Ordinance, Map Amendment, as follows:</p> <p>An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing <u>the zoning from one existing zoning designation to another existing zoning designation</u>. A map amendment does not permit changes, conditions or alterations to uses permitted in within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.</p> <p>Proposed revision to Section 12.2(a):</p> <p>After the enactment of the Zoning Ordinance, including both text and map, the governing body of the County may amend the Zoning Ordinance without holding an election.</p> <p>Proposed revision to Section 12.2(d)(1)(f):</p> <p>i. a legal advertisement describing the Sections of the Ordinance proposed to be revised, with a summary of the revisions, and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation.</p> <p>Proposed revision to Section 12.3(a) 3rd paragraph, 1st sentence:</p> <p>Planning Commission is required to set a public</p>
7	Staff initiated editorial revisions			Staff review of the final document has resulted in the following recommended editorial revisions.		

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
						<p>hearing on the proposed Zoning Map amendment within 60 days of the date upon which a completethe petition is presented to the Planning Commission at a Planning Commission meeting. <u>Proposed revision to Section 12.3(b) 2nd and 3rd paragraphs:</u></p> <p>Petitions for a map amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for filing<u>reconsideration</u> on the same date</p> <p>The County Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date of upon<u>which</u> the meeting at which the petition is presented to the County Commission at a County Commission meeting.</p> <p><u>Proposed revision to Section 12.4(a) last line, 3rd paragraph:</u></p> <p>The Planning Commission would likely<u>may</u> hold a hearing regarding the request as well in order to make an informed recommendation to the County Commission.</p> <p><u>Proposed revision to Section 12.4(b), 1st paragraph:</u></p> <p>Alternatively, aAny person or byany board, commission or bureau of Jefferson County could<u>may</u> submit a proposed Zoning Ordinance text amendment to the Planning Commission for their consideration within their<u>its</u>on-going work plan tasks at a regular Planning Commission meeting.</p>

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
						<p><u>Proposed revision to Section 12.4(c), 1st and 2nd paragraphs:</u></p> <p>Typically, if the Planning Commission determines that a text amendment is required to the Zoning Ordinance is required in accordance with tasks in the its work plan, to make for the purpose of improving or clarifying the ordinance more user-friendly, or in line for consistency with adopted policies, the Planning Commission will develop a draft of the proposed amendment, receive public input, conduct a Public Hearing in accordance with Section 12.2(d), and make a recommendation for action to the County Commission through a regular agenda request process. Any such amendment proposal will include the background and reasoning of the proposed amendment as well as a discussion of consistency with the adopted Comprehensive Plan.</p> <p>With their <u>its</u> recommendation, the Planning Commission will request that the County Commission schedule a workshop, if necessary, and a Public Hearing at dates to be determined by <u>dates to be determined by</u> the County Commission to receive <u>to receive</u> comment and take action on the proposed amendment.</p> <p><u>Proposed revision to Section 12.4(d), 1st, 2nd and 3rd paragraphs:</u></p> <p>On rare occasions, the Planning Commission may determine it necessary to alternatively submit a text amendment by petition to the County</p>

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
						<p>Commission. The procedure for processing a formal text amendment petition initiated by the Planning Commission shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.</p> <p>Petitions for a text amendment initiated by the Planning Commission shall be presented to the County Clerk for filing on the same date. Such petitions for a text amendment shall be clearly labeled as "§8A-7-9 Petition" in the heading and contain the following information:</p> <ol style="list-style-type: none"> 1. Substantiation for the request; 2. Notation that said text amendment applies county-wide; 3. Discussion on why such proposal is consistent with the adopted Comprehensive Plan. <p>The County Commission is required to set a public hearing on the proposed Zoning Text amendment within 60 days of the date upon which the petition is presented to the County Commission at a County Commission meeting.</p>
8	Traffic study	12.3a	<p>a) Map Amendments by Landowners</p> <p>6. Discussion on:</p> <p>a. Comprehensive Plan compatibility of the proposed change.</p> <p>b. Any change of transportation characteristics and neighborhood from when the</p>	<p>Change "Discussion of changes in transportation characteristics" to "prepare and submit a traffic study"</p>	<p>It is common to require a traffic study of some level during a rezoning application provided that there is some parameters for the effect of the information on the decision making process.</p>	<p>Staff believes that it is reasonable to clarify this requirement provided that legal concurs that this requirement is not contrary to state law. Specific language will be researched if the County Commission determines to incorporate this comment.</p>

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
9	Public notice	12.2(c)(1)	<p>original ordinance was adopted.</p> <p>Section 12.2 Procedure for Amendment by County Commission</p> <p>1) Public Notice of the Public Hearing for a Zoning Map Amendment before the Planning Commission requires the following:</p> <p>i. A legal advertisement at least 15 days prior to the date set for such hearing in a newspaper with local circulation;</p> <p>ii. Any property affected by the proposed zoning map amendment shall be posted at least 15 days prior to the Public Hearing..... and</p> <p>iii. All property owners adjoining the property proposed to be rezoned shall be notified by first class mail at least 15 days prior to the Public Hearing.....</p>	<p>Public hearing notice and posting of property should occur 30 days prior to the public hearing.</p>	<p>State law requires a that an amendment initiated by petition be noticed in a local paper as a Class I advertisement 15 days prior to the hearing. Staff and the Planning Commission did not believe that this was adequate notice and the proposed amendment adds additional notice in the County ordinance. Additional time for public notice is reasonable in order to give concerned citizen adequate times to become familiar with the request prior to the hearing.</p>	<p>Staff concurs with this suggestion.</p>
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10		12.3.b	<p>The petition and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission</p>	<p>Documentation needs to be submitted earlier than one week before the meeting</p>	<p>State law requires the CC or PC to hold a hearing within 60 days of the submission of a petition. The one week agenda request form noted in this section references the submittal of the petition for the purpose of setting this 60 day hearing. This is adequate notice for this purpose.</p>	<p>No change proposed.</p>
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**Draft Home Occupation / Cottage Industry Zoning Ordinance Amendments
Comments Received at June 28, 2011 County Commission Meeting**

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
1	Public Vote	N/A	N/A	Bring amendments to a vote by the voters of Jefferson County.	State and local law allows the legislative body, the County Commission, the right to amend County documents.	As elected representatives of the citizens, County Commission should proceed with amending the Subdivision Regulations. No Change Required.
2	Expansion of existing non-residential buildings with proper zoning	20.203	<p>Building(s), both new and additions to existing, where all structures located on the parcel totaling no more than: total less than 5,000 square feet gross floor area (GFA) on any site;</p> <ul style="list-style-type: none"> 7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts. 15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/ Commercial Districts. 30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District. 	<p>If a site with an existing structure(s) is properly zoned, the maximum structure size proposed to be allowed to be processed as a minor site plan is too low.</p> <p>Ex. If an existing 11,000 sq. ft. building is in the Residential-Light Industrial-Commercial District, the maximum addition allowed to be processed under the minor site plan process is 4,000 sq. ft. because a major site plan is required at 15,000 sq. ft. under the proposed amendment.</p>	<p>Staff acknowledges that some existing businesses in the two primary zoning districts in the county, Rural and Residential-Light Industrial-Commercial District, may already be nearly 15,000 sq. ft. in size. This is the size at which a major site plan is required under the proposed amendments.</p> <p>An existing building could build up to 15,000 sq. ft. and then take advantage of the one-time ability to expand 10% and remain a minor.</p> <p>The goal of the amendment is to provide an opportunity for new businesses under a certain size to process as a minor site plan which allows them to be under construction within a reasonable time frame. Existing businesses can also expand to that same size or have a one-time 10% addition under these amendments as well.</p>	<p>Retain proposed standards.</p> <p>While increasing the sq. ft. may provide some relief to existing business, any square footage number chosen will result in a similar problem as noted.</p> <p>Long term, Staff believes the best solution to this situation is to require the Concept Plan step in the Major Site Plan process to be a public hearing and to have the remaining process be administrative. This may require an amendment to state law.</p> <p>One of the greatest challenges to increase the square footage in some instances is the limited zoning districts available. The most widely used district for development purposes is the Residential-Light Industrial-Commercial District. This district allows for such a broad uses that a homes could be directly adjacent to</p>

**Draft Home Occupation / Cottage Industry Zoning Ordinance Amendments
Comments Received at June 28, 2011 County Commission Meeting**

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
						light industrial activity. Not having a public hearing for the affected neighbors may not be the way to proceed.

PROPOSED REVISIONS TO JEFFERSON COUNTY ZONING ORDINANCE ARTICLE 12
recommended for approval by the Jefferson County Planning Commission to the
County Commission

(proposed changes are highlighted and underlined)

ARTICLE 12. MAP AND TEXT AMENDMENTS

Section 12.1 Purpose

- a) These regulations, restrictions, provisions, and the boundaries of districts provided herein may from time to time be amended, modified, or repealed by the County Commission. Any person, individual, board, commission or bureau of the County may petition the County Commission for such change.
- b) The County Commission shall refer any amendment or alteration of this Ordinance to the Planning ~~and Zoning~~ Commission for analysis, study, report, and recommendations regarding compatibility with the Comprehensive Plan as well as consideration as to whether a Conditional Use Permit (CUP) or other process may be a more appropriate process.

Section 12.2 Procedure for Amendment by ~~Governing Body~~County Commission

- a) After the enactment of the Zzoning Oerdnance, including both text and map, the governing body of the County may amend the Zzoning Oerdnance without holding an election.
- b) Before amending the Zzoning Oerdnance text or map, the governing body, with the advice of the Pplanning Ccommission, must find that the amendment is consistent with the adopted Ceomprehensive Pplan, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-8 et seq of the West Virginia State Code, as amended.
- c) All amendments to the Zoning Ordinance Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.
 - 1) Public Notice of the Public Hearing for a Zoning Map amendment before the Planning Commission requires the following:
 - i. A legal advertisement describing the location and identification of the subject parcel for which the zoning is proposed to be changes, including the current tax district, map and parcel number, and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation;
 - ii. Any property affected by the proposed zoning map amendment shall be posted at least 15 days prior to the Public Hearing. The posting shall state the time, date, and location of such hearing, as well as, what new zone is being requested on the property; and
 - iii. All property owners adjoining the property proposed to be rezoned shall be noticed by first class mail at least 15 days prior to the Public Hearing. The adjoining letters shall state the time, date, and location of such hearing, as well as, what new zone is being requested on this particular property. The letter shall also describe the location and identification of the subject parcel proposed to be rezoned, including the current tax district, map and parcel number.
 - 2) Public Notice of the Public Hearing before the County Commission requires compliance with the appropriate State Code for amending Ordinances.
- d) All amendments to the Zoning Ordinance Text require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended text amendments require a Public Hearing before the County Commission prior to a final determination.

- 1) Public Notice of the Public Hearing for a Zoning Text Amendment before the Planning Commission requires the following:
 - i. a legal advertisement describing the Section of the Ordinance proposed to be revised, with a summary of the revision, and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation.
- 2) Public Notice of the Public Hearing before the County Commission requires compliance with the appropriate State Code for amending Ordinances.

Section 12.3 Procedure for Map Amendment by Petition

a) Map Amendments by Landowners

The procedure for processing a map amendment petition initiated by the owners of fifty percent or more of the real property in the area to which the petition relates shall be as dictated in ~~§8A-4-1~~§8A-7-9 et seq of the West Virginia State Code, as amended.

~~b)~~ Petitions for a map amendment initiated by landowners shall be submitted to the Planning Commission and shall for an amendment must contain the following information:

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4 (b)
5. Tract size
6. Discussion on:
 - a. Comprehensive Plan compatibility of the proposed change.
 - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.

Planning Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date upon which the petition is presented to the Planning Commission at a Planning Commission meeting. A complete petition, and related fees, shall be submitted to the office of the Departments of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, the Departments of Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for the purpose of setting the public hearing date.

Notice of the Planning's Public Hearing shall be in accordance with Section 12.2 of this Ordinance. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forward to the County Commission within four weeks of final Planning Commission action.

b) Map Amendments by the Planning Commission

The procedure for processing a formal map amendment petition initiated by the Planning Commission shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

Petitions for a map amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for recordation on the same date. On such petitions a map amendment shall be clearly labeled as "§8A-7-9 Petition" in the heading and contain the following information:

1. Substantiation for the request

2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4 (b)
5. Tract size
6. Discussion on:
 - a. Comprehensive Plan compatibility of the proposed change.
 - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted

The County Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date upon which the petition is presented to the County Commission at a County Commission meeting. The petition and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

The Planning Commission may opt to proceed on a proposed map amendment by informal written request for action to the County Commission by submitting the same information required above styled as a "Request for Action" rather than as a "Petition."

Section 12.4 Procedure for Initiating a Zoning Ordinance Text Amendment

a) Text Amendments by Those Other Than County or Planning Commission

A Zoning Ordinance text amendment cannot be initiated by any person, board, commission or bureau of Jefferson County by submitting a petition and fee to the Departments of Planning and Zoning. The procedure for processing a Zoning Ordinance text amendment initiated by any person, board, commission or bureau of Jefferson County shall be by a written request to the County Commission at a regular meeting. The request and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

Any request for a text amendment shall include the proposed text in context with the adopted Zoning Ordinance text and shall include a statement as to why such proposal is consistent with the adopted Comprehensive Plan.

The County Commission may refer the proposed amendment to the Historical Landmarks Commission or other appropriate body for comment and shall refer the proposed amendment to the Planning Commission in accordance with §8A-7-8(b) et seq of the West Virginia State Code, as amended, to provide advice on the consistency with the Comprehensive Plan. If the County Commission decides to consider the request, a Public Hearing would be required in order to amend the Zoning Ordinance. The Planning Commission would likely hold a hearing regarding the request as well in order to make an informed recommendation to the County Commission.

b) Text Amendments by Those Other Than County or Planning Commission (Alternate Process)

Alternatively, any person or by any board, commission or bureau of Jefferson County could submit a proposed Zoning Ordinance text amendment to the Planning Commission for their consideration within their on-going work plan tasks at a regular Planning Commission meeting. It is preferable that such a request be submitted in writing to the office of the Departments of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the request will be presented. Any request for a text amendment shall include the proposed text in context with the adopted Zoning Ordinance text and shall include a statement as to why such proposal is consistent with the adopted Comprehensive Plan.

The Planning Commission, with the advice of staff, can determine if and when to undertake such a request in light of other work plan tasks and development review activities are currently under consideration. If the Planning Commission decides to consider the request, a Public Hearing would be required and the Planning Commission would need to determine if the request is consistent with the Comprehensive Plan in accordance with §8A-7-8(b) et seq of the West Virginia State Code, as amended. The Planning Commission would then make a recommendation regarding the potential text amendment to the County Commission who would also be required to hold a Public Hearing.

c) Text Amendments by the Planning Commission

Typically, if the Planning Commission determines that a text amendment is required to the Zoning Ordinance in accordance with tasks in the work plan, to make the ordinance more user-friendly, or in line with adopted policies, the Planning Commission will develop a draft of the proposed amendment, receive public input, conduct a Public Hearing in accordance with Section 12.2(d), and make a recommendation for action to the County Commission through a regular agenda request process. Any such amendment proposal will include the background and reasoning of the proposed amendment as well as a discussion of consistency with the adopted Comprehensive Plan.

With their recommendation, the Planning Commission will request that the County Commission schedule a workshop, if necessary, and a Public Hearing at the County Commission's convenience to receive comment and take action on the proposed amendment.

d) Text Amendments by the Planning Commission by Petition

On rare occasions, the Planning Commission may determine it necessary to submit a text amendment by petition to the County Commission. The procedure for processing a formal text amendment petition initiated by the Planning Commission shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

Petitions for a text amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for filing on the same date. Such petitions a text amendment shall be clearly labeled as "§8A-7-9 Petition" in the heading and contain the following information:

1. Substantiation for the request;
2. Notation that said text amendment applies county-wide;
3. Discussion on why such proposal is consistent with the adopted Comprehensive Plan.

County Commission is required to set a public hearing on the proposed Zoning Text amendment within 60 days of the date upon which the petition is presented to the County Commission at a County Commission meeting. The petition and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

ARTICLE 2. DEFINITIONS
Section 2.2 Terms Defined

Add the following definitions:

Zoning Ordinance, Map Amendment

An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing the zoning designation.

Zoning Ordinance, Text Amendment

An amendment to the text of the Zoning Ordinance resulting in a change in the language of the Ordinance that applies to all similar property county-wide, such as a change in principal permitted uses in a district.

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

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1st Choice: November 3, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Discussion of Comments Received October 6 -20, 2011 and Possible Action on a Proposed Amendment to Articles 20 and 26 of the Jefferson County Subdivision and Land Development Regulations regarding the Maximum Square Footage Requirements for a Minor Site Plan in each Zoning District**

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

On September 15, 2011, the Jefferson County Commission held a public hearing on the proposed amendments to Articles 20 and 26 of the Jefferson County Subdivision and Land Development Regulations recommended to them by the Planning Commission. Attached are the Article 20 and 26 amendments as presented at the public hearing, a summary of the comments received on September 15th, and recommended changes to the proposed amendments.

On October 6, 2011, the Jefferson County Commission heard additional public testimony and left the proposed amendment open for additional public or County Commission testimony through October 20, 2011. Attached are the additional comments received with staff response and proposed changes for County Commission discussion and consideration. Note that some comments require policy decisions to be made by the County Commission that may be different that the staff comments and some may need to be referred to future amendments so that they can be researched further.

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

I move to approve the Amendments to Articles 20 and 26 of the Jefferson County Subdivision and Land Development Regulations regarding the Maximum Square Footage Requirements for a Minor Site Plan in each Zoning District as presented on September 15, 2011, with the following revisions based on public testimony:

- 1.
- 2.
- 3.

Attachments:

- 10/6/11 Summary Matrix of Public Comments Received and Recommended Action
- 9/15/11 Summary Matrix of Public Comments Received and Recommended Action
- Recommended Amendments to Articles 20 and 26 of the Jefferson County Subdivision and Land Development Regulations regarding the Maximum Square Footage Requirements for a Minor Site Plan in each Zoning District presented at the Public Hearing on September 15, 2011

**Amendments to Articles 20 and 26 Subdivision Regulations
Comments Received at September 15, 2011 County Commission Meeting**

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
1	Public Vote	N/A	N/A	Bring amendments to a vote by the voters of Jefferson County.	State and local law allows the legislative body, the County Commission, the right to amend County documents.	As elected representatives of the citizens, County Commission should proceed with amending the Subdivision Regulations. No Change Required.
2	Expansion of existing non-residential buildings with proper zoning	20.203	<p>Building(s), both new and additions to existing, where all structures located on the parcel totaling no more than: total less than 5,000 square feet gross floor area (GFA) on any site;</p> <ul style="list-style-type: none"> 7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts. 15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/ Commercial Districts. 30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District. 	<p>If a site with an existing structure(s) is properly zoned, the maximum structure size proposed to be allowed to be processed as a minor site plan is too low.</p> <p>Ex. If an existing 11,000 sq. ft. building is in the Residential-Light Industrial-Commercial District, the maximum addition allowed to be processed under the minor site plan process is 4,000 sq. ft. because a major site plan is required at 15,000 sq. ft. under the proposed amendment.</p>	<p>Staff acknowledges that some existing businesses in the two primary zoning districts in the county, Rural and Residential-Light Industrial-Commercial District, may already be nearly 15,000 sq. ft. in size. This is the size at which a major site plan is required under the proposed amendments.</p> <p>An existing building could build up to 15,000 sq. ft. and then take advantage of the one-time ability to expand 10% and remain a minor.</p> <p>The goal of the amendment is to provide an opportunity for new businesses under a certain size to process as a minor site plan which allows them to be under construction within a reasonable time frame. Existing businesses can also expand to that same size or have a one-time 10% addition under these amendments as well.</p>	<p>Retain proposed standards.</p> <p>While increasing the sq. ft. may provide some relief to existing business, any square footage number chosen will result in a similar problem as noted.</p> <p>Long term, Staff believes the best solution to this situation is to require the Concept Plan step in the Major Site Plan process to be a public hearing and to have the remaining process be administrative. This may require an amendment to state law.</p> <p>One of the greatest challenges to increase the square footage in some instances is the limited zoning districts available. The most widely used district for development purposes is the Residential-Light Industrial-Commercial District. This district allows for such a broad uses that a homes could be directly adjacent to</p>

**Amendments to Articles 20 and 26 Subdivision Regulations
Comments Received at September 15, 2011 County Commission Meeting**

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
						light industrial activity. Not having a public hearing for the affected neighbors may not be the way to proceed.

**Draft Article 20.203 and 26.200 Subdivision and Land Development Regulations Amendments
Comments Received at October 6, 2011. County Commission Meeting**

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
1	Expansion of existing non-residential buildings with proper zoning	20.203	<p>Building(s), both new and additions to existing, where all structures located on the parcel totaling no more than: total less than 5,000 square feet gross floor area (GFA) on any site;</p> <ul style="list-style-type: none"> 7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts. 15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/Commercial Districts. 30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District. 	<p>If a site with an existing structure(s) is properly zoned, a maximum structure size proposed is too low.</p> <p>Ex. If an existing 11,000 sq. ft. building is in the Residential-Light Industrial-Commercial District, the maximum addition allowed is 4,000 sq. ft. since a major site plan is required at 15,000 sq. ft. under the proposed amendment.</p>	<p>Staff acknowledges that some existing business in the two primary zoning districts in the county, Rural and Residential-Light Industrial-Commercial District, may be close to 15,000 sq. ft. in size. This is the size at which a major site plan is required under the proposed amendments.</p> <p>An existing building could build up to 15,000 sq. ft. and then take advantage of the one-time ability to expand 10% and remain a minor.</p>	<p>Retain proposed standards. While increasing the sq. ft. may provide some relief to existing business, any number chosen will result in a similar problem as noted.</p> <p>Long term, Staff believes the best solution to this situation is to make on the Concept Plan a public hearing and the remaining process administrative. This may require an amendment to state law.</p> <p>One of the greatest challenges to increase the square footage in some instances is the limited zoning districts available. The most widely used district for development purposes is the Residential-Light Industrial-Commercial District. This district allows for such a broad uses that a homes could be directly adjacent to light industrial activity. Not having a public hearing for the affected neighbors may not be the way to proceed.</p>
2	50,000 square feet for an	20.203	<p>Proposed language: (3) Existing buildings with gross floor area exceeding the maximum square footage allowed</p>	<p>Discuss merits of the 50,000 square feet for additions that was allowed in the 2008 Subdivision Regulations</p>	<p>The 2008 Subdivision Regulations allowed for "Addition(s) to existing development of ten percent or more of existing GFA or</p>	<p>Staff believes there in the proposed amendment an appropriate balance in the proposed</p>

**Draft Article 20.203 and 26.200 Subdivision and Land Development Regulations Amendments
Comments Received at October 6, 2011 County Commission Meeting**

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
	addition		<p>in 20.203(1) are allowed a one-time expansion of no more than 10% of existing GFA in all zoning districts;</p> <p>Existing language: Addition(s) to existing development of less than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less;</p>	<p>prior to previous amendments.</p>	<p>additions of 50,000 square feet or more of GFA." The way this is written, it does not indicate if that was 50k or 10%, whichever is lesser or whichever is greater applies. When referring to an increase in a project, usually whichever is less takes precedent.</p>	<p>amendment for the need for a site plan by the applicant and the need for public notice.</p> <p>In the 1979 Subdivision Regulations, there was limited opportunity for public input, which was a limit of that process. If the neighbors had a significant concern, the site plan was essentially finished and the applicant had invested significant amount of funds and time into the project. At that point is difficult for applicant to work with neighbors to compromise on site design solutions that would fulfill the applicant's needs and public's request.</p> <p>One of the honorable elements of the Concept Plan is that the applicant is not investing a lot of time and money at this stage. If adjustments to the site plan are necessary, this is the point where it is both feasible and possible to make any changes that are reasonable.</p> <p>There are circumstances where an applicant may have never had to process a site plan due to age of structure. There may not be</p>

**Draft Article 20.203 and 26.200 Subdivision and Land Development Regulations Amendments
Comments Received at October 6, 2011 County Commission Meeting**

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
3	One site plan process for projects that are permitted by zoning	Major minor process section (20.203)		One site plan process for projects that are permitted by zoning	The purpose of the major/minor site plan process is to allow for public input on projects of large size that could possibly affect neighbors in some fashion.	<p>adequate site design. The existing proposed amendment would provide balance between neighbors who have legitimate concern on an existing site and an applicant to possibly address that concern.</p> <p>Currently the State Law details standards for processing an application in 8A of the State Code. Staff's goal is to work with the state legislature to amend one section of 8A to allow for only the Concept Plan to be a public process and the remaining review to be reviewed by Staff. State law does allow each community to determine the square footage for when a major or minor site plan is required.</p> <p>Staff believes there is an appropriate balance between the need for a site plan by the applicant and the need for public notice.</p> <p>There are circumstances where an applicant may have never had to process a site plan due to age of structure. There may not be adequate site design. The existing proposed amendment would provide balance between neighbors who have legitimate</p>

**Draft Article 20.203 and 26.200 Subdivision and Land Development Regulations Amendments
Comments Received at October 6, 2011 County Commission Meeting**

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
4	Increase the square foot in new site plans and existing site plans before the major site plan process has to be started	20.203	<p>Building(s), both new and additions to existing, where all structures located on the parcel totaling no more than: total less than 5,000 square feet gross floor area (GFA) on any site;</p> <ul style="list-style-type: none"> 7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts. 15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/Commercial Districts. 30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District. <p>Existing buildings with gross floor area exceeding the maximum square footage allowed in 20.203(1) are allowed a one-time expansion of no more than 10% of existing GFA in all zoning districts;</p>	All site plans be a minor process when proposed project is less than 20,000 sq. ft for new sites and less than 50,000 sq. ft for additions to existing sites.	<p>Staff acknowledges that some existing business in the two primary zoning districts in the county, Rural and Residential-Light Industrial-Commercial District, may be close to 15,000 sq. ft. in size. This is the size at which a major site plan is required under the proposed amendments.</p> <p>An existing building could build up to 15,000 sq. ft. and then take advantage of the one-time ability to expand 10% and remain a minor.</p>	<p>Retain proposed standards. While increasing the sq. ft. may provide some relief to existing business, any number chosen will result in a similar problem as noted.</p> <p>Long term, Staff believes the best solution to this situation is to make on the Concept Plan a public hearing and the remaining process administrative. This requires an amendment to state law.</p> <p>One of the greatest challenges to increase the square footage in some instances is the limited zoning districts available. The most widely used district for development purposes is the Residential-Light Industrial-Commercial District. This district allows for such a broad uses that a homes could be directly adjacent to light industrial activity. Not having a public hearing for the affected neighbors may not be the way to proceed.</p>
5	Additions should be a minor	20.203	Existing buildings with gross floor area exceeding the maximum square footage allowed in 20.203(1) are allowed a one-time expansion of no	Additions to existing businesses should be a minor process since it has been through the site plan	Not all existing non-residential structures have been through the site plan process. Considering the limited time that site	No change suggested.

**Draft Article 20.203 and 26.200 Subdivision and Land Development Regulations Amendments
Comments Received at October 6, 2011 County Commission Meeting**

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
	process		more than 10% of existing GFA in all zoning districts;	process	plan process has been in effect in Jefferson County, a number of structures have not been through the site plan process. The proposed amendments are about balancing the rights of land owners and those of the neighbors who could be affected by a substantial addition to a structure. An addition that significantly increases the size of an existing building could have a considerable impact on surrounding neighbors.	
6	Add a new section to 20.203.	20.203		No additional details were provided. Unsure what comment meant.		No change suggested.
7	Opposes 30,000 square feet GFA without public notice	20.203	Building(s), both new and additions to existing, where all structures located on the parcel totaling no more than: total less than 5,000 square feet gross floor area (GFA) on any site; <ul style="list-style-type: none"> 7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts. 15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/Commercial Districts. 30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District. 	Opposes public exclusion on projects that are up to 30,000 sq. ft in size.	A maximum of 30,000 sq. ft. for a minor industrial/commercial district. This has been suggested for this district as the district allows for intense uses and some expectation of intense uses and large buildings on the property is reasonable.	No change suggested.

**Draft Article 20.203 and 26.200 Subdivision and Land Development Regulations Amendments
Comments Received at October 6, 2011 County Commission Meeting**

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
8	Chief Engineer involved in all site plan	N/A	Subdivision Regulations require Engineering Department to stamp all site plans as approved	Have Chief Engineer review all site plans.	The Chief Engineer has his designee, the County Engineer, reviews all site plans. No site plan can be approved until the Engineering Department stamps the site plan as approved. The County Engineer is involved in the process from beginning to end in this process. The Engineering Department is vital to this process.	No change suggested
9	Complete review within 90 days	N/A	N/A	Complete review of site plan within 90 days, including outside agencies. Give outside agencies a deadline time to respond by the given date.	The State law, in 8A, details time frames regarding how an application is processed. There are a few components of 8A that Staff would like to amend. The regulations require all outside agencies to respond by a determined deadline. If those agencies do not respond, it is as if they have no comment. With State law in place, processing an application with in 90 days is difficult. Staff has worked with a few applicants to overlap steps or concurrently reviewed applications in order to expedite the review. No "corners" were cut and the local and state laws were met in the process. By State law, Staff cannot take more than 45 days to review the site plan. Staff has created a tracking system to account for the number of days the application is in the office to ensure that the 45 days is	No change suggested.

**Draft Article 20.203 and 26.200 Subdivision and Land Development Regulations Amendments
Comments Received at October 6, 2011 County Commission Meeting**

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
10	Connection to water and sewer		Not addressed in current amendment	Business shall connect to water and/or sewer when water and/or sewer is extended within a reasonable distance to a business	<p>note exceeded. There are a multiple steps in the major process. The 45 days refers to the site plan review itself, not the hearings</p> <p>One component of this process Staff cannot control, but feels held responsible for, is the time the applicant holds an application once they take it out of the office. There has been several times where an applicant picks up a site plan that needs corrections and does not return of numerous weeks or even months.</p>	No change suggested.
11	Inconsistency on a site plan	N/A	N/A	<p>If an inconsistency arises, Planning and Zoning shall address the concern if it applies to that department and if the concern is an engineering related item, Engineering shall address the concern.</p>	<p>Staff has limited authority in granting waivers or variances of the requirements of a site plan or subdivision. This is one of the responsibilities of Planning Commission and Board of Zoning Appeals to hear exceptions to the requirements.</p> <p>Engineering, and Planning and Zoning often collaborate together on when an</p>	No change suggested.

**Draft Article 20.203 and 26.200 Subdivision and Land Development Regulations Amendments
Comments Received at October 6, 2011 County Commission Meeting**

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
					issue of inconsistency arises on a site plan. As noted above, a site plan cannot be approved until Engineering stamps the plan approved and as such their input is valuable.	

Sec. 20.203 Minor Site Development

Minor Site Developments are those proposals that do not require the development of new infrastructure or the extension of existing off-tract infrastructure ~~and where there is no subdivision into separate lots.~~ If the development requires easements for drainage or other purposes, private roads, or parking, and access to public roads is involved that serve one or more land uses, it is a site development. Minor site development proposes one or more of the following:

(1) Building(s), both new and additions to existing, where all structures located on the parcel totaling no more than: ~~total less than 5,000 square feet gross floor area (GFA) on any site;~~

- 7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts.
- 15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/ Commercial Districts.
- 30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District.

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

(3) Existing buildings with gross floor area exceeding the maximum square footage allowed in 20.203(1) are allowed a one-time expansion of no more than 10% of existing GFA in all zoning districts; or Addition(s) to existing development of less than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less; or

(4) apartment or multi-family development of nine ~~eight~~ or less dwelling units.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this section.

Sec. 20.204 Major Site Development

Major site developments are those proposals that require the development of new infrastructure or the extension of off-tract infrastructure or where the proposal does not meet the definition of a minor site development ~~and where there is no subdivision into separate lots.~~ This covers the development of one or more parcels of land where there is no subdivision into separate lots. If the development requires easements for drainage or other purposes, private roads, or parking, and access to public roads is involved that serve one or more land uses, it is a site development. Excluded are developments for the purpose of extraction or harvesting of resources and for roads on agricultural land for the purpose of conducting the agricultural operation. Re-subdivision or adjustments of lot lines are also excluded. Major site development shall adhere to full site plan requirements in all proposals.

Division 26.200 Definitions of Terms

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

A. Building(s), both new and additions to existing, where all structures located on the parcel totaling no more than: ~~total less than 5,000 square feet gross floor area (GFA) on any site;~~

- 7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts.

- 15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/ Commercial Districts.
- 30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District.

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

C. Existing buildings with gross floor area exceeding the maximum square footage allowed in 20.203(1) are allowed a one-time expansion of no more than 10% of existing GFA in all zoning districts; or ~~Addition(s) to existing development of less than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less; or~~

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

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

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

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

A. Building(s), both new and additions to existing, where all structures located on the parcel ~~totaling no more than: total less than 5,000 square feet gross floor area (GFA) on any site;~~

- 7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts.
- 15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/ Commercial Districts.
- 30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District.

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

C. Existing buildings with gross floor area exceeding the maximum square footage allowed in 20.203(1) are allowed a one-time expansion of no more than 10% of existing GFA in all zoning districts; or ~~Addition(s) to existing development of less than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less; or~~

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

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

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

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

A. A new public or private street or dedication to public use of an existing street;

B. Building(s), both new and additions to existing, where all structures located on the parcel are equal to or total more than: ~~5,000 square feet or more of GFA on any site;~~

- 7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts.
- 15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/ Commercial Districts.
- 30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District.
- except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major subdivision with master planned roads and stormwater;

C. Existing buildings with gross floor area exceeding the maximum square footage allowed in 20.203(1) that have previously been granted a one-time expansion of no more than 10% of existing GFA in all zoning districts as a minor site plan as delineated in Section 20.203; or ~~development of ten percent or more of existing GFA or with additions of 10,000 square feet or more of GFA;~~ or Addition(s) to existing development of ten percent or more of existing GFA or with additions of 10,000 square feet or more of GFA;

D. Apartment or multi-family development of ten or more dwelling units; or

E. A heavy industrial use.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

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

A. A new public or private street or dedication to public use of an existing street;

B. Building(s), both new and additions to existing, where all structures located on the parcel are equal to or total more than: ~~5,000 square feet or more of GFA on any site;~~

- 7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts.
- 15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/ Commercial Districts.
- 30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District.
- except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major subdivision with master planned roads and stormwater;

C. Existing buildings with gross floor area exceeding the maximum square footage allowed in 20.203(1) that have previously been granted a one-time expansion of no more than 10% of existing GFA in all zoning districts as a minor site plan as delineated in Section 20.203; or ~~development of ten percent or more of existing GFA or with additions of 10,000 square feet or more of GFA;~~ or Addition(s) to existing development of ten percent or more of existing GFA or with additions of 10,000 square feet or more of GFA;

D. Apartment or multi-family development of ten or more dwelling units; or

E. A heavy industrial use.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

**Public Comments Received at September 15, 2011 County Commission Public Hearing
Proposed Zoning Text Amendment regarding Amending the Zoning Map and/or Text
Article 12 of the Jefferson County Zoning and Land Development Ordinance**

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
1	Conformance with state law	12.2, 12.3, 12.4	Entire proposed amendment	Disagrees with proposed process; believes proposed process is not in conformance with the requirements of WV Code 8A	Planning and legal staff worked on this jointly; state law is confusing and does not clearly differentiate between landowner instated map amendments and PC or CC initiated map amendments and does not specify clearly the text amendment process.	Proposed language clarifies the different processes depending on who the petitioner is and to differentiate between a map and text amendment. <u>No Action Required</u>
2	Language question	Portion of 12.3a	The procedure for processing a map amendment petition initiated by the owners of fifty percent or more of the real property in the area to which the petition relates shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.	Acknowledging that this is language out of the State Code, requests changing "in the area" to "for the property"	Staff agrees that the language "in the area" is confusing.	<u>Proposed revision to 12.3 (a):</u> Delete "in the area" from this sentence Formatted: Font color: Red
3	Alternative PC process	12.3b	The Planning Commission may opt to proceed on a proposed map amendment by informal written request for action to the County Commission by submitting the same information required above styled as a "Request for Action" rather than as a "Petition."	Clarify this statement or explain why it is recommended	Most of Section 12.3b details how the Planning Commission can initiate a formal map amendment in accordance with State Code. This process requires the County Commission to schedule a public hearing within 60 days of the receipt of the PC petition. It is possible that the PC might want to initiate a map amendment to implement a planning concept that could occur somewhat more informally and for which the tight time frame is not critical. This paragraph was intended to provide the PC and CC an opportunity to pursue such a request more cooperatively and in a less	<u>No Action Required</u>

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
4	Conflicting sentences	12.4a	A Zoning Ordinance text amendment cannot be initiated by any person, board, commission or bureau of Jefferson County by submitting a petition and fee to the Departments of Planning and Zoning. The procedure for processing a Zoning Ordinance text amendment initiated by any person, board, commission or bureau of Jefferson County shall be by a written request to the County Commission at a regular meeting.	The first 2 sentences of this section appear to be in conflict with each other.	The first sentence states that a text amendment cannot be initiated by submission of a petition and a fee. The second sentence says that if someone wants to initiate a text amendment, they should make the request (not a petition) to the County Commission, who could determine if they want to pursue it. Section 12.4b further presents an alternative process by which someone could make such a request to the Planning Commission, who could add it to their work plan when time permits.	<u>Proposed revision to 12.4(a):</u> <u>As WV Code §8A allows only the Planning Commission to file a formal petition for a A-Zoning Ordinance text amendment cannot be initiated by any person, board, commission or bureau of Jefferson County by submitting a petition and fee to the Departments of Planning and Zoning. The procedure for processing a Zoning Ordinance text amendment initiated by any person, board, commission or bureau of Jefferson County shall be by a written request to the County Commission at a regular meeting.</u> <u>Proposed revision to 12.4(b), second sentence:</u> <u>It is preferable that such a request must be submitted in writing to the office of the Departments of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the request will be presented.</u>
5	Relationship between proposed amendment and state law			Stated that the proposed amendment is not consistent with state law because state law allows an applicant to submit to County Commission as well as Planning Commission; stated that it sounded more like an internal process policy	Legal and planning staffs collaborated on this amendment in an attempt to clarify the difference between the processes for text and map amendments and between land owner initiated and CC/PC initiated map amendments. While an applicant can submit their map amendment petition directly to the CC, it is generally saves time if they submit to the PC office so that staff can ensure the application is complete, accept the application fee, and have the PC set a public hearing at their next meeting. As required by state law, the CC cannot take action on a landowner	The proposed amendment regarding the alternative process remains the recommendation of the PC and staff. <u>No Action Required</u>

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
6	Staff initiated revisions			Based on a careful review of the proposed amendments and in light of a recent rezoning request, staff has the following edits that it is recommending for inclusion in this amendment.	initiated map amendment without the advice of the PC and the PC will always need to hold a public hearing to provide that advice. This is intended to codify the preferred submittal process within the parameters of state law.	<p>Proposed revision to Section 2.2. Definition of Zoning Ordinance, Map Amendment, as follows: An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing the zoning <u>from one existing zoning designation to another existing zoning designation</u>. A map amendment does not permit changes, conditions or alterations to uses permitted in within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.</p>
7	Staff initiated editorial revisions			Staff review of the final document has resulted in the following recommended editorial revisions.		<p>Proposed revision to Section 12.2(a): After the enactment of the Zoning Ordinance, including both text and map, the governing body of the County may amend the Zoning Ordinance without holding an election.</p> <p>Proposed revision to Section 12.2(d)(1)(i): i. a legal advertisement describing the Sections of the Ordinance proposed to be revised, with a summary of the revisions, and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation.</p> <p>Proposed revision to Section 12.3(a) 3rd paragraph, 1st sentence: Planning Commission is required to set a public hearing on the proposed Zoning Map amendment</p>

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
						<p>within 60 days of the date upon which a complete the petition is presented to the Planning Commission at a Planning Commission meeting.</p> <p><u>Proposed revision to Section 12.3(b) 2nd and 3rd paragraph:</u></p> <p>Petitions for a map amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for filinresordation on the same date</p> <p>.....</p> <p>The County Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date of upon which the meeting at which the petition is presented to the County Commission at a County Commission meeting.</p> <p><u>Proposed revision to Section 12.4(a) last line, 3rd paragraph:</u></p> <p>The Planning Commission would likelymay hold a hearing regarding the request as well in order to make an informed recommendation to the County Commission.</p> <p><u>Proposed revision to Section 12.4(b), 1st paragraph:</u></p> <p>Alternatively, aAny person or by any board, commission or bureau of Jefferson County could may submit a proposed Zoning Ordinance text amendment to the Planning Commission for their consideration within theirisnging work plan tasks at a regular Planning Commission meeting.</p>

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
						<p>Proposed revision to Section 12.4(c), 1st and 2nd paragraphs:</p> <p>Typically, if the Planning Commission determines that a text amendment is required to the Zoning Ordinance is required in accordance with tasks in the its work plan, to make for the purpose of improving or clarifying the ordinance more user-friendly, or in line for consistency with adopted policies, the Planning Commission will develop a draft of the proposed amendment, receive public input, conduct a Public Hearing in accordance with Section 12.2(d), and make a recommendation for action to the County Commission through a regular agenda request process. Any such amendment proposal will include the background and reasoning of the proposed amendment as well as a discussion of consistency with the adopted Comprehensive Plan.</p> <p>With their <u>its</u> recommendation, the Planning Commission will request that the County Commission schedule a workshop, if necessary, and a Public Hearing at <u>dates to be determined by</u> the County Commission to convene to receive comment and take action on the proposed amendment.</p> <p><u>Proposed revision to Section 12.4(d), 1st, 2nd and 3rd paragraphs:</u></p> <p>On rare occasions, if the Planning Commission may determine it necessary to alternatively submit a text amendment by petition to the County Commission. The procedure for processing a</p>

#	Topic	Section	Current Language in Draft Ordinance	Request	Comment	Staff Recommendation
						<p>formal text amendment petition initiated by the Planning Commission shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.</p> <p>Petitions for a text amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for filing on the same date. Such petitions <u>for</u> a text amendment shall be clearly labeled as “§8A-7-9 Petition” in the heading and contain the following information:</p> <ol style="list-style-type: none"> 1. Substantiation for the request; 2. Notation that said text amendment applies county-wide; 3. Discussion on why such proposal is consistent with the adopted Comprehensive Plan. <p><u>The</u> County Commission is required to set a public hearing on the proposed Zoning Text amendment within 60 days of the date upon which the petition is presented to the County Commission at a County Commission meeting.</p>

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

AGENDA REQUEST FORM

Name: Nichelle Hosby

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: 11/10/2011

Date Requested – 2nd Choice: _____

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

Subject: **Request for Reappointment to the Jefferson County Emergency Services Agency**

Please provide the County Commission with a description of your request or presentation, including any background information: **The Jefferson County Fire & Rescue Association is requesting that Dave Withers be reappointed to the JCESA for three year term ending November 2, 2014.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **move to reappoint Dave Withers to the JCESA for a three year term ending November 2, 2014**

Attachments:

Jefferson County Fire & Rescue Association

**Friendship Fire Co 1
Citizens Fire Co 2
Shepherdstown Fire Co 3
Independent Fire Co 4**



**Blue Ridge Mtn. Vol. Fire Co 5
Middleway Fire Co 6
Bakerton Fire Department Co 7**

Organized 1959

To: Jefferson County Commission

**From: Ronald L. Fletcher,
President**

Reference: JCESA Board position

Date: November 1, 2011

To Whom It May Concern:

It was the decision of the Jefferson County Fire and Rescue Association to re-elect Dave Withers as our representative to the JCESA Board. Mr. Withers is currently a member of Friendship Volunteer Fire Company. Friendship Volunteer Fire Company is a member of good standing with the Jefferson County Fire and Rescue Association. Mr. Withers currently serves as Vice President of the ESA Board.

Mr. Withers contact information is as follows:

**Dave Withers
68 Eagles Nest Lane
Harpers Ferry, WV 25425
(304) 261-4858**

Thanks you for your attention in this matter. If there are any questions, feel free to contact me anytime at (304) 279-2029.

**Ronald L. Fletcher,
President**

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

AGENDA REQUEST FORM

Name: _____

Department or Entity: **County Commission** _____

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: November 10, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Resolution – Support Our Troops**

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

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

Attachments:

RESOLUTION IN SUPPORT OF VETERAN'S DAY
JEFFERSON COUNTY COMMISSION

Whereas, for more than 200 years, individuals from all walks of life have taken up arms and sworn an oath to support and defend the principles upon which our country was founded; and

Whereas, throughout our history, courageous men and women have donned the uniform of our Armed Forces and built a noble tradition of faithful and dedicated service to our Country; and

Whereas, Veteran's Day has been set aside to honor those who preserve our freedom and sometimes makes the ultimate sacrifice by answering the call of duty; and

Whereas, the untiring commitment from the airmen, sailors, soldiers, Marines and Coast Guardsmen has and continues to save millions around the world; and

Whereas, we can never fully repay the debt of gratitude to those men and women who were wounded, served and even died in battle; and

Whereas, it is fitting that all of Jefferson County honor American Veteran's through whose service we today enjoy liberty and freedom.

Therefore, Be It Resolved that the Jefferson County Commission does support our troops and do hereby recognize November 11, 2011 as Veteran's Day.

Patricia Noland, President

Dale Manuel, Vice President

Lyn Widmyer

Frances Morgan

Walt Pellish

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

Name: Tim Boyde, County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: November 3, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Discuss copiers and proposed lease**

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: 11/10/11</p> <p>Appt Time or New Business:</p>

AGENDA REQUEST FORM

Name: Bill Polk, Maintenance Director

Department or Entity: Jefferson Co Maintenance Dept

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: November 10, 2011

Date Requested – 2nd Choice: November 17, 2011

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

Subject: **New Business**

Please provide the County Commission with a description of your request or presentation, including any background information: **Permission to hire Office Assistant to fill a vacancy in the Maintenance Dept**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Approval to fill Office Assistant position**

Attachments:

Name: **Lyn Widmyer**

Department or Entity: **County Commission**

Estimation of amount of time needed for appointment: 15 mins

Date Requested – 1st Choice: **November 10**

Date Requested – 2nd Choice: **November 17**

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

To give department heads enough time to complete work program.

Subject: **Work Programs for Certain Departments, Boards and Commissions**

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

Other than during the very compressed time of the budget, the County Commission does not receive on a scheduled regular basis updates on the accomplishments of county departments that we fund, including the County Commission. Without this information, it is impossible to link performance to budget. The County Commission requires this type of update from certain boards and commissions/ we should require it of the departments we supervises and ourselves.

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

Using the Jefferson County Planning Commission work program update as a model, department heads should submit twice a year (end of December and end of June) an update on their accomplishments of the previous six months and the accomplishments they want to achieve in the next six months.

Attachments:

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

AGENDA REQUEST FORM

Name: Nichelle Hosby

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 5-10 minutes

Date Requested – 1st Choice: Nov. 10, 2011

Date Requested – 2nd Choice: _____

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

Subject: Approval of Cable Channel Policy

Please provide the County Commission with a description of your request or presentation, including any background information: **The Commission Channel 17 "Working to serve you better" station is up and we are asking that Municipalities, Elected Officials and Non-Profit Organization provide their upcoming events to our office to be placed on the Cable Channel.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **move to approve the Cable Channel Policy**

Attachments:

COUNTY COMMISSION OF JEFFERSON COUNTY

POLICY TITLE: Cable Channel Policy

POLICY NUMBER: 2011-2

ADOPTED: November 10, 2011

REVISED:

PURPOSE:

The Jefferson County local government Cable Channel 17 is to be used for County related business or Non-Profit organizations that are not for political or religious purposes. Placing ads or short snippets of events does not imply endorsement by the County Commission or staff of the viewpoints presented.

POLICY:

The Jefferson County Commission encourages the widest possible use of Channel 17 by government agencies and nonprofit community groups.

Advertisement may be used for educational, cultural, informational or governmental/civic activities and may include public lectures, panel discussions, workshops and other similar functions.

Advertisements are subject to denial if the information is deemed inappropriate, contains foul language, nudity or is for political or religious use.

Users agree to abide by all regulations of the Cable Channel Policies and accept responsibility content submitted.

PROCEDURES:

All exceptions to this policy must be brought before the Jefferson County Commission for a vote during its regular meeting. Organizations authorized to use the Cable Channel are as follows:

- County appointed Commissions, Boards and Authorities
- Elected officials (county, state, etc.)
- County departments
- Community Non-Profit Organizations who have events open to the public
- Municipalities

Groups interested in using the Cable Channel must submit their information via email at cablestation@jeffersoncountywv.org in the form of:

- PowerPoint presentations or Word documents. They must be in landscape orientation. Must include contact information and answer the questions of who, what, when and where.
- Video content must be 15-60 seconds long. We can only accept MPEG4 and WMV formats.

The County Commission reserves the right to cancel any advertisements on the Cable Channel.

Any violation of the rules could lead to privileges of future advertisements being revoked.

NOTICE OF PUBLIC HEARING

COUNTY COMMISSION OF JEFFERSON COUNTY

The County Commission of Jefferson County will hold a Public Hearing on Thursday, November 10, 2011, at 7:00 p.m. in the County Commission meeting room located at the Old Charles Town Library Meeting Room on the ground floor, 200 East Washington Street, Charles Town, WV 25414.

The purpose of the hearing is for public input for a proposed change in the Jefferson County's magisterial districts.

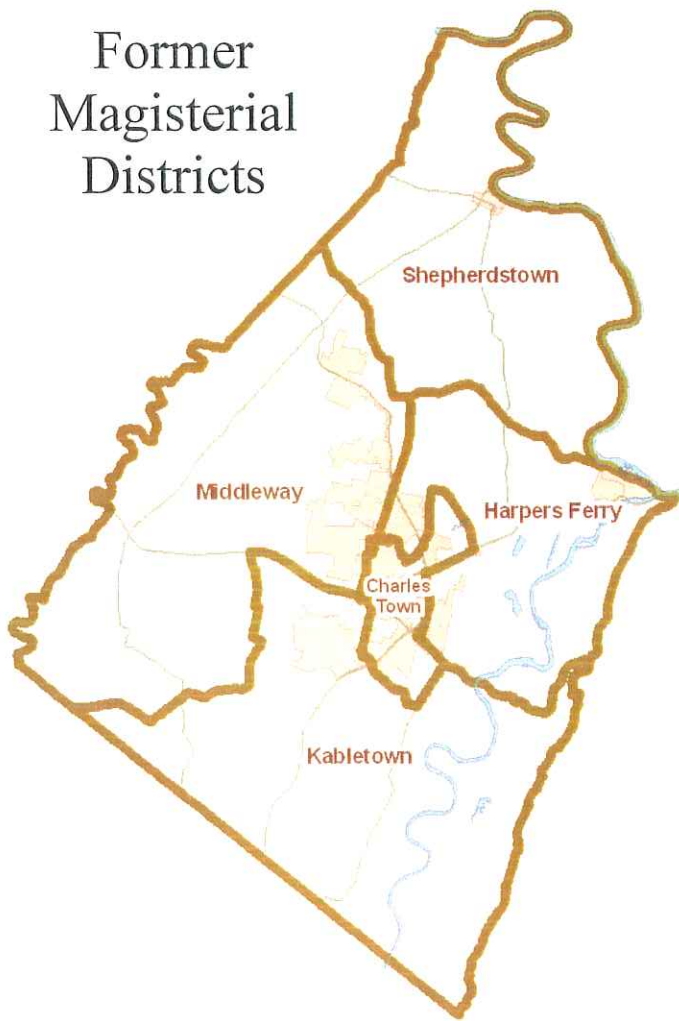
Anyone wishing to provide written or oral comment may do so at this meeting or send comment to info@jeffersoncountywv.org.

The draft redistricting map can be found on the Jefferson County Commission website at <http://www.jeffersoncountywv.org/>

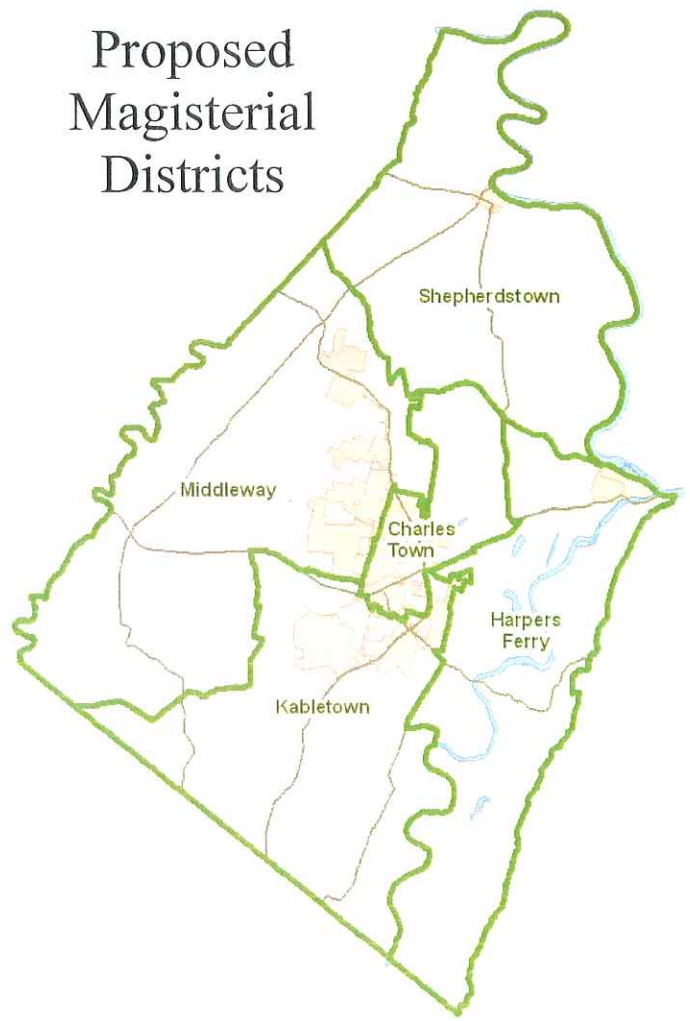
A decision will be made at a later date.

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

Former Magisterial Districts



Proposed Magisterial Districts

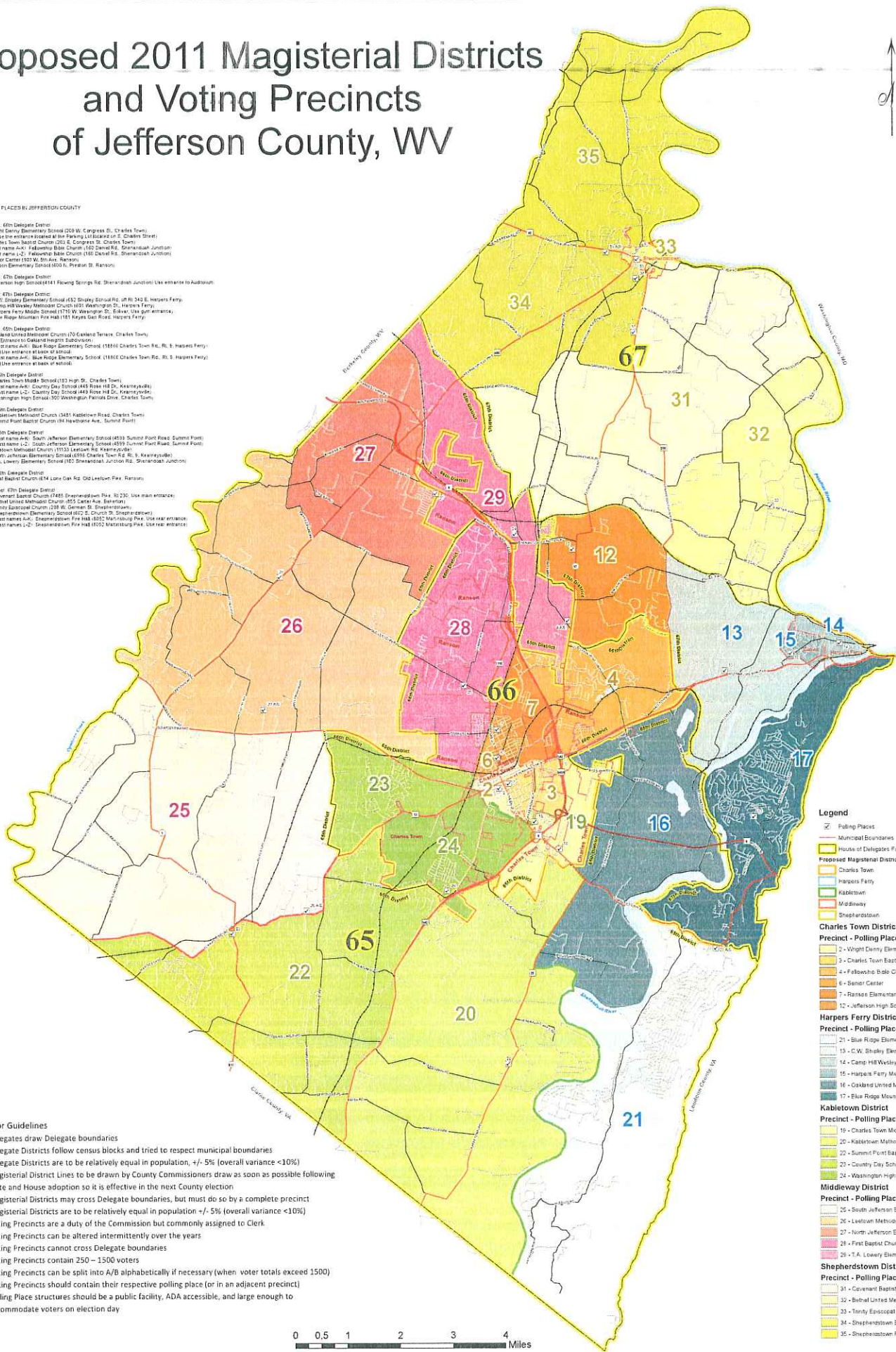


Proposed 2011 Magisterial Districts and Voting Precincts of Jefferson County, WV



(Previous) POLLING PLACES BY JEFFERSON COUNTY

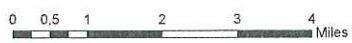
- Charles Town District - 6th Delegate District**
 Precinct 2 - Wright Denny Elementary School (209 W. Congress St., Charles Town)
 (Use the entrance located at the parking lot located on E. Charles Street)
 Precinct 3 - Charles Town Baptist Church (202 E. Congress St., Charles Town)
 Precinct 4 - Last Name Ave. Fellowship Bible Church (100 Daniel Rd., Shepherdstown Junction)
 Precinct 6 - Last Name Ave. Fellowship Bible Church (100 Daniel Rd., Shepherdstown Junction)
 Precinct 7 - Senior Center (502 W. St. Ann, Ravens)
 Precinct 8 - Ravens Elementary School (502 W. St. Ann, Ravens)
- Charles Town District - 6th Delegate District**
 Precinct 12 - Jefferson High School (841 Hoving Springs Rd., Shepherdstown Junction) (Use entrance to Auditorium)
- Harpers Ferry District - 6th Delegate District**
 Precinct 11 - C.W. Shady Elementary School (452 Shady School Rd., Rt. 340 E., Harpers Ferry)
 Precinct 14 - Camp Hill Wesley Methodist Church (103 Washington St., Harpers Ferry)
 Precinct 15 - Harpers Ferry Middle School (1710 W. Washington St., Elkins, Use rear entrance)
 Precinct 17 - Bear Ridge Mountain Fire Hall (181 Keyes Gap Road, Harpers Ferry)
- Harpers Ferry District - 6th Delegate District**
 Precinct 16 - Oakland United Methodist Church (70 Oakland Terrace, Charles Town)
 (Entrance to Oakland Heights Subdivision)
 Precinct 21A - Last Name Ave. Blue Ridge Elementary School (18160 Charles Town Rd., Rt. 8, Harpers Ferry)
 (Use entrance at back of school)
 Precinct 21B - Last Name Ave. Blue Ridge Elementary School (18160 Charles Town Rd., Rt. 8, Harpers Ferry)
 (Use entrance at back of school)
- Kabetown District - 6th Delegate District**
 Precinct 18 - Charles Town Middle School (133 High St., Charles Town)
 Precinct 19 - Last Name Ave. County Day School (443 Rose Hill Dr., Kearneysville)
 Precinct 23 - Last Name Ave. County Day School (443 Rose Hill Dr., Kearneysville)
 Precinct 24 - Washington High School (300 Washington Parkside Drive, Charles Town)
- Kabetown District - 6th Delegate District**
 Precinct 25 - Kabetown Methodist Church (345 Kabetown Road, Charles Town)
 Precinct 26 - Summit Point Baptist Church (84 Hebron Ave., Summit Point)
- Middleway District - 6th Delegate District**
 Precinct 23A - Last Name Ave. South Jefferson Elementary School (4539 Summit Point Road, Summit Point)
 Precinct 25 - Last Name Ave. South Jefferson Elementary School (4539 Summit Point Road, Summit Point)
 Precinct 26 - Leetown Methodist Church (1733 Leetown Rd., Kearneysville)
 Precinct 27 - North Jefferson Elementary School (690 Charles Town Rd., Rt. 8, Kearneysville)
 Precinct 28 - T.A. Lowery Elementary School (102 Shepherdstown Junction Rd., Shepherdstown Junction)
- Middleway District - 6th Delegate District**
 Precinct 28 - First Baptist Church (674 Long Oak Rd., Old Leetown Pk., Ravens)
- Shepherdstown District - 6th Delegate District**
 Precinct 31 - Covenant Baptist Church (7445 Drunkenhead Pk., Rt. 250, Use main entrance)
 Precinct 32 - Bethel United Methodist Church (455 Carter Ave., Barham)
 Precinct 33 - Trinity Episcopal Church (208 Rt. 60, Shepherdstown)
 Precinct 34 - Shepherdstown Elementary School (402 S. Church St., Shepherdstown)
 Precinct 35 - Last Name Ave. Shepherdstown Fire Hall (2022 Marketburg Pk., Use rear entrance)
 Precinct 36 - Last Name Ave. Shepherdstown Fire Hall (2022 Marketburg Pk., Use rear entrance)



- Legend**
- Polling Places
 - Municipal Boundaries
 - House of Delegates Final Plan 2010
 - Proposed Magisterial Districts 2011
 - Charles Town District
 - Harpers Ferry District
 - Kabetown District
 - Middleway District
 - Shepherdstown District
- Charles Town District - Polling Place**
- 2 - Wright Denny Elementary School
 - 3 - Charles Town Baptist Church
 - 4 - Fellowship Bible Church
 - 6 - Senior Center
 - 7 - Ravens Elementary School
 - 12 - Jefferson High School
- Harpers Ferry District - Polling Place**
- 11 - Blue Ridge Elementary School
 - 14 - Camp Hill Wesley Methodist Church
 - 15 - Harpers Ferry Middle School
 - 16 - Oakland United Methodist Church
 - 17 - Elks Lodge Mountain Fire Hall
- Kabetown District - Polling Place**
- 18 - Charles Town Middle School
 - 19 - Kabetown Methodist Church
 - 20 - Summit Point Baptist Church
 - 23 - County Day School
 - 24 - Washington High School
- Middleway District - Polling Place**
- 23A - South Jefferson Elementary School
 - 25 - Leetown Methodist Church
 - 26 - North Jefferson Elementary School
 - 27 - First Baptist Church
 - 28 - T.A. Lowery Elementary School
- Shepherdstown District - Polling Place**
- 31 - Covenant Baptist Church
 - 32 - Bethel United Methodist Church
 - 33 - Trinity Episcopal Church
 - 34 - Shepherdstown Elementary School
 - 35 - Shepherdstown Fire Hall

Rules or Guidelines

1. Delegates draw Delegate boundaries
2. Delegate Districts follow census blocks and tried to respect municipal boundaries
3. Delegate Districts are to be relatively equal in population, +/- 5% (overall variance <10%)
4. Magisterial District Lines to be drawn by County Commissioners draw as soon as possible following State and House adoption so it is effective in the next County election
5. Magisterial Districts may cross Delegate boundaries, but must do so by a complete precinct
6. Magisterial Districts are to be relatively equal in population +/- 5% (overall variance <10%)
7. Voting Precincts are a duty of the Commission but commonly assigned to Clerk
8. Voting Precincts can be altered intermittently over the years
9. Voting Precincts cannot cross Delegate boundaries
10. Voting Precincts contain 250 - 1500 voters
11. Voting Precincts can be split into A/B alphabetically if necessary (when voter totals exceed 1500)
12. Voting Precincts should contain their respective polling place (or in an adjacent precinct)
13. Polling Place structures should be a public facility, ADA accessible, and large enough to accommodate voters on election day





Jennifer S. Maghan
County Clerk

Jefferson County Clerk's Office Voter Registration & Elections

TO: Jefferson County Commission
Tim Boyde, County Administrator

FROM: Nikki Painter, Chief Deputy Clerk of Elections
Todd Fagan, GIS Director

DATE: October 27th, 2011

SUBJECT: Proposed Magisterial Districts and Voter Precincts

This memo serves as a request for the Commission to review and pre-approve a proposal to redraw magisterial districts and voter precincts in Jefferson County. Following today's pre-approval, this proposal must be available for public review and comment for a period of 30 days before the Commission grants final approval. Voter registration anticipates final Commission approval prior to December 1st, 2011 in order to allow time to send letters and new voter registration cards to any residents affected by change in precinct lines. The entire process must be complete by January 1st, 2012.

The GIS Department matched voter registration records to 911 physical location addresses to analyze distribution among the three new WV State Delegate Districts. In conjunction with Voter Registration staff, we then worked within rules to achieve a district and precinct plan that would minimize, to the extent possible, disruption to voters. Staff also worked hard to eliminate the need to create new precincts, thereby eliminating those associated new costs.

The mapped proposal follows constraints defined by State Code, legislative guidelines and past practices and policies. Among the rules defined are: physical boundary limits, relatively equal population targets, registered voter ranges, polling place requirements, and official responsibilities.

The old and new districts are attached on the following pages.

Recommended motion: Move to pre-approve the Proposed Magisterial District and Voter Precinct Boundaries as presented, for a period of 30 days for public review and set a date certain for final approval on December 1st, 2011.

Nikki Painter, Chief Deputy Clerk: 304.728.3246 or npainter@jeffersoncountywv.org
Wendy Evangelisti, Deputy Clerk: 304.728.3386 or wevangelisti@jeffersoncountywv.org
Address: 100 East Washington Street, PO Box 208, Charles Town WV 25414
Fax: 304.728.1957 **Web Site:** www.jeffersoncountyclerkwv.com

County Commission Offices

will be closed

Friday, November 11th, 2011

in observation of

Veteran's Day.



**CITY of CHARLES TOWN
POLICE DEPARTMENT**

Tuesday November 1, 2011

To: Jefferson County Emergency Headquarters

Re: Closing of N. Lawrence Charles Town / Executive Way Ranson

Due to construction by American Public University the crossing from Charles Town to Ranson via N. Lawrence St and Executive Way will be closed for an approximate 4 week period starting 0900hrs Nov. 2, 2011. All emergency vehicles should be made aware of the street closing.

Thank you,

A handwritten signature in black ink, appearing to read "G.F. Stevens".

Capt. G.F. Stevens

Glenn F. Stevens
Captain

114 West Liberty Street
Charles Town WV 25414
Phone 304-725-2714
Fax 304-725-6753



Jefferson County Homeland Security and Emergency Management
28 Industrial Blvd., Suite 101
Kearneysville, WV 25430

Jefferson County Commissioners:

Patsy Noland, President

Dale Manuel, Vice President

Frances Morgan

Lyn Widmyer

Walt Felish

Jefferson County Homeland Security and Emergency Management Steering Committee:

John Sherwood, Chair-Chamber of Commerce Representative

Amy Jones, Vice Chair-Health Representative

Katherine Dunbar, Non-Governmental Organization Representative

Mason Carter, Jefferson County Department of Engineering Representative

Jeffrey A. Polczynski, EPN, Jefferson County Emergency Communications Center Representative

Dale Manuel, County Commission Representative

Kelly Parsons, Private Industry Representative

Ed Smith, Fire and Rescue Representative

Sheriff Bobby Shirley, Law Enforcement Representative

Paul Esplanosa, Utilities Representative

Tom Bayuzk, Jefferson County Development Authority Representative

Pamela Holstein-Wallace, Region 3 Homeland Security Representative

Holly Morgan Frye, Shepherd University Service Learning Program Education Representative

Staff:

Barbara J. Miller, CEM, CFM
Director
304-728-3290-Office
304-282-4227-Mobile
bmiller@jeffersoncountywv.org

Terrl Mehling, Planner/Program Manager/Deputy Director
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304-279-8233-Mobile
tmehling@jeffersoncountywv.org

Jennifer D. Maggio, Administrative Assistant, Public Information Officer and Volunteer Coordinator
304-724-8914-Office
304-279-8135-Mobile
jmaggio@jeffersoncountywv.org

Fax: 304-728-3320

October 24, 2011

Jefferson County Homeland Security and Emergency Management is sponsoring two (2) Public Assistance Workshops for Local Officials and Eligible Applicants (As defined by FEMA's Public Assistance Handbook) on November 30, 2011 at Independent Fire Company, 200 West 2nd Avenue, Ranson, WV 25438. The daytime workshop will be from 1-3 p.m. and the evening workshop will be from 7-9 p.m. You need to only attend one. We are holding two in order to accommodate agencies that may not be able to attend otherwise.

The workshops will be taught by Bill Hines, F.E.M.A. C.O.R.E. Emergency Management Specialist, and Sherry Hardway, Public Assistance Officer for WV Division of Homeland Security and Emergency Management.

The Public Assistance Program, which is authorized by the Stafford Act, awards grants to assist State and Local governments and certain Private Non-Profit (PNP) entities for the response to and recovery from disasters. Specifically, the program provides assistance for debris removal, emergency protective measures, and permanent restoration of infrastructure.

The most recent use of PA funds in Jefferson County was following the 2010 Snowstorms. The purpose of this workshop is to bring together local officials with FEMA and WVDHSEM in a pre-disaster timeframe so that everyone can understand what expenses are and are not eligible following a disaster and how the process works. We all got the "crash course" after the 2010 snowstorm, but this will be a version to help everyone understand the process and to get ready for the next disaster.

Who Should Attend?

City Council Members
County and City Administrators
County Commissioners
Daycare Center Representatives (Private Non-Profit)
Emergency Communications Director
Emergency Management Director
Emergency Services Agency Director
Fire Chiefs
Health Department Representative
Hospital Representative

Library representatives (Private Non-Profit)
Mayors
Medical Clinic Directors (Private Non-Profit)
Museum Representatives
Police Chiefs
Public Works Department/Maintenance Director
Representative of Schools
Representative of Universities/Colleges
Representatives of Public Service Districts/Water Suppliers
Senior Citizens Center representative
**ALL OF THE ABOVE SHOULD BRING THEIR FINANCIAL REPRESENTATIVE
WITH THEM, AS WELL.**

Please RSVP for this meeting so that we can plan how many supplies to bring with us. RSVP to Terri Mehling at 304-728-3329 or tmehling@jeffersoncountywv.org no later than Friday, November 18, 2011. Questions should be directed to Barbara Miller at bmiller@jeffersoncountywv.org.

Sincerely,



Barbara J. Miller, CEM, CFM
Director

10/22/11 Dear Lyn Widmyer, County Commissioner

As a follow up to the recreational uses roundtable meeting on October 21, 2011; this letter is to state the concerns and comments of myself and others, in your words; 'community stakeholders' in regards to possible amendments to Zoning Ordinance and/or Subdivision Regulations. First, in the interest of expanded revenue and business, let's be careful not to ruin the very things that attract both tourists and residents!!! The natural beauty, the quiet, uncrowded areas, scenic vistas, and rural lifestyle are primary draws. If we allow commercial use of quiet residential areas it will change what is attractive about this area...for both tourists and residents.

Second, it is easy to allow 'little exceptions' or 'special use permits' that imply that this situation is different from future ones. The fact is; our Future Is Built on Past Actions! If we allow unplanned growth, development, and inappropriate uses of land now, it will pave the way for the continuation and expansion of this, in the future. Let's be proud of preserving our heritage and natural beauty. One example of a job well done is the protection of farm land by the The Land Trust. There are signs of this organization's projects near Molers Crossroads. Our hope is that the scenic vistas and farmland will be preserved for future generations. Give praise for nice work with long term vision!

Third, as a longtime property owner (29 years), and local business owner (20 years)...I have paid taxes and contributed to the County and State. Yes, tourism brings revenue and so do property taxes. The guidelines and rules exist, in part, to protect the rights of property owners. Most of the rules contain common sense ideas. Along this line are; no commercial ventures in rural residential areas, do not run a business on someone else's property, do not trespass (for example: driving commercial buses on a shared residential driveway) and follow the guidelines for having proper infrastructure in place, BEFORE you begin operating a business, and have a business license for that location. (...or, I wonder; was permission granted with the informal 'wink and a nod' ?) Property owners' deserve the right to quiet and peaceful enjoyment of their property! Any activity that creates disruption, by noise, trespassing, blocking the road or unsanitary practices is unlawful. Commercial ventures do not belong in rural residential areas. Perhaps there is a large tract of land on the River that is suited for a public access and/or businesses that wish to expand their canoe trip tours. (It is very convenient to have these discussions during River Rider's off season when active, current complaints are not possible, due to lack of activity!)

Lastly, I suggest the development of Bike and Walking Trails to be put on the front burner for discussion. We already have a large number of cyclists, both groups and individuals, visiting the county. Maybe some roads could be widened to accommodate the bikers? This is a big draw three seasons of the year! There is a need for more Agricultural based business ventures, such as 'pick your own' or small orchards and farms centered around 'learning experiences' for children and families. Perhaps a petting zoo could be a viable attraction? These are just a few ideas for recreational development that would be in keeping with the heritage of Jefferson County.

Thank you for your time. Sincerely, Diane E. Ferren


Jefferson County Commission

October 20, 2011

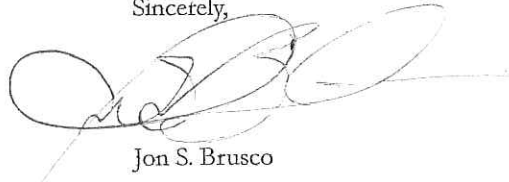
Jefferson County Commission
P.O. Box 250
124 E. Washington Street
Charles Town, WV 25414

Dear Madam Chairperson:

This letter serves you as notice on my decision to step down as a member of the Jefferson County Board of Zoning Appeals. This action is effective immediately. I informed the board During the August and September meeting, and I wanted to ensure that the County Commission was informed and is able to take action to back fill my position.

I found the opportunity to serve Jefferson County very rewarding. My decision to leave the BZA was based solely on my relocation out of the Jefferson County, WV area to the Denver, Colorado area. I truly appreciated the County Commission's and the BZA's dedication to servicing the County and wish you all the best.

Sincerely,



Jon S. Brusco

RECEIVED

Jefferson County Commission

scanned 11/1/11

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

Week Ending Date	Week Ending October 29, 2011
To be Deposited on:	November 4, 2011
Amount Played	65,058,889.07
Amount Won	58,511,348.08
Amount Promo	<u>239,141.00</u>
MWAP Contribution	<u>5,485.62</u>
Adjusted Gross Terminal Revenue	<u>6,302,914.37</u>
Administrative Costs @ 4%	252,116.58
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>6,050,797.79</u>
Surcharge @ 10%	0.00
State Share Excess @ 58%	0.00
Track Share of Capital Reinvestment @ 42%	0.00
Track Share of Capital Reinvestment @ 42% - 96%	0.00
Track Share of Capital Reinvestment @ 42% - 4%	\$ -
Adjusted Net Terminal Revenue	<u>6,050,797.79</u>
Racetrack @ 46.50% / 42%	2,813,620.97
Lottery Fund @ 30% / 0%	1,815,239.34
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	847,111.69
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	60,507.98
Greyhound Development @ .75%	45,380.98
Thoroughbred Development @ .75%	45,380.98
Racing Commission @ 1%	60,507.98
County/Municipality @ 2%	121,015.96
3% Funds:	
Tourism Promotion Fund @ 1.375%	83,198.47
Development Office Promotion Fund @ .375%	22,690.49
Research Challenge Fund @ .5%	30,253.99
Capitol Renovation and Improvement Fund @ .6875%	41,599.23
2004 Capitol Complex Parking Garage Fund @ .0625%	3,781.75
1% Funds:	
State Capitol Complex Parking Garage @ 1%	-
Cultural Facilities and Capitol Resources @ .5%	30,253.99
Capitol Dome and Capitol Improvements @ .5% / 1%	30,253.99
	<u>6,050,797.79</u>

WEST VIRGINIA LOTTERY

First Benchmark

Charles Town

County / City Split

Fiscal Year 2012



Charles Town
 1999 Net Terminal Revenue \$ 45,603,174
 Benchmark Goal @ 2% \$ 912,063.48

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 8.19%	CHARLES TOWN 41.20%	HARPERS FERRY 2.24%	RANSON 34.78%	SHEPHERDS TOWN 13.59%
2 days ending: 7/1/2011 - 7/2/2011	\$ 69,824.12	\$ 69,824.12	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week Ending:								
07/09/11	\$ 171,717.28	\$ 171,717.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/16/11	\$ 143,019.52	\$ 143,019.52	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/23/11	\$ 146,508.00	\$ 146,508.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/30/11	\$ 144,510.28	\$ 144,510.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/06/11	\$ 151,495.28	\$ 151,495.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/13/11	\$ 149,711.80	\$ 117,350.38	\$ 32,361.42	\$ 2,650.40	\$ 13,332.90	\$ 724.90	\$ 11,255.30	\$ 4,397.92
08/20/11	\$ 143,228.24	\$ 71,614.12	\$ 71,614.12	\$ 5,865.20	\$ 29,505.01	\$ 1,604.16	\$ 24,907.39	\$ 9,732.36
08/27/11	\$ 126,864.28	\$ 63,432.14	\$ 63,432.14	\$ 5,195.09	\$ 26,134.04	\$ 1,420.88	\$ 22,061.70	\$ 8,620.43
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
10/15/11	\$ 150,525.32	\$ 75,262.66	\$ 75,262.66	\$ 6,164.01	\$ 31,008.22	\$ 1,685.88	\$ 26,176.35	\$ 10,228.20
10/22/11	\$ 137,515.44	\$ 68,757.72	\$ 68,757.72	\$ 5,631.26	\$ 28,328.18	\$ 1,540.17	\$ 23,913.94	\$ 9,344.17
10/29/11	\$ 121,015.96	\$ 60,507.98	\$ 60,507.98	\$ 4,955.60	\$ 24,929.29	\$ 1,355.38	\$ 21,044.68	\$ 8,223.03
Subtotal	\$ 2,538,136.56	\$ 1,725,100.00	\$ 813,036.56	\$ 66,587.69	\$ 334,971.06	\$ 18,212.03	\$ 282,774.11	\$ 110,491.67

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

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	10/15/2011	75,262.66
10/25/2008	64,379.44	10/24/2009	67,581.66	10/23/2010	70,290.80	10/22/2011	68,757.72
11/1/2008	68,352.42	10/31/2009	64,528.30	10/30/2010	65,615.04	10/29/2011	60,507.98
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

1725100

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

1686958.88

County Commissioner

RECREATIONAL USE OF THE POTOMAC RIVER

RECEIVED

NOV 3 2011

JEFFERSON COUNTY COMMISSION

NOVEMBER 3, 2011

JOYCE DAILEY 524 FILLMORE STREET, HARPERS FERRY, WV

428 MC SHANE'S LANDING LANE, SHEHERDSTOWN, WV

REFERENCE POSSIBLE AMENDMENTS TO ZONING ORDINANCE AND/OR SUBDIVISION REGULATIONS

ALSO REFERENCE MY MARCH 11, 1 2011, LETTER TO Mr. STEVE Barney ZONING ADMINISTRATOR

REGARDING POSSIBLE USE OF RESIDENTIAL PROPERTY FOR COMMERCIAL RIVER RAFTERS BUSINESS IN PARTICULAR MC SHANES LANDING LANE, SHEPHERDSTOWN, WV

County officials have been aware for 30+ years that certain secondary roads cannot support tourist traffic. As you proceed from Route 340 on Bakerton Road the road narrows significantly after Glen Haven entrance. The macadam road is not wide enough for two vehicles to pass comfortably, much less the horrifying experience to meet buses with trailers full of canoes. The State Road administration has never maintained the brim of the road for safe driving - deep ruts on edges.

The Rattling Springs development permit was denied due to roads and tunnel not supporting traffic, yet the local rafting business has been permitted to use the same road and tunnel for commercial reasons. It is my understanding that the rafting business was grandfathered in to set up operations at the dam because previously there was a campground. What was the name of the company or person operating the campground and when was the permit issued?

I have resided at 428 McShane's Landing Lane for the past 47 years on weekends and have enjoyed the rural, quiet, peacefulness of the community. During the week I reside in the town of Harpers Ferry and am quite familiar to the disruption that tourist cause in your lifestyle. One point of concern is that information has been circulating that the river riders plan to rent ski jets. Promotong ski jet activities definitely creates an unsafe environment. Local citizens who own ski jets are familiar with the water depth, dangerous rocks close to the water surface, respect speed ,swimmers children playing in the river and fisherman. New drivers will have no respect for safety or persons in the river. They will ultimately want to "speed". test the power of the equipment and disregard safety regulations. If you have ever ridden a ski jet you can appreciate the noise level. How would you like to be sitting on your porch and constantly hear ski jet motors? Also Maryland Departmentt of Natural Resources has certain regulations governing who can operate this type of watercraft.

cc: J. Brockman

My neighbors and I agree there should be recreational use of the Potomac River, however, permits should be issued for entering from West Virginia land where there are NO HOUSING DEVELOPMENTS. Neighbors have no problem sharing water recreation activities, however, the neighbors and their visitors respect each other's property. We would like our development to remain the quiet, peaceful environment which we have enjoyed for many years.


Joyce Dailey