

**REVISED AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, NOVEMBER 17, 2011
9:30 A.M.**

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

Revised: November 15, 2011 at 5:06 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

1. 10:00 a.m. Jimmy Pierson, Ranson Parks and Recreation
- Funding request for renovations to the Concession stand at the Ranson Civic Center - Discussion/Action
2. 10:15 a.m. Martin Burke, Historic Landmarks Commission
- Discussion of Cement Mill Property
3. 10:30 a.m. BREAK
4. 10:45 a.m. Roger Goodwin, Chief County Engineer
- Partial release of the construction bond security for Summit Point Automotive Research Center, LLC - Summit Point Tactical Training Center, Phase II (File #S11-11) - Letter of Credit #313 with the Bank of Charles Town, Charles Town, West Virginia - Discussion/Action
- Complete release of the construction bond security for Linda W. Case - Craftworks at Cool Spring, Inc. (File #S10-03) with the Bank of Charles Town, Charles Town, West Virginia - Discussion/Action
- Summary report on the Chesapeake Bay Initiative - Planning for Storm Water Management - Discussion/Action

5. 11:15 a.m. County Commission to discuss considering whether to add as an agenda item:
- Peter Corum and Fred Blackmer - Approval of Zoning Map Amendment -
Discussion/Action

UNFINISHED BUSINESS:

6. Work Programs for Certain Departments, Boards and Commissions (LW) - Discussion/Action

NEW BUSINESS:

7. Request received from Kaylan Thibodeau, Washington High School French Club to set up a bake sale in front of the Courthouse on December 3, 2011 - Discussion/Action

DEPARTMENT QUARTERLY WRITTEN REPORT

- Todd Fagan, GIS Director

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

ADJOURN

CORRESPONDENCE/ANNOUNCEMENTS:

Reminder - The County Commission meeting scheduled for Thursday, November 24, 2011 has been cancelled. The County Commission will meet on Thursday, December 1, 2011 at 9:30 a.m.

Reminder: Jefferson County Offices will be closed on November 24 and 25, 2011 in observance of Thanksgiving.

Memorandum received from WVACO with attached Public Service Order Regarding Implementation of Statewide 311 Service.

Minutes of the Regular Board Meeting of the Jefferson County Public Service District of October 3, 2011.

Eastern Panhandle Free Clinic Newsletter - Fall/Winter 2011.

Thank you note received from Safe Haven Child Advocacy Center.

Letter from the Department of Revenue, State of West Virginia certifying that Angela L. Banks, Jefferson County Assessor has substantially complied with the "Assessor's Additional Duties" as delineate in West Virginia Code.

Weekly settlement reports for the Charles Town Races received from the West Virginia Lottery for week ending November 5, 2011.

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

Minutes

Jefferson County Commission

Thursday, November 10, 2011

A meeting of the Jefferson County Commission was held on Thursday, November 10, 2011 in the County Commission meeting room at the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patricia Noland, Dale Manuel, Frances Morgan, Lyn Widmyer and Walt Pellish; Tim Boyde, County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddy, Bailiff. (An audio tape of this November 10, 2011 meeting is available through the Jefferson County Commission Office.)

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

PLEDGE OF ALLEGIANCE

Commissioner Morgan led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Morgan to approve the Minutes of the November 3, 2011 meeting as amended. Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF PURCHASE ORDERS:

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$143,927.86, being purchase order numbers: 52979, 53164, 53165, 53166, 53167, 53168, 50458, 50543, 50468, 53235, 50625, 50627, 50567, 50619, 50620, 50621, 50624, 50628, 52946, 50433, 53013, 53014, 53015, 53016, 50473, 50474, 50475, 50476, 50477, 50478, and 50622. 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 \$148,890.91. Motion seconded by Mr. Pellish and unanimously approved pending investigation of the tax on one of the items.

PUBLIC COMMENT

- **Dave Tabb, Charles Town resident** commented that Robert's Rules of Procedure should be shared with the Planning Commission; stated that he received a letter from the State Highway Department regarding the stoplight at Koonce Road and the U.S. Customs and Border Patrol facility.
- **Kathy Knight, President of the Carriage Park HOA** commented on Section 12.3 of the proposed Zoning Amendment regarding notification; stated that the Commission should prepare a Resolution for Veteran's Day honoring soldiers of all wars.

PRESENTATIONS:

1. **Angie Banks, County Assessor:**

NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES

Upon presentation by Angela Banks, Assessor, motion by Ms. Morgan, second by Mr. Manuel to approve the Notice of Apportionment of Jointly Owned Motor Vehicles filed by a certified copy of a final divorce order entered under provisions of section fifteen, article two, chapter forty-eight of the West Virginia Code, in the amount of \$510.02, Ticket No. 313400, for the following. Motion unanimously approved.

NAME	HUSBAND/WIFE	ASSESSED VALUE	TAXES DUE
Gregory Scott Burke	Husband	\$10,600.00	\$292.22
Jessie Burke	Wife	\$ 7,900.00	\$217.80
TOTAL TAXES DUE:			\$510.02

NEW BUSINESS:

2. Approval to reappoint Dave Withers to the Jefferson County Emergency Services Agency as recommended by the Jefferson County Fire and Rescue Association.

Motion by Mr. Manuel to reappoint Dave Withers to the Jefferson County Emergency Services Agency as recommended by the Jefferson County Fire and Rescue Association. Motion seconded by Ms. Morgan and unanimously approved.

3. Approval of Resolution in Support of Service People.

Motion by Ms. Morgan to approve the Resolution in Support of Service People. Motion seconded by Mr. Manuel and unanimously approved.

4. Bill Polk, Maintenance Director request to hire an Office Assistant to fill a vacancy in the Maintenance Department.

Motion by Mr. Manuel to authorize Bill Polk, Maintenance Director, to advertise for a qualified individual to fill a vacancy in the Maintenance Department. Motion seconded by Mr. Pellish and unanimously approved.

5. Work Programs for Certain Departments, Boards and Commissions (LW).

Discussion regarding how often reports should be received by the Commission and on what dates the reports should be received and the form of the reports. It was unanimously agreed by the Commissioners that this matter would be held over until next week's agenda for additional discussion.

UNFINISHED BUSINESS:

6. Appointments to the 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**

Ms. Morgan nominated Marty Freeman to be reappointed as the Citizen representative of the Jefferson County Emergency Services Agency for the term ending November 2, 2014. The Commission **unanimously approved Marty Freeman's reappointment** as the Citizen representative of the Jefferson County Emergency Services Agency for the term ending November 2, 2014.

Ms. Morgan nominated Michael Mood to be reappointed as the Fire representative of the Jefferson County Emergency Services Agency for the term ending November 2, 2014. The Commission **unanimously approved Michael Mood's reappointment** to be the Fire representative of the Jefferson County Emergency Services Agency for the term ending November 2, 2014.

Mr. Manuel nominated Alan Williams to be the Fire/EMS representative of the Jefferson County Emergency Services Agency for the term ending November 2, 2014. The Commission voted **4 – 1 to appoint Alan Williams** to be the Fire/EMS representative of the Jefferson County Emergency Services Agency for the term ending November 2, 2014. Ms. Widmyer voted "no."

The Commission took a short break at 10:27 a.m.
The Commission reconvened its meeting at 10:40 a.m.

PRESENTATIONS continued:

7. **Jennifer Brockman, Director of Planning and Zoning – discussion of comments received 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 Text.**

Motion by Ms. Widmyer 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 test as presented on September 15, 2011 with revisions 1 through 5 as set forth in the Agenda Request for November 3, 2011, with the addition of revision number 6 specifying that the Planning and Zoning Department will send out the notices. Motion seconded by Ms. Morgan and unanimously approved.

The Commission directed Planning and Zoning to meet with the legal department to research and obtain an answer as to in what stages of the map amendment process a traffic study can legally be required of the petitioner.

Jennifer Brockman, Director of Planning and Zoning - 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.

The Commission directed Planning and Zoning to review the proposed square footage requirements, consider the other options suggested by the Commissioners, put the options in writing and bring them before the Commission for discussion and possible action.

Commissioner Pellish left the meeting at 11:25 a.m.

NEW BUSINESS:

8. **Tim Boyde – Draft Cable Channel Policy discussion and request for approval.**

Motion by Ms. Morgan for interim approval of the proposed Cable Channel Policy with the changes suggested by the Commissioners to be incorporated therein. Ms. Widmyer seconded the motion and it was unanimously approved.

COUNTY ADMINISTRATOR REPORTS:

- Met with the Space Needs Committee on November 7, 2011. Minutes from that meeting will be submitted at

the next Commission meeting.

- By Friday, November 11, 2011 the Prosecutor's Office will be totally moved to 201 N. George Street. It should be up and functional on Monday, November 14, 2011.
- Reported that the State approved in concept the Memorandum of Understanding between Loudoun County, VA, Jefferson County, WV and the State of West Virginia. The final touches just need to be put on the MOU which means that Jefferson County now has an ongoing Mutual Aid Agreement or a continual Mutual Aid Agreement with Loudoun County, VA.
- Announced that next week is National Geography Awareness Week and the GIS Department has put together several presentations.
- Met with an individual who may provide some Human Resources assistance. She will put together a scope of work and it will be submitted either on December 1st or 8th, 2011.

COUNTY COMMISSIONER REPORTS:

Commissioner Widmyer:

- Attended a Planning Commission meeting.
- Suggested adding a legislative discussion to the Agenda for next week. Mr. Boyde will research what the Commission needs to do to sponsor legislative meetings for all counties.
- Participated in "Clean Up Shenandoah" river.
- Attended the Leadership Jefferson luncheon.
- Announced that Saturday at 1:30 p.m. trees will be planted at North Jefferson along the bike path.

Commissioner Manuel:

- Attended the Space Needs Committee meeting.
- Attended the Leadership Jefferson luncheon.
- Announced that Saturday is the Boy Scouts Local Food Drive.

Commissioner Morgan:

- Attended a Jefferson County Board of Health meeting.

Commissioner Noland:

- Attended the Leadership Jefferson luncheon.
- Announced that there is a Board of Education meeting on December and the Board would like the County Commissioners to attend as a topic will be future building programs.

There being no further business, motion by Mr. Manuel to adjourn. Motion seconded by Ms. Widmyer and unanimously approved.

Upon rising at 11:50 a.m. the meeting was adjourned until Thursday next, November 17, 2011.

PATRICIA A. NOLAND, PRESIDENT

SPECIAL SESSION:

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

At a Special Session of the County Commission of said County and State held at the Jefferson County Commission Meeting Room on the lower floor of the Old Charles Town Library at 200 E. Washington Street, on Thursday, November 10, 2011 beginning at 7:00 o'clock a.m.

**PUBLIC HEARING -PROPOSED CHANGE IN JEFFERSON COUNTY'S
MAGISTERIAL DISTRICTS**

Ms. Noland called to order a Public Hearing at 7:00 .p.m. regarding the Proposed Change in Jefferson County's Magisterial Districts. Ms. Noland announced that the record would remain open until November 23, 2011 for submission of written public comments.

Present were:	Patricia Noland, President Dale Manuel, Vice President Lyn Widmyer, Commissioner Frances Morgan, Commissioner Walt Pellish, Commissioner
Jefferson County Deputy Administrator:	Sandra McDonald
Administrative Assistant:	Debbie Stellato
Todd Fagan:	Director, GIS Department
Nikki Painter	Chief Deputy Clerk of Elections, County Clerk's Office

Todd Fagan provided a Power Point presentation and explained the rules and guidelines of the proposed magisterial districts and offered background on how the proposed districts were developed.

Public comment was made by:

Fred Blackmer advocated a change from 5 magisterial districts to 10 magisterial districts.

Patricia Rucker supported the proposed magisterial districts and praised the uniting of the residents of Blue Ridge Mountain.

Delegate John Doyle requested that municipalities not be divided.

Todd Metzger offered support for 10 magisterial districts as proposed by Mr. Blackmer.

Fred Blackmer and Ann Paonessa submitted written comments to the Commission.

There being no further public comment the hearing was closed at 7:40 p.m.

PATSY A. NOLAND, PRESIDENT

PURCHASE ORDERS TO BE APPROVED
November 14, 2011

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
CAPITAL PLANNING	48824	\$ 630.00	CORE BTS	GE Transceivers
COUNTY CLERK	50546	\$ 267.40	SPIRIT OF JEFFERSON	S. Huffnagel, Garney/Huett, M. Grimes, Busey/Collis
COUNTY CLERK ELECTIONS	50545	\$ 489.47	CASTO&HARRIS	Wallet cards
COURTHOUSE	50630	\$ 468.50	AUDITHEAD	Telephone Services
	50632	\$ 371.00	CONTROL SYTEMS	Repairs to equipment
	50633	\$ 410.52	DONALD B. RICE	Tires for stock
	50635	\$ 103.90	FLEET PRIDE	Auto supplies for shop
COMMUNICATIONS	53236	\$ 3,633.40	VERIZON	Media cards, tele ser-charcoal
	53243	\$ 1,200.00	PSYCHOLOGICAL HEALTH ASSOC	Pre-employment eval
ENGINEERING	53265	\$ 6,415.00	ANALYTICAL SERVICES	County-Wide Water Study
	53266	\$ 150.00	WV CODE OFFICIALS ASSOCIATION	Winter meeting
HOMELAND SECURITY	53182	\$ 15,200.00	J.H.CONSULTING LLC	Regional animals in Disasrer Annex
MAINTENANCE	50629	\$ 850.00	BLUE RIDGE GARAGE DOORS	Garage door operator install
PLANNING	52947	\$ 179.04	JEFFERSON PUBLISHING CO	Notices

VARIOUS	50566	\$ 5,228.77	NAPA AUTO PARTS	Auto supplies	
GRAND TOTAL		\$ 35,597.00			
Printed at 12:00 p.m. on 11/14/11					

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

Name: Jimmy Pierson

Department or Entity: Ranson Parks & Recreation

Estimation of amount of time needed for appointment: 10 minutes or less

Date Requested – 1st Choice: ASAP

Date Requested – 2nd Choice: ASAP

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

Subject: **Funding Request**

Please provide the County Commission with a description of your request or presentation, including any background information: **On behalf of the Ranson Parks & Recreation Commission, I am requesting \$18,500 from the County Commission to renovate the Concession Stand at the Ranson Civic Center. The Ranson Parks & Recreation Department acquired around \$30,000 worth of restaurant equipment and now need funds to have the equipment installed to Health Department standards. The renovations will also include installing a new hood so that certain food items can be deep fried also to meet Health Department standards. Having more food options will help the Civic Center to become more self-sufficient. We would appreciate the donation from the County Commission. Again we consider the Civic Center to be a facility for all Jefferson County residents along with all of our municipalities.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **I would like the County Commission to approve my request for \$18,500 to perform needed renovations to the Concession Stand at the Ranson Civic Center.**

Attachments:

<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: Martin Burke

Department or Entity: Historic Landmarks Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: November 17, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Discuss Cement Mill Property**

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

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

Attachments:

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

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: November 17, 2011

Date Requested – 2nd Choice: _____

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

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Partial release of the Construction Bond security for Summit Point Automotive Research Center LLC – Summit Point Tactical Training Center, Phase II (File #S11-11) – Letter of Credit #313 with The Bank of Charles Town, Charles Town, West Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a partial release of \$266,234.00 from the construction bond for Summit Point Automotive Research Center LLC – Summit Point Tactical Training Center, Phase II (File #S11-11).

- Attachments: Bond Release Letter
 Bond Release Request Report
 Site Map



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

November 17, 2011

Mr. David W. Irvin
Senior Vice President
Bank of Charles Town
P. O. Box 906
Charles Town, West Virginia 25414

RE: Irrevocable Letter of Credit #313 dated July 8, 2011 Construction
Bond Surety for Summit Point Automotive Research Center, LLC -
Summit Point Tactical Training Center, Phase II (PC File #S11-11).

Dear Mr. Irvin:

The Jefferson County Commission authorizes a partial release of \$266,234.00 from the construction bond for Summit Point Automotive Research Center, LLC – Summit Point Tactical Training Center, Phase II (PC File #S11-11). This project is located on the south side of Summit Point Road (Route 13) at the end of Training Campus Drive. Work remaining includes but is not limited to the following:

1. Paving
2. Storm drain pipe
3. Landscaping
4. Site stabilization

In summary, you are hereby authorized to reduce the amount of the above referenced Letter of Credit #313, originally issued in the amount of \$699,931.00 to \$433,697.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Patricia A. Noland, President
Jefferson County Commission

PAN:rfb

cc: Ms. Barbara L. Scott
Summit Point Automotive Research Center, LLC
P. O. Box 190
Summit Point, West Virginia 25446
Department of Engineering

COUNTY ADMINISTRATOR
Tim Boyde

DEPUTY COUNTY ADMINISTRATOR
Sandy Slusher McDonald

Email: engineering@jeffersoncountywv.org

BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received: 10 / 20 / 2011

J.C.P.C. File No. 511 - 11

Consultant/Engineer/Firm Name: SUMMIT POINT RACEWAY ASSOCIATES, INC

Mailing Address: P.O. Box 190

City: SUMMIT POINT State: WV Zip: 25446

Contact Person: BARBARA SCOTT Phone: 304-725-8444

Project/Subdivision Name: SPARC

Section/Phase: PHASE II Lots: _____

Review Comments:

The bond release/reduction is Approved as ^{AMENDED} Submitted. _____ The bond release/reduction request is Denied.

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

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

_____ Bonding Policy & Unit Cost Figures attached for your use.

Comments: _____

Approved for:
BOND REDUCTION
By: [Signature]
County Engineer **Date**

Original Bond Amt. \$ 608,635 + 15% Cont. \$ 91,295 = Total Original Bond Amt. \$ 699,931

Total Current Bond Amount \$ 699,931.00

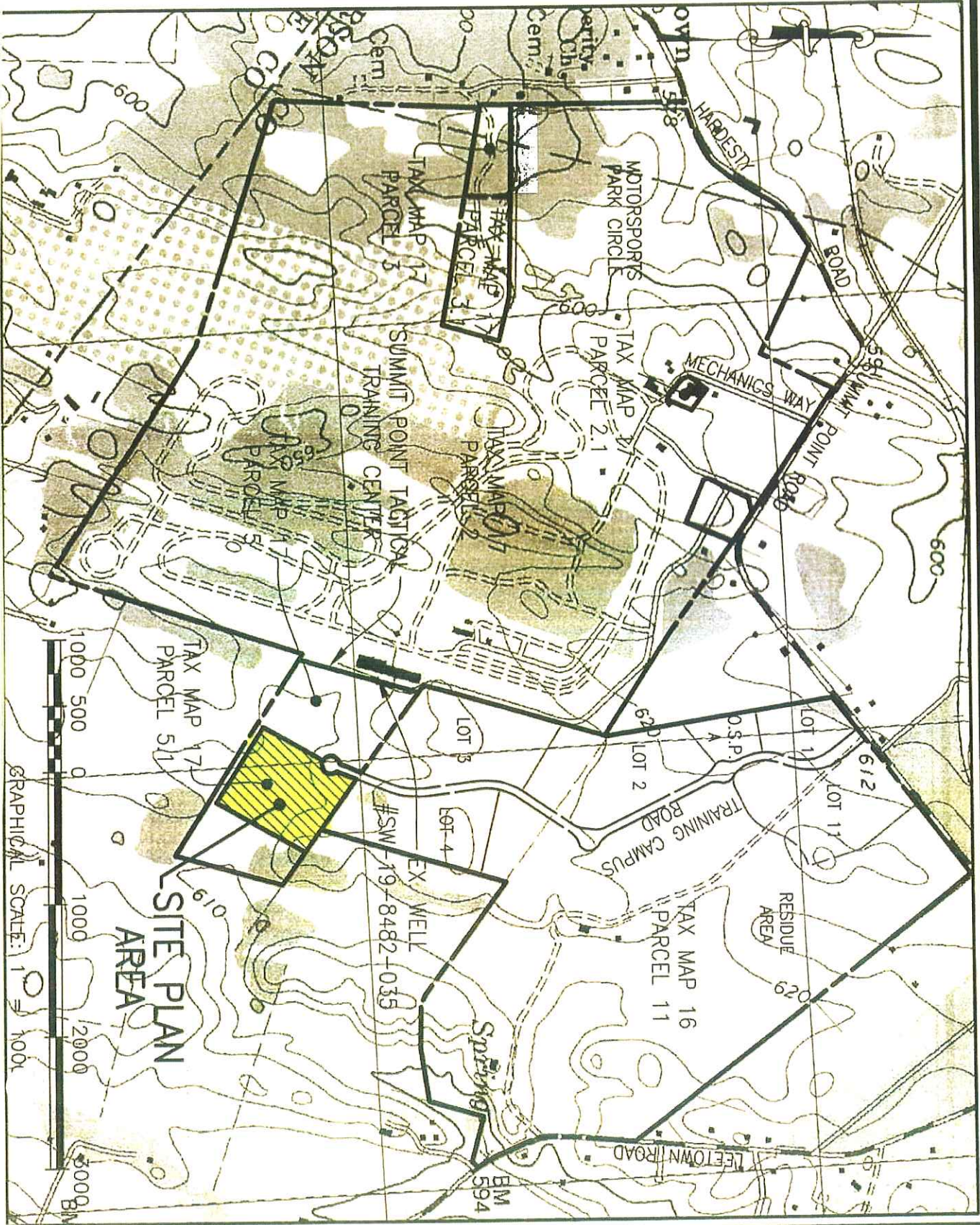
Cost of Work Remaining \$ 377,128.00 + Contingency Amount \$ 56,569.00

= Approved for Revised Bond Amount \$ 433,697.00

Reviewed By: JOSEPH W. KEUT [Signature] Title: LAND DEVELOPMENT INSPECTOR

Signature: [Signature] Date: 11 / 09 / 2011

III



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

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: November 17, 2011

Date Requested – 2nd Choice: _____

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

Subject: Bond Reduction/Bond Release.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of the Construction Bond security for Linda W. Case – Craftworks at Cool Spring, Inc. (File #S10-03) with The Bank of Charles Town, Charles Town, West Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of the remaining 23,261.00 from the construction bond amount for Linda W. Case – Craftworks at Cool Spring, Inc. (File #S10-03).

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



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

November 17, 2011

VICE PRESIDENT

Dale Manuel

Mr. Joshua Householder

Vice President

COMMISSIONER

Frances Morgan

Bank of Charles Town

P. O. Box 906

COMMISSIONER

Walt Pellish

Charles Town, West Virginia 25414

COMMISSIONER

Lyn Widmyer

RE: Cash in Escrow dated October 25, 2010, Construction Bond Surety for Linda W. Case – Craftworks at Cool Spring, Inc. (File #S10-03).

Dear Mr. Householder:

The Jefferson County Commission authorizes a complete release of the remaining \$23,261.00 from the construction bond for Linda W. Case – Craftworks at Cool Spring, Inc. (File #S10-03.), for a new construction bond amount of \$23,261.00. This project is located on the north side of Wheatland Road (Route 340/2) at its intersection with Lloyd Road (Route 13/2). The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the remaining amount of the above referenced Cash in Escrow, originally issued in the amount of \$86,274.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Patricia A. Noland, President
Jefferson County Commission

PAN:rfb

cc: Ms. Linda W. Case
1673 Lloyd Road
Charles Town, WV 25414
Department of Engineering

COUNTY ADMINISTRATOR
Tim Boyde

DEPUTY COUNTY ADMINISTRATOR
Sandy Shusher McDonald

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

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

Email: engineering@jeffersoncountywv.org

BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received: 11 / 02 / 2011 J.C.P.C. File No. 510 - 03

Consultant/Engineer/Firm Name: Craftworks

Mailing Address: _____

City: _____ State: _____ Zip: _____

Contact Person: Linda Case Phone: 304 724 7806

Project/Subdivision Name: Craftworks

Section/Phase: _____ Lots: _____

Review Comments:

The bond release reduction is Approved as Submitted. The bond release/reduction request is Denied.

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

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

_____ Bonding Policy & Unit Cost Figures attached for your use.

Comments: _____

Approved for:
Bond Release \$ 0.00
By [Signature] 11/03/2011
County Engineer Date

Original Bond Amt. \$ 75,021 + 15% Cont. \$ 11,253 = Total Original Bond Amt. \$ 86,274

Total Current Bond Amount \$ 23,261.00

Cost of Work Remaining \$ 0.00 + Contingency Amount \$ 0.00

= Approved for Revised Bond Amount \$ 0.00

Reviewed By: Jonathan Saunders, P.E. [Signature] Title: County Engineer

Signature: [Signature] Date: 11 / 03 / 2011

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

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1st Choice: November 17, 2011

Date Requested – 2nd Choice: _____

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

Subject: Chesapeake Bay Initiative – Planning for Storm Water Management

Please provide the County Commission with a description of your request or presentation, including any background information: The Commission at their meeting on August 31, 2011 requested a summary report on the Chesapeake Bay Initiative and asked that it be placed on their agenda once complete to discuss the topic and planning for storm water management in conjunction with MS4 communities.

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

Attachments: 11/1/11 Memorandum – Chesapeake Bay Initiative – Planning for Storm Water Management

MEMORANDUM

Jefferson County, West Virginia
Engineering Department

TO: County Commission of Jefferson County

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

DATE: November 1, 2011, 2011

SUBJECT: Chesapeake Bay Initiative – Planning for Storm Water Management

This memorandum is in response to our discussion at the August 31, 2011 County Commission meeting regarding the Chesapeake Bay Initiative and storm water management. As a result of our brief discussion, the County Commission requested that I provide a summary report on the Chesapeake Bay Initiative and schedule an appointment on the County Commission agenda to discuss the topic of the Chesapeake Bay Initiative and planning for storm water management in conjunction with MS4 communities. The attached report is an overview of the Chesapeake Bay Initiative.

EXECUTIVE SUMMARY

Jefferson County & The Chesapeake Bay Initiative November 1, 2011

Jefferson County can help reduce pollution to the Chesapeake Bay by participating in the Chesapeake Bay Initiative and adopting land development stormwater quality control requirements.

Stormwater runoff from land development in Jefferson County contributes to the pollution of local streams and tributaries of the Chesapeake Bay. Fourteen percent (14%) of West Virginia drains into the Potomac River and on to the Chesapeake Bay. West Virginia's Potomac Basin watershed includes the following eight counties: Jefferson, Berkeley, Morgan, Hampshire, Mineral, Hardy, Grant and Pendleton. Stormwater runoff pollution is responsible for about 19 percent of the nitrogen and phosphorus pollution in the Bay.

Reducing pollution to local streams and the Chesapeake Bay will require the adoption of the 1-inch rainfall stormwater runoff capture (quality control) requirement in the model stormwater management ordinance.

This is probably best done by removing the stormwater quantity control requirements from the Subdivision Ordinance and merging them with the quality control requirements in the model stormwater management ordinance, and creating a separate stand-alone stormwater management ordinance.

The West Virginia Department of Environmental Protection (WVDEP) is

requesting that the Jefferson County Commission help with reducing pollution from stormwater runoff, and is offering grant funding to Jefferson County for the purpose of hiring a consultant to help staff with writing a new stormwater management ordinance.

The following are the major points from this report:

- Stormwater runoff from land development in Jefferson County contributes to pollution of the Chesapeake Bay.
- The Jefferson County Commission can help to reduce pollution to the Chesapeake Bay by participating in the Chesapeake Bay Initiative.
- Reducing pollution from stormwater runoff will require the adoption of a stormwater management ordinance with quality control requirements.
- The WVDEP is requesting Jefferson County's help and is making available grant funding for the purpose of helping Jefferson County write a stormwater management ordinance for this purpose.

Jefferson County
&
The Chesapeake Bay Initiative

Prepared By
Jefferson County Engineering Department
November 1, 2011

Introduction

The Chesapeake Bay Initiative is an effort to reduce pollution to both local streams and the Chesapeake Bay, improve water quality, and restore aquatic habitat. The Chesapeake Bay watershed includes an eight county area in West Virginia which will be required to do its part to reduce pollution to the Chesapeake Bay.

Chesapeake Bay Facts

The Chesapeake Bay is approximately 200 miles long and runs north-south from the mouth of the Susquehanna River to the Atlantic Ocean. The Chesapeake Bay watershed is 64,000 square miles and has 11,600 miles of tidal shoreline. The bays width ranges from 3.4 miles to 35 miles. The watershed encompasses parts of six states: Delaware, Maryland, New York, Pennsylvania, Virginia, and West Virginia, as well as Washington D.C. There are about 150 major rivers and streams in the bay watershed.

The Chesapeake Bay supports more than 3,600 species of plants, fish and animals. The Chesapeake Bay is a commercial and recreational resource for more than 16 million people who live in its watershed. The bay produces about 500 million pounds of seafood per year.

Fourteen percent (14%) of West Virginia drains into the Potomac River and on to the Chesapeake Bay.

Water Quality Issues

Everything we do on land – including the use of automobiles, fertilizers, pesticides, toilets, water and electricity – affects our streams, rivers and the Bay.

Stormwater carries a host of contaminants from the land into the water: sediment, phosphorus, nitrogen, toxic metals, herbicides and pesticides, organic material, oil compounds, and bacteria. Roadways, for example, release oil and grease,

tailpipe emissions, and other toxics from motor vehicles. Lawns contribute fertilizer and animal waste. Construction sites release quantities of mud and sediment.

In the Bay's tributaries, eroded material and dirt from the land become suspended in the water, blanketing aquatic habitat. Sediment keeps sunlight from reaching underwater grasses. As these plants die, the animals that rely on them are imperiled.

In addition to sediment, the leading threat to the health of the Chesapeake Bay is excess nitrogen and phosphorus pollution that destroys habitats and causes fish kills. The top sources of these pollutants include agriculture, sewage treatment plants, stormwater runoff from urban and suburban land development, and pollution from automobiles, factories and power plants. Stormwater pollution is responsible for about 19 percent of the nitrogen and phosphorus pollution in the Bay

Too much nitrogen and phosphorus cause algae blooms that block sunlight to the underwater grasses. When the blooms decompose, they consume oxygen and create "dead zones," where dissolved oxygen levels are too low to sustain marine life. Underwater grasses filter polluted runoff, provide food for waterfowl, and provide essential habitat for blue crabs, juvenile rockfish (striped bass), and other aquatic species. Underwater grasses also take up nitrogen and phosphorus pollutants that, in overabundance, lead to algae blooms that can degrade water quality. By providing capture of the first one inch of rainfall runoff, stormwater quality controls can reduce nitrogen and phosphorus by 90% from new land development, thus allowing these grasses to recover. Scientists believe that increasing bay grass coverage will result in dramatic improvements throughout the entire Bay ecosystem.

The U.S. Environmental Protection Agency (EPA) has developed a Bay-wide "pollution diet" that outlines the maximum amount of nitrogen, phosphorus and sediment pollution each state in the watershed can contribute to the Bay in order to improve the water quality.

History/Timeline – Bay Cleanup Efforts

- 1983: The EPA signed an agreement with the state of Maryland, the Commonwealths of Pennsylvania, and Virginia, and the District of Columbia recognizing the need to act to clean up the Bay.
- 1987: The governments signed another agreement that required a 40 percent reduction in nutrient pollution to the Bay by year 2000.
- 1992: The 1987 agreement was reaffirmed.
- 2000: When it became apparent that the 2000 deadline would not be met, the United States and other governments signed a third agreement. The Chesapeake 2000 agreement. The Chesapeake 2000 agreement set a goal of

improving water quality in the Bay sufficiently to get it off the Clean Water Act's "dirty waters list" by 2010. Among the steps, the agreement requires a 40 percent reduction in nitrogen and phosphorus pollution.

- In the year 2002, Bob Wise, then governor of West Virginia, signed a Memorandum of Understanding (see Appendix A) agreeing to join with the states of Delaware, Maryland, New York, Pennsylvania, Virginia and the District of Columbia, to improve water quality in the Chesapeake Bay. All parties agreed to work cooperatively to achieve the nutrient and sediment reduction targets that "we agree are necessary to achieve the goals of a clean Chesapeake Bay by 2010, thereby allowing the Chesapeake Bay and its tidal tributaries to be removed from the list of impaired waters."
- 2006: EPA admits that the terms of the 2000 agreement will not be met by the 2010 deadline, but instead, not until at least 2020 or later.
- 2009: Efforts by Federal, State, and local governments to improve water quality in the Chesapeake Bay were subsequently unsuccessful. As a result, President Barack Obama issued an Executive Order on May 12, 2009 directing the Environmental Protection Agency (EPA), working with other federal agencies, to "define the next generation of tools and actions to restore water quality in the Chesapeake Bay and describe the changes to be made to regulations, programs, and policies to implement these actions;" and to "define environmental goals for the Chesapeake Bay and describe milestones for making progress toward attainment of these goals." In the executive order, the Administrator of the EPA shall "examine how to make full use of its authority under the Clean Water Act to protect and restore the Chesapeake Bay and its tributary waters." This includes strengthening existing permit programs and extending coverage where appropriate.
- May 12, 2010: A new federal strategy for protecting and restoring the Chesapeake Bay watershed, drafted under President Obama's Executive Order, is released.
- July 1, 2010: EPA announces draft allocations for nitrogen and phosphorus as part of the rigorous pollution diet for meeting water quality standards in the Chesapeake Bay watershed.
- December 2010: The states publish their Phase 1 Watershed Implementation Plans (WIP's) and the EPA develops a Total Maximum Daily Load (TMDL) for the Bay watershed. The TMDL will create point and nonpoint nitrogen and phosphorus load caps for jurisdictions throughout the Bay watershed.
- November, 2011: The state's Phase 2 – WIP's are due to the EPA, explaining in more detail how pollutants at the local level will be reduced.

- 2017: Phase III WIP's are expected to address any needed modifications to ensure, by 2025, that actions are in place which will achieve full restoration of the Chesapeake Bay and its tidal tributaries to meet applicable water quality standards.

Total Maximum Daily Load (TMDL)

The 1972 Clean Water Act authorizes EPA to require states to report water bodies that do not meet certain water quality standards to EPA and to establish a Total Maximum Daily Load (or TMDL, also referred to as a 'pollution diet' or 'pollution limit') for those bodies of water. The intent of any TMDL is to restore a polluted body of water.

Most of the Chesapeake Bay and the tidal portions of its tributary rivers are on the U.S. Environmental Protection Agency's (EPA) impaired waters list.

The TMDL, which was completed by EPA December 29, 2010, is described as the largest TMDL in the country. It outlines how much nitrogen, phosphorus, and sediment pollution each state may contribute to the Bay and calls for a 25 percent reduction in nitrogen pollution, a 24 percent reduction in phosphorus, and an 18 percent reduction in sediment throughout the region, from 2009 levels, by 2025. It also sets milestones for progress and lays out the consequences for failure.

As part of the TMDL, EPA requires the states by the end of 2010 to specify, in great detail, how they will achieve pollution reductions in their jurisdiction through enforceable measures. These plans are called Phase 1 - Watershed Implementation Plans, or WIPs.

Phase 2 - WIPs, which better explain how pollutants will be reduced at the local level, are due from each state by November, 2011 and must be finished by March, 2012.

Watershed Implementation Plans

The West Virginia Department of Environmental Protection (WVDEP) is the state agency charged with developing a program in West Virginia to meet the federal water quality requirements for the Chesapeake Bay. To date, this effort has involved public participation in developing a Phase I - Watershed Implementation Plan (WIP-I) and a Phase II - Watershed Implementation Plan (WIP-II).

The watershed implementation plan (WIP) is a formal action plan towards achieving and maintaining water quality standards. The WIP is the roadmap for how, by whom, and when implementation of pollution reduction techniques will occur.

The WVDEP's efforts are focused on the following sectors:

- **Agriculture** (i.e., livestock stream crossings, fertilizer, animal litter, etc.); and
- **Point Source** (industrial discharges & waste water treatment plants); and
- **Urban/Mixed Open** (industrial & developed lands storm water runoff, septic systems, lawn fertilizer, etc.); and
- **Forestry** (forest harvesting operations, wildfires, etc.)

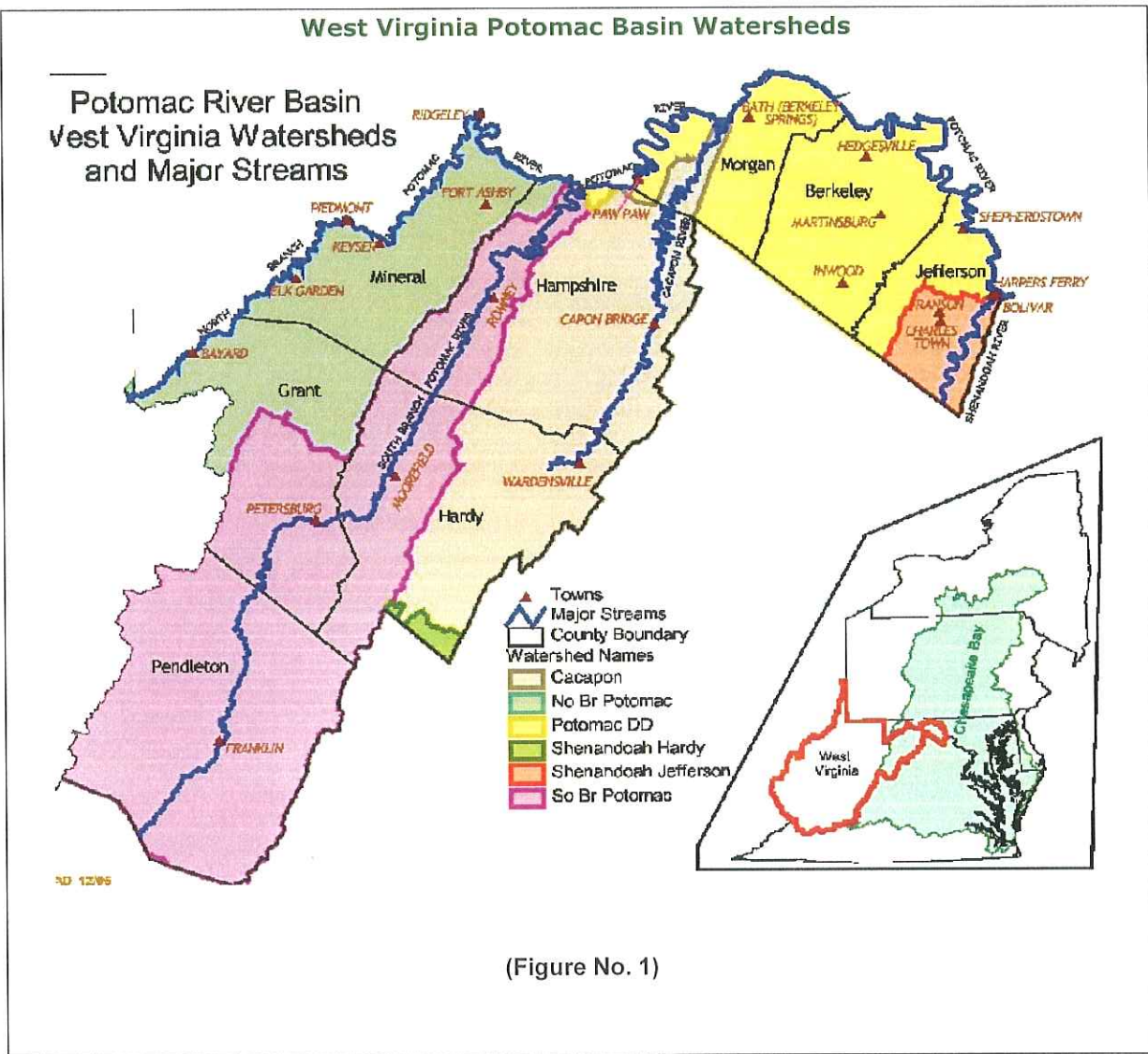
According to the WVDEP's web site, the reduction of nitrogen, phosphorus and sediment pollutants is the focus of the WVDEP's efforts. The plan for meeting pollutant reduction requirements can be found in West Virginia's Potomac Tributary Strategy. Many of the actions outlined there are expensive and/or are not part of any regulations. To overcome these hurdles, Project teams have begun working in targeted watersheds. These groups build partnerships, gather funding, and identify priority projects that are most important to their local communities." For this purpose, the following watershed project teams have been formed:

- Opequon
- Sleepy Creek
- Mill Creek South Branch
- Rockymarsh
- WV Stormwater Network
- Elks Run Study Committee
- Blue Ridge Watershed Coalition
- Blue Heron Environmental Network
- Warm Springs Watershed Association
- Friends of Cacapon

The WVDEP web site indicates that partnerships have been formed for the purpose of addressing how to meet the pollutant reduction requirements set forth in the Chesapeake Bay Water Quality Initiative Memorandum of Understanding signed by former governor Bob Wise. The partners include the following organizations:

- WV Conservation Agency
- WV Department of Environmental Protection
- WV Department of Agriculture
- Cacapon Institute
- Freshwater Institute
- Natural Resources Conservation Service
- WV Division of Forestry
- Chesapeake Bay Program
- USDA Farm Service Agency
- WVU Extension Service
- US Fish & Wildlife
- WV Water Resources Institute

West Virginia's Potomac Basin watershed includes the following eight counties: Jefferson, Berkeley, Morgan, Hampshire, Mineral, Hardy, Grant and Pendleton. The following is the watershed map from the WVDEP web site:



(Figure No. 1)

See the West Virginia Department of Environmental Protection's web site (<http://www.dep.wv.gov/WWE/watershed/wgmonitoring/Pages/ChesapeakeBay.aspx>) for more information on their Chesapeake Bay pollution prevention initiative.

Region 9 & The Model Stormwater Management Ordinance

When it rains, water accumulates on man-made surfaces such as roads, roofs and parking lots. These hard (impervious) surfaces prevent the rain from soaking in. As more houses, roads, and shopping centers are built, more water runs off the impervious surfaces and enters our streams and other waterways, either directly or through urban storm drain systems. This water is called stormwater or urban runoff, and it eventually finds its way into the Chesapeake Bay.

Stormwater carries a host of contaminants from the land into the water: sediment, phosphorus, nitrogen, toxic metals, herbicides and pesticides, organic material, oil compounds, and bacteria. Roadways, for example, release oil and grease, tailpipe emissions, and other toxics from motor vehicles. Lawns contribute fertilizer and animal waste. Construction sites release quantities of mud.

In the Bay's tributaries, eroded material and dirt from the land become suspended in the water, blanketing aquatic habitat. This sediment keeps sunlight from reaching underwater grasses. As these plants die, the animals that rely on them are imperiled.

Stormwater pollution is responsible for about 19 percent of the nitrogen and phosphorus pollution in the Bay, if the contribution of nitrogen from air pollution is included. It is one of the major reasons that the Bay remains on the EPA's "dirty waters" list.

This past year, the Region 9 Planning & Development Council administered a grant provided by the West Virginia Department of Environmental Protection, for the purpose of hiring a consultant to facilitate the writing of a model storm water management ordinance for those areas not covered under an MS4 permit. The purpose of the ordinance is to provide a template/model for managing and regulating storm water runoff from urban/suburban land development, with the intent of reducing sediment, nitrogen and phosphorus pollution to the Chesapeake Bay.

Delta Development Group, Inc. of Mechanicsburg, PA, and the WVDEP, along with a stakeholder's committee made up of people from Morgan, Berkeley and Jefferson Counties participated in writing the ordinance. The stakeholders committee consisted of people from the economic development sector, the environmental sector, planners, engineers and administrators from county and local government, and representatives from engineering consultants and the home building industry. The model storm water ordinance was completed in February, 2011. It is available on the Region 9 Planning and Development Council web site, which is the following link:

<http://www.region9wv.com/>

...and the model ordinance can be found at the following link:

<http://www.region9wv.com/LinkClick.aspx?fileticket=ZfFjsMI0Yuo%3d&tabid=66>

The model storm water management ordinance requires that storm water quality control measures be provided to reduce stormwater runoff pollution into the Chesapeake Bay from land development. This is done by capturing the runoff from the first 1-inch of rainfall and keeping it on-site and filtering out the pollutants by using Low Impact Development type techniques, such as: bio-retention basins, grass swales, rain gardens, infiltration basins, green roofs, disconnection of building downspouts from storm sewers, pervious pavers, stream buffers, etc. Providing quality control will be in addition to the already established requirements for quantity control in the Jefferson County Subdivision Ordinance; which is intended to reduce the volume and/or peak rate of runoff so as to reduce flooding and protect our floodplains. Quantity control is usually provided via traditional methods such as detention/retention ponds and infiltration basins.

The quality control measures will capture and treat the runoff from the first 1-inch of rainfall; then, for all rainfall in excess of the first 1-inch of rainfall, the quantity control measures will capture and detain the additional runoff (2, 10 & 100 year storm events) and release it at a slower rate, so as to not increase the post-development peak runoff rate over the pre-development peak runoff rate. In order to achieve both quality control and quantity control, elements of the model stormwater management ordinance will need to be merged with the stormwater management requirements in the Jefferson County Subdivision Ordinance. Probably the best way to do this is to pull the stormwater management requirements out of the subdivision ordinance and create a separate stormwater management ordinance.

The Clean Water Act, MS4 Communities, & Jefferson County

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was significantly reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1977.

The first sentence of the federal Clean Water Act says: *"The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters."* The CWA is the cornerstone of surface water quality protection in the United States. (The Act does not deal directly with ground water nor with water quantity issues.) The statute employs a variety of regulatory and non-regulatory tools to sharply reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. Under the CWA, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting

wastewater standards for industry and also sets water quality standards for all contaminants in surface waters.

The CWA requires the municipalities to obtain and hold permits for their stormwater discharges (called "Municipal Separate Storm Sewer System Permits," or MS4s). An MS4 community is defined as:

The regulatory definition of an MS4 (40 CFR 122.26(b)(8)) is "a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(i) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created to or pursuant to state law)...including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act that discharges into waters of the United States.

(ii) Designed or used for collecting or conveying stormwater;

(iii) Which is not a combined sewer; and

(iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2."

Municipalities and other entities that are regulated under the WV small MS4 general permit are required to develop and implement stormwater management programs. These stormwater management programs include six measures that help to protect and restore water quality from polluted runoff.

Communities under the jurisdiction of an MS4 permit are required to develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants. The program must include the following six minimum control measures:

1. Public Education & Outreach

2. Public Participation & Involvement
3. Illicit Discharge Detection & Elimination
4. Construction Site Stormwater Runoff Control
5. Post-Construction Stormwater Runoff Control
6. Pollution Prevention/Good Housekeeping

Under these measures, MS4 communities are required to enact ordinances that meet the provisions of the MS4 permit. The quality control requirements in an MS4 stormwater management ordinance will provide pollution protection that meets or exceeds the requirements for reducing pollutants to the Chesapeake Bay. So by default, an MS4 community will automatically comply with the WVDEP's efforts to reduce stormwater runoff pollutants to the Chesapeake Bay, just by complying with the MS4 requirements. The MS4 permit requirements are not identical to the model stormwater management ordinance requirements. The model stormwater management ordinance is just a part of the requirements for an MS4 community.

The WVDEP anticipates that within the next year, Charles Town, Ranson, and Shepherdstown will be designated MS4 communities by the WVDEP. Jefferson County does not meet the definition that allows the WVDEP to designate it as an MS4 community. Since Jefferson County and other non-MS4 areas in the watershed do not have to comply with the MS4 permit requirements, the WVDEP is looking for voluntary participation in order to help the state in meeting its Watershed Implementation Plan – Phase I & II commitments.

During the WIP II workshops, the WVDEP indicated that the EPA is considering additional rule making, if necessary, to bring non-MS4 communities under their jurisdiction if voluntary compliance efforts are unsuccessful.

In a letter (see Appendix B) to the Jefferson County Commission received on September 23, 2011 from Alana Hartman, Potomac Basin Coordinator, WVDEP, the WVDEP is requesting that "the Jefferson County Commission consider enhancing its stormwater regulations..." and stated that "adding a section on managing water *quality* to the requirements already in place to manage water *quantity* would help West Virginia to achieve our goal for developed lands, outlined in the Phase I Watershed Implementation Plan (WIP)." This would be done by adopting the 1-inch rainfall runoff capture requirement in the model stormwater management ordinance.

Other Efforts to Date

The following are key efforts that have occurred to date in Region 9 to support efforts to reduce pollutants to the Chesapeake Bay under the Chesapeake Bay Initiative:

Watershed Implementation Plan – Phase II:

The Jefferson County Planning Director and the Chief County Engineer participated in the recent WVDEP's Watershed Implementation Plan – Phase II workshops and the final WIP II Summit meeting held on September 23, 2011.

The consensus among the participants of the "Industrial and Developed Lands" workgroup was that the municipalities and counties wanted to eliminate a duplication of efforts in dealing with the Chesapeake Bay Initiative. Especially the future ongoing efforts of tabulating and reporting to the EPA the types of best management practices implemented for each land development project, which will be required to demonstrate regulatory compliance to the EPA.

The group expressed a desire that a centralized geographic information system database (GIS) be implemented for this purpose and that it be managed by one person, under the direction of Region 9, thus eliminating the duplication of effort. As a result, Matthew Pennington was hired by Region 9 as the Chesapeake Bay Program Coordinator for this purpose.

State Funding for Wastewater Treatment Plant Upgrades:

State Senator Herb Snyder, D-Jefferson, shepherded through the state Legislature, Senate Bill SB245, which sets aside \$6 million of surplus state lottery funds each year for 30 years to fund about \$85 million in bonds that will help pay for sewer plant upgrades, improvements and new construction.

Acting Gov. Earl Ray Tomblin signed the bill into law on April 6, 2011.

The upgrades will help West Virginia meet new pollution-reduction goals that are part of the federal "pollution diet" for the Chesapeake Bay and its rivers. West Virginia has 13 wastewater facilities that need to be upgraded to meet nutrient limits.

The funding will cover about 40 percent of the expected cost for the wastewater treatment plant upgrades. Even though the balance will have to be picked up by customers, the funding will prevent customers from bearing all the costs and it is expected that rates will be more manageable.

Summary

Fourteen percent (14%) of West Virginia drains into the Potomac River and on to the Chesapeake Bay. Jefferson County, along with seven other counties in West Virginia, is located within the Chesapeake Bay watershed. Stormwater runoff from land development in Jefferson County contributes to the pollution of local streams and the Chesapeake Bay.

In 2002 the State of West Virginia signed a Memorandum of Understanding (see Appendix A) agreeing to join with the states of Delaware, Maryland, New York, Pennsylvania, Virginia and the District of Columbia, to improve water quality in the Chesapeake Bay.

On May 12, 2010, President Obama issued an Executive Order strengthening and outlining a new federal strategy for protecting and restoring the Chesapeake Bay watershed. The Federal Environmental Protection Agency (EPA) is charged with carrying out that order.

The West Virginia Department of Environmental Protection (WVDEP) is the state agency charged with developing a program in West Virginia to meet the federal water quality requirements for the Chesapeake Bay. In 2010, the WVDEP and the Region 9 Planning and Development Council organized a stakeholder's committee, made up of people from Morgan, Berkeley and Jefferson Counties, who participated in the writing of a model stormwater management ordinance. The stakeholders committee consisted of people from the economic development sector, the environmental sector, planners, engineers and administrators from county and local government, and representatives from engineering consultants and the home building industry. The purpose of the requirements in the model stormwater ordinance is to reduce pollution from stormwater runoff to the Chesapeake Bay.

Reducing pollution to local streams and the Chesapeake Bay will require the adoption of the 1-inch rainfall stormwater runoff capture (quality control) requirement in the model stormwater management ordinance.

The West Virginia Department of Environmental Protection (WVDEP) formally requested in a letter (see Appendix B) received on September 23, 2011, that Jefferson County adopt the 1-inch rainfall stormwater capture requirement as part of their current stormwater management regulations. The WVDEP indicated that grant funds are available for Jefferson County to hire a consultant to help staff write a new stormwater management ordinance for Jefferson County.

List of Informational Resources

The following are sources from which information was taken for this overview of the Chesapeake Bay Initiative:

- Clean Water Act - Summary
http://cfpub.epa.gov/npdes/cwa.cfm?program_id=45
- Clean Water Act
<http://epw.senate.gov/water.pdf>
- Governor Bob Wise - Memorandum of Understanding – Chesapeake Bay
http://www.chesapeakebay.net/content/publications/cbp_12085.pdf
- President Obama – Executive Order on Chesapeake Bay Protection
<http://executiveorder.chesapeakebay.net/post/About-the-Executive-Order.aspx>
- The TMDL web page at the Environmental Protection Agency:
<http://www.epa.gov/chesapeakebaytmdl/>
- The West Virginia Chesapeake Bay Program web page:
<http://www.wvca.us/bay/>
- The Chesapeake Bay Foundation web page:
<http://www.cbf.org/page.aspx?pid=2518>
- The Chesapeake Bay Program (A Watershed Partnership)
<http://www.chesapeakebay.net/>
- Region 9 – Eastern Panhandle Planning & Development Council
<http://www.region9wv.com/>

Appendix A

MEMORANDUM OF UNDERSTANDING

AMONG

the State of Delaware, the District of Columbia, the State of Maryland,
the State of New York, the Commonwealth of Pennsylvania,
the Commonwealth of Virginia, the State of West Virginia,
and the United States Environmental Protection Agency

REGARDING

Cooperative Efforts for the Protection of the Chesapeake Bay and Its Rivers

WHEREAS, the Chesapeake Bay is a National Treasure for which we are responsible, due to our stewardship of the 64,000 square miles of land in its watershed, and the 111,000 miles of creeks, streams and rivers which run through our jurisdictions and ultimately into its waters; and,

WHEREAS, over the years the Chesapeake Bay's remarkable ecosystem has been impaired by the excess of nutrients and sediments flowing into it through its tributaries; and,

WHEREAS, the Chesapeake Bay Program, an internationally-recognized intergovernmental effort has made measurable strides toward the restoration of the Bay and its living resources; and

WHEREAS, that effort has been notable for its reliance on cooperative and consensus-based approaches for its greatest successes; and

WHEREAS, despite efforts to date, the tidal rivers and the Bay remain on the Clean Water Act list of impaired waters thereby requiring establishment of a total maximum daily load by May 2011 unless those waters meet applicable water quality standards by 2010; and

WHEREAS, we have developed a process, based on advanced science and data acquisition, which integrates the cooperative and statutory water quality programs applicable to the Chesapeake Bay and its tidal tributaries, and enhances through watershed-wide partnership the ability to restore the Bay's living resources and meet the necessary water quality standards;

NOW, THEREFORE, we, the undersigned executives representing the District, state and Federal entities with responsibility for the quality of the waters flowing into the Chesapeake Bay agree that we will:

- Work cooperatively to achieve the nutrient and sediment reduction targets that we agree are necessary to achieve the goals of a clean Chesapeake Bay by 2010, thereby allowing the Chesapeake and its tidal tributaries to be removed from the list of impaired waters.
- Provide for an inclusive, open and comprehensive public participation process.
- Collaborate on the development and use of innovative measures such as effluent trading, cooperative implementation mechanisms, and expanded interstate agreements to achieve the necessary reductions.

By this Agreement, we will work toward our goals in a spirit open to others, welcome new ideas, pursue fairness and equity, seek the most cost effective solutions, encourage collaborative approaches, and always be committed to the common goal of a healthy and productive Chesapeake Bay and its rivers. We agree to report annually to the citizens on the progress toward achieving the goals of this agreement.

FOR THE STATE OF DELAWARE



Thomas R. Conner

Signed September 2000

FOR THE DISTRICT OF COLUMBIA



Anthony A. Williams

Signed October 2000

FOR THE STATE OF MARYLAND



Pai N. Glendon

Signed October 2000

FOR THE STATE OF NEW YORK



My E. Patiti

Signed November 2000

FOR THE COMMONWEALTH OF PENNSYLVANIA



Tom Bedy

Signed October 2000

FOR THE COMMONWEALTH OF VIRGINIA



Jana S. Gilmore

Signed November 2000

FOR THE STATE OF WEST VIRGINIA



Rob Wise

Signed June 2002

FOR THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY



Paul M. Brown

Signed October 2000

Appendix B



west virginia department of environmental protection

Division of Water and Waste Management
HC 63 Box 2545
Romney, WV 26757
(304) 822-7266

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
dep.wv.gov

Patsy Noland
President, Jefferson County Commission
P.O. Box 250
Charles Town, WV 25414

Dear Ms. Noland,

As a result of recent work to plan the implementation of the Chesapeake Bay Total Maximum Daily Load (TMDL) in West Virginia, I respectfully request that the Jefferson County Commission consider enhancing its stormwater regulations, either within the subdivision ordinance or in a new stormwater management ordinance. Adding a section on managing water *quality* to the requirements already in place to manage water *quantity* would help West Virginia to achieve our goal for developed lands, outlined in the Phase I Watershed Implementation Plan (WIP).

In the WIP, which became part of the Bay TMDL in December 2010, we proposed to hold constant these lands' contributions of nutrients and sediment to the Chesapeake Bay, even in light of expected new development, between 2010 and 2025. Essential to this strategy is the fact that entities covered under West Virginia's Municipal Separate Storm Sewer System (MS4) permit require new development and re-development to manage the first one-inch (or better) of rainfall on site. Charles Town, Ranson, and Shepherdstown are anticipated to be covered by the MS4 permit in the near future, and their resulting stormwater regulations could influence growth patterns by driving new development into the surrounding non-MS4 areas of Jefferson County. It was suggested by local stakeholders during monthly meetings this summer that this type of sprawl could be discouraged if the County Commission voluntarily adopts a similar "1-inch capture" requirement.

We believe that requiring stormwater to be managed on-site has additional benefits to communities. Many of the practices developers and engineers use to achieve this goal involve plants, swales, and other "green infrastructure" elements that bring nature into living and working spaces and reduce the need for large pipes and expanses of pavement. West Virginia has a spreadsheet calculator to help engineers determine the size and number of practices necessary to manage the first inch of rainfall on a given proposed development. Other resources and trainings can also be made available to ease Jefferson County's transition into this new paradigm.

Finally, we have funding available from the US EPA's Chesapeake Bay Regulatory and Accountability Program, requiring 25% local match, to take actions to increase accountability and ensure that West Virginia's WIP goals will be met. We are committed to making some of those funds available to local governments like Jefferson County Commission, to enable you to hire a consultant or use staff time to examine and revise local ordinances according to the WIP recommendations, if you decide to pursue such efforts.

I am enclosing a template for the type of proposal needed to access those funds. Please note that the workplan and budget would have to be approved by EPA. The timeline would ideally be this fall through June 30, 2012, but an extension is negotiable. We look forward to hearing from you if you need any assistance or clarification following this correspondence.

Sincerely,

Alana Hartman, Potomac Basin Coordinator

Cc: Scott Mandirola, Director, DWWM

Commission Office Use Only

Date on Agenda: 12/1/11

Appt Time or New Business: 10:45 am

AGENDA REQUEST FORM

Name: Peter Corum/Fred Blackmer



Department or Entity: Twin Oaks LLC

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1st Choice: Nov 17, 2011

Date Requested – 2nd Choice: Dec 1, 2011

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

Subject: **Approval of Zoning map amendment**

Please provide the County Commission with a description of your request or presentation, including any background information: **This action is requested to complete the zoning map amendment submitted Sep 21, 2011 to the county commission. The issue has been before the planning commission to include a public hearing, properly noticed (WVC 8A-7-9(b)). Following extensive testimony and discussion, the PC has determined that the requested amendment is consistent with the adopted comprehensive plan and recommends granting of the zoning change. This was done by motion and vote (6-2) to forward the results of the action to the CC. This completes the requisite steps prior to CC action on the amendment petition (WVC 8A-7-9(c)).**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **I move that the zoning map amendment request submitted to the County Clerk and County Commission by petition dated September 21, 2011 for property identified as Shepherdstown District; Tax Map 13 parcel 26.1, parcel 26.2, parcel 26.3 and parcel 26.4 and currently owned by Twin Oaks LLC be approved. The County Commission concurs with the Planning Commission finding that the subject petition is consistent with the adopted comprehensive plan, and has been**

recommended for approval changing those properties zoning map designation from "rural" to "Commercial-Industrial" effective this 17th day of November, 2011.

Attachments: Zoning Map Amendment Petition.

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Peter Corum/Fred Blackmer

Department or Entity: Twin Oaks LLC

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1st Choice: Nov 17, 2011

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Subject: **Approval of Zoning map amendment**

Please provide the County Commission with a description of your request or presentation, including any background information: **This action is requested to complete the zoning map amendment submitted Sep 21, 2011 to the county commission. The issue has been before the planning commission to include a public hearing, properly noticed (WVC 8A-7-9(b)). Following extensive testimony and discussion, the PC has determined that the requested amendment is consistent with the adopted comprehensive plan and recommends granting of the zoning change. This was done by motion and vote (6-2) to forward the results of the action to the CC. This completes the requisite steps prior to CC action on the amendment petition (WVC 8A-7-9(c)).**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **I move that the zoning map amendment request submitted to the County Clerk and County Commission by petition dated September 21, 2011 for property identified as Shepherdstown District; Tax Map 13 parcel 26.1, parcel 26.2, parcel 26.3 and parcel 26.4 and currently owned by Twin Oaks LLC be approved. The County Commission concurs with the Planning Commission finding that the subject petition is consistent with the adopted comprehensive plan, and has been**

recommended for approval changing those properties zoning map designation from "rural" to "Commercial-Industrial" effective this 17th day of November, 2011.

Attachments: Zoning Map Amendment Petition.

FB solutions for all your management, regulatory and permit needs

191 Wild Hare Road

Harpers Ferry, WV 25425

304 725 6754

fred@fredblackmer.com

Jefferson County Commission
PO Box 250
124 East Washington Street
Charles Town, WV 25414

September 21, 2011

Subject: Zoning Ordinance Amendment by Petition

Commissioners,

The undersigned owner(s) of land identified as Shepherdstown District; Tax Map 13 parcels 26.1, parcel 26.2, parcel 26.3 and parcel 26.4 requests a zoning map amendment. This request is being made through the procedures identified in WV Code 8A-1-1, 8A-7-9 and JC Zoning Ordinance Article 12 Section 21.1 and 12.3.

The purpose of the amendment is a change in designation of the subject property from the current designation as "Rural District" to "Commercial-Industrial District".

Narrative of substantiation for this request:

The property included in this request has been in continuous commercial use since 1968. The subject property is an island surrounded by suburban residential development. Placing a commercial-industrial zoning designation will accomplish several Comprehensive Plan goals. One of those would be to turn suburban sprawl into a mixed use community. Residential development would be prohibited while local jobs, commercial opportunities and neighborhood retail needs could be enhanced.

A case could be made that the requested zoning classification should have been updated to commercial-industrial when the property was first zoned. At a minimum, it could have been rezoned during subsequent zoning map amendments initiated by the County Commission.

Uses have included a restaurant, approved plans for high density mixed use development and commercial activities including Farm markets, community events and a community garden. All of these activities have received both local government and community support.

Economic development and commercial investment depend on predictability. In order for this property to continue attempts to fill local community needs it is imperative that the regulations regarding permitted use of the property be firm and understood. Site development planning and community participation are not possible if every potential

future use must be approved one piece at a time. It is much more efficient and beneficial for property development and public participation to have firm plans that can be evaluated, regulated and approved.

Current plans for the property are based on previous experience and current social-economic trends. Those plans include 15,000 square feet of commercial-retail space. The space would be in one or more individual structures. Negotiations for various operators of that space are in progress. The major theme of development will continue to be in support of the agricultural industry of Jefferson County. Providing facilities for entrepreneurs, small local retail and professional services is a priority.

This next step in developing the property and a community partnership cannot move forward without the predictability of the requested Zoning Amendment.

Thank you for your consideration.

Signed

Peter S. Corum *
Property Owner

Signed

J. Edward Slonaker *
Property Owner

*(Member of Twin Oaks Subdivision, LLC)

Attachments:

1. Tax District, Map and Parcel Number, Deed Book reference, Plat & Tract Size.
2. Comprehensive Plan compatibility of the proposed change.
3. Any change of transportation characteristics and neighborhood from when the original/current ordinance was adopted.

Copy submitted to Jefferson County Clerk (per WVC 8A-7-9 (a))

Name and address of owner(s):

Parcel 26.1 and 26.3
Twin Oaks Subdivision, LLC
PO Box 536
Shepherdstown WV 25443
Tel: (304) 283-2467

Parcel 26.2
Peter S. Corum*
PO Box 536
Shepherdstown WV 25443
Tel: (304) 283-2467

Parcel 26.4
J. Edward Slonaker*
PO Box 536
Shepherdstown WV 25443
Tel: (304) 283-2467

*(Member of Twin Oaks Subdivision, LLC)

Developer of all Parcels
Twin Oaks Subdivision, LLC
PO Box 536
Shepherdstown, WV 25443
Tel: (304) 283-2467

Name and address of contact person:

Peter Corum
PO Box 536
Shepherdstown, WV 25443

Tel: 304 283-2467

Tract size, shape, location and zoning:

The proposed area for zoning amendment is located in Shepherdstown District; Tax Map 13 parcel 26.1, parcel 26.2, parcel 26.3 & parcel 26.4.

The original tract acres:

Parcel 26.1	6.69 acres	DB 995	PG 321
Parcel 26.2	2.0 acres	DB 454	PG 445
Parcel 26.3	3.0 acres	DB 992	PG 60
Parcel 26.4	2.0 acres	DB 974	PG 346

The parcels have a total acreage of 13.69 acres.

Current zoning:

"Rural District"

Plat, locator maps and tax map attached as pages 2, 3, 4 and 5.

2011 Zoning Map Jefferson County, WV

Legend

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

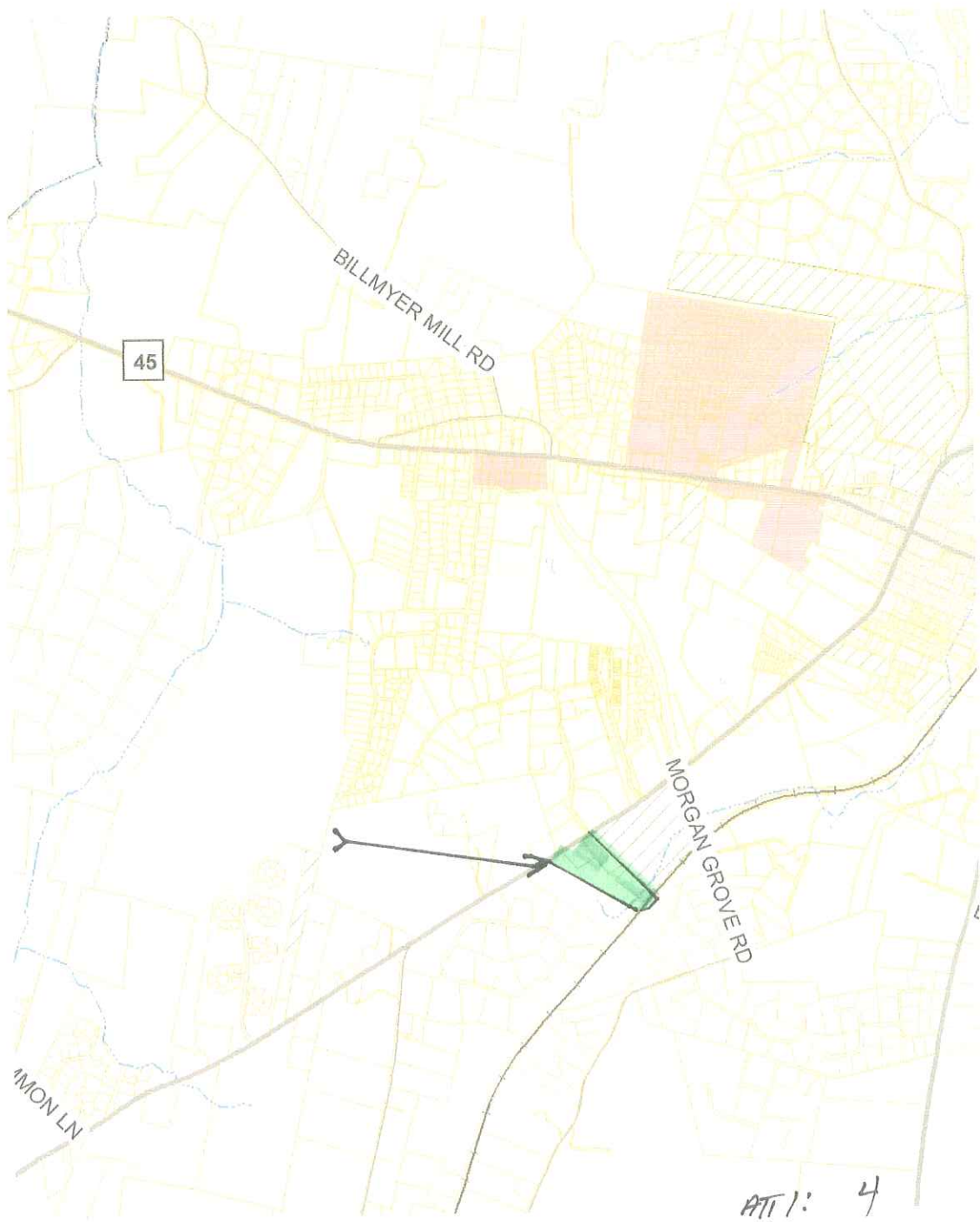
Code	Description	Area (Acres)	Area (Miles ²)
1	INTEGRATED TOWN	1,124	0.02
2	INDUSTRIAL/COMMERCIAL	1,124	0.02
3	RESIDENTIAL-GROWTH	1,124	0.02
4	RESIDENTIAL-LIGHT INDUSTRIAL/COMMERCIAL	1,124	0.02
5	RURAL	1,124	0.02
6	VILLAGE	1,124	0.02

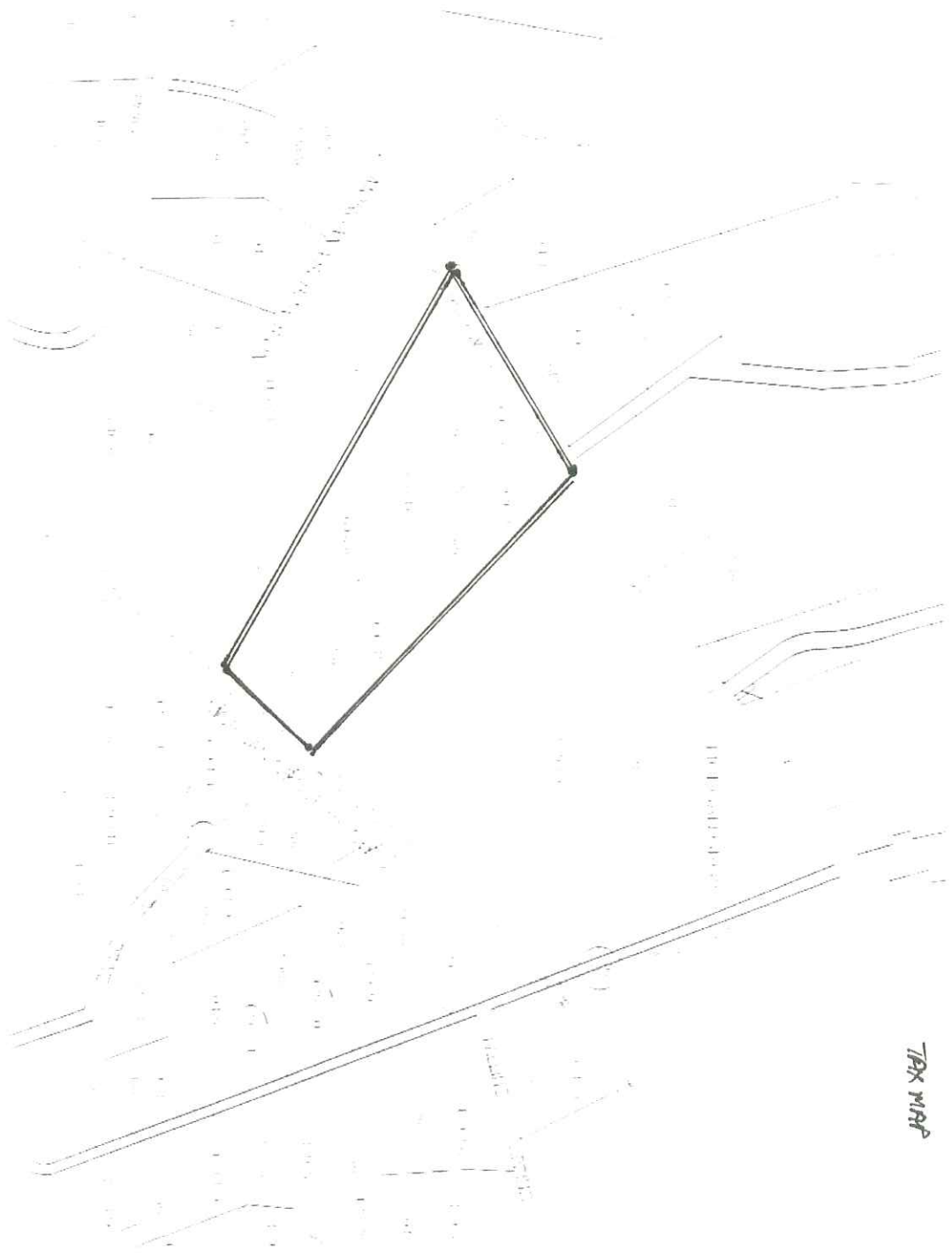


NOTES:
 1. This map is a digital representation of the zoning map for Jefferson County, West Virginia. It is not a legal document and should not be used for legal purposes.
 2. The zoning map is subject to change without notice. The most current version of the map is available on the Jefferson County website.
 3. The zoning map is based on the zoning ordinance of Jefferson County, West Virginia, as of the date of the map's creation.
 4. The zoning map is not intended to be used for any purpose other than to provide information about the zoning of land in Jefferson County, West Virginia.
 5. The zoning map is not intended to be used for any purpose other than to provide information about the zoning of land in Jefferson County, West Virginia.



ATT 1: 3





TAK WRP

Comprehensive Plan Discussion
Jefferson County – A Vision (page 8)

Plan Vision

This Plan recognizes that for our county to remain a vital, attractive community, new growth must include a balance of jobs and housing and be respectful of the very qualities that are attracting new residents every year: the rural landscape, the natural beauty and the pleasing character of our towns and villages.

(Focus on economic development and infilling residential development with local jobs and retail opportunities creates that living version of the vision being described.)

Plan Policies

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

(The proposed rezoning is intended to enhance current attempts to provide low impact, high quality commercial, distribution, professional services and retail in the area. This can only be accomplished by the proper zoning designation.)

This Plan recommends that Jefferson County's natural features, particularly stream valleys, be conserved as green space and that significant natural features be afforded protection as development proceeds.

(Subject property includes a portion of Town Run. Designating this property as Commercial-Industrial will ensure the strictest stream, storm water management and environmental regulatory compliance will be enforced. Development standards and level of review will be beyond that of any other zoning district designation.)

This Plan encourages economic development so that residents can live and work in the County.

(Specific permitted uses and the predictability of business development approval is essential for professional, retail and commercial services recruitment. These types of economic development opportunity will benefit local surrounding residential communities. Jobs, services and local retail will enhance quality of life issues supported by this Comprehensive Plan.)

This Plan encourages the opportunity to farm and recognizes the changing shift in agriculture to include large family owned farms and smaller agricultural operations.

(Economic sustainability is a key component of maintaining viable farming operations. Open space combined with quality farm land production. Providing commercial space

for value adding and aggregation of agricultural products for redistribution is essential to sustainable farming operations. This location continues to work toward providing those necessary components.)

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

(The subject property is an island surrounded by suburban residential development. Placing a "by right" commercial-industrial zoning designation will accomplish several Comprehensive Plan goals. One of those would be to turn suburban sprawl into a mixed use community. Residential development would be prohibited while local jobs, commercial opportunities and neighborhood retail needs could be enhanced.)

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

(Proper zoning designation will fill a void in this area of the county. The surrounding area is virtually surrounded by classic suburban residential housing. It is devoid of job and retail service centers. There is no place to buy food, small household needs or enjoy informal social activities. Commercial long term primary employment is extremely limited.)

Chapter 2: The Role of the Comprehensive Plan (page 12)

The most readily apparent example of this implementation is the adoption of the Zoning Ordinances in 1988. The Zoning Ordinance was adopted during the period when the county's 1986 Comprehensive Plan was in effect. When the 1994 Comprehensive Plan was adopted, all subsequent amendments to the Zoning Ordinance should have conformed with the policies on the new Plan. The 1994 Comprehensive Plan should not have been, (nor should this Plan be), retroactively applied to regulations adopted prior to its effective date.

(A case could be made that the requested zoning classification should have been updated to commercial-industrial when the property was first zoned. At a minimum, it should have been rezoned during subsequent zoning map amendments initiated by the County Commission.)

Rule of Construction and Interpretation: This Comprehensive Plan is not intended to replace or supersede definite, specific ordinances that were in effect at the time of its adoption; instead, its purpose is to lay the foundation for the future enactment of land use ordinances. Proposals for future revisions, amendments or enactments of the land use and development ordinances should be reviewed for conformity with this Comprehensive Plan.

(The subject property has been in continuous commercial since 1968. There have been several development proposals since zoning was first enacted. The last two uses were

approved by conditional use permit or interpretation of current rural zoning restriction. In order for this property to continue as a community asset, the proper zoning designation should be changed to commercial-industrial.)

Statement of Goals (page 19)

A list of general goals was adopted as guidelines for the preparation of the 1986 Comprehensive Plan. These goals were readopted unchanged and incorporated into the 1994 Comprehensive Plan. "Webster's Dictionary" defines a goal as "the end toward which effort is directed." Given the changing nature of the County, adjustment of these goals is necessary to meet anticipated challenges. Therefore, adopts the following goals as the guidelines for the 2003 Comprehensive Plan, with no particular purpose as to their order:

Encourage growth and development in areas where sewer, water, schools, and other public facilities are available or can be provided without unreasonable cost to the community.

(Development in the requested zoning designation is required to pay ALL costs incurred to provide services. There is no new residential component. Commercial-Retail-Industrial defined projects must be completed without cost to current infrastructure providers. Taxes and fees for service are charged at the highest approved rate. This is usually viewed as a benefit to predominantly residential neighborhoods.)

Promote growth and development that are both economically and environmentally sound.

(Current local, state and federal regulation ensures that both goals are met.)

Promote the maintenance of an agricultural base in the County at a level sufficient to encourage the continued viability of farming in all its various forms.

(Maintaining an agricultural base requires providing product outlets. Wholesale and retail operations run in the local area provide the best prospect for local support of local goods.)

Encourage and support commercial, industrial, and agricultural activities to provide a diversified and sound local economy.

(That is EXACTLY what this zoning amendment is about.)

Promote the conservation of the natural, cultural, and historical resources and the preservation of scenic beauty.

(Infill commercial development of suburban residential areas is one of the ways to accomplish this goal.)

Advocate the maintenance and improvement of transportation systems so that people and goods can move safely and efficiently throughout the County.

(Property owners requesting this change have been pro active in dealing with transportation and safety improvements. The most visible example the successful lowering of the speed limit not only for this property but for the benefit of existing residential and social activities in the area of the property to be rezoned. Applications and approvals for other potential highway improvements are in the process of being reviewed.)

Promote a diversity of housing within the County.

(The requested zoning designation does not allow a variety of housing types.)

Support and protect private property rights while supporting and protecting overall public health, safety and general welfare.

(Applying the proper zoning designation and enforcing ALL the associated regulation will accomplish this goal)

Promote a Planning and Zoning process that is understandable and straightforward, with ample opportunity for meaningful public input.

(This re-zoning application and the subsequent public participation requirements accomplish this goal.)

Promote pedestrian friendly, livable communities.

(Approval of this re-zoning will work toward this goal. Jobs, commercial and retail opportunities will become available to the surrounding residential neighborhoods.)

Chapter 3: Management of the Natural and Built Environment.

Recommendation 3.12 (page 54)

A Diversified Agriculture Industry

Economic viability is key to the survival of farming. However, economic viability is contextual. The 1997 USDA Census of Agriculture reported that 47% of Jefferson County farmers have full-time jobs elsewhere and 57.7% of county farms produced less than \$10,000 in sales annually. Seventy-five percent posted sales of less than \$25,000. This is not unique to Jefferson County. Off-farm employment is becoming a way of life throughout the farming community.

(Approval of the requested zoning designation of commercial-industrial will help support this recommendation. The statistics presented clearly demonstrate that wholesale and retail outlets are required to make small scale farming sustainable. Aggregation and wholesale redistribution fill the gap between having to supplement farming operations with other income and economic viability of small farm preservation.)

Existing County Economic Development Efforts: (page 64)

According to the United States Department of Commerce, economic development is fundamentally about enhancing the factors of productive capacity – land, labor, capital and technology – of a national, state or local economy. By using its resources and powers to reduce the risks and cost which could prohibit investment, the public sector has often been responsible for setting the stage for employment generating investment by the private sector. This is as true in this State and County as it is in other parts of the country.

Recommendation 3.18:

The County should continue to pursue new industrial and commercial development in order to diversity its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities to its workforce.

This recommendation mirrors the existing mission statement of the Jefferson County Development Authority. It also encompasses a myriad of factors that affect the County's ability to succeed in new business attraction, addressed here individually:

(Re-zoning of the particular property is essential toward meeting this recommendation. The property's historic use has been commercial and approved, but unbuilt, residential use. By granting the zoning designation of commercial-industrial, the predictability that economic and commercial development requires can be met. Business will be allowed and new residential development will not. Balance is what this recommendation seeks.)

Recommendation 3.21: (page 68)

Once recommendation 3.20 is accomplished the County should review different zoning methods to see if LESA is still the zoning of choice for the County.

Transferable Development Rights

Transfer Development Rights (TDR's) programs can be effectively used to allow landowners in the far reaches of the county to benefit from the development potential of their property without actually developing the land, while focusing the development the lots that would have been on that property in areas that are more appropriate for development. To avoid having to amend this Plan in the future to justify instituting a TDR program, this plan endorses investigating the creation of a TDR program in the Rural District. Further study will be required regarding how such a plan should be implemented and where the density receiving area should be.

(Support of the farm community, preserving valuable agricultural land and maintaining individual property value is a challenge. Applications such as this one should be viewed

as working drafts for the Transferable Development Right program. Assessing best use practices in the rural zoning district, combined with fair compensation for land restrictions is one of the best solutions to a land management dilemma. The proper use of the applicant property is the historic commercial use that is being requested. That is the best option under current zoning regulation. The addition of a functioning TDR program might provide the additional flexibility both landowners and regulators desire. The applicant is more than willing to work with county staff toward forwarding the TDR discussion.

Jefferson County 2020

Industrial Commercial District (page 70)

This district permits uses of a heavy or light industrial nature, including commercial uses, which include "manufacturing, processing, and commercial uses which may require extensive transportation and central or public water and sewer services". Consumer oriented commercial uses are permitted but not encouraged. A set of specifically identified uses and activities, presumably identified because of their potential toxic or other nuisance characteristics, are listed as permissible only if approved under the Development Review System. No standards are included in the text that apply to whether these conditional use permits should be issued; an issue easily corrected.

(This district is the most appropriate for the property. It allows commercial, retail and industrial uses. Those are all subject to specific standards and requirements. The property itself is actually self limiting based on size and infrastructure available. There does not seem to be a foreseeable circumstance that would allow "industrial" classified development. On the other hand, this district restricts residential development in existing statutory form. The development and site plan requirements for this district are the most thorough in protecting the environment and neighbors. When permitted uses of this district are placed side by side with the residential growth-light industrial-commercial district, it becomes clear that commercial-industrial is the right district for this property.)

Residential Growth – Light Industrial – Commercial District (page 71)

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

(This district has most of the same permitted commercial uses as the commercial-industrial district. The down side is that this district also allows future residential development as a permitted use. That designation is not appropriate for the applicant

property. It has also been determined that voluntary restrictions on a zoning district's permitted uses are questionable at best.)

Measuring the Implementation of Recommendations Found in This Plan (page 97-98)

Rule of Construction and Interpretation: This Comprehensive Plan is not intended to replace or supersede definite, specific ordinances that were in effect at the time of its adoption; instead, its purpose is to lay the foundation for the future enactment of land use ordinances. Proposals for future revisions, amendments or enactments of the land use and development ordinances should be reviewed for conformity with this Comprehensive Plan."

Through the statement of this rule of construction and interpretation, this Plan gives specific guidance to all readers that this Plan is general and advisory in nature, containing goals that may or may not ultimately be implemented, depending up on time, funding, political will and other factors. When the background discussion of this text or the stated goals of this Plan conflict with the Ordinances, the Ordinances, as an adopted element (and the specific implementation of the 1994 Plan (and subsequent ordinance amendments being implementation of the recommendations found in this Plan) shall take precedence over the text and recommendations when reviewing land use development proposals.

(The applicant couldn't agree more.)

Attachment 3:

September 21, 2011

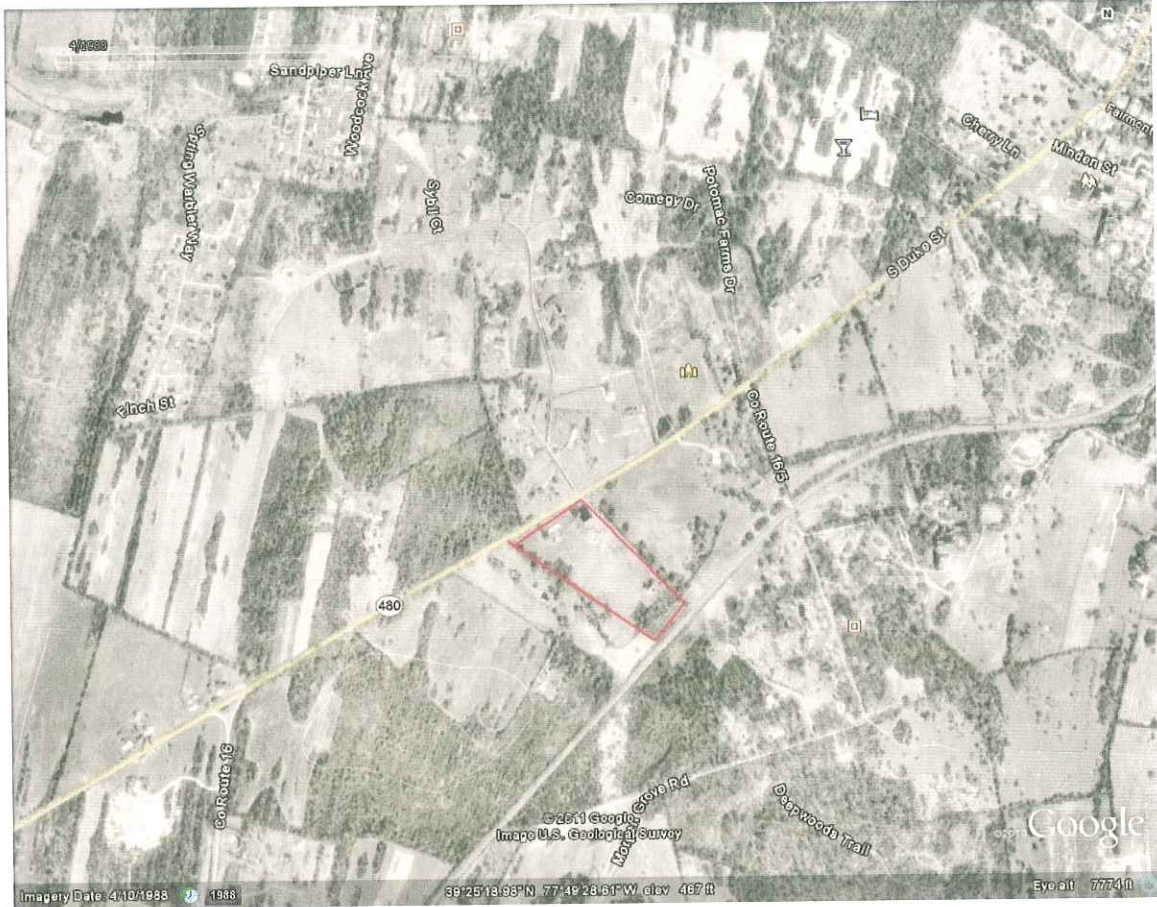
Change of transportation characteristics and neighborhood from when the original/current ordinance was adopted:

Transportation characteristics have change since 1988. Over the years several improvements have been made to address traffic flow and safety issues. WV DOH has built what is now referred to as the Shepherdstown bypass. It has helped with the issues at and around the 4 way stop in Shepherdstown. The speed limit was lowered through the area of this zoning change request. That was done at the request and effort of the current applicants in response to neighborhood concerns about speed and safety.

Traffic counts conducted by the WV DOH have remained fairly consistent for the past 5-10 years. 2002, 2005 and 2008 reports show a modest increase in the area. WV DOH has seen the property that is requesting zoning amendment. There have been approvals of design standards for mixed use and commercial development access to the existing road frontage. Those designs and recommendations will be reviewed based on any development plan that is submitted for commercial property use.

Neighborhood characteristics have gradually changed over the past decades Suburban residential development has change the rural setting from the original ordinance date of 1988. We have included three Google Earth photos of the area. They are dated 1988, 1997 and 2009. They show that the neighborhood surrounding the area to be amended has changed character. One of the more interesting points comparing photos is the increase in tree canopy as the area developed.

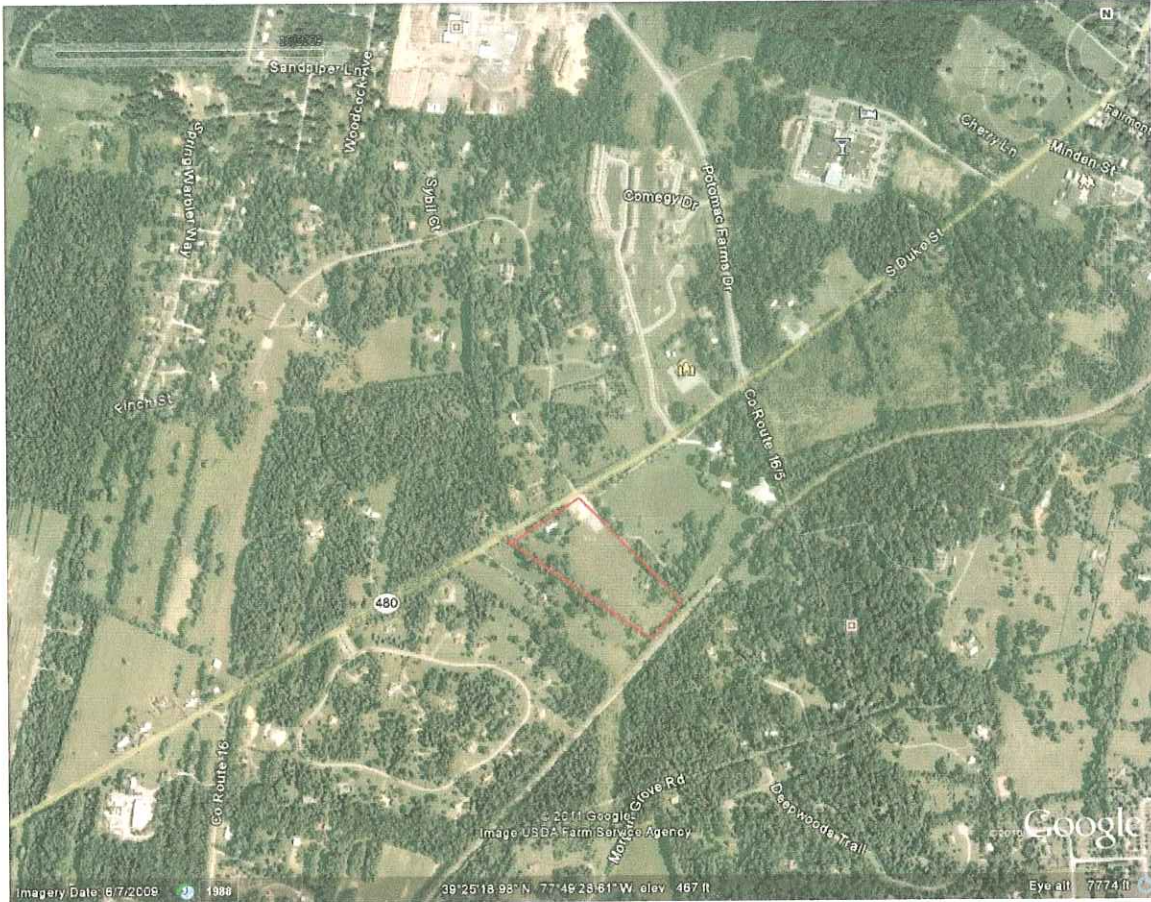
Three Google Earth photos. 1988, 1997 and 2009



1988



1997



2009

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:</p> <p>Appt Time or New Business:</p>
--

AGENDA REQUEST FORM

Name: Kaylan Thibodeau

Department or Entity: **Washington High School French Club**

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: November 17, 2011

Date Requested – 2nd Choice: _____

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

Subject: Request to set up a bake sale in front of the Courthouse on December 3, 2011

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:

To whomever it may concern,

The Washington High School French Club is an organization to celebrate French Culture. Throughout the school year we hope to accomplish many French related events, however, we need to raise the money to do these things.

We would like to request the ability to set up a bake sale during the Charles Town- Ranson Christmas Parade on December 3rd. Last year we were able to set up in front of the Court House and found it to be a huge success! If there is any way we can have the permission to set up there again, it would be greatly appreciated!

In need of contacting me please call (508) 681 5882

Sincerely,

Kaylan Thibodeau

Jefferson County GIS/Addressing Office

DEPARTMENTAL MEMORANDUM

TO: Jefferson County Commission
Tim Boyde, County Administrator

FROM: Todd Fagan, GIS Director

DATE: November 17, 2011

SUBJECT: GIS Department Quarterly Update Report



1. PROJECTS COMPLETED

- a. Emergency Service Zone layer development – defines 911 call's first response
- b. Master Street Address Guide data base development – routes 911 calls
- c. Proposed Magisterial Redistricting – subject of last week's public hearing

2. PROJECTS IN PROGRESS

- a. New Copier Lease – existing hand-me-down is on last legs
- b. Document Management System RFQ – needs assessment done, seeking quotes on interdepartmental content management software to digitize, index, archive, and make searchable any departmental documentation
- c. Internet Mapping Service – technical assessment in progress for web map to deliver local GIS data and custom queries to staff and public

3. COMMISSION SHOULD BE AWARE OF:

- a. Address Compliance Project Status
 - i. Early indications show program is working well
 - ii. Public Awareness successful – press conference, news articles, advertisements, cable channel, flyers, school presentations
 - iii. Field Work in progress
 1. 1,453 addresses reviewed (7.7% of unincorporated areas in County)
 2. 290 non-compliant (gets a 1st notice, friendly reminder)
 - iv. Response generally positive – display rate is up, majority (94%) of calls are positive and constructive
 1. Second notice rate down, means 65 out of 104 first notices have displayed their number. (2/3 of citizens respond to 1st friendly reminder)
 - v. Discovery and correction of errors in our GIS – added, removed, corrected at least 15 addressable structure points already. 5 citizens did not even know their number.
- b. Address Enforcement
 - i. Beginning to encounter defiant citizens
 - ii. Received 1 profane phone call and 1 upset visitor, neither intend to comply
 - iii. Will go through progression of 2nd notice, then 3rd warning, then violation for those unwilling to cooperate
 - iv. The Commission should be prepared for some complaints, appeals and perhaps court cases that appear to be inevitable. Advise if necessary.

NOTICE
JEFFERSON COUNTY COMMISSION
MEETING CANCELLATION

The County Commission of Jefferson County will not meet the week of November 21st, 2011. The regular meeting scheduled on Thursday, November 24th, 2011, has been canceled. The Commission will resume its regular session on Thursday, December 1st, 2011, at 9:30 a.m.

JEFFERSON COUNTY OFFICES WILL
BE CLOSED
THURSDAY, NOVEMBER 24, 2011
&
FRIDAY, NOVEMBER 25, 2011
IN OBSERVANCE OF THANKSGIVING.





2211 Washington Street East
Charleston, WV 25311-2118
Phone: (304) 346.0591
Fax: (304) 346.0592

FAX

Patricia L. Hamilton
Executive Director

TO: ALL COUNTY COMMISSIONERS, SHERIFFS & PROSECUTING ATTORNEYS

FROM: PATTI HAMILTON

RE: ATTACHED PUBLIC SERVICE COMMISSION ORDER REGARDING
IMPLEMENTATION OF STATEWIDE 311 SERVICE

DATE: NOVEMBER 7, 2011

PLEASE REVIEW ATTACHED ORDER FROM WV PUBLIC SERVICE COMMISSION.

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 26th day of October 2011.

CASE NO. 11-1196-T-P

WEST VIRGINIA STATE POLICE,
South Charleston, Kanawha County,
Request for the implementation of a
Statewide 311 service for the public to
make non-emergency phone calls to the
nearest State Police detachment.

COMMISSION ORDER

The Commission directs the West Virginia State Police (State Police) to publish notice of its Petition statewide.

BACKGROUND

On August 15, 2011, the State Police filed a letter requesting Commission consent to establish a statewide 311 abbreviated dialing system for the public to make non-emergency calls to the nearest State Police office. The State Police plans to initially work with Frontier West Virginia Inc. (Frontier WV) and subsequently expand its use of 311 to other carriers serving West Virginia.

On September 2, 2011, Commission Staff filed a memorandum describing the background behind the creation and use of the 311 dialing code. Staff expressed concern with allowing a statewide agency to use 311, thereby making it unavailable to any West Virginia county government or municipality. Staff pointed out that the current Frontier WV 311 tariff only refers to municipal users and that the Commission previously approved a conflicting use of 311 by the City of Parkersburg in Case No. 10-0442-T-PC (Commission Order, October 26, 2010). Staff also recommended that the State Police amend its application to encompass all West Virginia incumbent and competitive telecommunications carriers.

On September 13, 2011, the State Police filed a letter arguing in favor of its request. It stated that it is actively working with other telecommunications carriers to use the abbreviated 311 dialing code. The State Police also noted that the City of Parkersburg has not made use of the 311 dialing code and suggested that local governments could make use of the 511 abbreviated dialing code as an alternative to 311.

DISCUSSION

The Commission has reviewed the request from the State Police and concludes that it should direct the State Police to provide notice of its request to interested parties of its statewide 311 proposal. Therefore, the Commission will direct the State Police to publish the attached Notice of Filing once in newspapers of general circulation statewide and file proof of that publication within thirty days thereof. Further, the State Police will provide a copy of this Order and the attached Notice of Filing to the West Virginia Association of Counties, the West Virginia Municipal League and the Secretary of the West Virginia Department of Administration. Finally, the State Police will certify in writing that it has complied with the provisions of this Order, other than the newspaper publication.

FINDINGS OF FACT

1. The State Police requested that the Commission grant it exclusive use of the 311 abbreviated dialing code throughout West Virginia. August 15, 2011 Letter.
2. Staff expressed concern regarding the State Police proposal and noted that at least one West Virginia municipality previously expressed interest in creating a 311 program. September 2, 2011 Staff Memorandum.

CONCLUSION OF LAW

It is reasonable to direct the State Police to publish the attached Notice of Filing in a manner calculated to provide notice to interested parties and the general public.

ORDER

IT IS THEREFORE ORDERED that the State Police shall publish the attached Notice of Filing once in newspapers of general circulation statewide and file proof of that publication with this Commission within thirty days thereof.

IT IS FURTHER ORDERED that the State Police shall send a copy of this Order and the attached Notice of Filing to the West Virginia Association of Counties, West Virginia Municipal League and the Secretary of the West Virginia Department of Administration. It shall also file a certificate of service on those entities with this Commission within ten days of the entry of this Order.

IT IS FURTHER ORDERED that the Executive Secretary serve a copy of this Order by electronic service on all parties of record who have filed an e-service agreement, by United States First Class Mail on all other parties of record and on Staff by hand delivery.

WV Assoc. Of Counties, West Virginia

Sandra Spivey
Sandra Spivey
Executive Secretary

MJM/lld
111196c.doc

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

CASE NO. 11-1196-T-P

WEST VIRGINIA STATE POLICE,
South Charleston, Kanawha County,
Request for the implementation of a
Statewide 311 service for the public to
make non-emergency phone calls to the
nearest State Police detachment.

NOTICE OF FILING

On August 15, 2011, the West Virginia State Police (State Police) requested that the Commission authorize it to implement a program allowing it exclusive use of the 311 abbreviated telephone dialing code in West Virginia. 311 calls would be directed to the nearest State Police office. The public will be advised that the 311 code should be used for non-emergency calls to the State Police and should not be used for emergency calls because 911 is available, the abbreviated dialing code for all emergencies. The application is on file with and available for public inspection at the Public Service Commission, 201 Brooks Street, in Charleston, West Virginia.

Anyone desiring to protest or intervene should file a written protest or request to intervene within thirty days following the date of this publication. Failure to timely protest or request to intervene can affect your right to protest aspects of this case or to participate in future proceedings. All protests or requests to intervene should briefly state the reason for the protest or request to intervene. Requests to intervene must comply with the rules on intervention set forth in the Commission's Rules of Practice and Procedure. All protests and requests to intervene should be addressed to Sandra Squire, Executive Secretary, P.O. Box 812, Charleston, West Virginia 25323.

If no protests are received within the stated thirty-day period, the Commission may waive formal hearing and grant the application based on the evidence submitted with the application and the Commission's review thereof.

West Virginia State Police

Jefferson County Public Service District

Jefferson County Public Service District Regular Board Meeting October 3, 2011

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, October 3, 2011 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Joe Hankins; Secretary, Jim Cummins; Treasurer, Peter Appignani; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; Pentree Engineers, John Tuggle and Zane Summerfield; District Legal Counsel, Jim Kelsh; and liaison for the County Commission, Commissioner Lyn Widmyer.

Chairman Hankins called the meeting to order at 7:00PM.

Public Comments

None.

Review Minutes of September 6 Regular Board Meeting

The minutes of the September 6, 2011 regular Board meeting were approved as presented.

Action: **Motion made by Mr. Cummins and seconded by Mr. Appignani to accept the September 6, 2011 minutes as presented. Unanimously approved.**

OLD BUSINESS

Update on Possible Partnership between Jefferson Utilities, Inc and the District Regarding Water on the Mountain

Last month John Maxey, a member of the Citizens of the Blue Ridge Act, approached the Board to discuss the possibility of the District pursuing a project regarding the County's Westridge Hills test wells under the Public Private Partnership agreement the District currently has with Jefferson Utilities. Last month Mr. Maxey told the board that the project is now complete, resulting in two high production commercial design wells drilled out to 8-inch diameter. This month Mr. Maxey was in attendance and stated the wells are on the property of the Westridge Hills Homeowner Association, which have offered to donate both the land and wells to the District. The Board would like to wait for the final report from the County to be published and discussions with Mr. Snyder from Jefferson Utilities before making any decisions.

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

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

Mr. Kelsh updated the Board. With the Public Service Commission denying the Flowing Springs certificate case, they also denied the funding package which included the Capacity Assurance Agreement the District currently has with the Jefferson County Development Authority along with a \$1 million payment to reserve capacity. After the Development Authority Board discussed their options, they have requested a refund of the \$1 million. The Board would like to include a letter back to the Development Authority with the refund check explaining the rationale of the return due to the denial of the Flowing Springs plant. Mr. Hankins wanted to clarify that the return of this money is different than refunding a Capital Improvement Fee payment.

Action: **Motion made by Mr. Appignani and seconded by Mr. Cummins to return the entire balance of the Capacity Assurance Agreement deposit for \$1 million back to the Jefferson County Development Authority, which was voided by the Public Service Commission in the denial of the Flowing Springs case and the District is now obligated to return the money. Unanimously approved.**

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

Last month the Board had directed Ms. Lawton to draft an RFP for the strategic plan advertisement. After sending the document to the Board, their comments increased the size of the RFP to over 20 pages. Jim

Kelsh suggested that we call this document a Statement of Expectations which will be presented to each interested engineering firm who is interested in sending proposals to the District. The actual RFP will just direct firms to contact the District for the Statement of Expectations. At this meeting the board requested that Ms. Lawton prepare a short document with 5 or 6 questions to be presented to interested groups in the County to see what direction they would like to see the District become involved. The final decisions by the Board on the items to be included in the Statement of Expectations will be based, in part, by the results of the public feedback to this short document. The comments are to be back to the District by the November 2nd meeting or people were invited to go to that meeting to give comments. Commissioner Lyn Widmyer suggested adding this topic to the November Council of Governments agenda. The Board suggested staff add provisions such as stormwater, potable water, and septic treatment systems to the State of Expectations document.

Action: No action taken by the Board.

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

o Cash Flow Analysis Presentation by Chuck Young of Cox Hollida Price

Chuck Young from Cox Hollida Price completed a cash flow analysis to cover the costs of the Flowing Springs project, particularly the BAN that is set to expire in January. The analysis showed the District has about \$7300 available per month to cover these accrued costs along with costs to upgrade pump station 5-3. Ms. Lawton received quotes from MVB for a 10 and 15 year principal and interest loan @ 4.25% interest and from BB&T for a 10, 15, and 20 year loan all at lower interest rates. The Board would like to move forward with the loan option from BB&T for the 20 year with an interest rate of 3.88% totaling an estimated \$6,296.34 payment per month. Mr. Kelsh informed the Board that the District must get approval from the Public Service Commission for any type of loan.

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to direct staff to pursue the offer from BB&T for a 20 year loan at 3.88% or less to pay off the BAN and upgrades for pump station 5-3. Unanimously approved.

Discuss Upgrades to Pump Station 5-3

Last month Pentree prepared an estimate to rebuild the pump station, but finding the money to cover the costs was an issue. In the above agenda item, the Board approved rolling these costs into the refinance of the BAN loan through BB&T. The Board would now like Pentree to draft the specifications and design so the project can go out to bid once funding is approved with the Public Service Commission.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to direct Pentree to finalize the design plan and specifications for the Pump Station 5-3 upgrade and prepare the bid documents. Unanimously approved.

Consider Upgrades to Glen Haven and Cavaland Water Systems

Last month the Board decided to move forward with the upgrade projects for both Glen Haven and Cavaland. Gwin Dobson & Foreman have drafted a supplemental engineering services proposal for the improvement projects totaling \$17,900 to move the project forward through an IJDC application. Matt Harper from Gwin Dobson & Foreman was in the audience to review the agreement. Ms. Lawton informed the Board of the Shepherdstown Water and Sewer Board meeting she recently attended. She stated they are interested in providing water for the Cavaland Subdivision. Mr. Harper stated that once the scope of work for each project is determined, Gwin Dobson & Foreman will submit applications to the West Virginia Infrastructure and Jobs Development Council. Ms. Lawton will keep the Board updated on the progress.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to accept the proposal from Gwin Dobson & Foreman for both Glen Haven and Cavaland water systems totaling \$17,900 for the engineering services proposal. Unanimously approved.

NEW BUSINESS

Consider Request for the Return of Property at Highland Farms

The developer of Highland Farms has requested this item be tabled until next month, but the Board decided to have a brief discussion. Mr. Kelsh discussed the series of agreements the District has with the developer including the Asset Purchase agreement, Real Estate Purchase and Sale agreement, Ground Lease

agreement, and the Operations & Maintenance agreement. The reversion clause was removed from the Real Estate Purchase and Sale Agreement to prevent the return of property in the event the project does not advance which is currently the case. The Board tabled this item until next month with the developer could attend the meeting.

Action: No action taken by the Board.

Update on the Ranson Renew Project

Ms. Lawton has been attending meetings for the Ranson Renew. Ranson has received numerous federal grants for improvement projects throughout Ranson which has enabled these improvements. The first phase of the project does not have any impact on the District's service area. Ranson has been hosting numerous public meetings encouraging the public and targeted groups to suggest comments on the plan.

Action: No action taken by the Board.

Consider Annual Membership for NACWA and Joining the Clean Water America Alliance (CWAA)

Mr. Cummins and Mr. Appignani would like to remain members of NACWA but decline to join the CWAA at this time due to the Districts current financial status. Mr. Hankins refrained from commenting on this discussion due to his relationships with CWAA and the Conservation Fund.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to renew the annual membership with NACWA, but decline the membership to CWAA. Approved 2-0. Mr. Hankins abstained from voting.

Consider Selling the Unused Myers Snow Plow

Last year the Districts snow plow was destroyed by the theft of 2 major components including the hydraulic pump and light bar. The District has since then purchased a new snow plow and would like permission from the Board to sell the unused blade.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to approve selling the old Myers snow plow blade and donate if staff cannot sell. Unanimously approved.

Consider Election Day, October 4, as a Holiday for District Staff

Ms. Lawton informed the Board that October 4th is being recognized as a state and local holiday due to the special election of the West Virginia governor. In the past the District has followed the holiday schedule of the County and has requested the Board approve this as a holiday for District staff. The Board has no problem with granting this approval, but Mr. Appignani suggested staff to draft a holiday policy for future occurrences.

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to approve October 4th as a holiday for District staff. Unanimously approved.

Discussion of any Expenses over Budget

There were no items over budget this month.

Action: No action taken by the Board.

Disbursements

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for Cavaland water expenses in the amount of \$1,675.66, Glen Haven water expenses in the amount of \$2,288.63. Unanimously approved.

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for the Public Service District expenses in the amount of \$158,719.08. Unanimously approved.

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

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

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

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

General Manager's Report

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

Flow Meters - Data is now available from the three flow meters the PSD staff has recently installed throughout the Districts system. This data can be used to track inflow and infiltration as well as available capacity in the system.

Beallair PSC Case - Beallair has requested to keep their case for a certificate application open with the Public Service Commission and to toll the current statutory due date of December 30, 2011 for an additional twelve months. The District supports this request and must file a response by October 14th. The Board would like Ms. Lawton to talk to the developers of Beallair and Breckenridge about the strategic plan and get their feedback. The developers for Breckenridge East are also planning to construct a treatment plant for their development.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to direct staff to file a letter by the October 14th deadline concurring with Beallair's September 30th filing of tolling support and review after twelve months. Unanimously approved.

Berkley County CIF PSC Case - Mr. Kelsh updated the Board regarding the Berkeley County CIF case. The Public Service Commission issued an order on September 30th setting this matter to a hearing and calling for additional testimony. He stated the PSC made several statements regarding the standards and use of capacity improvement fees that cause concerns.

Action: No action taken by the Board.

Route 340 Corridor Meetings - Ms. Lawton has been attending the meetings regarding the Route 340 corridor. The majority of members in the group would like to see a mix of higher density commercial development and light industrial closer to the city and less dense moving out. She will keep the Board updated.

Public Comment

None.

Correspondence

None.

Discuss American Farm Bureau Federation v. Environmental Protection Agency

The due date for filing objections to the administrative record has been postponed. There have been no other new updates in the case.

Action: No action taken by the Board.

Discuss Availability Charge Case, Public Service Commission Case No. 11-0872-PSD-T

Mr. Kelsh updated the Board. The District received the Staff Memorandum from the Public Service Commission reiterating the terms for the charge.

Action: No action taken by the Board.

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

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

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

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

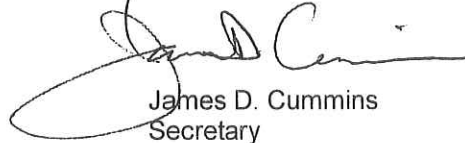
There being no further business at this time, the meeting was adjourned at 10:10PM

The next regular meeting is scheduled for November 2, 2011 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



Joseph A. Hankins
Chairman



James D. Cummins
Secretary

Eastern Panhandle Free Clinic



SERVING THE EASTERN PANHANDLE OF WEST VIRGINIA

FALL/WINTER 2011

HEALTH CARE REFORM



**Michele Goldman,
Clinic Director**

Health care reform in the Eastern Panhandle started 11 years ago, when a handful of people saw the consequences for uninsured people in the community who had serious health problems and couldn't afford health care. Through the support of many generous people in the community, we have been able to establish a system where people are able to access comprehensive health care. Due to the fact that the clinic doesn't operate on a fee-for-service basis, care is driven by patient need not by a reimbursement schedule. Many of our patients have very complex health problems that require frequent and often long visits.

Due to the complexity of our patients' needs, we have, through the help of many volunteers, been able to increase the free services we provide to our patients. In addition to primary care, we provide mental health services, case management, health screenings, comprehensive patient education, access to dental care, and medications. Through the support of WVU-Hospitals East and over 60 specialists, we are able to provide diagnostic testing and specialty care for our patients.

We are always striving to improve and expand care. We continue to work on the Patient-Centered Medical Home certification and hope to be completed by spring. In October, we instituted open scheduling for patients so they can more easily have a same day or next day appointment. We have been increasing staff to meet the growing needs and recently hired David Didden, M.D. to help manage our medically complex patients. Our case management services have increased because we are finding that people need help with basic needs such as food and housing, along with health care. Because so many health problems we see at the clinic are related to obesity, we offer a Weight Watchers group at the clinic.

Over the last 10 years, thousands of people from the Panhandle have received care from the clinic. Many lives have been saved, thanks to the generosity of so many people who have stepped up and taken action. As we all look to the future and wonder what lies ahead for health care, my hope is that all of us will be able to access good, comprehensive patient-centered health care. We feel we are the model of health care reform.

WEBSITE AUCTION IN SUPPORT OF CLINIC VOLUNTEERS

Are you looking for that perfect gift for someone who is difficult to shop for or an ideal getaway vacation to take? Well, we can help you! Please visit the Eastern Panhandle Free Clinic website to view the many auction items that are included in our online auction. The auction closes on November 16, 2011, so act fast and bid often. The website auction is one way that you can honor the work of our volunteers and help support the clinic through your financial support.

There are two vacation home getaways on the auction block along with a handmade quilt from clinic staff member, Cindy Henneberg. One very unique gift item is an afternoon wine and cheese event at Gap View Farm. The top twelve bidders have the opportunity to learn about Mr. Frank Buckles, the oldest surviving WWI Veteran. Mr. Buckles' daughter, Susannah, will share stories about her father and open her historic home to the lucky winners.

Simply visit us at www.wvepfc.com and click on the link or storybook icon to access our online auction. Please contact Stacie Rohn at (304) 724-6091 x.228, if you need technical assistance using the online auction program.

CELEBRATING TEN YEARS OF VOLUNTEERISM

On Thursday, November 17, 2011, the clinic will celebrate the efforts of our volunteers at the Tenth Annual Volunteer Recognition Dinner. This year, we will pay special tribute to clinic volunteer Gale Bard. This past year, Gale contributed over 500 hours valued at almost \$16,000. She currently volunteers over 20 hours per week. A retired nurse from the Frederick County Health Department, Gale came to us, a little over a year ago, with plans to volunteer a couple hours each week. She and her husband had plans to travel the countryside on a Honda Goldwing. Then, her husband, Dan, passed away last December, and her world changed. "This place has saved me and given me a sense of purpose," Gale says. "I can make a difference here, and the staff have become like family to me." Gale shared last year's volunteer dinner with her husband and, this year, we're sure he is smiling down and so very proud of her accomplishments. To Gale and all of our volunteers, we thank you from the bottom of our hearts.



Presenting Sponsor: Hollywood Casino at Charles Town Races

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Bronze Sponsors: Miller's Chrysler- Jeep-Dodge-Ram, Mummaw & Vickers, The UPS Store





IMPROVING HEALTH THROUGH WEIGHT WATCHERS®

Who would have thought that 50 years ago, a 37-year-old housewife from Queens would find the solution to a problem that has been troubling overweight individuals for years?

Jean Nidetch, Weight Watchers founder, began “inviting friends into her Queens home once a week, to discuss how best to lose weight. Today, that group of friends has grown to millions of women and men around the world who use the products and services of Weight Watchers to lose unwanted pounds. After that first Queens meeting, an estimated one million people, from Brazil to New Zealand, come together each week to help each meet their weight-loss goals at Weight Watchers meetings.”

This worldwide entity, officially started in 1963, declares that “Weight Watchers isn’t a diet” and that they “are dedicated to inspiring and helping you adopt a healthier way to live, so you can successfully lose weight and keep it off.” At the age of 87, Nidetch still weighs in at the goal weight she set at those home meetings 50 years ago. The secret to Ms. Nidetch’s success, as she says, is to “put down the *#@\$ fork.”

The Eastern Panhandle Free Clinic is blessed to have an agreement with Weight Watchers where clinic patients can pay \$1 and attend weekly meetings right here at the clinic. Weight Watchers staff member and participant, Patti Protzman, leads the Tuesday morning meetings, helping the 20 clinic patients who have joined. “We have 7 – 10 dedicated members who set small goals, and we celebrate the small steps,” says Protzman.

Clinic patient, Robin H. has lost 17.5 pounds, lowered her cholesterol 55 points and has cut 90% of the fat from her diet. “If it wasn’t for the \$1 fee, I couldn’t afford to do it,” says Robin. “The satisfying sound of the zipper going up the back of my wedding dress again, with me in it, is all that I need to motivate me,” she continued.

Weight Watchers concentrates on offering four “equally important” ideals: a healthy approach to weight loss, a program that realistically fits your daily life, knowledge to make informed choices and a comprehensive look at the different components of weight loss. For more information about Weight Watchers, call (304) 724-7498 or go to www.weightwatchers.com for a list of schedules and meetings in your area.



HIGH FRUCTOSE CORN SYRUP AND OBESITY

by Gabe Mirkin, M.D.

Several recent studies show that drinking large amounts of carbonated beverage is associated with increased risk for obesity and that the extra gain in weight is not due just to the calories in the soft drinks. Evidently something in soft drinks makes people eat more food than they would otherwise. High fructose corn syrup may be that factor. High fructose corn syrup is the leading sweetener in the United States today with 4.5 billion dollars worth sold each year. High-fructose corn syrup first appeared in the American market in 1966, and now the average American takes in 62.6 pounds per year.

Several recent studies have shown that fructose is processed differently in the body than the far more common sugar, glucose. Glucose causes the pancreas to release insulin, which drives sugar from the bloodstream into cells. Glucose causes fat cells to release leptin that makes you feel full so you eat less. Glucose prevents the stomach from releasing ghrelin that makes you hungry. On the other hand, fructose does not cause fat cells to release leptin and does not suppress ghrelin. This means that fructose increases hunger to make you eat more. Furthermore, the liver converts fructose far more readily to a body fat called triglyceride, than it does with glucose. High triglyceride levels raise blood levels of the bad LDL cholesterol and lower blood levels of the good HDL cholesterol, which increases heart attack risk.

Recent data shows that large amounts of fructose cause insulin resistance, impair glucose tolerance, produce high levels of insulin, raise triglycerides and cause high blood pressure in animals. Not all this data has been replicated in humans, but there is every reason to believe that large amounts of fructose will have the same adverse effects. High-fructose corn syrup is found in almost all soft drinks and fruit beverages and a wide variety of processed foods; check the list of ingredients in the foods you buy.

DOUG'S STORY



Health insurance is a luxury many self-employed individuals cannot afford, especially when there is a family to support as well. Doug has been self-employed for over 20 years and struggles with this very issue.

Doug, a carpenter specializing in remodeling, was always feeling "tired" and "yucky" which could sometimes interfere with work and family life. Then, about three years ago, he heard about the Eastern Panhandle Free

Clinic (EPFC) through a doctor's office in Winchester, Va.

After contacting the Clinic, Doug qualified as a patient and was shortly diagnosed with diabetes and high blood pressure. He states, "If it wasn't for the Clinic, I wouldn't have been able to go to a doctor to get diagnosed." The EPFC provides four of his five essential medications as well as a testing meter and strips. Necessary lab tests are also done to aide in monitoring his condition.

According to Doug, the clinic is an "uplifting place." He says, "The people ... have always treated me with courtesy" and "As far as I can tell, each and every one of them enjoys what they do." Doug appreciates the efforts of the volunteer student "nurses in training" and is "glad to see that there are still young people interested in health care ... that's a big plus."

He recommends the EPFC to anyone who is uninsured and can't afford health care. Doug encourages anyone who needs help, especially if they have a family and children, to "at least come down to see if you qualify." It doesn't hurt to ask.

Today, Doug's health has greatly improved. He feels blessed that the Eastern Panhandle Free Clinic's "top of the line" care has enabled him to still be here on earth to enjoy his family.



HAPPY WELCOMES AND A SAD DEPARTURE

We are pleased to announce that Office Coordinator, Hadley de Molin, Medical Assistants, Angie Alvarez and Krissy Barrett, and Dr. David Didden have recently joined our staff.

Before joining the clinic, Hadley worked as a contractor with the Howard Hughes Medical Institute and, prior to that, as a corporate meeting planner throughout the U.S. and Europe. "As the Office Coordinator, I assist the Executive Director with managing the day-to-day, operational tasks of the clinic," says Hadley.

Angie and Krissy provide clinical support by performing lab testing, triaging patients and scanning medical records into our electronic records system. Krissy believes that helping patients is a rewarding experience, and she is glad to be a part of a respected field. Angie's goal is to make a difference, and she likes to see positive health outcomes for our patients. "Working at the clinic is a good way to give back to the community," Angie says.

Dr. David Didden also appreciates the opportunity to give back to the community in which he lives. Didden grew up in Shepherdstown and completed medical school at the University of Virginia. Dr. Didden moved back to the area seven years ago to be close to family. He has practiced family medicine at Shenandoah Valley Medical Systems prior to joining the clinic's team. Dr. Didden has a great interest in service through health care and is glad to be part of the free clinic system. "Helping others has brought me help in return, in equal or greater measure," Didden says.

In September, we said goodbye to clinic friend and Nurse Practitioner, Ruth Holmaas. Ruth joined the staff of the Eastern Panhandle Free Clinic in August of 2008. Ruth and her husband have moved, and she will be practicing primary care in Monterey, Va. We wish Ruth well in her new home and community. We are blessed that she left her gentle thumbprint on our clinic.



Dr. Didden, Angie Alvarez and Krissy Barrett

**The Eastern Panhandle Free Clinic
1212 N. Mildred Street
Ranson, WV 25438**

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Jefferson County Commissioners
Jefferson County Commissioners
PO Box 250
Charles Town WV 25414-0250



INSIDE

- **Website Auction Features Unique Items**
- **New Staff Welcome**
- **Weight Watchers® at the Clinic**

BOARD MEMBERS

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**SERVICES PROVIDED BY EPFC TO JEFFERSON,
BERKELEY, AND SURROUNDING COUNTIES.**

	YEAR 2009	YEAR 2010	JAN - SEP 2011
Number of Patient Visits	9,854	10,242	7,799
Medications Provided	45,745 (worth \$4,102,853)	46,264 (worth \$4,907,649)	33,305 - \$4,043,684.38
Referrals to Specialists	1,270	1,454	1,108

MISSION STATEMENT

To provide quality healthcare to low-income, uninsured persons.

SERVICE GOALS

The clinic has four service goals.

To provide free medical care. To provide free prescription assistance. To provide free referrals to specialists. To provide referrals to community organizations.

Requests for information can be directed to:

Eastern Panhandle Free Clinic

1212 N. Mildred Street • Ranson, WV 25413

Phone: 304-724-6091 • Fax: 304-725-7204

Email: mgoldman@wvepfc.com

Website: www.wvepfc.com



THANK YOU

10-25-11

Dear Jefferson County Commission,

Thank you for your recent video lottery funds award of \$5,000.00 to the Safe Haven Child Advocacy Center. Your ongoing commitment to support coordinated child abuse investigations in our community is appreciated by investigators, prosecutors, medical and mental health professionals that work on these cases and, most importantly, by the children and families we serve. We invite →

you to tour our Center and learn
more about our role in child abuse
investigations.

Sincerely,

Victoria Slater-Madert, MSW
Safe Haven Program Coordinator

GREEN-INDUSTRIES.COM

1000 BROADWAY, SUITE 1000
NEW YORK, NY 10001
212-512-1000





STATE OF WEST VIRGINIA

Department of Revenue
State Tax Department

Earl Ray Tomblin
Governor

Craig A. Griffith
State Tax Commissioner

November 4, 2011

Lyn Widmyer, President
Jefferson County Commission
Jefferson County Courthouse
100 E. Washington Street
Charles Town, West Virginia 25414

Dear President Widmyer:

This letter and attachment certify that Angela L. Banks, Assessor of Jefferson County, has substantially complied with the "assessor's additional duties" as delineated in West Virginia Code § 7-7-6a. Substantial completion of the additional duties entitles Ms. Banks to the additional compensation of \$15,000 as provided in West Virginia Code § 7-7-6b.

Sincerely,


Craig A. Griffith
State Tax Commissioner

CAG/jat

Attachment

cc: Angela L. Banks
Assessor of Jefferson County

Jennifer Maghan
Clerk of Jefferson County

RECEIVED

NOV 08 2011

Jefferson County Commission

ASSESSOR ADDITIONAL DUTIES - 2011

**SUBSTANTIAL COMPLETION
(PLACE AN "X" IN THE APPROPRIATE SPACE.)**

		YES	NO
1.	I have placed a map and parcel number on each entry in the current land book and ensured that all land book identifiers correspond to IAS/CAMA System identifiers.	X	
2.	I have completed a new appraisal card and map card for all land splits, adjusted the parent card, and made the appropriate entry to include all appropriate appraisal data on the computer network.	X	
3.	I have completed a list indicating that an appraisal change, mapping change or both have occurred to a parcel of property requiring this action during this calendar year. I have made the appropriate appraisal data change to the IAS/CAMA System record on the computer network for each appraisal change card. I have placed these cards in appropriate files for inspection. (Indicate the number of change cards completed this year. <u>116</u>)	X	
4.	I have prepared a listing of all new businesses added to the assessment rolls and all businesses that have ceased operations during the past year.	X	
5.	I have assisted the Tax Commissioner in determining if property owned by public utility companies is operating or non-operating, by completing the public utility property report.	X	
6.	I have entered sales information to the IAS/CAMA System for all real property sales that were registered in my county from October 1, 2010 through September 30, 2011.	X	
	I have occupied the office of Assessor during this entire calendar year. If no, provide explanation. _____ _____	X	

STATEMENT OF COMPLETION

State of West Virginia

County of Jefferson

I, the undersigned, Angela L. Banks, Assessor of Jefferson County, hereby certify that I have substantially completed each additional duty

described in West Virginia Code § 7-7-6a, in the manner prescribed by the West Virginia State Tax Commissioner.

10/17/2011
Date

Angela L. Banks
Signature of Assessor

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

Week Ending Date	Week Ending November 5, 2011 FY12 November 14, 2011
To be Deposited on:	
Amount Played	78,445,140.24
Amount Won	70,646,271.76
Amount Promo	<u>224,032.00</u>
MWAP Contribution	<u>6,130.61</u>
Adjusted Gross Terminal Revenue	<u>7,568,705.87</u>
Administrative Costs @ 4%	52,888.35
Excess Lottery Fund @ 4%	<u>249,859.88</u>
Net Terminal Revenue	<u>7,265,957.64</u>
Surcharge @ 10%	198,569.41
State Share Excess @ 58%	115,170.26
Track Share of Capital Reinvestment @ 42%	\$ 83,399.15
Track Share of Capital Reinvestment @ 42% - 96%	\$ 80,063.18
Track Share of Capital Reinvestment @ 42% - 4%	\$ 3,335.97
Adjusted Net Terminal Revenue	<u>7,067,388.23</u>
Racetrack @ 46.50% / 42%	3,205,914.91
Lottery Fund @ 30% / 0%	1,584,079.06
Excess Lottery Fund @ 0% / 41%	732,721.16
Race Track Purses @ 7% / 14% / 8%	882,206.87
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	61,738.26
Greyhound Development @ .75%	53,005.41
Thoroughbred Development @ .75%	53,005.41
Racing Commission @ 1%	70,673.88
County/Municipality @ 2%	141,347.76
3% Funds:	
Tourism Promotion Fund @ 1.375%	97,176.58
Development Office Promotion Fund @ .375%	26,502.71
Research Challenge Fund @ .5%	35,336.94
Capitol Renovation and Improvement Fund @ .6875%	48,588.29
2004 Capitol Complex Parking Garage Fund @ .0625%	4,417.11
1% Funds:	
State Capitol Complex Parking Garage @ 1%	-
Cultural Facilities and Capitol Resources @ .5%	35,336.94
Capitol Dome and Capitol Improvements @ .5% / 1%	35,336.94
	<u>7,067,388.23</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
11/05/11	\$ 141,347.76	\$ 70,673.88	\$ 70,673.88	\$ 5,788.19	\$ 29,117.64	\$ 1,583.09	\$ 24,580.38	\$ 9,604.58
Subtotal	\$ 2,679,484.32	\$ 1,795,773.88	\$ 883,710.44	\$ 72,375.88	\$ 364,088.70	\$ 19,795.12	\$ 307,354.49	\$ 120,096.25

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		11/5/2011	70,673.88	
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

1795773.88

4016541.01

4041141.56

TOTALS 4403564.04

Table Game Revenue

FY 2011

Date	Amount
July/August, 2010	154,185.68
September, 2010	94,247.84
October, 2010	105,903.60
November, 2010	108,717.67
December, 2010	118,721.11
January, 2011	106,189.21
February, 2011	105,776.45
March, 2011	120,927.10
April, 2011	130,654.61
May, 2011	130,492.02
June, 2011	121,576.41
July, 2011	141,718.01
August, 2011	137,473.92
September, 2011	110,375.25
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	1686958.88