

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

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. Lyle Bivens
- Resolution in support of a Constitutional Amendment reversing the Supreme Courts decision in Citizens United versus FEC
2. 10:00 a.m. Interview and appointment to the Jefferson County Public Service District for one (1) six-year term ending December 1, 2017 - Discussion/Action
3. 10:15 a.m. Don Jacobs, DIJ Management Consultant Services
- Jefferson County Compensation Classification Presentation
4. 10:30 a.m. **BREAK**

NEW BUSINESS

5. Proposal for consultant regarding Human Resource Projects (TB) - Discussion/Action
6. Request for approval of the Taxable Fringe Benefits Policy (TB) - Discussion/Action
7. Request to approve the employment of a full-time Administrative Assistant - Maintenance Department - Discussion/Action

- 8. 10:45 a.m. Stephanie Grove, Assistant Prosecuting Attorney
- Legal Update - Impact Fees
- 9. 11:00 a.m. Lyn Widmyer, Commissioner
- Establish uniform procedures for County Commission review of rezoning requests - Discussion/Action
- 10. 11:15 a.m. Stacy Dugan, Morgan County Commission, President
- Cacapon State Park Resolution - Discussion/Action
- 11. 11:30 a.m. **Public Hearing**
Purpose of receiving public input regarding a petition to rezone 13.69 acre property - Twin Oaks Subdivision LLC, designated as Tax District Shepherdstown, Map 13, Parcels 26.1, 26.2, 6.3 & 26.4, located on Kearneysville Pike (WV 480) approximately 0.5 miles west of its intersection with Morgan Grove Road, adjacent to Morgan Grove Park

Jennifer Brockman, Director of Planning and Zoning
- Present recommendation of the Planning Commission on the property owned by Twin Oaks Subdivision, LLC and request that the County Commission schedule a public hearing on the proposed Zoning Map Amendment for the Twin Oaks Subdivision, LLC property designated as Tax District: Shepherdstown, Map: 13, Parcels: 26.1, 26.2, 26.3 & 26.4, located on Kearneysville Pike (Rt. 480) approximately 0.5 miles west of its intersection with Morgan Grove Road

Peter Corum/Fred Blackmer, Twin Oaks LLC
- Brief presentation regarding the Petition to approve the Zoning Map amendment submitted September 21, 2011 to the County Commission

Discussion/Action - Petition to approve the Zoning Map amendment submitted September 21, 2011 to the County Commission - Twin Oaks Subdivision LLC, designated as Tax District Shepherdstown, Map 13, Parcels 26.1, 26.2, 6.3 & 26.4, located on Kearneysville Pike (WV 480) approximately 0.5 miles west of its intersection with Morgan Grove Road, adjacent to Morgan Grove Park

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

ADJOURN

CORRESPONDENCE:

Notice of appointments and interviews to the Board of Zoning and Appeals, Jefferson County Emergency Services Agency and the Jefferson County Building Commission that is scheduled December 15, 2011.

Letters received from the following individuals concerning the re-zoning of the property on Route 480 near Morgan's Grove Park: Michael, Susan and Andrew McKee, J. David McAteer, M. Caitlin Lough McAteer, Mason Ellsworth, Brian Ellsworth, Sylvia Ellsworth and Kathryn G. Lough McAteer, Drs. Silvia and Ray Shurbutt, Karen Hilberg, Carl and Judy Moore, Shepherdstown Men's Club, Corporation of Shepherdstown, Karene Motivans, Amy Matthews Amos, Linda O'Brien and James C. Price.

Administrative Order EE-11-29 received regarding Cave Quarter Estates (Water Systems).

Valley Views Newsletter received from the Potomac Valley Audubon Society.

A copy of the Monthly publication of the WV Association of Counties (WVACO) was received.

Weekly WV Lottery settlement reports for the Hollywood Casino at the Charles Town Races received for the week of November 26, 2011.

Notice of Public Hearing concerning Impact Fees will be held Wednesday, December 14, 2011 at 7:00 p.m. in the Commission meeting room located at the Old Charles Town Library.

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, December 1, 2011

A meeting of the Jefferson County Commission was held on Thursday, December 1, 2011 in the County Commission meeting room at the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patricia Noland, Dale Manuel, Lyn Widmyer, Frances Morgan and Walt Pellish. Also present were Tim Boyde, County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddy, Bailiff. (An audio tape of the December 1, 2011 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Manuel led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the Minutes of the November 17, 2011 meeting as amended. Motion seconded by Ms. Morgan and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$85,682.88, being purchase order numbers: 50548, 50637, 50618, 53180, 53190, 50638, 50639, 50640, 50641, 50642, 50435, 50434, 50436, 50438, 50479, 49539, 49540 and 48119. Motion seconded by Ms. Morgan and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the December 1, 2011 accounts payable in the amount of \$62,290.88. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Morgan to approve the November 23, 2011 accounts payable in the amount of \$242,343.69. Motion seconded by Mr. Manuel and unanimously approved.

PUBLIC COMMENT:

Roula Hammer, 10-year old student at Morgan Academy in Shepherdstown voiced support for the acquisition of the Cement Mill property and asked the Commission to grant the \$25,000.00 to the Jefferson County Historic Landmarks Commission as per its request to assist in the acquisition.

Debbie Royalty, Jefferson County Resident David Tabb, Jefferson County resident: 1) heard only complaints from other residents of Jefferson County regarding the possible acquisition of the Cement Mill property, and 2) commented on the Jefferson County Development Authority's request to suspend impact fees on non-residential new construction in the county for twenty-four (24) to forty-eight (48) months.

David Tabb, Jefferson County resident: 1) voiced his opposition to impact fees, 2) stated that the a Rt. 340 Corridor committee has been discussing repair issues, 3) reminded the Commission of the meeting on Tuesday, December 6, 2011 at the KOA Campground regarding the Rt. 340 Corridor project, 4) is putting together an Oversight Committee to monitor the work of the County Departments and report its findings to the Jefferson County

Commission, and 5) announced that he will be making an oral argument on January 10, 2012 at the West Virginia Supreme Court of Appeals to defend his position that he has not been practicing law without a license and invited the Commissioners to attend.

PRESENTATIONS:

1. The Commission presented **Joseph A. Hankins** with a Resolution honoring his excellent service while on the Jefferson County Public Service District Board. Ms. Noland read the Resolution aloud for the benefit of the public.

NEW BUSINESS;

2. Request approval to reappoint **Chris Jackson** to the Jefferson County Civil Service Commission as recommended by the Jefferson County Deputy Sheriff's Association.

Mr. Manuel made a motion to reappoint **Chris Jackson** to the Jefferson County Civil Service Commission as recommended by the Jefferson County Deputy Sheriff's Association. Motion seconded by Mr. Pellish and it was unanimously approved.

PRESENTATIONS continued:

3. **John Allen of the Jefferson County Historic Landmarks Commission** requested a one-time grant of \$25,000.00 to cover the purchase price of the 18-acre Shepherdstown Cement Mill property.

Ms. Morgan made a motion to approve the allocation of \$25,000.00 to cover the purchase price of the Shepherdstown Cement Mill property and to direct County Administrator Tim Boyde to designate the account from which the funds will be deducted. Ms. Widmyer seconded the motion. The motion failed 3 to 2 with Ms. Noland, Mr. Manuel and Mr. Pellish voting against.

The Commission took a break at 10:15 a.m.

The Commission reconvened at 10:23 a.m.

4. **Mark Dyck of the Jefferson County Development Authority** requested that the Commission approve the suspension of impact fees on non-residential projects for a period of not less than twenty-four (24) months and not more than forty-eight (48) months in order to encourage businesses to locate in Jefferson County.

Mr. Pellish made a motion to approve the suspension of non-residential impact fees for a period of twenty-four (24) to forty-eight (48) months. Ms. Noland seconded the motion.

Stephanie Grove, legal counsel for the County Commission, requested time to research any adverse consequences of suspending non-residential impact fees while continuing to charge impact fees for residential projects.

Ms. Noland moved to postpone any decision on suspension of non-residential impact fees for two (2) weeks to allow counsel to conduct the requested research. Mr. Pellish seconded the motion.

Ms. Morgan amended the motion stating that the content of the original motion be stricken and replaced with "that the Commission postpone any decision on suspension of non-residential impact fees for two (2) weeks and require legal counsel to report back to the Commission with her findings on suspension of the impact fees." Ms. Widmyer seconded the amended motion and as a second amendment added "that a public hearing be scheduled on both non-residential and residential impact fees and that Mr. Schiavone and Mr. Boyde

designate an appropriate date to on which to hold the public hearing." Amended motion failed 3 to 2 with Ms. Noland, Mr. Manuel and Mr. Pellish voting against.

Mr. Manuel made an incidental motion to postpone to a time certain any decision on suspension of the non-residential impact fees, require legal counsel to provide the Commission with her research findings by the end of the two-week period and to schedule a public hearing only on the issue of the suspension of the non-residential impact fees for action by the Commission on December 15, 2011. Mr. Pellish seconded the motion. Ms. Grove stated that she will provide her findings at the Commission meeting on December 8, 2011.

Mr. Pellish withdrew his original motion.

Mr. Manuel's incidental motion carried 3 to 2 with Ms. Widmyer and Ms. Morgan voting against.

5. **Elizabeth Wheeler, Jefferson County Farmland Protection Board**, requested approval of three deeds of farmland conservation easements: 1) J. L. Burch Sr. property, 2) D. A. Gray property, and 3) J. H. Witt property.

Ms. Morgan made a motion to approve the three deeds of farmland conservation easements as outlined by Ms. Wheeler. Ms. Widmyer seconded the motion and it was unanimously approved.

Motion by Ms. Morgan that the Jefferson County Commission convene as a Fiduciary Review Board. Motion seconded by Mr. Manuel and unanimously approved. The Commission convened as a Fiduciary Review Board at 11:26 a.m.

6. **Lynn Fields, Office of the County Clerk, Probate Office** presented three estates for consideration and closing.

Motion by Mr. Manuel to approve the closing of the three estates as presented by Ms. Fields. Mr. Pellish seconded the motion and it was unanimously approved.

The Commissioners reconvened as the Jefferson County Commission at 11:30 a.m.

7. **Stephen Groh, legal counsel**, provided an update on Planning Commission legal issues and decisions, i.e. Faraway Farms and the James and Barbara Gibson property. Mr. Groh requested an Executive Session in order to explain in detail litigation pending regarding Faraway Farms.

Motion by Mr. Manuel to move into an Executive Session regarding pending litigation in connection with Faraway Farms. Motion seconded by Ms. Morgan and unanimously approved. The Commission commenced the Executive Session at 11:36 a.m.

Motion by Ms. Morgan to terminate the Executive Session. Motion seconded by Ms. Manuel and unanimously approved. The Executive Session was terminated at 11:45 a.m. and the Jefferson County Commission meeting reconvened.

8. **J. Michael Cassell, attorney for Dr. James and Barbara Gibson**, requested deliberation or a decision on the Gibson's request for an amendment to the Zoning Map, subsequent to the Planning Commission's public hearing on November 8, 2011 and Staff's completed report.

Motion by Ms. Widmyer that a public hearing be scheduled on January 5, 2012 at 7:00 p.m. with action by the Commission to be taken on January 12, 2012. Motion seconded by Ms. Morgan and unanimously approved.

9. **Stephanie Grove, legal counsel**, updated the Commission on the status of pending legal issues.

10. **Roger Goodwin, Chief County Engineer**:

a) Requested approval of the complete release of the Construction Bond Security for Robert S. and Amy R. Leonard - Brookstone Subdivision, Lots 1-6 - Residue (File #06-37) in the amount of \$266,235.00 - Letter of Credit with Jefferson Security Bank, Shepherdstown, WV.

Motion by Ms. Morgan to approve the complete release of the Construction Bond Security for Robert S. and Amy R. Leonard - Brookstone Subdivision, Lots 1-6 - Residue (File #06-37) in the amount of \$266,235.00 - Letter of Credit with Jefferson Security Bank, Shepherdstown, WV. Motion seconded by Mr. Manuel and unanimously approved.

b) Provided an oral summary of his written report to the Commission on the Westridge Hills Test Wells Project. The report summary will be placed on the Jefferson County website for public viewing.

Mr. Manuel made a motion to break for lunch at 12:30 p.m. Motion seconded by Ms. Noland and unanimously approved. Meeting will reconvene at 1:30 p.m.

UNFINISHED BUSINESS:

11. Proposed change in Jefferson County Magisterial Districts.

Motion by Mr. Manuel to approve the magisterial districts as presented by Todd Fagan, Director of the GIS Department and Nikki Painter, Chief Deputy Clerk of Elections. Motion seconded by Ms. Widmyer and unanimously approved.

COUNTY COMMISSIONER REPORTS:

Commissioner Morgan:

- Attended the Legislative Summit in Berkeley County, WV.
- Attended the Jefferson County Emergency Services Agency meeting.

Commissioner Pellish:

- Nothing significant to report this week.

Commissioner Widmyer:

- Attended the 10th Annual Volunteer Appreciation Dinner at the Eastern Panhandle Free Clinic.
- Reported that she read to students in Ranson for American Education Week.
- Attended the Legislative Summit in Berkeley County, WV.
- Attended the Jefferson County Emergency Services Agency meeting.
-

Commissioner Manuel:

- Attended the Legislative Summit in Berkeley County, WV.
- Attended the Jefferson County Emergency Services Agency meeting.

Commissioner Noland:

- Attended the Legislative Summit in Berkeley County, WV.
- Attended the Jefferson County Emergency Services Agency meeting.
- Attended the Jefferson County Convention and Visitors Bureau meeting.

COUNTY ADMINISTRATOR REPORTS:

County Administrator Tim Boyde:

- Reported that the Animal Welfare rental property appraisal will be back shortly for review.
- Attended a Space Needs Committee meeting and presented the Commissioners with a chart of the status of space needs.
- Reported that he has prepared draft of a Taxable Fringe Benefits Policy and which will be presented to the Commission at the next meeting.
- Reported that the History Channel is filming a documentary entitled "The Men Who Built America" at the County Courthouse.
- Met with Bill Polk, Maintenance Director, the contractor and a structural engineer regarding how best to maintain the structural integrity of the columns at the Courthouse.
- Reported that he attended a "walk through" in the Magistrate's Building with members of the Supreme Court regarding a future office for Judge Yoder.
- Will soon be releasing applications for the video lottery money.
- Reported that in early January 2012, Angela Banks, County Assessor, will speak to the Commission about SB 401.
- Received a letter from Steptoe & Johnson regarding a possible conflict of interest. Steptoe and Johnson enclosed a Waiver and requested the Commissioners sign the Waiver so that the law firm may continue to represent the Commission. The Commissioners signed the Waiver.
- Mr. Boyde requested an Executive Session to discuss pending personnel matters.

Motion by Ms. Morgan to enter into an Executive Session. Mr. Manuel seconded the motion and it was unanimously approved. The Executive Session commenced at 2:05 p.m.

There being no further business the regular Commission meeting will adjourn at the end of the Executive Session until Thursday next, December 8, 2011.

PATRICIA A. NOLAND, PRESIDENT



PURCHASE ORDERS TO BE APPROVED
December 8, 2011

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
COUNTY CLERK	50552	\$ 500.00	ROCKWELL MOVING & STORAGE	Inter-office moving
	50651	\$ 213.20	PIFER OFFICE SUPPLE	Cartridges, stapler & folders
COURTHOUSE	50749	\$ 218.50	AUDITHEAD	Monthly telephone Savings services
COMMUNICATIONS	49109	\$ 279.20	XYBIX SYSTEM	Control box for console
MAINTENANCE	50750	\$ 3,624.00	CRAIGO 1ST CHOICE HEATING & AIR	Replace existing heat system
OTHER	50631	\$ 220.00	LANDMARK ELEVATOR	Last contract payment
	50645	\$ 1,418.00	RCS Security	Materials & supplies
	50646	\$ 142.48	JEFFERSON RENTAL	Equipment rentals
	50648	\$ 2,700.00	ROCKWELL'S MOVING CO.	Move prosecutors to Briel bldg
	50649	\$ 250.00	DODSON'S SEPTIC TANK CLEANING	Prof. services/substation
	50751	\$ 1,400.00	BONDED APPLICATORS OF Md	Roof repair/animal control
	50752	\$ 1,257.87	84 LUMBER	Materials & supplies
	50753	\$ 8,300.00	FIDELITY POWER SYSTEMS	Generator replacement 911 ctr
PROSECUTING ATTORNEY	50437	\$ 625.00	WVPAA	Registration fee for winter conference (5)
	50439	\$ 1,878.62	SPECIALTY BUSINESS SUPPLIES	Office Supplies

EXTENSION SERVICE	53139	\$ 102.00	WPS	Black cartridge	
	53140	\$ 514.50	WPS	Savin CLP	
ZONING	53268	\$ 491.50	EXPLORE MAPS	Folded & Wall Maps	
GRAND TOTAL		\$ 24,134.87	Printed at 12:00 p.m. on 12/05/2011		

Commission Office Use Only

Date on Agenda: 12/8/11

Appt Time or New Business: 9:45 AM

AGENDA REQUEST FORM

Name: LYLE BIVENS

Department or Entity: N/A (PRIVATE JEFFERSON CO. RESIDENT)

Estimation of amount of time needed for appointment: 10 MIN

Date Requested - 1st Choice: DEC 8

Date Requested - 2nd Choice: DEC 15

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

Subject: RESOLUTION IN SUPPORT OF A CONSTITUTIONAL AMENDMENT REVERSING THE SUPREME COURT'S DECISION IN CITIZENS UNITED V. FEC

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

SEVERAL LOCAL GOVERNMENT ENTITIES ACROSS THE COUNTRY HAVE PASSED RESOLUTIONS IN SUPPORT OF SUCH AN AMENDMENT. IT IS CRITICAL TO THE DEMOCRATIC PROCESS TO LIMIT UNDOE CORPORATE INFLUENCE IN NATIONAL ELECTIONS.

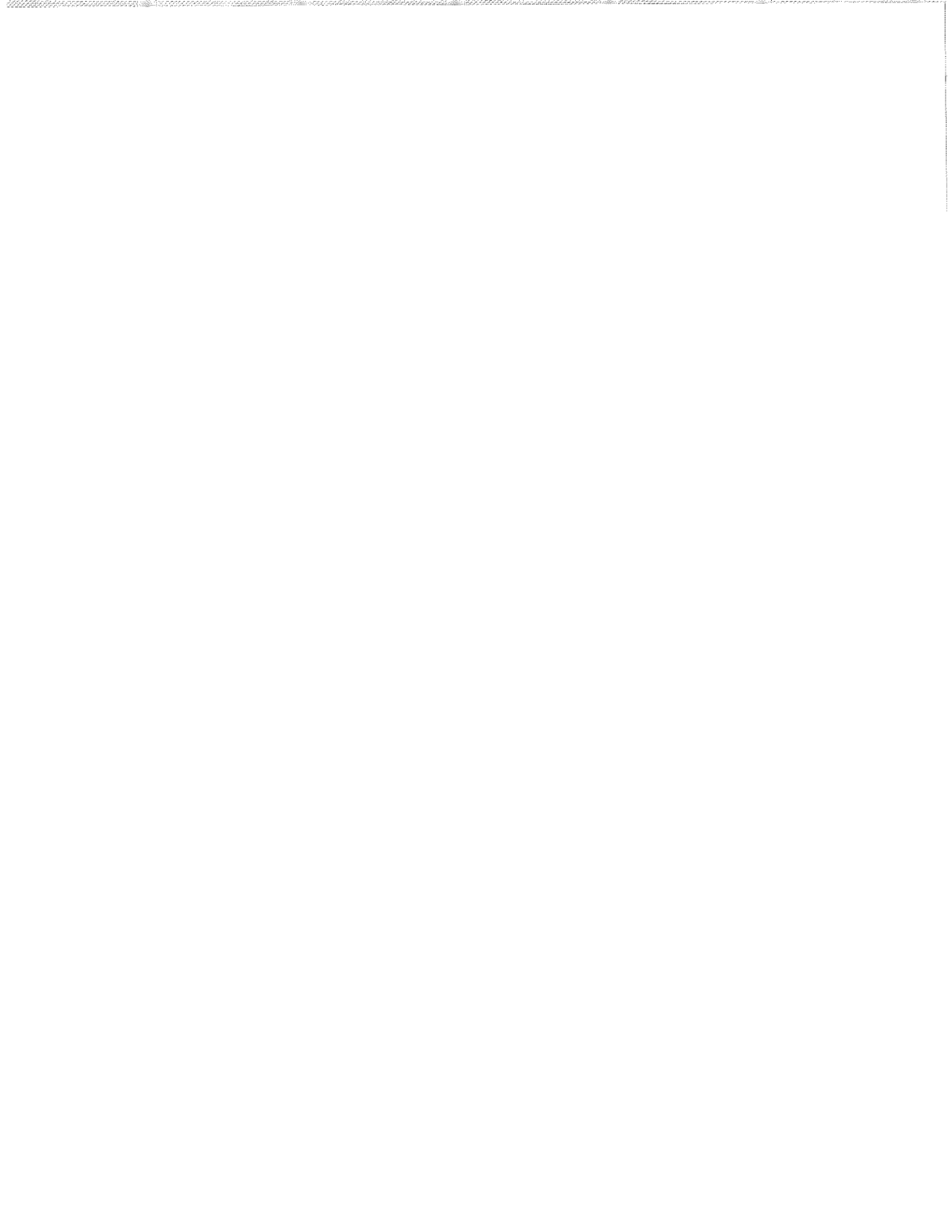
Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

" BE IT RESOLVED THAT THE JEFFERSON COUNTY COMMISSION STRONGLY SUPPORTS AN AMENDMENT TO THE U.S. CONSTITUTION THAT CORPORATIONS ARE NOT PERSONS AND DO NOT HAVE A FIRST AMENOMENT RIGHT TO SPEND AS MUCH MONEY

Attachments:

AS THEY WANT TO PROMOTE OR DEFEAT CANDIDATES FOR OR INCUMBENTS OF FEDERAL ELECTED OFFICES."

[TO THE EFFECT]



Commission Office Use Only

Date on Agenda: 12/8/11

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Nichelle Hosby

Department or Entity: County Commission

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

Date Requested – 1st Choice: December 8, 2011

Date Requested – 2nd Choice: _____

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

Subject: Interview and appointment to the Jefferson County Public Service District – (1) six year term ending December 1, 2017

Please provide the County Commission with a description of your request or presentation, including any background information: **A resignation has been received and therefore a vacancy exists on this board.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **move to approve _____ to the Jefferson County Public Service District for a six year term ending December 1, 2017.**

Attachments:

JEFFERSON COUNTY PUBLIC SERVICE DISTRICT

340 Edmond Road, Suite A
Kearneysville, WV 25430
Telephone Number: (304)-725-4647
Fax Number: (304)-725-5976

General e-mail:

gm@jcpsd.com

Joseph Hankins
977 Turner Road
Shepherdstown, WV 25443
h: 876-1138 w: 876-2815 ext. 212
j.hankins@freshwaterinstitute.org
6 years 12/01/2011

resigned end of term

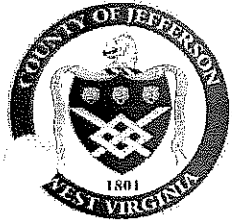
letter sent

9/29/11

Jim Cummins
P.O. Box 83
Bakerton, WV 25410
876-3234
6 years 12/01/2013

Peter Lawrence Appignani
26 General Wright Court
Harpers Ferry, WV 25425-3061
Evening Phone: 304-724-2130
Day Phone: 301-251-7608
[email:pappognani@frontiernet.net](mailto:pappognani@frontiernet.net)
6 years 12/1/2015

16-13A-3



JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT

Patsy Noland

VICE PRESIDENT

Dale Manuel

COMMISSIONER

Frances Morgan

COMMISSIONER

Walt Pellish

COMMISSIONER

Lyn Widmyer

September 29, 2011

Joseph Hankins
977 Turner Road
Shepherdstown, WV 25443

Dear Mr. Hankins:

The County Commission of Jefferson County has received your letter declining reappointment to the Jefferson County Public Service District.

On behalf of the Commission, I want to thank you for your time and effort spent in serving on the Jefferson County Public Service District. Please accept this letter as a token of our appreciation for your efforts.

For the Commission,

Nichelle Adams Hosby
Executive Assistant

30 September 2011

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

Commissioner Noland,

Please consider this letter a courtesy reminder of the upcoming end of my appointed term on December 1, 2011 as a member of the Board of the Jefferson County Service District. I have served on this Board since my first appointment in March 2004 and re-appointment in December 2005. For reasons both professional and personal, I will not request re-appointment and will complete my Board service on the expiration date indicated.

It has been a pleasure and an honor to serve the community through the Public Service District Board. I appreciate the trust and responsibility shown in my appointment to this critical local government role. I have had the opportunity to work with outstanding Board members, dedicated District staff and talented consultants during my service on this Board. It has always been a pleasure and as I have stated many times, I learned much more on balance than I ever contributed in expertise through the experience of Board service.

It is with no small disappointment that I observe that two of the critical issues that faced the District nearly eight years ago when I started on the Board still remain today. As a community we are still struggling to provide adequate public infrastructure services to under- and un-served portions of rural Jefferson County. And it remains my opinion that we have insufficient resources and investments ready to meet the future economic development and environmental quality needs of the County. For that failure I will take a full measure of personal responsibility though, in failed outcome, it was not from lack of effort on my part or anything other than full dedication by District staff.

During my tenure on the District Board, a number of very complicated issues have developed and some of these have required very difficult decisions and negotiations. I found the learning curve to be steep. I have been pleased to work with the District's staff, consultants and my fellow Board members to try to resolve these challenges in the best interests of the community, our customers and within the scope of a highly regulated utility mission.

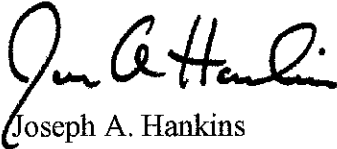
In departure, I ask that you pursue quickly and proactively new PSD Board applicants and make a timely appointment. As a three member Board, it is critical to have a full and balanced member complement. There is a long history of appointments that thoughtfully balance the perspective and professional experience on the Board. I believe a critical missing

component in the current Board member background is public finance, management and control. While the District is in solid financial condition now, the capital and operating investments required to meet emerging regulatory compliance and capacity upgrades for growth will be much larger than anything the District or its customers have experienced to date.

In closing, I offer my sincerest appreciation and full respect to General Manager Susanne Lawton and to all the permanent staff and consultants of the Jefferson County Public Service District. While my time on the Board is limited in term, they have dedicated careers and personal passions to the public sector provision of safe and affordable clean water services. The next Board member will be fortunate to join such a team.

Thank you for your time and consideration.

Respectfully,



Joseph A. Hankins

977 Turner Road

Shepherdstown, WV 25443-4175

304-876-1138

joseph.hankins@gmail.com

cc: Mr. Tim Boyd, County Administrator, Jefferson County
Ms. Susanne Lawton, General Manager, JCPSD

RECEIVED

NOV 16 2011

J. Tyler Quynn
38 Belvedere Farm Lane
P.O. Box 430
Charles Town, WV 25414

JEFFERSON COUNTY COMMISSION

October 24, 2011

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

Re: Opening for Member on Jefferson County Public Service District Board

Dear Commissioners:

Please find enclosed a copy of my resume and contact information for the position of Member to the Jefferson County Public Service District Board.

I presently serve as an Alternate Member on the Board of Zoning Appeals and look forward to the opportunity to further serve in Jefferson County.

Thank you for your consideration and feel free to contact me by phone at any time.

Sincerely,



J. Tyler Quynn
301-514-4721

Jefferson County Commission

11-9-11

P.O. Box 250

124 East Washington Street

Charles Town, WV25414

Members of the Jefferson County Commission:

I have known Tyler Quynn both personally and professionally for the past 25-30 years. Tyler has always been very honest and trustworthy. He is a person of high moral values. He is very committed to any project he encounters. He follows guidelines and regulations. His interest in this position is confirmed by his past interest as an alternate member of the Board of Zoning Appeals.

With Mr. Quynn's background and enthusiasm, I believe Tyler would be the perfect choice for the Jefferson County Public Service District Board.

Sincerely,



H. Richard Flaherty

**Jeff D. Bresee
614 Strider Road
Kearneysville, WV 25430**

October 30, 2011

The County Commission of Jefferson County
P. O. Box 250
Charles Town, West Virginia 25414

**Re: Recommended Appointment of Mr. Tyler Quynn to Jefferson County Public Service
District Board**

Dear Commission Members:

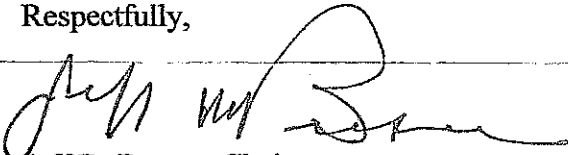
By this letter I am recommending to you the appointment of Mr. Tyler Quynn to the Board of the Jefferson County Public Service District. I understand that a vacancy on this board will be available soon.

Mr. Quynn currently serves as an alternate member of the Board of Zoning Appeals and I have always found him to be well prepared for each meeting and his judgment to be sound.

Should he seek appointment as a regular member of the BZA I would endorse that too.

I am sure he will serve the Jefferson County Commission and the people of Jefferson County quite ably.

Respectfully,



Jeff D. Bresee, Chair
Board of Zoning Appeals

Jefferson County Commission

12-2-11

PO Box 250

124 East Washington Street

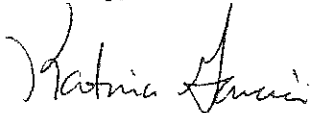
Charles Town, WV 25414

Members of the Jefferson County Commission:

We live at 118 Garden Place, Charles Town WV, 25414. We purchased our home from Tyler and Dorcas Quynn in 2007 and are now neighbors to Tyler Quynn. We have known them well for over 11 years.

We recommend he be appointed to the PSD Board. We know he would be concerned with the well being of the customers. We are PSD Customers and we know that Tyler would make a great addition to your board. Thank you for listening.

Sincerely,



Katrina Garcia



RECEIVED

DEC 02 2011

Jefferson County Commission

December 1, 2011

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

Re: Recommended Appointment of Mr. Tyler Quynn to Jefferson County Public Service District Board

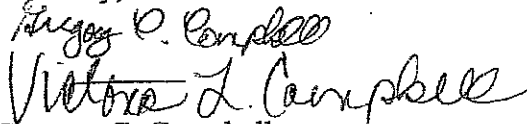
Dear Commission Members:

We live in Briar Run Estates and have been Public Service District Sewer customers for 8 years.

We have known Mr. Quynn personally and professionally during that time. Tyler is a very trustworthy and honest person with which to deal. Through our business relationships with him we know he would be concerned with the best interest of the rate payers.

Therefore we are recommending his appointment to the Jefferson County Public Service District Board.

Sincerely,



Gregory C. Campbell
Victoria L. Campbell
36 Roger Court
Ranson, WV, 25438

RECEIVED

DEC 02 2011

Jefferson County Commission

State of West Virginia Certificate

This Is To Certify That Tyler Quynn

~~Has~~ Successfully Completed The 2003 PSD Board Members Mandatory

Training Seminar, Held At The Ramada Inn

Morgantown, West Virginia, On February 27 - March 1, 2003



[Signature]
Public Service Commission
of West Virginia

[Signature]
Bureau of Public Health

[Signature]
Division of Environmental Protection

State of West Virginia Certificate

This We Certify That Tyler Quynn
Has Successfully Completed The 2003 Advance Board Members
Seminar, Held At The Country Inn & Suites
Beckley, West Virginia, On April 21, 2003



[Handwritten Signature]
Public Service Commission
of West Virginia

State of West Virginia Certificate

This We Do Certify That Tyler Quynn
Has Successfully Completed The 2003 Managers Seminar
The Country Inn & Suites
Beckley, West Virginia, On April 22 - 23, 2003



[Handwritten Signature]
Public Service Commission
of West Virginia

State of West Virginia

Certificate

This Is To Certify That

[Faint, illegible text]

Has Successfully Completed The NSC Water & Sewer Rules Seminar,
Held At The Country Inn & Suites, Beckley, West Virginia,
On November 14, 2003.



[Handwritten signature]

Public Service Commission
Of West Virginia

SHULTZ REALTY COM

December 2, 2011

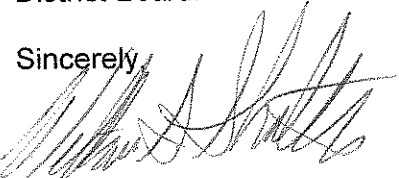
Jefferson County Commission
P O Box 250
Charles Town, WV 25414

To Whom It May Concern:

By this letter I am recommending to you the appointment of Mr. Tyler Quynn to the Board of the Jefferson County Public Service District.

I have known Mr. Quynn for many years personally and professionally, and feel he is a very honest, committed and trustworthy individual and takes pride in his work. I believe that Mr. Quynn would be an excellent candidate for the Jefferson County Public Service District Board.

Sincerely,



William S. Shultz
Broker, Shultz Realty

RECEIVED

DEC 05 2011

Jefferson County Commission

THE FREDERICK BUSINESS PROPERTIES CO.
REAL ESTATE INVESTMENTS
1209 B North East Street
P.O. Box 621
Frederick, Maryland 21705
301-694-0277

Jefferson County Commission
P. O. Box 250
Charles Town, W. V. 25414

December 2, 2011

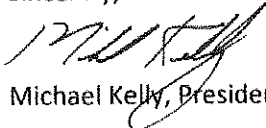
RE: Opening for member on Jefferson County Public Service District Board

Dear Commissioners:

My family has owned property at Glen Haven in Jefferson County since 1965. We are presently water customers of the JCPSD. I have known Tyler Quynn for over 20 years. I have found him to be trustworthy and knowledgeable in many subjects. He has a background in water and sewer affairs and his business sense would make him an asset serving on the PSD Board.

It is my understanding that the Glen Haven water system may be in for some repairs and upgrades that will affect rates in the future. I would be very comfortable having Mr. Quynn as a part of the decision making process in such matters. Therefore I recommend that Mr. Quynn be strongly considered to fill the opening on the JCPSD Board.

Sincerely,


Michael Kelly, President

RECEIVED

DEC 05 2011

Jefferson County Commission

6/25/09

4482 Bakerton Road
Harpers Ferry, WVA 25425

Jefferson County Commission
Charles Town, West Virginia 25414

RE: Jefferson County Board of Zoning Appeals Appointment

To Whom It May Concern:


It gives me a great deal of pleasure to write this recommendation for J. Tyler Quynn.

I have been associated with Mr. Quynn for the past sixty years in various capacities. Over these years, we have enjoyed both a social and business relationship. Most recently, we have partnered together and with others in business interests, focusing on real estate property, development and investments.

During this continuing relationship, I can personally vouch for his integrity and trustworthiness. Regardless of the task before Mr. Quynn, he will complete it in a timely, thorough, and professional manner. His background and knowledge base, as it applies to this position, is extensive and I feel these along with his many other professional qualities, make him an ideal candidate to fill this position.

Mr. Quynn has my highest recommendation to become a part of the Zoning Appeals staff.

Sincerely,


Wayne E. DeFauter, CDR
USN Retired

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DEC 05 2011

Jefferson County Commission

John F. Stann Jr.
2757 Flintridge Drive
Myersville, MD 21773

July 20, 2009

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

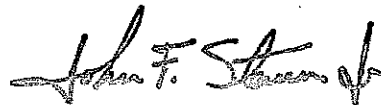
Subject: Recommendation of Mr. John Tyler Quynn Jr. to the Board of Zoning Appeals

I would like to take this opportunity to recommend Mr. Quynn for appointment to the Jefferson County, West Virginia Board of Zoning Appeals. I served on the Frederick County, Maryland Board of Zoning Appeals from 1994 to 2000. I was elected Vice Chairman from 1995 to 1999 and Chairman from 1999 to 2000. Mr. Quynn served with me on the Board from 1995 to 1998. During our service together I was always able to rely on Mr. Quynn's preparation, performance, integrity, and professionalism. He not only has hands-on experience as a Board member; but also demonstrated acute proficiency in cases of administrative error.

During our tenure, the Frederick County Board of Zoning Appeals, a quasi-judicial body under Maryland State Law, transitioned from a board of political aspirants with corresponding political capabilities to a more principled board of technically competent members. Prior to our tenure, cases of administrative error were seldom heard and almost never approved with the county's attorneys and staff even counseling that reversal of Planning Commission and county staff decisions were outside the Board's authority even though Maryland Law was explicit that it was included in one of the Board's three enumerated powers. Mr. Quynn's conscientious performance was instrumental in the successful transition from a political board to a technically competent board.

I highly recommend Mr. Quynn to be appointed to the Jefferson County, West Virginia Board of Zoning Appeals.

Sincerely,



John F. Stann Jr., Major
U.S. Air Force, Retired

RECEIVED

DEC 05 2011

Jefferson County Commission

3199 Rolling Woods Drive
Palm Harbor, Florida 34683

County Commission of Jefferson County
Charles Town, WV 25214

Dear Commissioners:

I have known Tyler Quym since 1968 in an extended social relationship. His obvious persona reflects that of a principled and industrious individual with strong religious and family values. His obvious integrity, an attribute that is very much abused in our current society, is solid.

Living in Florida and having been involved with a county commission as a property owner, I would very much like to have had somebody of Tyler Quym's caliber making knowledgeable and honest decisions.

Tyler Quym is heartily recommended as a candidate for the Jefferson County Board of Zoning Appeals.

Sincerely,

Ralph F. Moody

Ralph F. Moody
Lt. Colonel
USMC (Retired)

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DEC 09 1991

Jefferson County Commission

County Commission of Jefferson County
Jefferson County, WV

1 July, 2009

To whom it may concern,

As a member of the Armed Services I understand Duty, Honor, Country, Family, and God. These are the pillars by which J. Tyler Quynn lives and operates. There is not another man that can match his integrity or work ethic.

I have known Tyler for 38 years and am proud to call him mentor, friend, and most of all, uncle. His credentials speak for themselves, but what you do not see on paper is his character. Anyone can get an education, anyone can be a public servant, and anyone can say they are honest. Finding a single person that possesses all three can sometimes be challenging. Tyler is that anomaly.

J. Tyler Quynn will have an instant positive impact on the Zoning Appeals staff. His enthusiasm and work ethic is contagious and your staff will be better because of him.

The point of contact for this letter of recommendation is the undersigned.



CURTIS D. FOSTER
CW3, AV
U.S. ARMY

Contact Information:
cd.foster@us.army.mil
334-494-5304 cell
334-348-2164 home
334-255-9717 work

RECEIVED

DEC 05 2011

Jefferson County Commission



Harriet Chapel
12625 Catoctin Furnace Road
Thurmont, MD 21788
301-271-4554
harrietchapel@yahoo.com

July 9, 2009

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

Dear Members of the Jefferson County Commission,

I am writing to provide a reference for J. Tyler Quynn of Belvedere Farm Lane in Charles Town who would like to serve as an alternate member to the Board of Zoning Appeals in Jefferson County. I have known Tyler for approximately ten years. We originally became acquainted through membership in All Saints Episcopal Church and then Tyler and his wife Pat and I were members of two Mission Teams that served in Honduras building houses, a medical clinic and other necessary structures after the devastation of Hurricane Mitch. On these trips he impressed me with his strong work ethic, his concern for the people we were assisting and for his deeply ingrained sense of integrity. We have maintained a friendship over the years and I am please to be able to recommend him for this position.

In the time I have known him I have always been impressed with Tyler's knowledge of the intricacies of zoning regulations, permitting processes, and building codes. He grasps complex situations with ease and is always willing to share his knowledge and make suggestions about how to achieve a beneficial outcome. Tyler is a man of strong convictions who is interested in serving others by sharing his knowledge and talents. I think he would be an asset to your Board of Zoning Appeals and would serve admirably.

Please feel free to contact me if you have any questions. If you cannot reach me at the church you may call me on my cell phone. That number is 301-712-5356.

Sincerely,

The Rev. Sally Joyner-Giffin
Rector, Catoctin Episcopal Parish

RECEIVED

DEC 05 2011

Jefferson County Commission



SOL YOGA

**County Commission of Jefferson County
Jefferson County, WV**

June 24, 2009

To whom it may concern,

I would highly recommend J. Tyler Quynn to the Jefferson County Board of Zoning Appeals. He is a man of honor, integrity and intelligence. I have been honored to work alongside him in many capacities in my lifetime including business partner, advisor, friend and father. I have no doubt he will serve Jefferson County and the people of Jefferson County well.

Sincerely,

**Dorcas Quynn McWilliams
Owner/Director
Sol Yoga, LLC
256 West Patrick Street
www.sol yoga.org
Frederick, MD 21701**

RECEIVED

DEC 05 2011

Jefferson County Commission

FOR JOHN TYLER GAYNOR
38 BELVIERE FARM LANE
CHARLES TOWN, W. VA.
25414

6/24/09

Dear Jefferson County
Commissioners,
Please appoint John Tyler
Gaynor to the Jefferson County
Board of Zoning Appeals.
Sincerely,
John R. Gaynor

RECEIVED

DEC 05 2011

Jefferson County Commission

RECEIVED

DEC 05 2011

Jefferson Md.

24 June 2009

Jefferson County Commission

Dear Commissioners,

I have known John Taylor
Deery since the 1960's.

When I was Chairman of the
Frederick County, Md. Board of Zoning
Appeals, I served with Mr. Deery.

I have always found Mr. Deery
to be an honest hard working
family man. He is very knowledgeable
about zoning matters and home
and building construction.

Mr. Deery was an asset to
the Board of Appeals when he served
for 3 years.

I served as Frederick County
Commissioner Md. from 2002 - 2006.
and had an opportunity to interview
many people.

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DEC 05 2011

2.

with that being said.

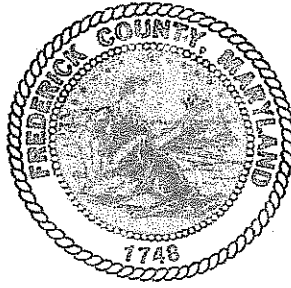
Jefferson County Commission

I recommend Mr. Green
to you for the position of the
Jefferson County Juvenile Appeals.

I know that he will be
prepared and knowledgeable about
any and all cases that come
before him. He was always
well prepared for the cases
when we served together.

Thank you for your
consideration.

Sincerely,

Certificate of Appreciation

is presented to

J. Tyler Quynn

In recognition of your service to the citizens of Frederick County, as a member of the Zoning Board of Appeals, the Board of County Commissioners hereby express our sincere thanks and appreciation for the contributions you have made to our community.

Mark L. Hoke, President

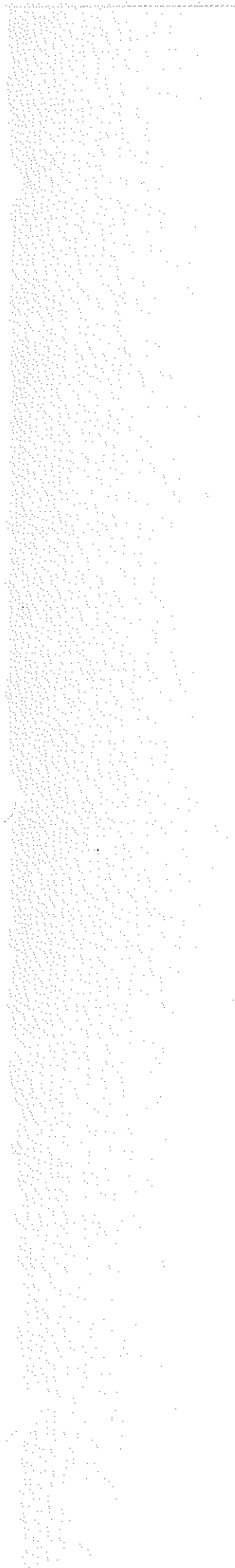
David P. Gray, Vice President
Ilona M. Hogan, Commissioner
Bruce L. Reeder, Commissioner
Terre R. Rhoderick, Commissioner

Presented this 11th day of September, 1998

RECEIVED

DEC 05 2011

Jefferson County Commission



William (Bill) Howard Strider
Clay Hill Farm
904 Currie Road
Ranson, West Virginia 25438-5717
whstrider@gmail.com
(304) 725-5596 (Home)
(540) 457-1380 (Cell)

Experience

Central Shenandoah Planning District Commission, Executive Director, January, 1988-June 2006

- Managed regional planning agency with 10 employees in Staunton, Virginia serving 21 jurisdictions
- Secured over 168 million dollars from federal, state and not for profit grant and loan programs leveraged by local government finances
- Expanded entrepreneurial project development and management approach while reducing member jurisdiction dues and increasing the Commission's annual budget from \$250,000 to \$850,000
- Developed and implemented new planning programs in the fields of regional economic development; on line regional data base; solid waste management; flood plain mitigation; housing rehabilitation and relocation; multi-regional interstate coordination; rural transportation; rural water and waste water technical assistance and training; tributary strategies; criminal justice; regional bike and trail identification; broadband and telemedicine delivery; large scale wind development; downtown revitalization; park design, financing and development and the Citizen Emergency Response Training program (CERT)
- Consolidated numerous local government services in the fields of water and waste water; solid waste and jail facilities resulting in significant perpetual cost savings to member jurisdictions
- Provided contract services to create and staff the Shenandoah Valley Partnership to expand regional economic development with balanced private and public support from 1994-2006, securing more than 1.5 million dollars through Virginia's Regional Competitiveness Program
- Secured infrastructure financing for 6 of the District's 8 industrial parks
- Provided county administration services to the Highland County Board of Supervisors from 1988-2001
- Tripled agency salaries and doubled benefits to a level commensurate with its member jurisdictions
- Purchased and renovated office including quality meeting facilities to serve member jurisdictions in 1999

Rappahannock-Rapidan Planning District Commission, Acting Executive Director and Executive Director, April, 1986-January, 1988

- Managed regional planning agency with 5 employees in Culpeper, Virginia serving 13 jurisdictions
- Expanded project management services while retaining existing member jurisdiction dues and increased the annual budget from \$130,000 to \$180,000
- Founded the Foothills Travel Association to expand regional tourism promotion efforts
- Wrote and revised comprehensive plans, zoning and subdivision ordinances and annexation petitions

Local/Regional Planner, October, 1984-March, 1986

- Prepared preliminary site plan and financed the construction of Yowell Meadow Park with a grant from the Virginia Division of Parks and Recreation
- Acting Ridesharing Coordinator for Rappahannock-Rapidan Commuter Services
- Wrote successful 205(j) Water Quality Management Grant to the Virginia Water Control Board to assess the Cedar Run land use characteristics
- Worked on several comprehensive plans, sewer use ordinances, annexation studies, issues related to the land application of septage and sludge in the Planning District and grant applications

Thomas Jefferson Planning District Commission, Summer Job, 1983

- Performed inventory, survey and evaluation of the tourism industry in Charlottesville, Virginia and surrounding counties receiving more than 10,000 completed surveys
- Summarized survey results using a computer program to confirm the visitation and length of stay characteristics of 26 major attractions in the District

Mount Rodgers Planning District Commission, Summer Internship, 1982

- Assisted in the comprehensive plan revision for Marion, Virginia and surrounding counties in the District
- Designed the postal and grid numbering system for Fries, Virginia
- Prepared various grid overlay, water and sewer and USGS field verification maps

Additional Planning Initiatives, January, 2003-December, 2008

- Received Annexation Agreement for Clay Hill Farm into the City of Ranson, January, 2003
- Received eligibility for listing on the National Register of Historic Places for Clay Hill Farm, March, 2005
- Redesigned Route 9/Currie Road Bridge to include a 66' wide bridge deck, modified exit ramps and a park and ride lot
- Redesigned North Mildred Street(Route 115)/War Memorial Boulevard/Currie Road intersection to create a perpendicular alignment with appropriate turning and stacking capability while reducing the land necessary for improvements, January, 2003-July, 2005
- Designed architectural and structural modifications to fully restore Clay Hill and was the General Contractor/Project Manager for 12 contractors, January, 2007-December, 2008
- Worked with William H. Gordon Associates, Inc. to prepare preliminary design and engineering studies and receive commercial/residential zoning classifications for Clay Hill Farm, June, 2008

Acknowledgements and Associations

- Dixon Award for Outstanding Leadership in Promoting Regionalism in the Commonwealth of Virginia, July, 2006
- Rural Planning Caucus Excellence in Planning Award, October, 2006
- Board Member of the Virginia Association of Planning District Commissions, multiple terms
- Appalachian Regional Commission, Local Development Districts Board of Directors, multiple terms

Education

- Master's Degree in Urban and Environmental Planning, University of Virginia, Charlottesville, Virginia, 1984
Specialization: Urban Environmental Management and Agricultural Preservation
- Bachelor of Arts in Geography and History, Emory and Henry College, Emory, Virginia, 1982
Emphasis: Land Planning and Appalachian Studies




References

Don "Robin" Sullenberger, III, Chief Executive Officer
Shenandoah Valley Partnership
P.O. Box 2241
Harrisonburg, Virginia 22801
(540) 568-3100
svp@jmu.edu

William Vaughn, Director, Rockingham County Community Development
P.O. Box 1252 Harrisonburg, Virginia 22803
(540) 564-3031
wvaughn@rockinghamcountyva.gov

James "Jim" Allen, Area Specialist, Community Programs
USDA Rural Development
1934 Deyerle Avenue, Suite D
Harrisonburg, Virginia 22801-3484
(540) 433-9126 x 131
jim.allen@va.usda.gov



Roberta A. Lambert, Highland County Administrator
P.O. Box 130
Monterey, Virginia 24465
(540) 468-2347
hcboard@htcnet.org

Forshee

From: Forshee <Forshee922@frontiernet.net>
Sent: Sunday, October 23, 2011 11:42 AM
To: pnoland@jeffersoncountywv.org; dmanuel@frontiernet.net; fberrymorgan@aol.com; lynwidmyer@gmail.com; waiterpellish@mac.com
Cc: Todd & Jackie Milliron; Heidi Parker; Craig & Kelly Daniel; Peter Appignani; Peter Appignani; Forshee; Rick Pescitani; 'David'; Forshee; Rick Pescitani
Subject: Letter of Interest and Resume for the Jefferson County Public Service District Board
Attachments: Roger Forshee PSD Resume.pdf

Dear County Commissioners

Per your request attached are a resume and my letter of intent to serve on the Jefferson County Public Service District Board. I understand that the term will end on December 1, 2016.

I will also mail a copy of this resume and this letter of interest to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414.

As a resident of Jefferson County since 2002 and the former President/Vice President of Breckenridge Homeowners Association I believe that I can contribute to this important position.

<http://www.jeffersoncountywv.org/uploads/news/id244/2011%20PSD%20AD.pdf>

Please contact me at the number below if you have any questions or would like to schedule a face to face meeting.

Roger C. Forshee Jr.
304-724-7857



RECEIVED

OCT 25 2011

Jefferson County Commission

ROGER C. FORSHEE JR.

179 Kimberwicke Drive North • Charles Town, WV 25414
Home 304 724-7857

Objective

Obtain a position on the Jefferson County Public Service District Board, Six year term ending December 1, 2016

Personal Information

- Resident of Jefferson County West Virginia since 2002
- Federal Employee – 1987- Present
- US Air Force Veteran

Summary of Qualifications

- President, Vice President of Breckenridge Home Owners Association, 2004–2010. Breckenridge is a family friendly community of 282 homes located in Charles Town, West Virginia.
- Prince William County Virginia, Lake Jackson Sanitary District Advisory Committee Member, 1995-1999.
- I am an aviation safety professional with more than 26 years experience in the aviation industry. My knowledge and experience includes aviation maintenance to advanced aviation safety analysis. I currently manage the Federal Aviation Administration's Flight Standards Service (AFS) Information and Analysis Staff (AFS-20) in Dulles Virginia. This organization is responsible for providing Flight Standards Service executives and other decision makers with operational and organizational risks/metrics that will assist them with their decision making.

Education

- Community College of the Air Force: A.S. Aircraft Maintenance, 1996
- Community College of the Air Force: A.S. Flight Engineering, 1996
- Emery-Riddle Aeronautical University: Professional Aeronautics, (88 credits)
- Federal Aviation Administration Flight Engineer (Turbojet) Certificate
- Federal Aviation Administration Airframe and Power Plant Certificate

Work Experience

- **2009- Present: Federal Aviation Administration**
Supervisory Aviation Safety Inspector, FG-1825-K, AFS-20
- 2008- 2009: Federal Aviation Administration
Supervisory Aviation Safety Inspector, FG-1825-K, AFS-8 and AFS-3
- 2006- 2008: Federal Aviation Administration
Aviation Safety Inspector, FG-1825-15/K, Senior Technical Advisor (AFS-3/4)
- 2003-2006: Federal Aviation Administration

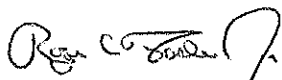
- Aviation Safety Inspector, FG-1825-15, SPAS Program Manager
- 2001-2003: Federal Aviation Administration
Aviation Safety Inspector, FG-1825-14, Airworthiness Subject Matter Expert
- 1996- 2001: Federal Aviation Administration
Aviation Safety Inspector, GS-1825-11/12/13, Principal Maintenance Inspector
- 1987-1996: U.S. Air Force / Reserve – Flight Engineer, TSGT.
- 1985-1996: U.S. Air Force – Aircraft Mechanic, WG-8852-8/10

Military Awards and Decorations

The following Decorations and Awards are listed in order of precedence in accordance with Air Force Regulation 35-10.

- United States Air Force Achievement Medal
- United States Air Force Outstanding Unit Award
- Combat Readiness Medal
- Air Reserve Forces Meritorious Service Medal
- National Defense Service Medal
- Armed Forces Expeditionary Medal
- Southwest Asia Service Medal
- Humanitarian Service Medal
- Air Force Longevity Service Award Ribbon
- Armed Forces Reserve Medal
- NCO Professional Military Education Graduation Ribbon
- Air Force Training Ribbon
- Kuwait Liberation Medal

I certify that, to the best of my knowledge and belief, all of the information on and attached to this application is true, correct, complete and made in good faith. I understand that any information I give may be investigated.


10/23/2011

Sandy McDonald

From: "Heidi Parker" <heidiparker.1@gmail.com>
To: <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>; <laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>
Sent: Tuesday, November 29, 2011 3:00 PM
Subject: PSD Board Member Replacement Endorsement

Your submission:

Your Name: Heidi Parker

Your Email Address: heidiparker.1@gmail.com

Subject: PSD Board Member Replacement Endorsement

Message: 11/29/2011

Dear County Commissioners:

I am writing to express my support of Roger Forshee as a candidate for placement on the Jefferson County Public Service District Board. Not only does he have executive experience, sewer board experience, and a "fix anything" attitude, he is an honest person and a ratepayer. He has no hidden agenda and is a great citizen, from coaching his son's sports to serving others around him. On his days off, he is often helping a friend or neighbor or improving his surroundings. I know this from personal experience because he is my neighbor and has come to my rescue on many home projects. Also, as he was serving as the Breckenridge HOA president for 6 years, he fixed many things without charging its residents a dime. He has had foresight to save for future road repairs in our community and was even willing to listen to me complain about a notice I received from my HOA for necessary yardwork for over an hour. That takes real patience too! He cares and has my complete trust and I feel he would be a huge asset to the PSD Board and would reflect well on the County Commission as well.

Thank you,
Heidi Parker

Nichelle Hosby

From: Beth Haney [beth@bethhaney.net]
Sent: Wednesday, November 30, 2011 11:56 AM
To: walterpellish@mac.com; Patsy Noland; dale manuel; Frances Morgan; Lynn Widmyer
Cc: nhosby@jeffersoncountywv.org; sandy@jeffersoncountywv.org
Subject: support for Roger Forshee

Thank you for considering my input on the appointment JCPSD. Roger Forshee is uniquely qualified for the position and a rate payer.

Please know that citizens are watching this appointment.

Thank you

Beth Haney
790 E Ridge St
Harpers Ferry WV 25425

Nichelle Hosby

From: antbrennan@frontiernet.net
Sent: Monday, December 05, 2011 9:59 AM
To: pnoland@jeffersoncountywv.org; dmanuel@frontiernet.net; fberrymorgan@aol.com; lynwidmyer@gmail.com; walterpellish@mac.com
Cc: nhosby@jeffersoncountywv.org; sandy@jeffersoncountywv.org
Subject: JCPSD appointee suggestion

Hello.

I am emailing in support of a candidate for the JCPSD appointment. Roger Forshee is an excellent candidate for the appointment. He is a Jefferson County resident and has served on the Breckenridge homeowners board in many different capacities. I know him as my neighbor as well as the former president of our HOA. Mr. Forshee has shown excellent leadership and dedication to the roles in which he has filled. I found him to be a very fair and an excellent problem-solver as well as a very approachable, friendly gentleman.

Please consider Roger Forshee in the appointment to the JCPSD.

Regards,
Annette Brennan

Nichelle Hosby

From: George Eary, Jr. [earyjr@gmail.com]
Sent: Monday, December 05, 2011 10:08 AM
To: Dale Manuel; Francis Morgan; Lyn Widmyer; Patsy Noland; Walt Pellish
Cc: Nichelle Adams Hosby; Sandy Slusher McDonald
Subject: Appointment to JCPSD

To All, Please hear my request to appoint Mr. Roger Forshee to the JCPSD. After reading his credentials, I feel that he is well qualified for the job.

Thanking you I am respectfully,
George D. Eary, Jr.



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

AGENDA REQUEST FORM

Name: Don Jacobs

Department or Entity: DIJ Consulting

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1st Choice: 12/8/2011

Date Requested – 2nd Choice: _____

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

Subject: **Jefferson County Compensation Classification Presentation**

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: Tim Boyde, County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: December 8, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Proposal for consultant**

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

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

Attachments:

Proposal for HR Projects

\$35/Hour

Project		Projected Hours	Estimated Cost
Update Employment Application	Checklist for Co. Administrator to use to approve termination of employee.	3	\$ 105.00
Develop Termination Guide Sheet		2	\$ 70.00
Develop Internal Corrective Action Document	Form to use for employee poor performance.	2	\$ 70.00
Train Sandy on how to utilize Correction Action Document	Sandy needs to be able to provide guidance to supervisors on how to complete document	1	\$ 35.00
Recruiting Handbook	Formalizes entire hiring process from authorization to hire to sample job offers	8	\$ 280.00
1 hour training session w/Supervisors	Review approved recruiting handbook	3	\$ 105.00
Develop Policy Book for Employees - Work in office one day a week Dec - March to learn current processes	Recommend a total list of policies to be developed. Research and determine current practices and incorporate into new policy book along with necessary changes. Develop appropriate forms.	215	\$ 7,525.00
--Train Sandy on all new policies including 2 hours on FMLA		4	\$ 140.00
Assist Co. Administrator with development of new employee cascading goals	Utilize County fiscal year goals to develop all employee's personal goals. Employee's performance will be used for annual increases.	8	\$ 280.00
Develop/type new performance review goal sheets with full instructions		18	\$ 630.00
Train supervisors on new goal sheets and responsibilities		16	\$ 560.00
			\$ 9,800.00

Costs does not include review from an attorney

Work in office Dec 13, 20, Jan 3, 10, 17, 24, 31,
Feb. 7, 14, 21, 28, Mar 6, 13, 20, 27 = 105 hours plus time at home developing policies = 215 hours

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

AGENDA REQUEST FORM

Name: Tim Boyde, County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: December 8, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Taxable Fringe Benefits Policy**

Please provide the County Commission with a description of your request or presentation, including any background information: **Taxable Fringe Benefits Policy - Policy will be effective January 1, 2012**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the Taxable Fringe Benefits Policy as presented and the effective date will be January 1, 2012**

Attachments:

TAXABLE FRINGE BENEFITS POLICY

Taxable Fringe Benefits: The list of items included in the taxable category as defined by the I.R.S. is far more inclusive than most realize. Following is a short list of taxable fringe benefits: work uniforms, paid memberships for gyms, departmental clothing, non-emergency take home vehicles, spouse's attendance at conferences, and "day meals" paid by the employer for attending luncheons to name just a few. Any of the items listed, if provided to an employee, are deemed taxable and included the individual's W-2 statement.

DEFINITIONS

Vehicles: County supplied (take home) vehicles may be taxable depending on their use. Vehicles used by Law Enforcement, Homeland Security, and 911 are not taxable. Any vehicle supplied to a worker who is paid to be on-call for after hour's responsibilities is not a taxable fringe benefit. An individual who takes a car home in order to start their day out the following morning is not subject to these rulings. Any individual who has been issued a take-home vehicle would be subject to the taxable fringe benefit ruling. There are several options to address the issue. One is to charge a commuting fee of \$1.50 per trip. The second option is to determine the lease value for that particular vehicle and add it to the taxable fringe benefit portion of the W-2. Any personal use of a county owned vehicle is must be reimbursed to the county at the prevailing I.R.S. established mileage reimbursement schedule.

Equipment: If equipment is purchased for an employee and is intended to be for their personal use, it is a taxable benefit. It is possible to purchase a computer for an employee to work from home. As long as the equipment is returned to the county upon separation, it is not a taxable fringe benefit. If it is purchase as a benefit for the employee, it is a taxable fringe benefit. Phones lines paid for by the employer in excess of \$600 is a taxable fringe benefit (does not apply to cell phones).

Gifts: These fall into two separate categories, de minimus and taxable. Gifts or awards like plaques, coffee mugs and related items are not considered to have cash value. They would fall in the de minimus category. Retirement or other gifts like a Rolex, gas cards, gift cards, or cash bonuses/stipends are taxable. They would be subject to taxes at their actual cash value and included on the W-2.

POLICY

Uniform/Clothing Allowance: It shall be the policy of Jefferson County Commission to allocate an annual clothing allowance in the amount of ____/employee. Depending on the established protocol, the employee will purchase the required clothing and submit an invoice for reimbursement. In some instances (i.e. Animal Control & Maintenance) the uniform is purchased in bulk by the employer. In those instances, the employee will be charged the actual cash value for the clothing. It shall be the responsibility of the individual elected official/department head to track and report those values to the Finance Office to be included in the W-2 Statement. The uniform/clothing allowance applies to **ALL** clothing other than a Class A uniform. Baseball caps, BDU's, Department specific polo shirts, and shoes (other than those required by OSHA standards) are included in this category. The employees shall be charged the actual cash value for any clothing provided by the employee.

County Owned Take Home Vehicles: The IRS guidelines distinguish the use of county owned take home vehicles in two distinct categories. As indicated previously, emergency vehicles do not fall into the taxable fringe benefit category. County employees who are issued a take home vehicle shall record each commuting trip made on a daily basis (i.e. from home to the work site and from the work site home) and maintain a log of all travel not taken on county business. Mileage for non-county business will be reimbursed to the county at the prevailing IRS rate. Employees who fall into the emergency services category shall maintain a log of all travel incurred. The log shall indicate the nature of the trip. The employee will reimburse the county for any personal use of the vehicle at the prevailing IRS rate.

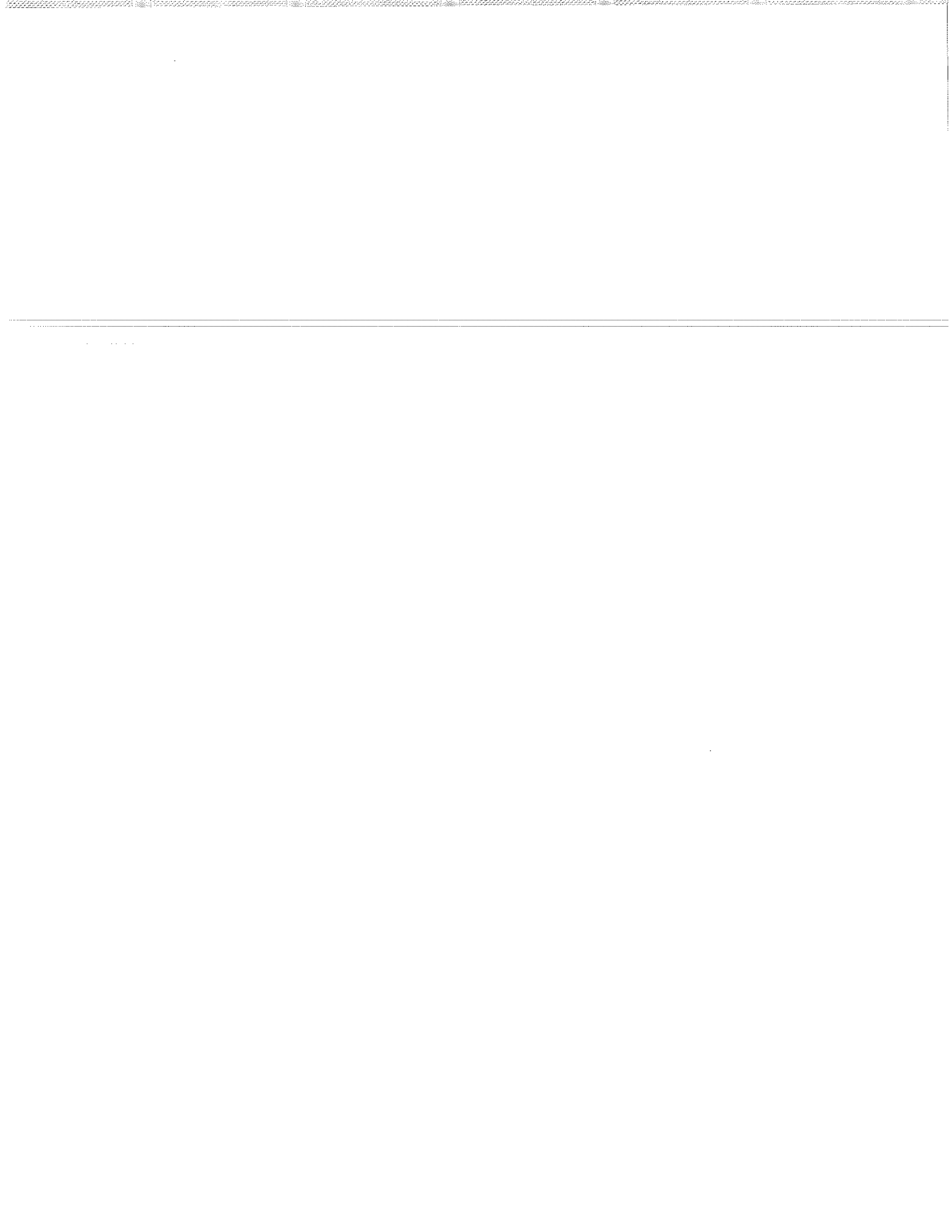
County Provided Equipment: The County may provide some of their employees with equipment needed to conduct the business of the county. Computer equipment, fax machines, cell phones, paid services to permit remote access, tools, and like materials may be purchased by the County and provided to the employee to conduct their assigned tasks. Any equipment provided to the employee shall be owned by the county and must be returned to the county upon separation. Materials purchased for the employee's personal use shall be considered a taxable fringe benefit and subject to IRS Regulations.

Gifts: Gifts fall into two separate and distinct categories as outlined in the definition section. All gifts meeting the taxable category will be included on the employee's W-2 statement. De minimus gifts have no tax value and will be treated accordingly.

DRAFTED: November 1, 2011

REVISED:

ADEOPTED:



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

Name: Bill Polk, Maintenance Director

Department or Entity: Dept of Maintenance

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: December 8, 2011

Date Requested – 2nd Choice: December 15, 2011

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

Subject: To approve the employment of a full-time Administrative Assistant to work a 35 hour work week with a starting salary of 33,846.62 including benefits.

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion by XXX, second by XXX to approve full-time employment for Administrative Assistant position for the Jefferson Co Maintenance Dept.**

Attachments:

JEFFERSON COUNTY

Personnel Requisition

Department Name: **JC Maintenance Dept** Date: **12/8/2011** Date Needed: **12/8/2011**

Job Title: **Administrative Assistant** Salary: **33,846.62** Criminal History Check: Yes or No

Suggested Recruitment Source(s): **local newspaper**

Applicants Interviewed By: **Bill Polk and Janet Collier** Position Reports To: **Bill Polk**

Minimum Education Required: **High School Diploma**

Minimum Experience Required: **3-5 years related work experience**

Job Duties: **Administrative Assistant duties for Maintenance Dept**

Budget Information

Addition: Replacement: **XXX** Explain or For Whom: **vacated position**

Position Budgeted: **Yes or No** Proposed Salary: **33,846.62** Date of Hire: **12/19/2011**

Is Position: Full-Time: **Yes** Regular Part-Time: On-Call Occasional: Temporary:

Safety/Security: **Yes** Hours Per Week: **35**

Approvals

Elected Official Approval: Date:

Department Head Approval: **Bill Polk/Director of Maintenance** Date: **12/1/2011**

County Commission Approval: Date:

Comments:

<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: Stephanie Grove

Department or Entity: Prosecuting Attorney

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: 12/8/11

Date Requested – 2nd Choice: _____

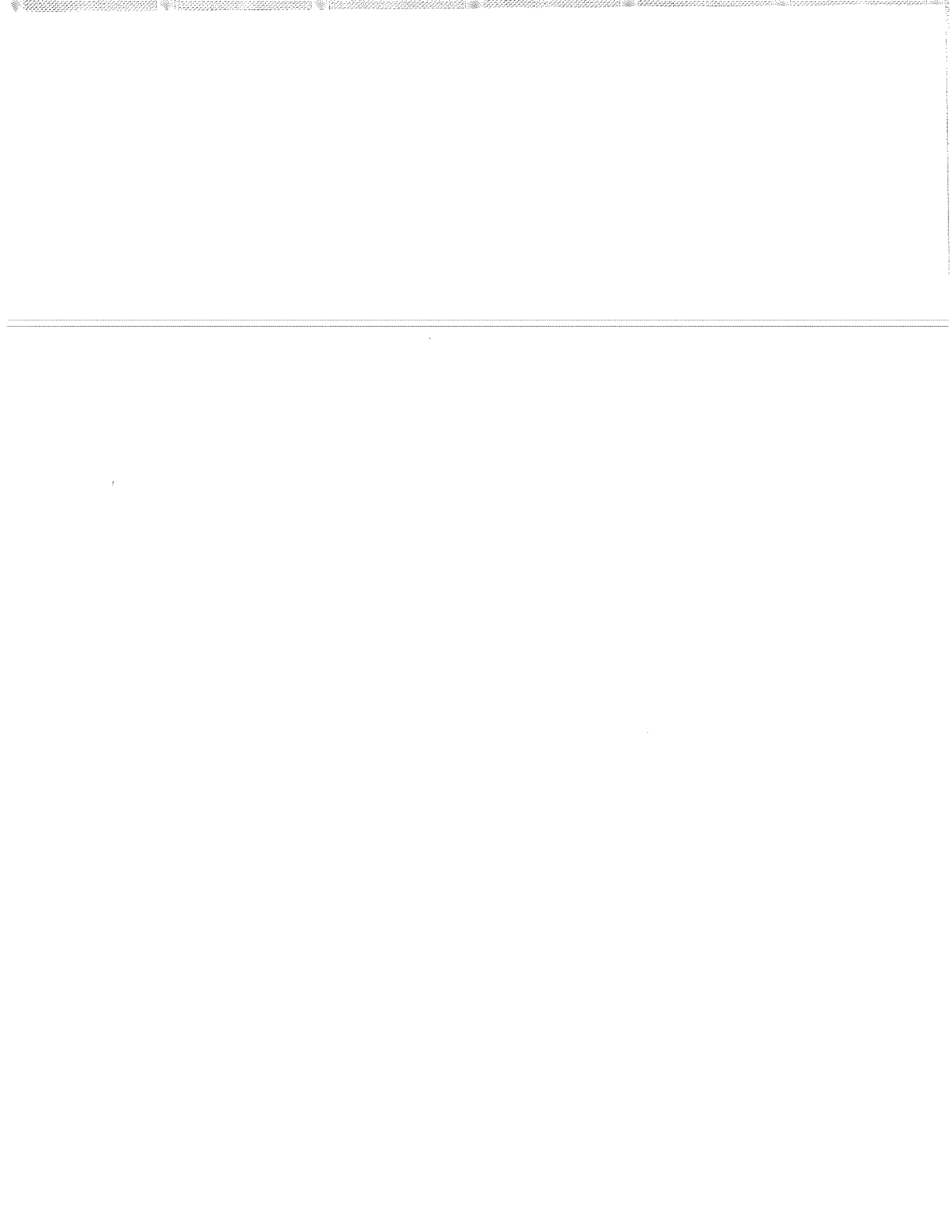
If a specific date is needed, please provide reason for specific date:

Subject: **Legal Update – Impact Fees**

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: Lyn Widmyer

Department or Entity: _____

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

Date Requested – 1st Choice: December 8

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date: **This is a topic the Commission should discuss PRIOR to the Planning Commission item on rezoning requests, scheduled for December 8**

Subject: **Establish uniform procedures for County Commission review of rezoning requests**

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

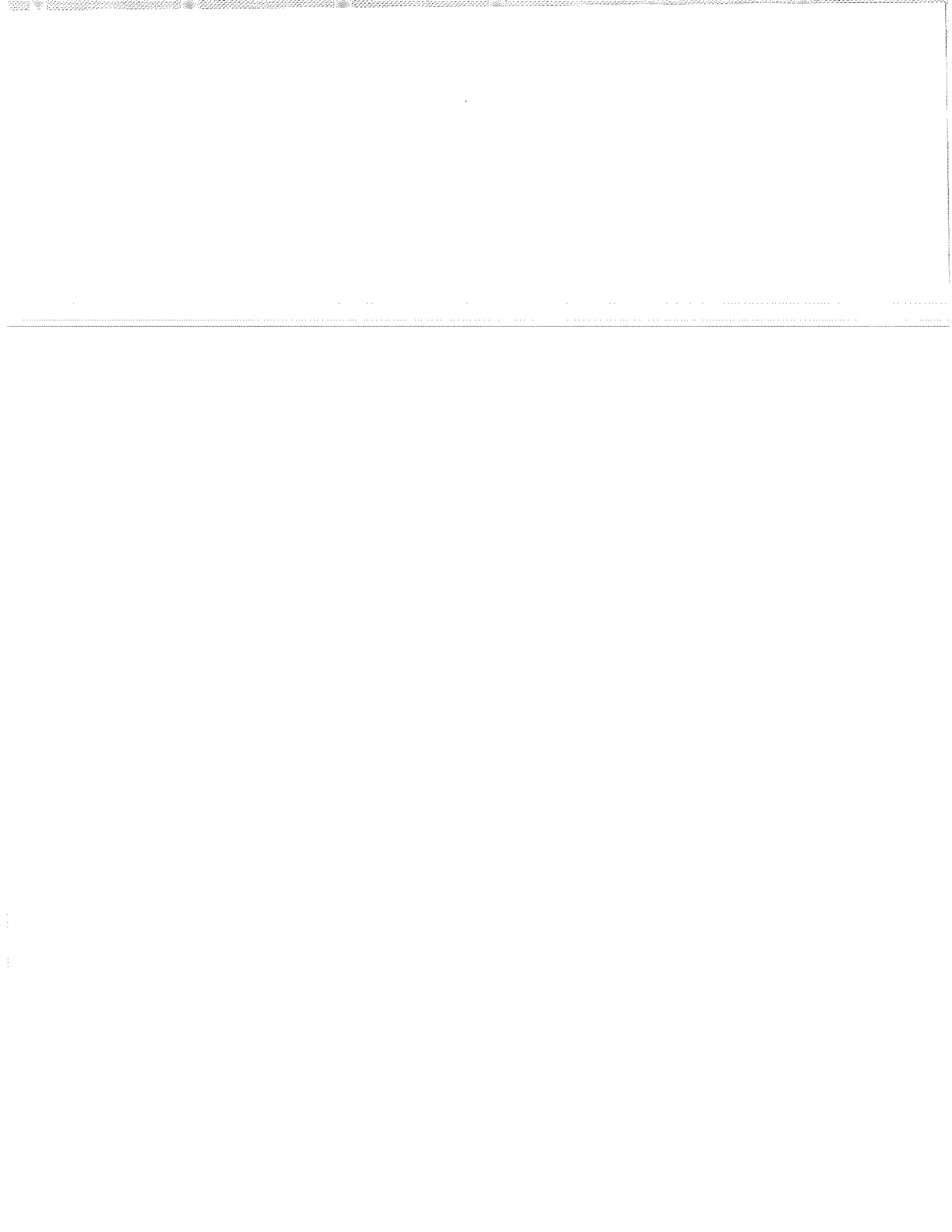
There is no standard process for the County Commission to review zoning applications. This is unfair to the public and the applicants and the Planning Commission. A uniform system will be fair to all parties.

PROPOSED JEFFERSON COUNTY COMMISSION POLICY FOR CONSIDERING REZONING REQUESTS

- 1. All applications for rezoning shall be referred to the Planning Commission for their review and recommendation.**
- 2. The County Commission will set a date for a County Commission public hearing on a zoning request upon receipt of the Planning Commission findings and recommendations**
- 3. Presentations by applicants for rezoning will be heard at the Public Hearing and will not be considered separately before the Public Hearing.**
- 4. At the close of Public Hearing, the record will remain open for at least one week to allow submission of additional testimony and comments.**
- 5. A worksession and action on the rezoning request will be scheduled following the close of the Public Hearing record.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Approve procedure for reviewing zoning request**

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: Stacy Dugan

Department or Entity: Morgan County Commission, President

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

Date Requested – 1st Choice: 12/8/11

Date Requested – 2nd Choice: _____

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

Subject: **Resolution in support of the Cacapon State Park renovations, additions and upgrades**

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **move to approve the resolution as presented in support of Cacapon State Park renovations, additions and upgrades.**

Attachments:

RESOLUTION IN SUPPORT OF THE CACAPON STATE PARK RENOVATIONS,
ADDITIONS AND UPGRADES

Whereas, the Jefferson County Commission met on December 8, 2011 with a quorum present and supports the Cacapon State Park project of renovations, additions and upgrades; and

Whereas, the Commission recognizes that Cacapon State Park is important to the whole Eastern Panhandle since this park is 90 miles from the Washington/Baltimore metro area; and

Whereas, the Commission recognizes the need for this renovation with the closing of Coolfont and the conference and dining facilities the Woods Resort, there is no other golf resort based meeting space in the entire Panhandle. Cacapon needs upgraded to serve the conference market or that business will go to other states; and

Whereas, this Commission recognizes that this project is shovel ready with the recent completion of construction documents for as 67,000 SF addition that will feature new indoor/outdoor pool, spa, fitness center, new public dining room, upgrade to commercial kitchen, business center and 79 new residential rooms; and

Whereas, in conjunction with the Lodge Renovations, the design team has also completed upgrades for other amenities of the Cacapon State Park, including the golf course, bunker reconstruction, strategic bunker relocation, and the incorporation of low maintenance native vegetation; and

Whereas, we recognize the importance of Cacapon State Park to tourism which generates more than \$30 million in revenue in Morgan County and employs more than 600 people.

NOW THEREFORE, BE IT RESOLVED, that we, the County Commissioners of Jefferson County, West Virginia supports the Cacapon State Park renovations, additions and upgrades.

By Order of the Jefferson County Commission

Patricia Noland, President

Dale Manuel, Vice President

Frances Morgan, Commissioner

Walter Pellish, Commissioner

Lyn Widmyer, Commissioner

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

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: December 8, 2011

Date Requested – 2nd Choice: _____

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

The Shepherdstown Planning Commission has requested that the County Commission wait to hear this item until after their next meeting scheduled for December 5, 2011.

Subject: **Recommendation of Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for a 13.69 acre property owned by Twin Oaks Subdivision, LLC, designated as Tax District: Shepherdstown, Map: 13, Parcels: 26.1, 26.2, 26.3 & 26.4, located on Kearneysville Pike (WV 480) approximately 0.5 miles west of its intersection with Morgan Grove Road, adjacent to Morgan Grove Park.**

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

On November 8, 2011, the Jefferson County Planning Commission held a Public Hearing for the purpose of receiving public input regarding a landowner-initiated petition to rezone 13.69 acre property located on Kearneysville Road immediately adjacent to Morgan Grove Park. The rezoning request is from the Rural zoning classification to the Industrial-Commercial zoning classification. Pursuant to state law, WV Code 8A-7-9(c), the County Commission must receive the advice of the Planning Commission regarding whether such a request is consistent with the County’s adopted Comprehensive Plan.

To this end, the Planning Commission held a Public Hearing, reviewed the applicant’s application, the staff’s report on the consistency with the Comprehensive Plan (attached), received public input (summary attached), and made a determination regarding consistency with the Comprehensive Plan. Based on a review of the 2004 Comprehensive Plan, the Planning Commission, by a vote of 5 for and 3 against, moved to “recommend to the County Commission to rezone the property as requested because the request is consistent with the Comprehensive Plan”. The motion made by the Planning Commission did not include any findings to support this position. Also attached is a graphic that depicts the impact of a 200 foot internal setback (required for industrial uses) and a 1500 foot buffer around the entire property for your information.

It is the Planning and Zoning staff’s understanding that the County Commission has the option of making their decision on this Zoning Map amendment request based on the record of the Planning Commission or based on a separately held Public Hearing, taking the Planning Commission’s advice into effect.

It should also be noted that while we respect the recommendation of the PC, staff still believes that the requested rezoning request is not in conformance with the Comprehensive Plan as is detailed in the attached staff report.

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

I move to schedule (Action) /(a Public Hearing) on the Proposed Zoning Map Amendment for the Twin Oaks Subdivision, LLC property designated as Tax District: Shepherdstown, Map: 13, Parcels: 26.1, 26.2, 26.3 & 26.4, located on Kearneysville Pike (WV 480) approximately 0.5 miles west of its intersection with Morgan Grove Road on _____, 2011 at _____ pm.

Attachments:

- **Staff Report regarding the Twin Oaks Subdivision, LLC Rezoning Application to Planning Commission/County Commission (by Seth Rivard dated November 8, 2011)**
- **Summary of Public Testimony Received at the November 8, 2011 Planning Commission Hearing**
- **Graphic depicting 200 foot internal setback and 1500 foot buffer around the property**

Staff Report
 Jefferson County Planning Commission Meeting
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Twin Oaks Subdivision, LLC Rezoning PC File # Z11-05

Item #6: Request by Peter Corum and J. Edward Slonaker of Twin Oaks Subdivision, LLC for a zoning map amendment for property designated as Tax District Shepherdstown, Map: 13, Parcels: 26.1, 26.2, 26.3 & 26.4.

APPLICANT:	Peter Corum and J. Edward Slonaker
OWNER:	Same as above
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	N/A
PROPERTY LOCATION:	This property is located on Route 480, Kearneysville Pike, adjacent to Morgan's Grove Park.
LEGAL DESCRIPTION:	District: Shepherdstown; Map: 13; Parcel(s): 26.1, 26.2, 26.3 and 26.4
ZONING DISTRICT:	Current 2010 Zoning Map: Rural
SURROUNDING PROPERTIES:	Current 2010 Zoning Map North: Park South: Rural East: Rural West: Residential Growth
LOT AREA:	Site area: 13.69 acres
PROPOSED ACTIVITY:	To rezone this Rural property to a designation of Industrial/Commercial.

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Planning Commission Responsibility:	To advise the County Commission as to whether the requested Zoning Map Amendment is consistent with the 2004 Comprehensive Plan.
Staff Findings:	The proposed zoning district is not in conformance with the 2004 Comprehensive Plan.

APPROVALS:	
Conditional Use Permit <i>PC File #Z06-01</i>	Submitted: 02/22/06 Approved: 08/17/06
Community Impact Statement (CIS) <i>PC File #06-33</i>	Submitted: 10/29/06 Staff Review Mtg.: 11/3/06 County Engineer Approval: 03/22/07 County Planner Approval: 03/19/07 PC Approval: 04/24/07 Expires on: 11/03/08; Extended to: 02/17/2009; 12/09/09
Preliminary Plat	Submitted: 11/30/07 Staff Review Mtg.: 12/10/07 Approved: 08/06/08
Site Plan	N/A
Final Plat	Submitted: 8/8/08 Public Hearing and Approval: 10/14/08
Variance History	02/21/08 BZA approved a 12 month extension (until 02/17/09) for the expiration date of the Conditional Use Permit. 08/26/08 PC granted a 3 month variance for Final Plat approval from 11/03/08 to 02/17/09. 12/09/08 PC granted a 12 month variance from 12/09/08 to 12/09/09 to bond and record Town Run Commons Subdivision. 12/08/09 Variance requested for 1 year extension to bond and record Town Run Commons Subdivision. This request could not be heard due to a recusal leaving a lack of a quorum. 01/12/10 PC denied a request for a 1 year extension to bond and record Town Run Commons Subdivision.
OTHER APPROVALS:	

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Background

The property is located directly south of Morgan's Grove Park on Kearneysville Pike (Rt. 480), Shepherdstown, WV. There are four parcels that are owned by the applicant and those parcels are part of this current request and previous site activity. All of four parcels are being requested for rezoning and total 13.69 acres.

In 2006 this applicant was granted a CUP for a work-live development call Town Run Commons (See Image 1). The applicant proceeded through the Final Plat process. The applicant had received time extensions on the both the Final Plat for bonding and recordation and extensions on the CUP. In January of 2010 the Planning Commission denied another Final Plat extension request. The Final Plat was not bonded and recorded and as such the project expired.

Introduction and Purpose

The subject properties are located along Route 480 directly adjacent Morgan's Grove Park. The property currently has a concrete pad, which was for a restaurant, and a paved area for parking. Those appurtenances are used to host a weekly market farmers/crafts. The remaining land is a community garden opened in 2011, open fields, a few stands of trees and a two unoccupied houses. The parcels are identified as Tax Map 13 and Parcels 26.1, 26.2, 26.3 and 26.4 of the Shepherdstown District. Parcel 26.1 is approximately 6.69 acres, Parcel 26.2 is approximately 2 acres, Parcel 26.3 is approximately 3 acres and Parcel 26.4 is approximately 2 acres. All of four parcels are being requested for rezoning and total 13.69 acres (Image 2).

The parcels are currently zoned Rural. The properties to the south and west are zoned Rural with large lot residential, to the north is Morgan's Grove Park which is zoned Rural, and to the west is property zoned Residential Growth (Image 3). The applicant has requested rezoning of the 13.69 acres from Rural to Industrial-Commercial. The following report has been prepared to assist the efforts of the Jefferson County Planning Commission and Jefferson County Commission to make findings regarding the consistency of the proposed rezoning with the Jefferson County Comprehensive Plan, in accordance with West Virginia State Code requirements.

Statutory Authority and Requirements

The West Virginia State Code, Section 12.1(a) provides that the boundaries of zoning districts may be amended by the County Commission with the advice of the Planning Commission. The County Zoning Ordinance also requires that the "procedure for amendment [by petition] shall be as dictated in Section 8A-1-1 et seq of the West Virginia State Code as amended." As concerns amendments by petition, State statute provides that, "Before amending the zoning

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ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan." [See WVC 8A-7-9(c)] This subsection of the State Code also states that, "If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area."

Scope of this Assessment

This report focuses on whether or not the rezoning application is consistent with the Comprehensive Plan. If the Planning Commission determines that the request is not consistent with the Plan, it must find that there have been changes to the area that were not anticipated in the 2004 Plan only if the Commission desires to recommend approval to the County Commission. Staff does not believe that there have been major changes of an economic, physical or social nature, within the area involved, that were not anticipated when the comprehensive plan was adopted, such that they would "substantially" alter the basic characteristics of the area.

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

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

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

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

Applicants Stated Intention with the Property

The applicant has stated that the purpose of the rezoning is to support the agricultural industry in Jefferson County by providing a location for entrepreneurs, small local retail and professional services to encourage retention and development of the agricultural and crafts sector. As described by the applicant this site would act as incubator for these businesses. Approximately 15,000 square feet of commercial-retail building may be needed in the future. This space is proposed to be in one or more structures.

Current use and Staff Discussion with the Applicant Regarding use of the Property

In 2011, at the request of the property owner, the Planning and Zoning Department staff has issued determinations regarding proposed land uses for this property. On May 4, 2011 in response to an application submitted by the property owner, staff issued a Zoning Certificate (#ZC11-15) for this property for the following land use (the current use of the property):

"Market for the sale of farm products and incidental products, including arts and crafts, per Section 5.7(a)(11). Live music, events, and performances are permitted if accessory to the market. Events may not be a primary attraction or conducted on non-market days."

On August 19, 2011, following a meeting with the property owner, staff issued a Pre-Proposal Conference memo to the owner, noting:

- Staff's understanding is that the owner seeks to build a new structure for the purpose of bringing the existing Morgan's Grove Market indoors. The market would sell produce, jams, honey, and other products. These types of sales would be consistent with the definition of "Farm Market", which is a permitted use in the Rural District.
- Other options identified by the applicant ("... expanding the health and fitness aspect of the facility / massage therapy, homeopathic retail, nurses station, office space...") appear to be less related to a Farm Market and would need to be considered on a case-by-case basis. Staff would consider allowing some of these uses as accessory uses if truly incidental; however, a more detailed description from the applicant of the nature and extent of the uses would be necessary. A commercial kitchen may be permitted as

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an agricultural use if staff determines that it meets the intent of the Zoning and Land Development Ordinance.

- As such, staff has determined that the existing zoning (Rural) is sufficient for the current land use (outdoor farmers market), as well as for an enclosed farmers market which includes the sale of other products and services, and for a commercial kitchen meeting the intent of the Zoning and Land Development Ordinance.

Staffs Comments of this request

Staff supports the concept the applicant is proposing. However, Staff has thoughtful concern regarding the requested zoning district. The requested zoning district allows for intense industrial uses. It appears that the applicant is asking for a more intense zoning district than is required for the proposed uses. The application that was submitted did not indicate any uses that would necessitate the need for the level of manufacturing that is permitted in the requested zoning district.

While the proposed activity is for agricultural and artisan based activity and may seem to be an appropriate use in the Rural District, the intended intensity in adding value to those products is more than the Rural District permits. Additionally, the Rural District requires that most of the goods have to be grown on the parcel where such goods are sold. Such a requirement is not inappropriate in the Rural District where agribusinesses are promoting goods grown or created on site. Among other components, this is a limiting factor for the applicant with the current district.

The current use on the property is permitted in the Rural district since the activity is principally contained to the weekly market.

As with any rezoning request, an applicant may have the most honorable intentions, however the zoning and all the permitted use allowed continue with the land, not the owner. Any of the permitted uses in the zoning district may be exercised by future owners of the property. Down zoning a property is more difficult than if it had been right zoned from the start. As this request is considered, it is imperative that the decision is evaluated with the question, "Do we want the potential for industrial operations in this area 30, 50 or a 100 years from now?" Assessment of this request should take into consideration existing and future citizens and residents who will live in the community long after such decision are made.

Finally, when noting elements of the Comprehensive Plan, the applicant provides broad assumptions regarding how the rezoning will provide for greater protection of agricultural resources off-site and in the county, but the request does not ensure the protection of the

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agricultural resources. A number of the applicant's citations of the Comprehensive Plan and subsequent elaborations of those citations pertain less to the subject parcels, but are based on off-site expectations.

This staff report is focused on the parcels involved in the rezoning request, not activity that may or may not occur off-site from the requested rezoning.

Relevant Comprehensive Plan Elements and Commentary

One of the weaknesses of the 2004 Comprehensive Plan is that there is not a future land use map. Additionally, not all areas of the County are adequately addressed. There are some areas of the County that are discussed in a fair amount of detail in the Comprehensive Plan. However there are other areas of the County, where the Plan is relatively silent regarding future planning impacts and opportunities in those areas.

When the Comprehensive Plan is silent, the directive found in state law that "...the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan...." is difficult to observe. It is possible to speculate that if the plan does not address areas or locations of the County, that the Plan might have anticipated those areas would not fundamentally change from their 2004 condition.

As noted above, Staff does not believe that there were major changes in the area that were not anticipated when the comprehensive plan was adopted. While there have been changes that have occurred in that area, the zoning has been in place in that area and the changes were anticipated. The 1988 Zoning Map established the zoning classifications in that area and any build out of those parcels was anticipated. This report focuses only on conformance to the Comprehensive Plan.

The 2004 Comprehensive Plan does reference a "Shepherdstown Area" of study. However the discussion is limited. The elements noted in the "Shepherdstown Area" are:

- WV 45 by-pass has assisted in relieving congestion in Shepherdstown
- A significant amount of the area to the north, south and west of Shepherdstown is zoned Residential Growth and Residential-Light Industrial-Commercial. The rationale for this statement is to highlight the zoning rights that are established and the significant growth that is permitted in those two districts.
- Due to the unique nature of Shepherdstown, future development needs to be closely managed and monitored.

The topics above are discussed in general terms and do not provide many specifics for improving or addressing the concern.

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However, the notion that area surrounding Shepherdstown should be developed in an appropriate fashion is pertinent to this rezoning request. The intensity of the Industrial-Commercial District is not in keeping with the surrounding property and surrounding area. The transportation network is not adequate to allow the proposed zoning classification and the growth and development patterns existing are not conducive to potential heavy industrial operations.

Economic growth and development are outlined on page 63 of the Comprehensive Plan and outlines the following points as it relates to this rezoning:

- *Historically, small business development in the region has taken place in close proximity to housing and population growth. Earlier development and transportation trends created an economic mix that was geared to serve the needs of the local community. Hence, the older, more established small business firms are located in Charles Town and the other municipalities.*
- *In recent years, population growth and transportation improvements have generated new markets for small businesses. Multi-purpose shopping centers have been built on the outskirts of Charles Town and Shepherdstown, thereby creating competition for downtown businesses. In some instances, shopping centers have attracted downtown merchants to suburban locations. In addition, relatively easy access to Maryland and Virginia fosters shopping in Hagerstown, Frederick, Martinsburg, Leesburg and Winchester, retarding small business development in the County.*
- *While recent small business development on the fringe areas has helped increase the variety of goods and services available to area residents, it also heightened the competitive disadvantage of the traditional central business district, most notably Charles Town and Ranson. Although the municipalities are not within the planning jurisdiction of the County, it should be noted that having its major urban center handicapped by an abandoned, neglected or under-used commercial core is not in the County's best interest.*
- *The Bardane Park provided with much needed fully served sites, readily available to new manufactures.*
- *Encourage and support commercial, industrial, and agricultural activities to provide a diversified and sound economy (pg. 19)*

In general, based on the nature of the applicants proposed use there may be limited impact of business competition with the existing core communities in the county. However, if this development does not occur as planned, the proposed district does allow commercial activity that would impact the existing business centers. It appears that there is an attempt to make

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the proposed rezoning fit the site. Of importance is that the applicant is requesting a zoning classification that currently exists in the County in the industrial park. The industrial park has been established for the types of activity that the applicant has requested. Commercial and industrial developments can occur in a number of ways and in a number of alternative locations in the County. There are a large number of commercial and industrial vacancies that can accommodate this kind of development. Adding to a saturated market decreases the value of all property zoned that designation as the demand is low and the supply is high.

Further, while it is important to *"Encourage and support commercial, industrial, and agricultural activities to provide a diversified and sound economy"* in the County, that does not mean every site is conducive to such use or should be rezoned to the maximum allowable use. There may be situations where a request cannot fit the site and there are time when a creative solution can allow for the applicants need on a particular site.

The applicant has applied to rezone to the Industrial-Commercial District. The Comprehensive Plan on page 70 outlines the purpose of that district and is noted here:

- *The 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 use are permitted but not encourage. A set of specifically identified uses and activities, presumably identified because of their potential toxic or other nuisances characteristics, are listed as permissible only if approved under the Development Review System.*

In the Industrial-Commercial District, there are "Principle Permitted Uses" and uses that are permitted uses under the Development Review System. While the most offensive and intensive uses of a heavy industrial nature are restricted by the Development Review System, the district still permits under "Principle Permitted Uses" uses of heavy industrial nature by right. The applicant has tried to minimize the differences between the Industrial-Commercial District and Residential-Light Industrial-Commercial district. Due to the noteworthy differences in the two districts, it is hard to minimize the differences. To highlight, there are two "Principle Permitted Uses" in the Industrial-Commercial district that are distinctly different from the uses permitted in the Residential-Light Industrial-Commercial. Those permitted uses are "heavy industrial uses" and "adult uses." While it may be easy to dismiss the more intensive and offensive uses that are heavy industrial in nature, since there is the Development Review System, it is important to know that as long as an applicant can meet the requirements set forth in the Development Review System process they are entitled to that use.

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The applicant has highlighted the primary use of the property as "...to provide low impact, high quality commercial, distribution, professional services and retail in the area." Staff believes all of these intended uses are more appropriate in the Residential-Light Industrial-Commercial district. Additionally, both the Comprehensive Plan and Zoning Ordinance state that retail services and consumer oriented commercial uses should be limited in the Industrial-Commercial district. Since retail sales of goods made from the region are an important goal of the applicants intended uses, the district requested by the applicant discourages such uses.

The applicant argues that the size of the site would limit uses of heavy industrial. With over 13 acres for use, it appears that statement is unfounded. The lot sizes in Burr/Bardane Industrial Park are generally 2.5-6 acres in size and allows for variety industrial uses. There is the ability for heavy industrial uses on this site.

In the information provided, the applicant asserts that the proposed use on the site is mixed use, excluding residential activity, yet the requested zoning district is not mixed use in its design.

The applicant contends that this site should have been zoned Industrial-Commercial since 1988. Their basis for this statement is that there was a restaurant on the site in 1988 when zoning was adopted. The structure burned in 1993. Considering the use that was on the property in 1988, it seems excessive that Industrial-Commercial would have been appropriate for this site. The restaurant use was considered a non-conforming use in the Rural district. Since that time there has been no commercial activity commenced on the property to establish a commercial use. While the applicant did receive a Conditional Use Permit for a work/live development, no commercial activity took place on the property. Additionally, while there is a farmers market on site, that did not reestablish the commercial use nor did it constitute a new commercial use. Much like a farmer with their own seasonal stand, that does not constitute a commercial use, such stands are an accessory use to the farm operations.

Staff Recommendation

The applicant has provided documentation that they believe supports the request for rezoning and has attempted to demonstrate an apparent consistency of the proposed rezoning with certain provisions contained in the Comprehensive Plan. The applicant's analysis is based more on the use the applicant is proposing, rather than the requested zoning district. The merits of the proposed use may be honorable, however state law requires the requested zoning district be evaluated not the use. As such Staff does not recommend approval of the requested rezoning from Rural to Industrial-Commercial.

Staff Report
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As noted on page 12 of the Plan, "its recommendations are (by their nature and intent) general and, as such, sometimes conflicting. It will not be difficult to find two that individually justify and conflict with many land use proposals."

Additional consideration of the proposed rezoning should include the following:

As noted above, State statute provides that "Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan." [See WVC 8A-7-9(c)] This subsection of the State Code goes on to state that, "If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area."

There have not been major changes of an economic, physical or social nature within the area that were not anticipated when the current Comprehensive Plan was written in 2004.

As noted above, Staff supports the applicants proposed use and the concept, but cannot support the proposed zoning district. The proposed district is significantly out of context for the surrounding uses and the area of the property. Additionally, the district permits more intense uses than the applicant is proposing for the site. Staff believes that if a zoning district were to be chosen, that the Residential-Light Industrial-Commercial district may more appropriate for the request, as it is in keeping with the proposed use of the property. However, staff has not evaluated if that would be consistent with the Comprehensive Plan.

Staff also believes that the Conditional Use Permit (CUP) is specifically designed for this type of situation when the use is outside the norm in the available zoning districts. In the past the Staff and the applicant have discussed the merits of this project and their options for a CUP or a rezoning. The applicant could tailor the uses, the number of structures and the size of the structure for the particular application of this site. A Conditional Use Permit could be crafted for the particular use proposed and allow the flexibility that fits the needs of the applicant.

Image 1

Staff Report
 Jefferson County Planning Commission Meeting
 November 8, 2011

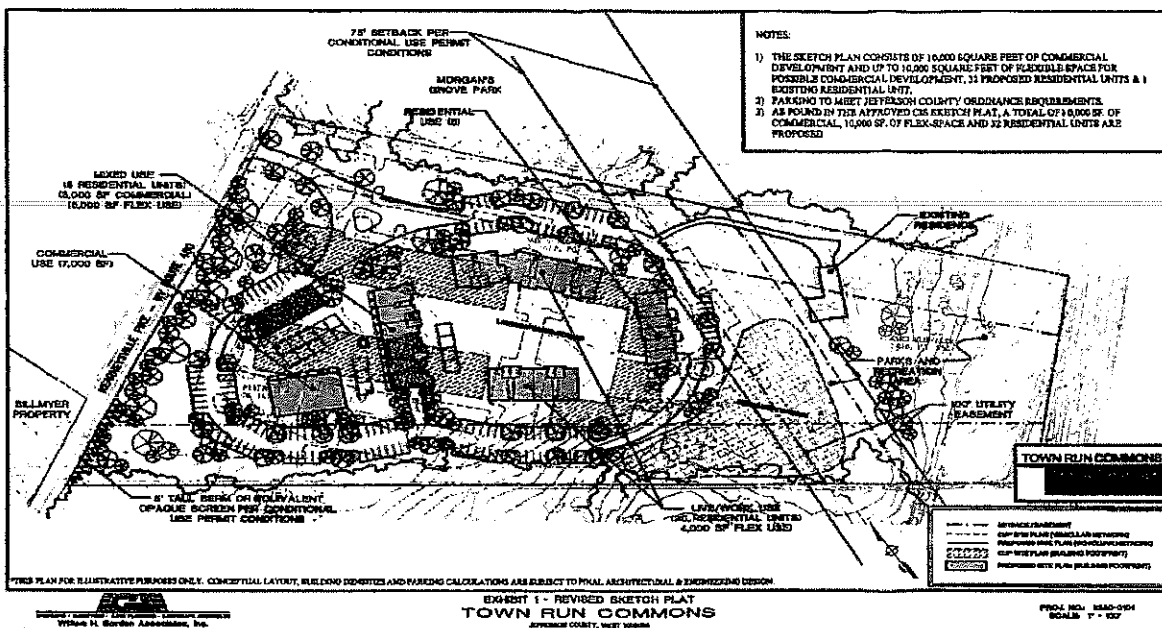


Image 2

Staff Report
 Jefferson County Planning Commission Meeting
 November 8, 2011

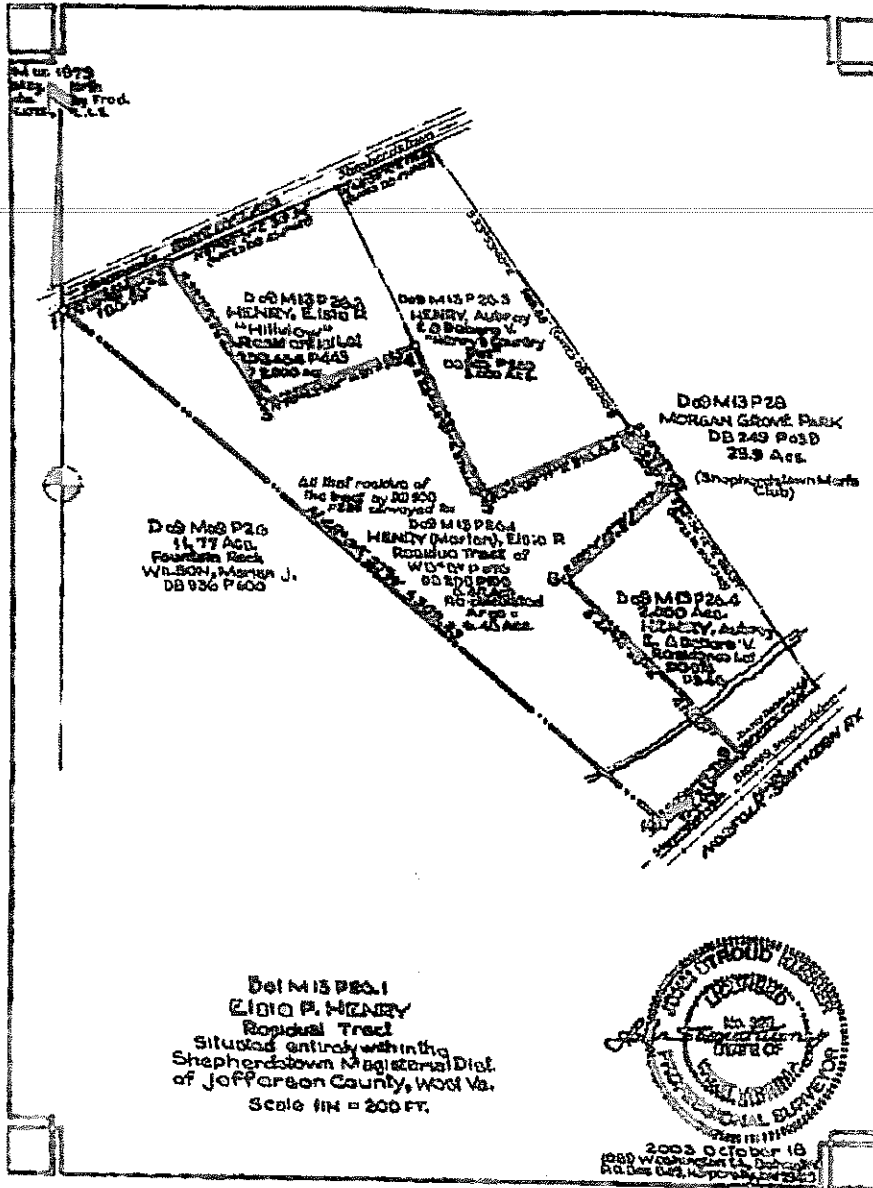
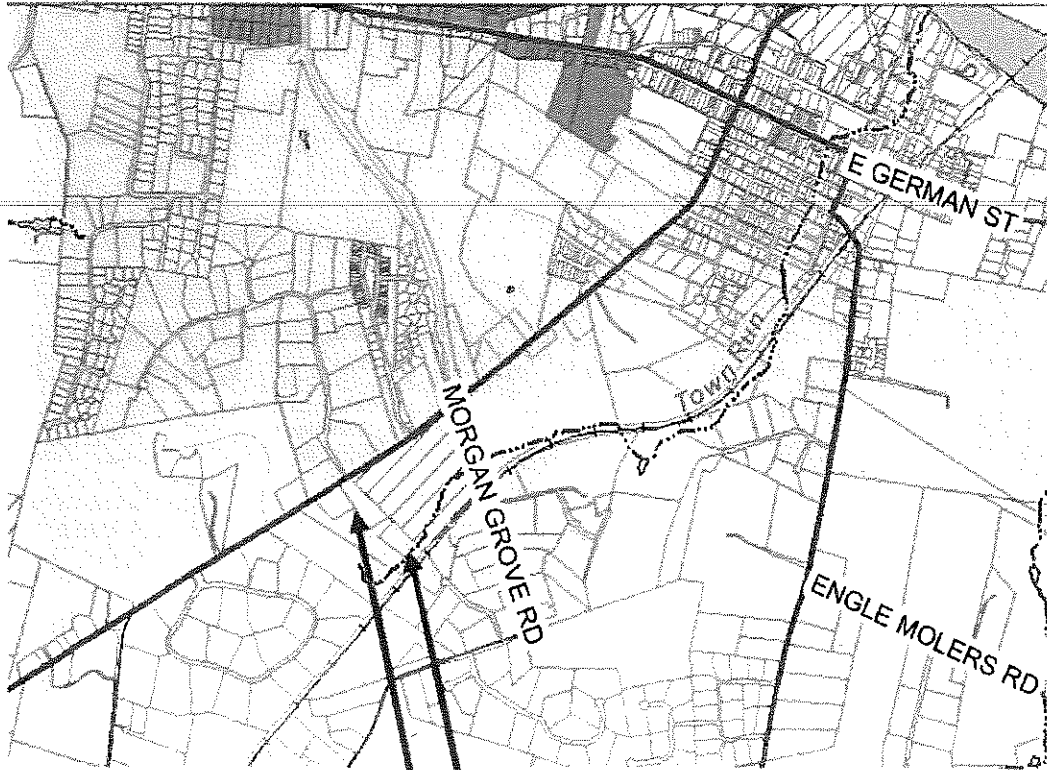







Image 3

Staff Report
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Legend

-  Urban Growth Boundary
-  Parcels
-  Tax District Boundary
-  Public/Quasi-Public Land
-  Appalachian Trail

Zoning District

-  Incorporated Town
-  Industrial-Commercial
-  Residential-Growth
-  Residential-Light Industrial-Commercial
-  Rural
-  Village

Subject Parcels

Twin Oaks Subdivision, LLC Rezoning Public Comments

Name	Stance	Comment	Applicant Response
Dr. Sylvia Shurbutt, area resident	Opposition	Dr. Shurbutt stated that Morgan Grove Park is surrounded by a quiet residential community and that requested zoning of Industrial/Commercial would be inappropriate. She also stated that she does not approve of the current commercial use on the property and feels that the creation of the commercial activity may have been to preface the request to Industrial/Commercial.	Mr. Corum discussed the previous proposal for the property which included 34 townhomes and 30,000 square feet of commercial area. He explained that after extensive conversations with area residents, he understood that the residential portion of the proposal was undesirable. He stated that Industrial/Commercial zoning was being requested due to the fact that it restricts residential. He stated that he would be unable to satisfy all the residents as the "finish line" seems to keep moving. He commented that the speed limit in that area had been lowered due to his and Mr. Blackmer's efforts. He stated that a market within walking distance of a residential community defines sustainable economy.
Mr. Mike Austin, President of the Shepherdstown Men's Club	Opposition	Mr. Austin briefly described the legal history of the property as he knew it. He stated that it has had an adverse impact on the community and on the Men's Club due to its controversial nature. He stated that he is concerned since allowing this type of zoning does not allow the public to react toward or influence specific development in the future which he feels is inappropriate. He commented that the applicants claim that this property has had a continuing commercial use is a misstatement and wondered if other misstatements were made regarding the rezoning request. He stated that many people he had spoken to said that the proposed use could be accomplished better with a Conditional Use Permit. Mr. Austin also submitted a written letter to the Planning and Zoning Department (attached).	Mr. Blackmer reiterated that to eliminate the possibility of residential development, an Industrial/Commercial category was the best option to request. He also discussed that any industrial or adult uses would not be possible on the site since variances would be needed that would be extremely unlikely for the Board of Zoning Appeals to grant. He commented that the staff should have outlined that, due to setbacks, industrial and adult uses would be impossible for this property.
John Amos, area resident, Vice-President of the Shepherdstown Men's Club	Opposition	Mr. Amos countered the applicant's notion of fairness and predictability for his project, stating that the applicant did not acknowledge existing residents' fairness and predictability. He discussed his frequent use of Morgan Grove Park and urged the Planning Commission to deny the request. He also stated that the proposed use could be accomplished with a Conditional Use Permit. He was concerned that rezoning the property would lead to undesirable development in the future. He asked that consideration be given to the existing residents and the affect that rezoning would have on property values and rights. He commented that there were misleading inaccuracies in the document presented to the County Commission by Mr. Corum including that the property had been in continual commercial use since 1968. He stated that he had moved here 18 years ago and no commercial use existed on that property until the Farmers Market opened just this past summer. He indicated that Mr. Corum reported that the recent mixed use proposal that had been presented for that site received community support. Mr. Amos stated that was inaccurate and that those plans were actively opposed.	Mr. Corum agreed that he questioned why staff would mention that adult uses could be a possibility for this property when setbacks would not allow that use.
Judy Moore, resident of Ledge Lowe Estates	Opposition	Ms. Moore stated that she was concerned about traffic safety in the area. She reported that Mr. Corum did place traffic cones last summer to help slow traffic. She stated that it was still a very dangerous section of the road. She commented that neighbors also have rights as well to the peaceful enjoyment of their property.	Mr. Blackmer discussed reasons why the applicant did not choose to apply for a Conditional Use permit and stated that the CUP process was really just spot zoning. Mr. Blackmer stated that the applicant had chosen the most restricted and heavily regulated zoning to request.

Twin Oaks Subdivision, LLC Rezoning Public Comments

Name	Stance	Comment	Applicant Response
Diana Suttentfield, area resident	Opposition	Ms. Suttentfield stated that there are no commercial properties on the south side of Route 480 and that Route 45 is where commercial development should be encouraged. She stated that allowing this rezoning would adversely affect the residents and any efforts to sell properties in that area. She asked the Planning Commission to maintain the rural character of the area. She stated that there are historic reasons (Town Run) that this property should not be rezoned.	
Susan Kennison, Bizmarket Founder	Support	Ms. Kennison supports the project and stated that the community needs this kind of local, sustainable economy. She then read several letters of support (attached) from area residents. Time did not allow for all letters to be read.	
Ann Spurgas, area resident	Opposition	Ms. Spurgas stated that she feels that instead of being a benefit to the community, the proposed project and rezoning would most likely be a detriment to area property values and change the dynamics of the neighborhood. She said that just the Farmers Market business added considerable traffic and noise to the area. She stated that there are many other areas already currently zoned with the requested zoning that are more appropriate in location. She also reported that the property had not been in consistent commercial use. She commented that Morgan Grove Park is a nice park due to the quiet rural nature of the area. She raised concern that a rezoning to Industrial/Commercial would allow for unwanted future development.	
Harvey Heiser, Zoning Officer of Shepherdstown	Neutral	Mr. Heiser reported that the Shepherdstown Planning Commission were unaware of this request before their most recent meeting and had not had a chance to discuss or compile a recommendation regarding this request. He asked that the Planning Commission consider the staff report and the public comment before making a decision.	
Susan Flittie, area resident	Opposition	Ms. Flittie spoke against the request due to the commercial development of the proposal. She also commented on the hazardous traffic in the area. She stated that she would not mind for the development to be residential in nature.	
Joe Spurgas, area resident	Opposition	Mr. Spurgas stated that the proximity of this property to Morgan Grove Park should be a determination in recommending denial of this request. He commented that the park would be unable to survive with any kind of commercial activity adjacent to it. He proposed that Mr. Corum join with a coalition of people to find Parks and Recreation funds to purchase the property and expand the park. He encouraged that the Farmers Market exist within that park.	

To the Jefferson County Planning Commission:

I would like to make a matter of record the Shepherdstown Men's Club position regarding item 6 on your 8 November 2011 Meeting agenda -- "Public Hearing for zoning map amendment ...-- Twin Oaks Subdivision".

As you may be aware, we have just recently concluded a very protracted and costly legal battle over subject property which had profound negative impact on the Shepherdstown community and in particular my organization - the Shepherdstown Men's Club - that owns adjoining property, Morgan's Grove Park. So we are particularly concerned about any future plans for its use that may be inappropriate or not compatible with that immediate area of the County. Morgan's Grove is on the Federal Historic Registry and has over the years become a treasured community recreational facility which we work hard to preserve and manage with the assistance of the Jefferson County Parks and Recreation Commission.

Let me begin by applauding the analytical report developed by your staff on this rezoning request. It is well researched and comprehensive and makes all of the essential points. We are impressed and reassured to see this quality of effort being put into such matters in support of your important deliberations.

I would like to make the following points:

1. The immediate nature of current plans and activities of the owners are almost irrelevant in these discussions. The critical issue is the zoning classification assigned to the property. While the current "farmers market operation is relatively benign, we hear of more and more expansive and aggressive plans for use of the property.
2. We believe that the "industrial/commercial" classification is totally inappropriate for this property. Once the property is rezoned as industrial/commercial, we would have no recourse despite all of the assurances and mitigating promises that would supposedly ameliorate any adverse impact from industrial or heavy commercial usage.
3. We understand that this apparently disingenuous use of the zoning process if successful would be tantamount to "pocket zoning" which should not be permitted by our current laws.
4. It would appear, from what we have been told about plans for the property that a Conditional Use Permit or other such procedure would allow the owners to accomplish their stated objectives.
5. We are troubled by the incorrect assertion in the petition for rezoning that the property has been in continuous commercial use since the 1988 timeframe when zoning was initiated in our county. As neighbors, we have observed it closely over the years and saw only an abandoned, burned out foundation from 1993 until 2010. It begs the question of how many other spurious elements may be included in the petitioner's justification.
6. If for some reason this effort to rezone to "industrial/commercial" prevails, then we would insist on deed restrictions or covenants that would preclude adverse consequences for neighboring properties including Morgan's Grove Park and the Town Run watershed.

I plan to offer similar oral arguments at this evening's meeting but wanted to make these comments a matter of record.

Sincerely,

Michael G. Austin
President, Shepherdstown Men's Club
(304) 876-0598

From: michael.austin@frontiernet.net
To: zoning@Jeffersoncountywv.org
Date: Tuesday, November 08, 2011 4:59:52 PM
Subject: Comments on

Thank you for the web site reference containing the report.

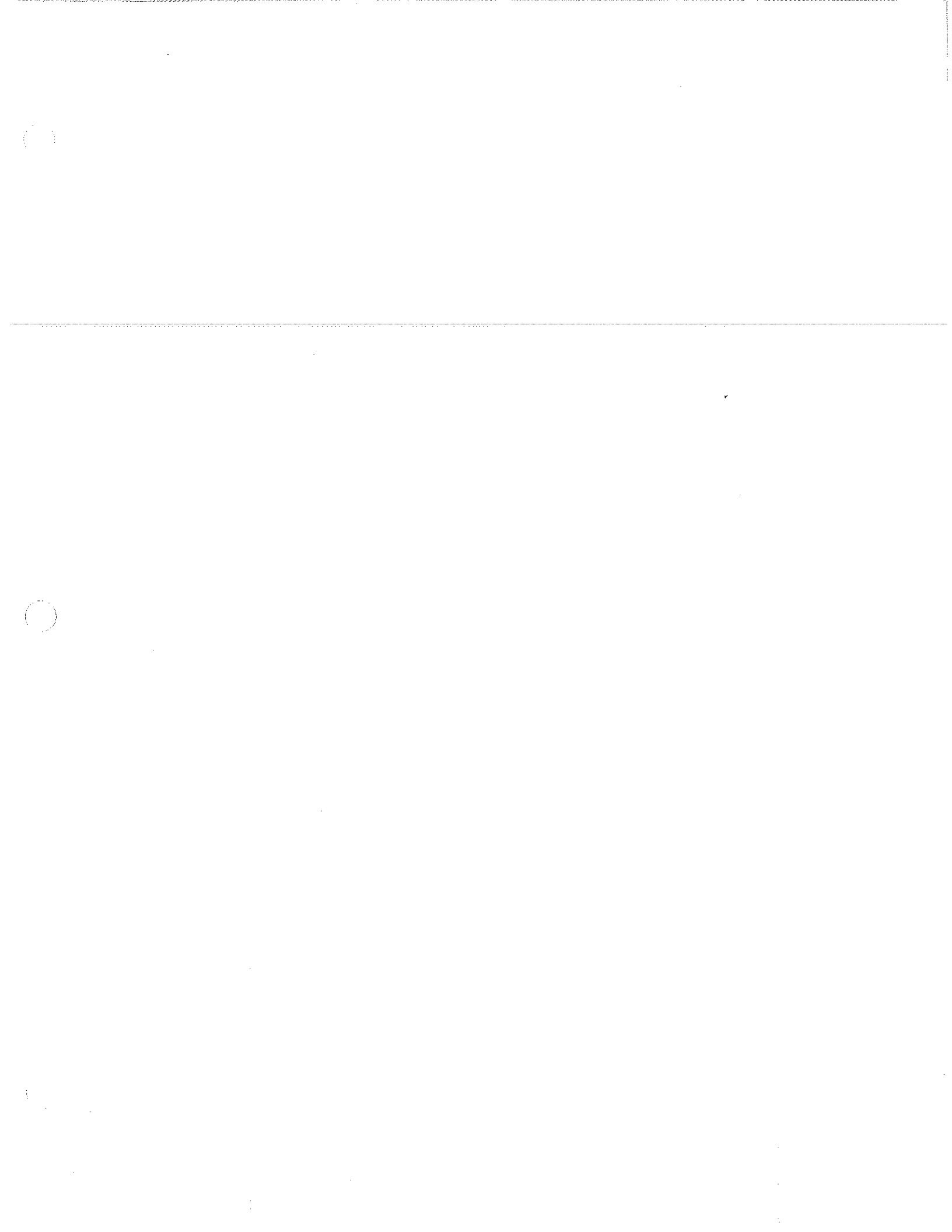
On an unrelated issue, and as an observer of the Twin Oaks - Corum application for rezoning, I wish to say to you and the P. C. staff that I was very impressed with the staff's report and recommendation. The ploy to rezone when the intended uses can all be accommodated with a CUP is simply disingenuous. Hopefully, if a new CUP is granted, this time the P. C. will craft the CUP in terms of what uses are permitted, excluding all other uses otherwise not permitted in the zoned district.

Please feel free to forward my comments on to the Planning Commission. You should understand that previously I represented the Shepherdstown Men's Club which had who had participated in the Planning Commission hearings over the use of the subject property, previously owned by Gene Henry. The Men's Club, along with private citizens and the Jefferson County Planning Commission, was sued because it voiced opposition to Henry's proposal for dense development at the site. After 8 years of litigation in which I defended the Men's Club as co-defense counsel with the Planning Commission's attorney, Tammy DeFazio, the United States Supreme Court has very recently finally put an end to the Henry's litigation seeking damages. In the end, Henry received nothing from the litigation. The litigation likely cost in attorneys fees billed all the parties, close to \$1,000,000—not including the cost to the County drawn from the resources of the County Prosecutor's Office. So naturally, I hope that price was not paid in vain. I am hopeful that the County Ordinance will be faithfully applied to the real estate—regardless of who now owns it.

However, I wrote the email as a citizen, with the knowledge of my former client, the Men's Club. I understand that the Men's Club President, Mike Austin, plans to attend tonight's meeting in support for the professional recommendation of staff.

Thank you.

Braun



From: "Ruth Raubertas" <ruthraubertas@gmail.com>
To: "Peter Corum" <pcorum@franklinamerican.com>
Sent: Thursday, November 3, 2011 11:57:53 AM
Subject: Fwd: Support for Morgan's Grove Market

Hi Peter, here's my 2 cents:

(From Ruth Raubertas, co-owner with Mike Raubertas of Four Seasons Books and a Shepherdstown resident since 1991; also, founding member of Sustainable Shepherdstown, and co-owner of a small 3 acre experimental farm on Persimmon Lane.)

Mike and I have known Peter Corum for several years and find his approach to sustainable development a breath of fresh air in an era of impersonal, big box stores and chains that have encroached on our county landscape. We are opposed to the thoughtless sort of development that ignores the historic, rural charm of our county. Peter's vision for Morgan's Grove Market is exactly the kind of thing we need to encourage a new breed of small farmers who not only help preserve our rural character (in some cases even rehabilitating historic farms); but also provide fresh, local food that is healthier, far less energy intensive, and far more sustainable than conventional agriculture can provide.

There is a growing movement of small farmers around the country that are finding economically sound ways of farming that also create jobs and care for the environment as well. None of this would be possible were it not for the entrepreneurs that provide farmer's market opportunities in their local region.

We are completely supportive of Morgan's Grove Market and believe it will be a unique, attractive and popular place for business as well as a needed focal point for the exchange of ideas about the quality of life in our county.

November 2, 2011

To whom it may concern:

My name is David Asam, and I am one of the proprietors of the Bavarian Inn, Shepherdstown. We are a 35 year running, family owned and operated hotel and restaurant, bringing thousands of visitors to Jefferson County annually.

We are also proud to have worked very closely with Morgan's Grove Market, and the Community Garden this past summer, and would love to pursue and continue this relationship for years to come. There is a strong movement throughout our country to support local farms, and businesses. We were and have been able to purchase a very high quality product from the Morgan's Grove Market and use it for the dining pleasure of our guests who raved about the freshness and quality of the ingredients of our summer menu.

The positive response from our guests about supporting the local community farming, also enabled us to cross-promote the Morgan's Grove Market. Our guests want to know where their food is coming from. We listed the market's logo on our menu, along with all the farms that it helped sustain. Our guests have also thoroughly enjoyed visiting the Saturday Market, and taking some of the delectable goodies home for themselves.

The Bavarian Inn strongly supports Peter Corum, and his dream of a sustainable community, via the Morgan's Grove Market and the Community Garden. We ask the Planning Commission to grant their request for a zoning change, so they can continue with this project that has supported the local farmers and benefitted the local restaurants and their guests.

Sincerely,

David Asam and the Asam Family
Proprietors
Bavarian Inn
164 Shepherd Grade Road
Shepherdstown, WV 25443
304 876 2551

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Zimbra

pcorum@franklinamerican.com

Letter of support

From : troy pierce <judygubinski@frontier.com>

Mon, Nov 07, 2011 10:58 AM

Subject : Letter of support**To :** Peter Corum <pcorum@franklinamerican.com>

Hello, my name is Judy Gubinski and I have lived in the Shepherdstown area for over twenty years. My European pastry business, Little Shepherd Cuisine, was inspired by my travels throughout Europe as a child. I believe culinary excellence is not just based on culinary skill, per se.

The most profound and meaningful food-related experiences are about much more than that.

They are about memories, family and friends, time-honored traditions, travels and adventures. I would like to bring to my customer not only truly authentic European pastries, but memories of travels or a tribute to their heritage - and if they have never been to Europe - the ability to take a taste tour from right here in Shepherdstown, a town whose values epitomize the celebration of history, heritage, good taste and art.

There are certain European specialties that people from our community remember their grandparents making that are no longer being reproduced in this country, certainly not in this area, and are in danger of being forgotten entirely. The generations are passing away and we are becoming a society that only gives attention to the newest, boldest and brightest - poorly-made but cheaply produced products in vulgar taste. Children today might never know the traditional, perfected culinary excellence of their forefathers, but they will certainly become all too familiar with the overly sweet, processed baked goods decorated in neon frosting available at the local grocery stores. It is in a similar vein that I worry that the values we celebrate here in Shepherdstown will die away with the current residents and business owners. And the history which is the future's birthright, like a natural resource, will dry up and fade away. A town that is not actively reproducing and growing its history, good taste and art is a dead town that will lose it. Expansion to some degree is inevitable - the key is to whom do we entrust it? I believe we should entrust it and keep Shepherdstown alive with an infusion of new blood from the entrepreneurs whose very existence depends on, and whose passions lie, in respect for what's old and beautiful, community support for one another, the use of local produce and self-sustainability.

My business got its start because of people like Peter Corum and Morgan's Grove Market. I trust Peter's expertise in zoning laws to help the right business people while keeping alive what is intrinsically valuable to our community. Like everything else, my business, Little Shepherd Cuisine, needs to grow in some sense to stay alive. And it cannot do this without the use of a commercial kitchen which would be inspected regularly by the proper health authorities. Peter's proposal of the availability of a commercial kitchen that bakers like myself could utilize is the answer not only to my bootstrapped budget, but growing consumer demand for my products and my sincere concern for my customer's welfare. Thank you most sincerely for your time.

Judy Gubinski

West Virginia
Open for Business!

WEST VIRGINIA DEVELOPMENT OFFICE

Small Business Development Center of the Eastern Panhandle
142 North Queen Street, Martinsburg, WV 25401
(304) 596-6642 • www.wvcommerce.org

November 7, 2011

To the Jefferson County Planning Commission:

The Small Business Development Center (SBDC) of the Eastern Panhandle has worked over the years with a number of agricultural businesses in Jefferson County, as well as groups working on Farmer's Markets and other venues for business expansion.

The SBDC, as part of the West Virginia Development Office and Department of Commerce, works to support economic development and job creation.

This letter is in support of a zoning change from rural agriculture to commercial zoning for Morgan Grove Market so it can raise a building that will provide space for agricultural businesses to expand as well as create new jobs.

Sincerely,



Christina Lundberg
Center Manager

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Zimbra

pcorum@franklinamerican.com

Morgan's Grove Market

From : Shepherd Ogden <AgDev@jcda.net> Mon, Nov 07, 2011 09:05 AM
Subject : Morgan's Grove Market
To : Peter Corum <pcorum@franklinamerican.com>

Peter,

I just wanted to write you a quick letter of support in your efforts to get a year round local food market going. When we first started talking about a market at Morgans Grove last spring, I of course wanted to help in any way I could because after all it is my charge to help grow the ag economy in the county! I was amazed at how much you were able to accomplish on such short notice, and the response of community to your concept. You clearly have the energy and the vision to make things happen!

I wish you the best of luck on this next iteration of the idea, and if there is anything I can do to help with the ag side of things, don't hesitate to contact me...I am here to help you make the leap to a more vibrant local ag economy!

Best

Shepherd Ogden
Agricultural Development Office

Jefferson County Development Authority
PO Box 237 Charles Town, WV 25414

Tel: 304.728.3255 Fax: 304.725.3133

11/6/11

Dear Members of the Planning Commission of Jefferson County,

We are Kara Sheehy and Tyler Caudle of Cedar Springs Farm and we have recently relocated our farm just behind the property upon which the Morgans Grove farmers market is situated. We grow organic microgreens and will be starting mushroom production this winter. Such close proximity to a farmers market was very appealing in our choice of location as it will provide a very convenient point of distribution for our produce. Fuel costs and time spent on long distance deliveries prevent us from being as efficient as we could be.

We would very much like to focus on more local markets and continue to work with more local food vendors in the future. We believe that the location of our operation, along with the community garden and the farmers market, will prove to be a very rewarding symbiotic relationship both for all involved parties and in Jefferson County's journey towards sustainability and local food production.

Thank you for your consideration,

Kara Sheehy

Ren & Pam Parziale
5210 Paynes Ford Road
Kearneysville
West Virginia 25430
304-725-4251
Email: pamoren@frontiernet.net

November 7, 2011

Planning Commission
Jefferson County
WV 25414

Dear Commissioners,

Over the past few years we have worked with Peter Corum on several projects that involve our community. He has shown himself to be thoughtful about the quality of the projects, mindful of the future impact on the neighborhood.

This project, The Market at Morgan's Grove is no exception. Peter has wanted to build a market that benefits local agriculture, farmers and gardeners. In addition, he has sought to expand the vision to include the arts. This market could be another opportunity to educate the public and promote the creative workers who live in Jefferson County.

This past summer we have taken advantage of Morgan's Grove Market's first season. It provided another site for us to sell our work, meet friends, and promote what is unique about Jefferson County.

Peter is a visionary, but more important, he has acquired reality-based experience. His proposal can take us from a modest farmers' market to another level of possibilities that will be a positive addition to our community's cultural amenities.

We respectfully request that you give Peter's request for Morgan's' Grove Market your full and positive consideration.

Sincerely,

Ren & Pam Parziale

Ren & Pam Parziale
Sycamore Pottery



November 5, 2011

322 Starkey' s Landing
Shepherdstown, WV 25443

To Whom It May Concern:

This letter is written in support of the idea of a local food hub and bakery and restaurant where Morgans Grove Market was this summer. (on rte 480, near Morgans Grove Park)

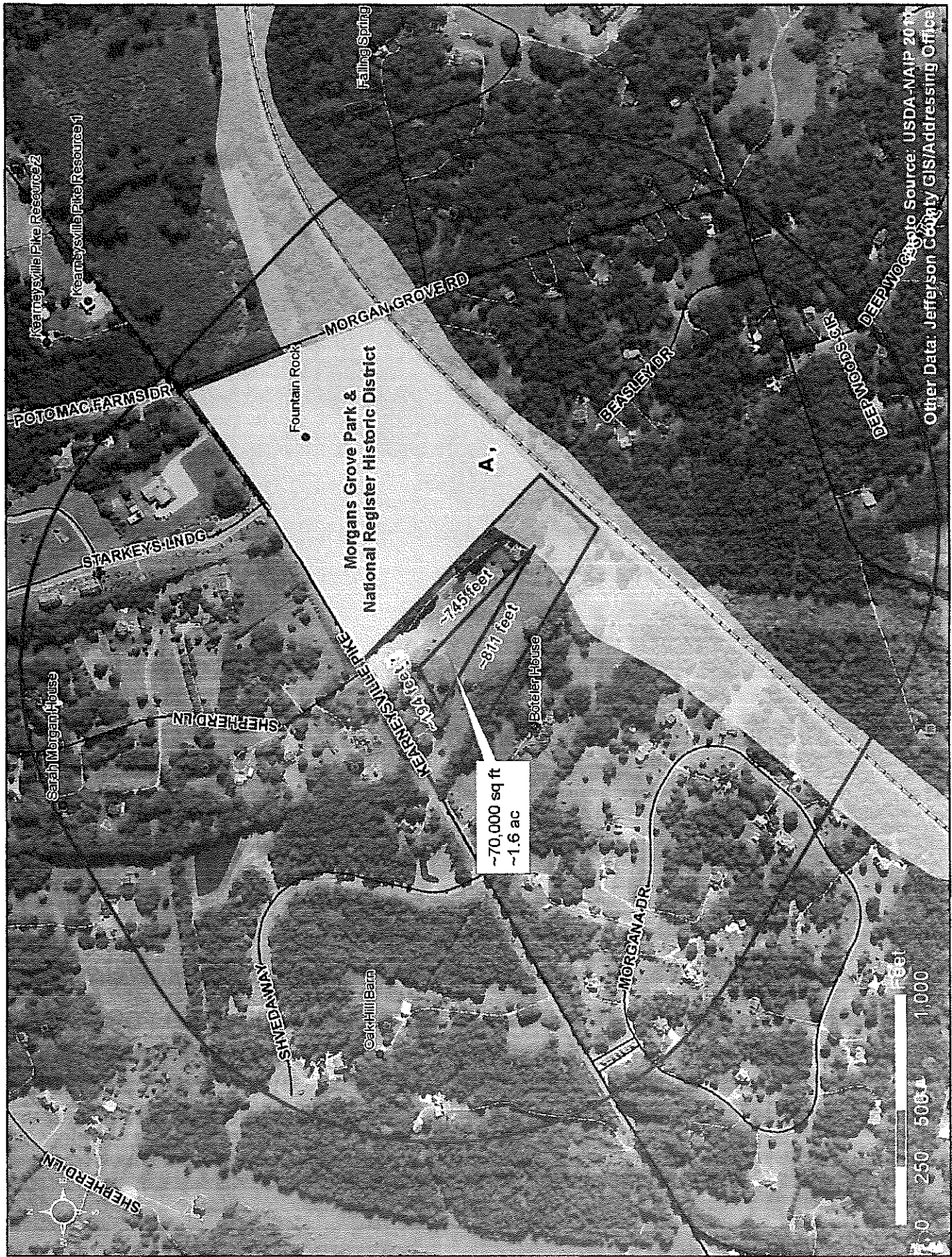
The idea of a food hub where producers of local food... be it farmed, cooked, baked or canned... can sell their local food wares on a regular basis is just what the we need to be able to develop a strong local food economy.

If there were refrigeration, a community kitchen that can be used for canning and cooking, access to freezer space, etc, on a daily sheltered basis, this would be even better.

I think anyone who is interested in supporting and purchasing Local Food for sustainability as well as health reasons, can see that distribution is necessary and this Food Hub can solve that problem. There are many of us out there who are hoping to see this become a reality.

Sincerely,

Ellen Smith
Local Food Committee &
Steering Committee
Sustainable Shepherdstown



Map Source: USDA-NALP 2017
Other Data: Jefferson County GIS/Addressing Office

~70,000 sq ft
~1.6 ac

~494 feet
~745 feet
~811 feet

Morgan's Grove Park &
National Register Historic District

Fountain Rock

Oak Hill Barn

Boteler House

Kearnsville Pike Resource 2
Kearnsville Pike Resource 1

STARKEYS LN

Sarah Morgan House



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 these 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

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.

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))

Attachment 1:
2011

September 21,

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"

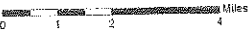
Plat, locator maps and tax map attached as pages 2, 3, 4 and 5.

2011 Zoning Map Jefferson County, WV

Legend

- Urban Growth Boundary
- Parcels
- Tax District Boundary
- Political Precinct Lines
- Appraisal Trail
- Zoning District**
- Incorporated Town
- Industrial-Commercial
- Residential-Growth
- Residential-Light Industrial-Commercial
- Rural
- Village

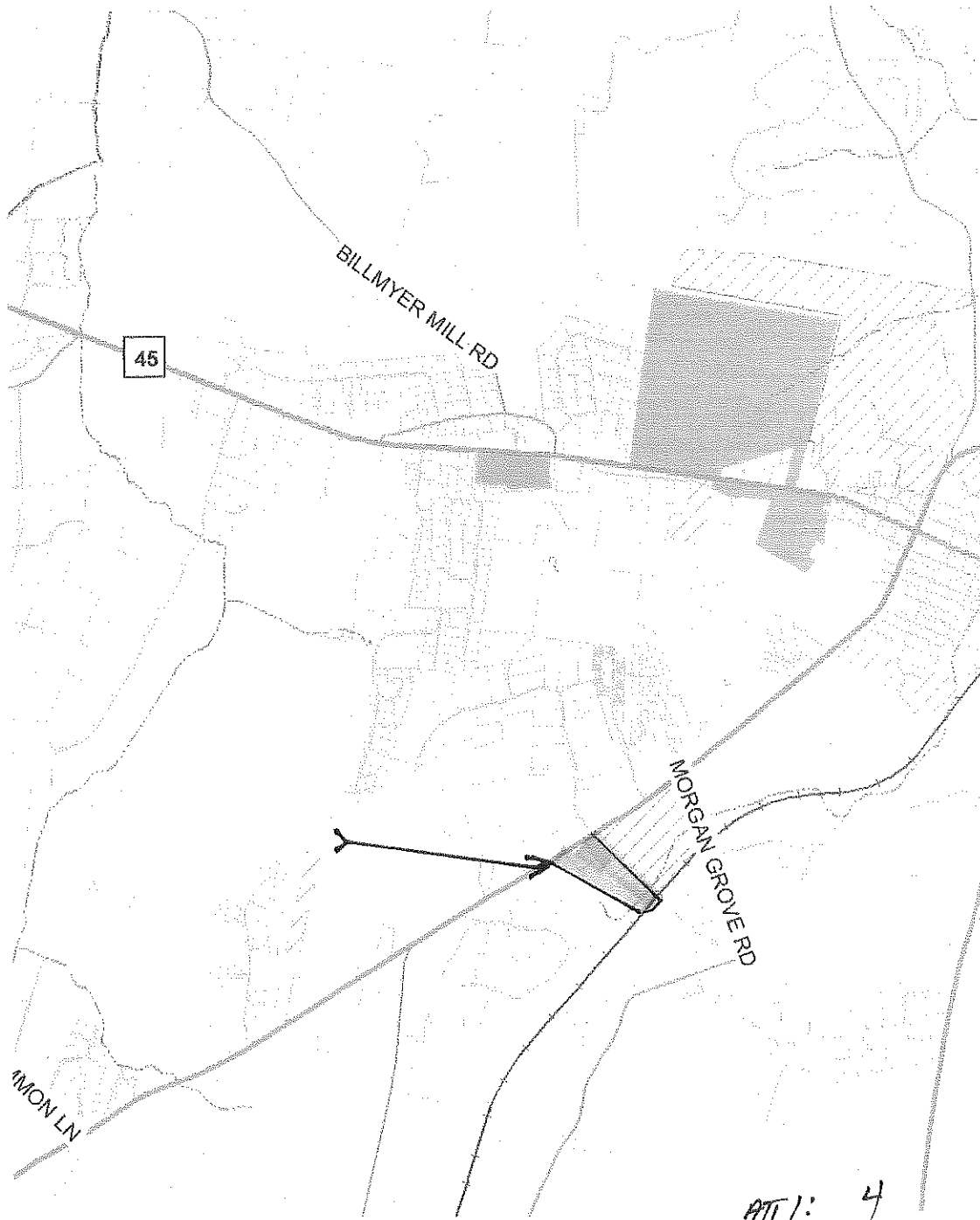
POLITICAL PRECINCTS	
PRECINCT	AREA (SQ. MI.)
1	11.5
2	11.0
3	11.0
4	11.0
5	11.0
6	11.0
7	11.0
8	11.0
9	11.0
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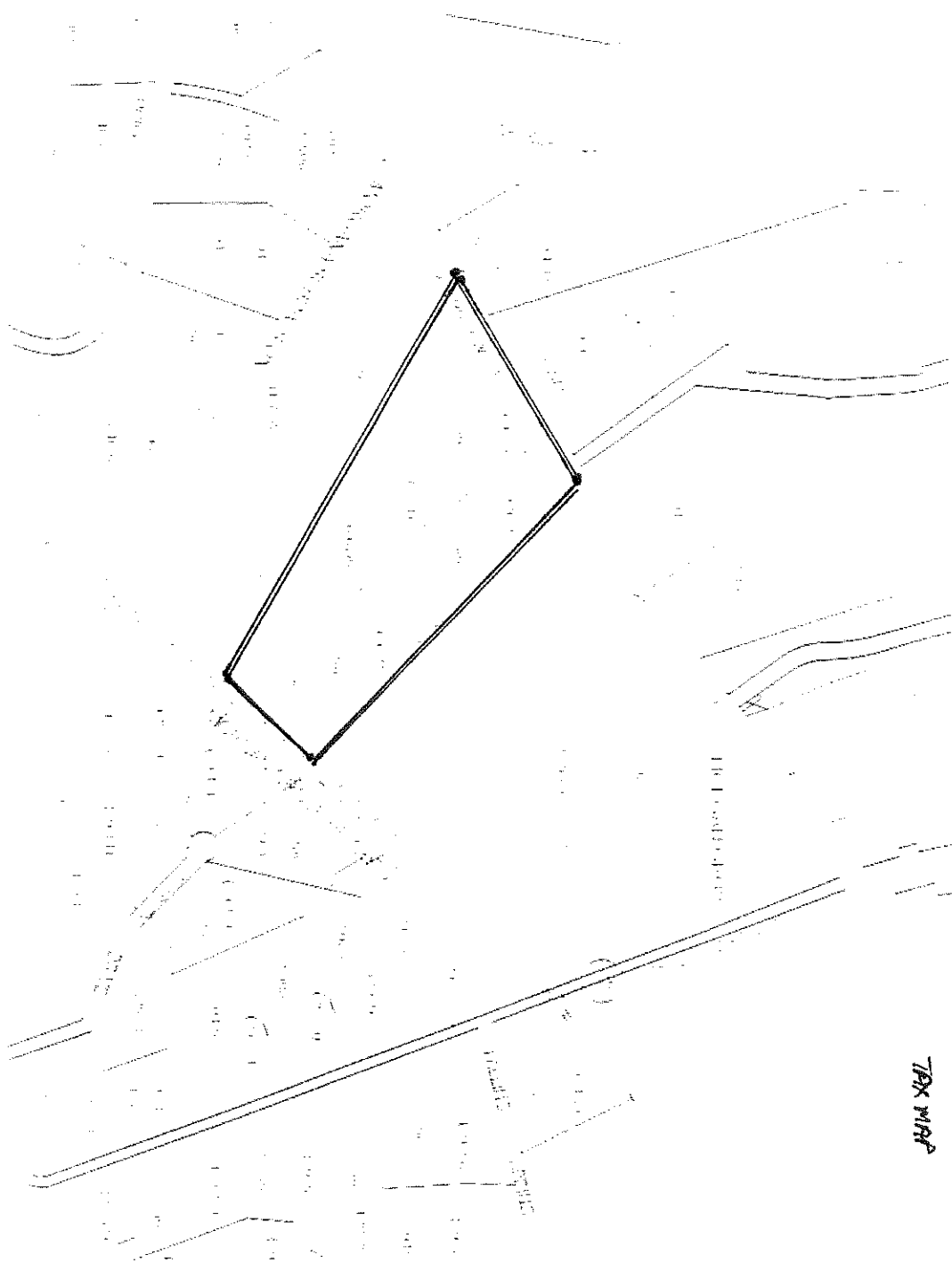


This map was prepared by the GIS Department of the Jefferson County Planning and Zoning Commission. It is based on the 2011 Zoning Ordinance and the 2011 Zoning Map. The map shows the zoning districts for Jefferson County, West Virginia. The map is a digital file and is subject to change without notice. The map is not a legal document and should not be used for legal purposes. The map is for informational purposes only.



ATT 1: 3





TAX MAP

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 diversify 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



2009

Information

On December 15, 2011 the following interviews and appointments will be held before the County Commission:

- Jefferson County Board of Zoning and Appeals
- Jefferson County Emergency Services Agency
- Jefferson County Building Commission

PO Box 811
Shepherdstown, WV 25443

RECEIVED

November 27, 2011

NOV 28 2011

Jefferson County Planning Commission
Charles Town, WV 25414

JEFFERSON COUNTY COMMISSION

Dear Members of the Jefferson County Planning Commission,

We would like to express our disappointment in the Commission's decision to grant a variance to the long standing residential zoning on Route 480 near Morgan's Grove Park.

Our family has lived off of Morgan Grove Road near the park for over thirty years and now fears we are facing a jumble of commercial building, fast food restaurants, and convenience stores as exemplified by the Route 45 approach to Shepherdstown. Why must we ruin forever the last entrance way into historic Shepherdstown?

Please – do the right thing and reconsider your decision.

Sincerely,

Michael, Susan, and Andrew McKee

McAteer & Associates

-Attorneys-at-Law-

132 West German Street
Post Office Box 1050
Shepherdstown, West Virginia 25443

J. Davitt McAteer, Esquire
mcaateeresq@aol.com
droberts@mcaateer-assoc.com

Phone: (304) 876-9447
Facsimile: (304) 876-9466

November 28, 2011

RECEIVED

Dale Manuel
Jefferson County Commissioner
Jefferson County Planning & Zoning
P. O. Box 250
124 E. Washington Street
Charles Town, WV 25414

NOV 29 2011

Jefferson County Commission

Dear Commissioner Manuel:

I write as a long time resident of Jefferson County and one who will be affected by the proposed changes to the "Henry Property" on Route 480 near Shepherdstown.

My objections are as follows:

1. The approval process by the Jefferson County Planning Commission was fatally flawed. Notwithstanding the negative recommendation of the Planning Commission staff, the Commission voted to, in effect, abandon the decades old zoning regulations and without adequate input and consideration to engage in "Spot Zoning" to approve a project which is not compatible with the residential nature of the adopted zoning ordinance.
2. The failure to utilize the "Conditional Use Provision" of the zoning ordinance which was available and applicable here undercuts the legal basis and legitimacy of the decision. The decision is of such an egregious nature as to call into question the legal basis of the decision.
3. If the decision stands, the developer is free to develop in whatever fashion he or a subsequent buyer decides and that decision will without question impact the water quality of the spring at Morgan Grove Park and also impact the watershed which has a direct impact on our water quality at our farm at Rose Brake. The record of the Planning Commission is silent as to any impact of the development of the watershed and any requirements to meet the NPSD Regulations on the federal or West Virginia environmental requirements and as such it is fatally flawed.
4. The residential nature of our neighborhood will be adversely affected by a reversal of the long standing zoning observance.

5. Inadequate attention was given to the whole rezoning question by the Jefferson County Planning Commission especially when an alternative was available which would have kept intact the zoning ordinance. The conditional use permit is a provision of the zoning ordinance which was available and which the Jefferson County Planning Commission is by virtue of the fact that it is the "law" of the county bound to uphold. As long as the zoning ordinance is the law of the county is it the Jefferson County Planning Commission's and indeed the Jefferson County Commission's obligation to uphold that law/ordinance just as the Commission is required to uphold other obligations unless and until they are changed.

6. The watershed into which this Morgan Grove Park flows is home to animals and flora and fauna which are either endangered and/or threatened, there is a voluminous record in the files of the Jefferson County Planning Commission regarding these issues which was not considered by the Commission before making this decision.

7. Lastly, the introduction of a commercial and industrial element to the area will have a negative impact on the value of homes in the neighborhood including my own.

For the reasons listed above, I am requesting that you vote to reject the Jefferson County Planning Commission's decision to violate the Jefferson County Zoning Ordinance.

Sincerely,



J. Davitt McAteer

JDM/dcr

28 November 2011

Dale Manuel
Jefferson County Commissioner
Jefferson County Planning & Zoning
P. O. Box 250
124 E. Washington Street
Charles Town, WV 25414

Dear Commissioner Manuel,

Please reject the decision of the JCPC (Jefferson County Planning Commission) relating to the property next to Morgan's Grove Park.

My request is based upon the following concerns:

1. The enjoyment of the park will be negatively impacted by the re-zoning of the property next to it.
2. The watershed flowing from the spring at Morgan's Grove Park will be negatively impacted by the re-zoning. As noted on the Park's grounds, this watershed feeds directly into the Shepherdstown Town Run, and contributes to the drinking water of the Shepherdstown community.
3. The residential neighborhoods will be negatively impacted, especially as regards their property values.
4. The impact on traffic will create dangers (driving hazards) for motorists on Rte. 480 as well as pedestrians who use Morgan's Grove Park.
5. The quality of life in Shepherdstown and surrounding areas will be negatively impacted by the re-zoning.

I am therefore requesting that you vote to overturn the decision of the Jefferson County Planning Commission in regard to the request for re-zoning.

Sincerely,



M. Caitlin Lough McAteer
4704 Kearneysville Pike
Shepherdstown, WV 25443

RECEIVED

NOV 29 2011

Jefferson County Commission

**Mason Ellsworth
151 Heritage Drive
Shepherdstown, WV 25443**

November 28, 2011

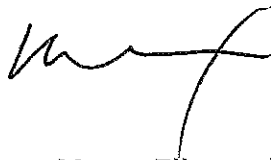
Dale Manuel
Jefferson County Commissioner
Jefferson County Planning & Zoning
P. O. Box 250
124 E. Washington Street
Charles Town, WV 25414

Dear Commissioner Manuel:

I write to oppose the decision of the Jefferson County Planning Commission. I enjoyed the Morgan Grove Park as a child and believe that its enjoyment will be diminished by this decision.

Please reverse the decision of the Jefferson County Planning Commission.

Sincerely,



Mason Ellsworth

RECEIVED

NOV 29 2011

Jefferson County Commission

Brian Ellsworth
151 Heritage Drive
Shepherdstown, WV 25443

November 28, 2011

Dale Manuel
Jefferson County Commissioner
Jefferson County Planning & Zoning
P. O. Box 250
124 E. Washington Street
Charles Town, WV 25414

Dear Commissioner Manuel:

I am a business owner in Jefferson County who writes in strong opposition to the rezoning of the property south of Morgan's Grove Park on Route 480.

I believe that the zoning ordinance protects residential neighborhoods and business's as well the fact that this decision dismantles the County Zoning Ordinance for one single property without adequate public input is deplorable. I favor business and have shown through my efforts that business can thrive within the current zoning ordinance. I therefore strongly urge that you vote to rescind the decision of the Jefferson County Planning Commission and reestablish to residential zoning of the property.

Sincerely,



Brian Ellsworth

RECEIVED

NOV 29 2011

Jefferson County Commission

Sylvia Ellsworth
151 Heritage Drive
Shepherdstown, WV 25443

November 28, 2011

Dale Manuel
Jefferson County Commissioner
Jefferson County Planning & Zoning
P. O. Box 250
124 E. Washington Street
Charles Town, WV 25414

Dear Commissioner Manuel:

I write to express my opposition to the rezoning of the "Henry Property" located south of the Morgan Grove Park. I am a business women in Jefferson County who favors business, but not at the cost of our quality of life, and as a mother, I know the value of Morgan Grove Park and of residential neighborhoods which surround it.

My business is in part dependent upon the residents of Jefferson County wanting to be comfortable with the community they live in, the negative impact of a industrial/commercial zoning of residential property violates the zoning ordinance, but even more violates the trust Jefferson County promised the residents who moved here thinking that their residential neighborhoods would be safe and secure and not negatively impacted by "spot rezoning." I further object that since the Morgan Grove Park will be negatively impacted and our enjoyment of the County operated facility negatively impacted.

I ask that the decision be overturned.

Sincerely,

Sylvia Ellsworth RECEIVED

Sylvia Ellsworth

NOV 29 2011

Jefferson County Commission

Kathryn G. Lough McAteer

-ROSE BRAKE-

**4704 Kearneysville Turnpike
Shepherdstown, WV 25443**

(304) 876-3768

November 28, 2011

Dale Manuel
Jefferson County Commissioner
Jefferson County Planning & Zoning
P. O. Box 250
124 E. Washington Street
Charles Town, WV 25414

Dear Commissioner Manuel:

I write to oppose the extraordinary decision of the Jefferson County Planning Commission to rezone the property south of the Morgan's Grove Park operated by Jefferson County Parks Commission.

The decision is procedurally deficient in that it in effect rezones property in violation of the Jefferson County Zoning ordinance without adequate input of the citizens of Jefferson County.

But the decision is flawed even more fundamentally in that the Jefferson County Commission has a concrete and very real interest in the outcome of the decision in that it operates the park next to the property and no opinion or input by the Jefferson County Commission was considered by the Jefferson County Planning Commission dispute the very real interest and undoubtedly real impact on county operated property, notably the Morgan's Grove Park.

The potential for adverse impact requires the Jefferson County Commission to reverse the decision in the very least and remand the decision to the Jefferson County Planning Commission until such time as the County can access the impact of the rezoning on the property it currently operates.

Sincerely,



Kathryn G. Lough McAteer

RECEIVED

NOV 29 2011

Jefferson County Commission

November 25, 2011

Patsy Noland, President
Jefferson County Commissioners
PO Box 250, 124 E Washington Street
Charles Town, WV 25414

Dear Ms. Noland:

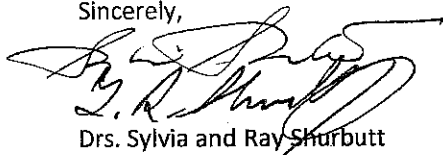
We are residents of Jefferson County, living at 1201 Morgan Grove Road, having built the house that we live in some 23 years ago on a lovely 2 ½ acre lot close to Morgan Grove Park. When we heard that there was talk of changing the zoning of the old Henry property contiguous with the park, we felt it important to attend the Zoning Commission discussion two weeks ago. What we saw and heard was extremely disconcerting and should be a wake-up call for all of Jefferson County.

On Tuesday, November 8, 2011, Peter Corum's rezoning request of property next to historic Morgan Grove Park went before the Zoning Commission in Charles Town. Mr. Corum asked to have the property, bordering the park and contiguous to a quiet residential area of single family homes in one of the county's loveliest and most bucolic areas, rezoned from "rural" to "commercial/industrial."

Representatives from the community, the president of the Shepherdstown Men's Club that owns the park, and the Zoning Board's own staff spoke **firmly against the request and stated unequivocally that this request was not in keeping with the nature of the property or community nor compatible with the Jefferson County 2004 Comprehensive Plan.** Likewise, it was noted by speakers at the hearing that there were other sites in the county which are under-utilized and far more appropriate for the commercial/industrial plan Mr. Corum has for the property. There was only one person who spoke for Mr. Corum's request, and she presented letters from those vendors that have participated in the Saturday market that he has formed since summer to preface this request.

A commercial/industrial site at this particular location will be dangerous and an extraordinary hazard for the children and parents who use the park next to a busy highway. As the rezoning goes with the property and not with the individual owner, the new designation will likewise be a dangerous precedent to set for property surrounded by quiet, single-family homes and a historic park utilized by the whole county. Specifically, the Zoning Commission determined that the commercial/industrial development of the property was compatible with the Jefferson County 2004 Comprehensive Plan after their own staff ruled that was not the case and a large contingent of neighbors in the area agreed. For those of us sitting in the audience, listening to the clearly negative recommendations of the Zoning Commission's own staff and the egregious and specious arguments of Mr. Corum and his lawyer, we were utterly incredulous that the Commission voted at 10:30 p.m. to recommend the commercial/industrial rezoning. We respectfully request that the Planning Commission not approve Mr. Corum's rezoning request.

Sincerely,



Drs. Sylvia and Ray Shurbutt
1201 Morgan Grove Road
Shepherdstown, WV 25443

RECEIVED

NOV 25 2011

Jefferson County Commission

8348 Martinsburg Pike

Shepherdstown WV 25443

November 28, 2011

Jefferson County Commission


Re: Re-zoning request 13.69 acres/ Morgan's Grove Park

Dear County Commissioners:

Owners very often do not request re-zoning of a property to use it for the purpose they state in their request. They request re-zoning to increase the value of the property, which they then immediately sell. The new owners then can and usually do build something different than what is described in the original re-zoning request.

Please deny the request for re-zoning this property.

Sincerely,


Karen Hilberg

RECEIVED

NOV 29 2011

Jefferson County Commission

266 Shepherd Lane
Shepherdstown, WV 25443
November 28, 2011

Dear Commissioners,

This letter is written in support of the Staff of the Jefferson County Planning Commission which provided a well-reasoned and compelling argument that a change from rural to commercial/industrial zoning is inappropriate for the Peter Corum land which adjoins Morgan Grove Park in Shepherdstown, known as Twin Oaks Subdivision.

Common sense should prevail in making this decision for a parcel which is completely surrounded by land that is zoned rural or residential-growth. Under the comprehensive plan of the mid 1980's it was recognized that a commercial use for the property was inappropriate. However, in order to protect existing businesses, a provision for grandfathering those in existence prior to the enactment of the zoning ordinance was included. As a result Henry's Country Inn, then a viable operation, was extended this protection. After the restaurant burned to the ground in the early 90's and Mr. Henry did not request a permit to rebuild during the allowable period, the grandfathering expired and the land has NOT been used commercially since that time.

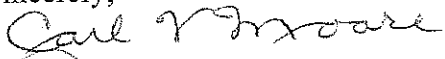
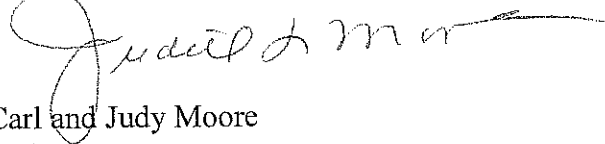
Having lived near the parcel in Ledgelowe Estates for the past 36 years we are concerned about the need for protection of the watershed, about the very dangerous traffic situation, about disturbing the wildlife, and about the threat to the integrity of the Park itself.

Mr. Corum's statement that the Shepherdstown Men's Club is running a commercial operation by renting the park to the County and to non-profits is specious at best.

We have a strong objection to the lack of due process. Despite the disingenuous statement that the rezoning is "appropriate to fill local community needs", the local community was blindsided by not being given ample time or notice to respond. We commend the Commission for agreeing to delay making a decision on the matter and urge that a well-advertised public hearing be held before any further discussion occurs by County Commission.

I do hope each of you will do an on-site inspection of the property before proceeding.

Sincerely,

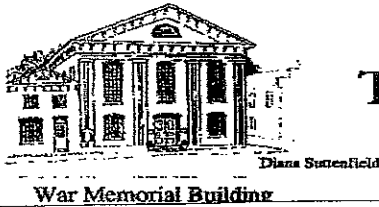
Carl and Judy Moore

304-876-6176
mjlmoore@frontiernet.net

RECEIVED

NOV 30 2011

Jefferson County Commission



The Shepherdstown Men's Club

Men and Women Dedicated to Community Service

Ms. Patsy Noland, President
Jefferson County Commission
P.O. Box 250, 124 East Washington Street
Charles Town, W.V. 25414

28 November 2011

Dear President Noland:

I am writing again concerning the Twin Oaks Development rezoning request for the property adjacent to Morgan's Grove Park outside of Shepherdstown. As a long standing non profit organization serving the Shepherdstown community and citizens of Jefferson County, and owners of Morgan's Grove Park, we are very concerned about this impending rezoning request. Like your planning staff, we believe that it is not in conformity with our county's comprehensive zoning plan. Having participated in the Planning Commission meeting that resulted in this ill-advised recommendation we believe that the valid concerns of our community and certainly those of near-by property owners were not fairly taken into consideration.

It appeared that the Planning Commissioners were bending over backwards to give the petitioners what they were requesting without looking critically at the implications for the surrounding property which is predominantly residential and our historic park. It is particularly surprising since the County itself is directly involved through its operation and management of the park by your own Parks and Recreation Commission.

The whole controversial initiative seems unnecessary based upon the critical evaluation and recommendation of your own staff, that the current rural zone classification would permit the owners to carry out their stated plans for use of the property. We are certainly willing to work with the owners, as good neighbors to help them enjoy the full benefit of their property. However we are very concerned about the undisclosed intentions for this property that might require or necessitate the requested "commercial-industrial" rezoning. It begs the question if the property is simply being repackaged for some more advantageous sale to commercial investors.

We hope that you will not feel pressured to rush into a decision on this rezoning request when you meet on December 8. It has important ramifications for the credibility of our County zoning policy as well the interest of local property owners.

We strongly endorse the approach taken by the Shepherdstown Planning Commission and recommend that you either deny this request or remand it back to the Planning Commission for further consideration. A full public hearing on the matter that gave full consideration to

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NOV 30 2011

Jefferson County Commission

the interests of our community and surrounding property owners would be extremely beneficial in terms of implementing any subsequent decision.

Sincerely,

Mike Austin
Mike Austin
President



CORPORATION OF SHEPHERDSTOWN

104 NORTH KING STREET
P.O. BOX 248
SHEPHERDSTOWN, WEST VIRGINIA 25443-0248
TEL: (304)876-2312
FAX: (304) 876-1473

November 30, 2011

RECEIVED

Jefferson County Commission
ATTN: Ms. Patsy Noland, President
P.O. Box 250
124 East Washington Street
Charles Town, WV 25414

NOV 30 2011

Jefferson County Commission

Re: Twin Oaks Subdivision, LLC Rezoning PC File #Z11-05

Dear President Noland:

Please be advised that on November 21, 2011, the Shepherdstown Planning Commission voted unanimously to recommend that the Jefferson County Commission reject the rezoning request in the above-referenced matter.

Based on uncontradicted public comment at the meeting, the Commission felt that the decision made by the Jefferson County Planning Commission was hasty and not supported by the County planning staff. For these reasons, we recommend that the County Commission delay consideration of this request until a public hearing can be held to provide further public input.

Other legitimate concerns expressed at the meeting included:

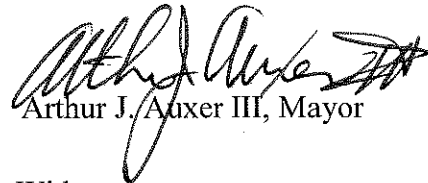
- A complete rezone, as opposed to a conditional use permit, will run with the land, allowing any commercial-industrial use on the relevant parcel;
- A complete rezone is in direct contradiction of the Shepherdstown urban growth boundary adopted by the Shepherdstown Planning Commission and discussions held with County officials;
- The proposed use of the parcel could impact the Shepherdstown watershed and neighboring Morgan's Grove Park.

The Shepherdstown Planning Commission further believes that the rezone and proposed use will impact the "Greater Shepherdstown Area," as identified by the Shepherdstown Comprehensive Plan. Such impacts include watershed issues, utility concerns and development along arteries into Shepherdstown.

We encourage the County to take a much closer look at this request due to the unanimous public comment and the potential impacts.

Very truly yours,


Josh Stella, President


Arthur J. Auxer III, Mayor

CC: Dale Manuel, Walt Pellish, Frances Morgan, and Lyn Widmyer

Enclosures: Copies of various letters from the Shepherdstown community addressed to the County regarding this matter.

December 1, 2011

Jefferson County Planning Commission
PO Box 250
124 E. Washington Street
Charles Town, WV 25414

RECEIVED

JEFFERSON COUNTY COMMISSION

Re: Opposing 11/17/11 Decision by Planning Commission that rezoning Peter Corum property from Rural to Commercial-Industrial is compatible with County Comprehensive plan.

Dear Planning Commissioners:

I strongly urge you to reconsider your recent decision to find the rezoning of the Peter Corum 13 acre property adjacent to Morgan's Grove Park as compatible with the Jefferson County Comprehensive Plan. I have owned and occupied a home with my family in the heart of Shepherdstown for 22 years and am concerned with the long-term consequences to residents of Shepherdstown by your hurried decision regarding this vulnerable piece of property. This property is properly zoned as Rural and should remain so.

The historic grounds of Morgan Grove Park need to secure rural context and the Comprehensive Plan accounts for this. The housing developments in the area around the park are not obvious and do not interfere with the historic setting of this important park. However, an industrial use in close proximity to the park would be an incompatible visual intrusion.

In addition, at the County offices there are reams of files that document the negative effects of putting any type of industrial development on this property. Adjacent industrial use would degrade or contaminate the Town Run watershed. The run is our town's secondary drinking water source and a place where our children play - as they have since the founding of Shepherdstown. You need to consider the information already available at the County that indicates this rezoning incompatible with current land use and resources.

Finally, your planning professionals are very qualified to provide recommendations and you should listen to them. Per their recommendation it is more appropriate to continue to use the Conditional Use permit as a means to control land use on this 13 acres. If you go against this recommendation, you should have compelling evidence, independent findings, and data. Otherwise, it is extremely poor practice as a public official to make unsupported decisions.

Thank you for your time.

Karene Motivans
PO Box 29
Shepherdstown, WV 25443

Amy Mathews Amos
1104 Morgan Grove Rd.
Shepherdstown WV 25443
304-876-0647
December 1, 2011

Patsy Noland, Commissioner
Jefferson County Commission
PO Box 250
124 E. Washington St.
Charles Town WV 25414

RECEIVED

Dear Commissioner Noland:

I urge you to deny the application submitted by Peter Corum and J. Edward Slonaker of Twin Oaks Subdivision LLC to rezone the property designated as Tax District Shepherdstown, Map 13, Parcels 26.1, 26.2, 26.3 and 26.4 from Rural to Industrial – Commercial. I am a homeowner on Morgan Grove Road, near Morgan Grove Park, which is adjacent to the Twin Oaks site.

This property is surrounded by well-used Morgan's Grove Park and residential housing in Morgan Grove Heights, Falling Spring, Ledge Lowe, Colonial Hills, and other nearby subdivisions. It is one mile from downtown historic Shepherdstown. Yet Industrial-Commercial zones allow heavy and light industrial use including sawmills, slaughterhouses, chemical and explosive manufacturing, concrete and cement manufacturing, garbage or animal reduction processing, petroleum refining, and other uses. Rezoning this property is inappropriate and unnecessary; is inconsistent with the Jefferson County Plan; is opposed by the Shepherdstown Planning Commission, the Shepherdstown Men's Club (which owns the adjacent park), and many nearby homeowners; and is expected to decrease property values. More specifically:

- *Rezoning is inappropriate given the surrounding land uses.* Industrial use is entirely inappropriate next to a park regularly used by thousands of county residents, civic groups and soccer teams. Needless to say, industrial use is also entirely inappropriate in the midst of a residential neighborhood.
- *Rezoning threatens property values.* Current homeowners purchased or maintain their properties under the existing zoning, which indicates that this site is in a Rural District. The value of their property is based on the expectation of surrounding areas conforming with existing county plans and rules. Changing those expectations greatly reduces the value of their property for resale: Few homeowners would choose to live adjacent to a site zoned for heavy industrial use. It undermines buyer (and owner) confidence in the county zoning and planning process, inserts significant uncertainty into land values, and potentially drives away those who otherwise would choose to buy property in Jefferson County. Moreover, Planning Commission staff note that other sites in the county

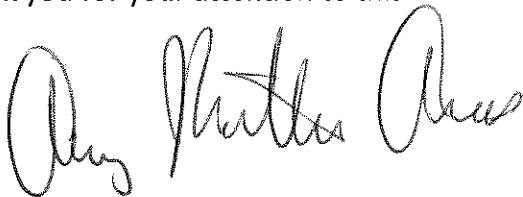
already exist for industrial and commercial use, yet remain empty. Adding additional capacity will serve only to decrease the value of these other properties.

- *Rezoning is inconsistent with the Jefferson County Comprehensive Plan and is opposed by the Shepherdstown Planning Commission.* Jefferson County Planning Commission staff have determined that rezoning is inconsistent with the Jefferson County Plan. Specifically, they note that the intensity of the Industrial – Commercial District is not in keeping with the surrounding property zoning classification, and the growth and development patterns existing are not conducive to potential heavy industrial operations. Under WV state law, if an amendment for zoning is inconsistent with the comprehensive plan, then the Commission must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the plan was adopted and have substantially altered the basic characteristics of the area. No such changes have occurred in the area since the 1988 zoning of this site.
- *Rezoning is unnecessary.* Jefferson County Planning Commission staff have determined in their report that the existing zoning (Rural) is sufficient for the site's current use as an outdoor farmers market, as well as for the applicant's proposed planned uses such as an enclosed farmers market and a commercial kitchen. At the November 8 Planning Commission meeting, staff indicated their willingness to work with the applicant to provide the appropriate permits to allow for those planned uses.

It is critical for the County Commission to remember that zoning attaches to the property, not the owner. Although applicants did not list heavy industrial uses in their application for rezoning, any of the uses allowed under Industrial- Commercial zoning district may be exercised by current or future owners of the property if the County Commission rezones this site. Therefore, the decision made by the County Commission now will affect the quality of life and property values of thousands of residents in the greater Shepherdstown area and the rest of Jefferson County for decades to come.

Peter Corum purchased this property under existing County rules and zoning, as did all nearby property owners. It is reasonable to expect that he recognize those zones and the current county plan and work within them to develop his site. I ask that the County Commission recognize and support the Jefferson County Comprehensive Plan and zoning, and deny the application for rezoning.

Thank you for your attention to this.

A handwritten signature in cursive script, appearing to read "Amy Shultz".

RECEIVED

DEC 02 2011

Jefferson County Commission November 28, 2011

To The County Commissioners of Jefferson County

I am writing to protest the impending zoning change to commercial/industrial for the property next to Morgan Grove Park on Rt 480, and directly across from Shepherd Lane.

I have been a resident of Jefferson County since June 2005 living at 318 Shepherd Lane, Shepherdstown. It has been our experience that the traffic coming from Kearneysville comes fast and furious with little heed to the 40 MPH speed sign. Traffic twice a day, morning and early evening is heavy and it is very difficult to pull onto 480 from Shepherd Lane and feel confident about ones safety.

Last summer during the Morgan Grove Farmer's Market was but a small indication of what traffic would be like if the property in question would be rezoned. Already, this quiet residential area sounds like we are living on an inter-state highway due to the truck traffic passing through.

(2)

I believe progress can be a good thing, but this re-zoning will only lead to the degradation of this area which in fact is why most residents have moved to Jefferson County for its quiet, peaceful, environmental and family oriented areas of recreation and availability to be out in nature.

I appeal to the Commissioners of Jefferson County to listen to its residents and not pass this re-zoning change.

Respectfully submitted,

Linda O'Brien
318 Shepherd Lane
Shepherdstown, WV 25443

RECEIVED

DEC 02 2011

James C. Price
P. O. Box 36
Shepherdstown, WV 25443

Jefferson County Commission

November 30, 2011

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

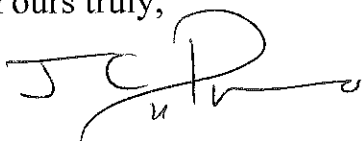
Dear Commissioners:

I am writing this in opposition to any change in the zoning status of the land just south of Morgan's Grove Park, on the east side of State Route 480. This parcel has much local history. It was part of the farm of The Hon. A. R. Boteler, whose home Fountain Rock (upon whose foundation the pavilion at Morgan's Grove Park is located) was destroyed by Union General David Hunter in 1864. Not only does this parcel have a specific history and contains the headwaters of our almost-pristine Town Run, it fits into a broader non-specific historical era.

Those of us who lived here in the 1930s, 1940s, and beyond well remember the hardscrabble times that so many rural area residents had in the local farming industry. Many of them were tenant farmers and did not share much of the local wealth. Most county roads were unpaved with dust, or mud, depending upon the weather. Many homes and business properties in Shepherdstown were rundown, in need of major repair, and not conducive to happy, tranquil lives. In the 1960s, a renaissance of sorts began. Houses and businesses were spruced-up, developments containing lovely houses and grounds sprouted. The locale became vibrant. People started to move into this area from the metropolitan areas. Folks like to live and raise families in thriving, yet tranquil, areas. Why would we want to go back to gravel pits, brick kilns, timber storage, foul-smelling places, air-polluting enterprises, and such because of technicalities or changes of zoning status?

We are a community. This is Mr. Jefferson's County. This county is one of the hallmarks, and the gateway to the beautiful Shenandoah Valley. I implore you to be the good custodians you were elected to be, and not let some technicality or some "just for a buck" request undo what lifetimes of good citizens have worked toward: Pride in Jefferson County.

Yours truly,





STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES

Earl Ray Tomblin
Governor

Michael J. Lewis, M.D., Ph.D.
Cabinet Secretary

November 22, 2011

ADMINISTRATIVE ORDER EE-11-29 (WITHOUT PENALTY)

**CERTIFIED MAIL (No. 7005 1820 0004 0485 3377)
RETURN RECEIPT REQUESTED**

Mr. Russell B. Roper
Administrative Contact
Cave Quarter Estates
46 Fort Washington Circle
Charles Town, West Virginia 25414

RE: Cave Quarter Estates
WV3301904
Jefferson County

Cave Quarter Estates (the Water System) is being issued the following Administrative Order (Order) due to failure to comply with the public health laws of the State of West Virginia. This Order is issued by the West Virginia Bureau for Public Health, Office of Environmental Health Services (OEHS). The OEHS is authorized to take this enforcement action pursuant to West Virginia Code § 16-1-9 and § 16-1-9a.

Please review this Order carefully as it requires specific action by the water system. Failure to comply with this Order will result in further enforcement action by this Office, including civil and/or criminal charges.

Questions regarding the Order should be directed to Ronda Savilla, Office of Environmental Health Services, 350 Capitol Street, Room 313, Charleston, WV 25301-3713 or by phone at 304-356-4294.

RECEIVED

NOV 29 2011

Jefferson County Commission

350 Capitol Street, Room 313
Charleston, West Virginia 25301-3713
Telephone: (304) 558-2981

Mr. Russell B. Roper
Cave Quarter Estates
Order No EE-11-29
Page 4

5. The Water System shall, within thirty (30) days of receipt of this Order, comply with the requirement of 40 C.F.R. §141.23(c) and 64 CSR § 3-10 by sampling and analyzing for IOC.
6. The Water System shall, within thirty (30) days of receipt of this Order, comply with the requirement of 40 C.F.R. §141.23(c) and 64 CSR § 3-10 by sampling and analyzing for Arsenic.
7. The Water System shall, within thirty (30) days of receipt of this Order, comply with the requirement of 40 C.F.R. §141.24(f) and 64 CSR § 3-10 by sampling and analyzing for VOC.
8. The Water System shall, within thirty (30) days of receipt of this Order, comply with the requirement of 40 C.F.R. §141.24(h) and 64 CSR § 3-10 by sampling and analyzing for SOC.
9. The Water System shall, within thirty (30) days of receipt of this Order, comply with 40 C.F.R. §§ 141.151-141.155 and 64 CSR § 3-10 by submitting the annual CCR's for the years of 1/1/2009 to 12/31/2009 and 1/1/2010 to 12/31/2010.
10. The Water System shall, within thirty (30) days of receipt of this Order, comply with 40 C.F.R. §§ 141.203-204 and 64 CSR § 3-10 by issuing the public notices identified in item 10 of the "Findings" section.
11. The Water System shall, commencing immediately after completing the requirements in item 10 of the "Findings" section, comply with the requirements of 40 C.F.R. § 141.31(d) and 64 CSR § 3-10 by submitting copies of the aforementioned public notices to the OEHS.
12. The Water System shall submit the required sampling analysis data results, required reports, and/or plans for returning to compliance to: **Bureau for Public Health, Office of Environmental Health Services, Environmental Engineering Division, Attention: Data Management, 350 Capitol Street, Room 313, Charleston, WV 25301-3713.** Include a completed copy of Attachment A with each Administrative Order program plan, data result, and/or required report submittal.

EFFECT ON OTHER PERMITS AND LAWS

This Order in no way relieves the Water System of the responsibility to comply with other permits issued to the Water System by the OEHS or other government agencies or to comply with other federal, state, or local laws. Compliance with this Order is not a defense to any

ATTACHMENT A: DATA MANAGEMENT COVER SHEET
ADMINISTRATIVE ORDER NO EE-11-29
WEST VIRGINIA BUREAU FOR PUBLIC HEALTH
OFFICE OF ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL ENGINEERING DIVISION

Attention Owner/Operator: Each Administrative Order data submission requires completed copy of Attachment A to receive credit.

PWSID No: WV3301904

PWS Name: Cave Quarter Estates

Data Submitted: _____

Data Submitted by: _____

Date Submitted: ____/____/____

DO NOT WRITE BELOW THIS LINE, FOR OFFICE USE ONLY:

Date Received by Data Management/Initials ____/____/____

Date Received by C&E Office Assistant/Initials ____/____/____

Date Received by C&E Compliance Officer/Initials ____/____/____

Date Data Entered by Data Management/Initials ____/____/____

VALLEY VIEWS

Potomac
Valley
Audubon
Society

Volume 30, Issue 4

December 2011

Stauffer's Marsh Preserve Dedicated

PVAS's new Stauffer's Marsh Nature Preserve was dedicated during a November 8 ceremony that was blessed by beautiful fall weather.

The preserve was donated to PVAS in September by Stauffer Miller and his wife Elinor, who currently live in Charlottesville, Virginia.

About 40 people joined PVAS and the Millers for the dedication ceremony.

Speakers included Berkeley County Council President Bill Stubblefield; state delegates John Overington and Walter Duke; staff members of U.S. Senator Jay Rockefeller and U.S. Representative Shelley Moore Capito; and representatives of the U.S. Department of Agriculture's Natural Resources Conservation Service, the Land Trust of the Eastern Panhandle, and the Berkeley County Farmland Protection Board. U.S. Senator Joe Manchin sent a letter of con-

See *Stauffer*, Page 2

Wild Goose Event a Wild Success!

On November 12, Cricky and Michelle Shultz opened their beautiful timber frame barn at Wild Goose Farm, just outside Shepherdstown, to PVAS for our fall fundraiser. PVAS was blessed with a perfect fall day so guests could enjoy hayrides while sipping champagne in the warm sunshine. They were treated to delicious pork barbecue, baked beans, corn pudding and apple slab pie with



Rock Hill Creamery ice cream. In addition, Bob Dean pulled together the Harlan Spring Band – a fantastic group that added to the festive atmosphere. Trego Mountain Nature Center in Maryland brought a Eurasian

Eagle-Owl with whom Donors, Patrons and Supporters could have their photos taken. The hand-hewn beams of the barn glowed in the

sunshine and the fall decorations, many of which were donated by Butler's Farm Market, added to the fall ambiance. Rodney Woods loaned us his auctioneering skills for a lively auction of donated items.

PVAS is incredibly fortunate to have so many volunteers help with these types of events. The coordinating committee that planned the event included Alice Barkus, Susan Brookreson, Gretchen Meadows, Diana Mullis, and Jané Vanderhook. This same group donated most of the food and beverages, AND did most of the cooking with additional help from Joe Brookreson, Mina Goodrich, and Craig Meadows.

The coordinating committee also decorated and set up the barn with assistance from Josiah Corwin-Roach, Jeff Feldman, Jennifer Jones and Jim Vanderhook. Gary Sylvester rigged up his tractor to provide hayrides around the farm. Mina Goodrich and Larry Dean donated and poured the champagne and sparkling cider for the

See *Wild Goose* Page 2.

Watch for Annual Fundraising Appeal Mailing

PVAS will launch its annual fundraising appeal on December 1.

We know that the economy remains uncertain, at best, and everyone is anxious about the future. We're continuing to tighten our belts, too.

But your annual contributions are one of our most important funding sources, and we'll be very grateful for any contribution you feel you can afford.

So please keep an eye out for this mailing and take time to read it if you can.

And please remember that no matter how much you give, your contribution is greatly appreciated.

We couldn't provide all the services we provide without the help we receive from members and friends like you!

Thanks in advance for whatever support you can provide to PVAS this year!

Potomac Valley Audubon Society is people dedicated to preserving, restoring, and enjoying the natural world through education and action.

President's Perch

Hello everyone:

The morning after our November 12 fundraising event at Wild Goose Farm, a friend who had attended telephoned to praise the event and offer congratulations. It was such a nice affair, she said; so "classy."

I truthfully told her that I deserved absolutely no credit whatsoever, and that any and all congratulations should go to our Executive Director, Kristin Alexander, and to the very generous and talented group of volunteers who work with her to plan and organize our fundraising events.

PVAS always has lots of volunteers doing all sorts of things, and of course we're grateful to them all.

But the folks who plan and organize our fundraisers are special.

First, they use their own funds to buy all of the food and beverages that are served at these events. They donate all of this.

Then they donate their time and skills to prepare and present the food and beverages in ways that at least meet (and often surpass) the standards of the best professional caterers.

Finally, they donate additional time, skills and materials to decorate the events according to the same high standards.

And they do this time after time, year after year.

In other words, they enable us to offer high-quality fundraising events at very low cost. And this means that almost all the money raised from these events is used to support our regular programs and activities.

Not many organizations can say the same; most of them spend far more than PVAS does on fundraising event overhead.

Much of what this group does is done quietly behind the scenes, and even though they're thanked publicly at each event, many people may not fully grasp the importance of what they're doing.

This column is an attempt to remedy that.

The volunteers I'm talking about are Alice Barkus, Susan Brookreson, Gretchen Meadows, Diana Mullis, Deb Pathoff, and Jane Vanderhook. Be sure to give them the recognition they deserve the next time you see them.

—Peter Smith

Reminder...No "Valley Views" in January

Please remember that there is no January issue of *Valley Views*. The next issue will be the February issue.

For late breaking announcements please check the PVAS website regularly, www.potomacaudubon.org, keep an eye on your email, and see your local paper for changes and new announcements.

If you haven't already signed up for the PVAS Heads Up email announcement list you can do so by sending a request with your name and email address to pvasmail@aol.com.

Stauffer (continued from page 1)
gratulations.

"This is a very generous gift that will be an important and enduring natural resource not only for the people of Berkeley County and the residents of the Eastern Panhandle but also for visitors to the area," said Council President Stubblefield. "Land and habitat conservation should be priorities for our county, and this is something that this gift should remind us of and one which we should take to heart. If we want to leave future generations a county they can be proud of, it's important that we do what we can now to conserve as much land and habitat as possible."

The preserve is located in Back Creek Valley in Berkeley County, on the east side of Back Creek Valley Road (County Route 7), one-half mile south of Shanghai.

The property is 45.7 acres in size. Much of it is wetland, with shallow ponds and marshy areas. It also includes some woods and edge lands. It has long been a favorite spot for Eastern Panhandle birders.

PVAS will manage it as a public nature preserve and plans to add some trails over time.

Like the other nature preserves PVAS manages, it will be open to the public year-round.

PVAS will need volunteers to help manage the property, and several people have already offered their services. If you would like to volunteer, please contact Kristin Alexander at 304-676-3397 or pvasmail@aol.com.

Wild Goose (continued from page 1)

hayride. Torri Thomas took photos of the Eagle-Owl and guests, Sarah and Stan Corwin-Roach greeted and registered guests, Jeff



Feldman and Don Briggs directed parking and were excellent behind-the-scenes helpers. Auction items were donated by Kristin Alexander, Susan Brookreson, Susan Fluharty Gretchen Meadows, Diana Mullis, and Jane Vanderhook.

The band, including Bob and Robin Dean, Greg Lloyd, Terrie Shaeffer, Gary St. Onge, Ike Eichler, and Jeff Payne, played for fun and food. Each volunteer pulled out every stop to make the event a success, and we couldn't have done it without them.

With all of the incredible volunteer help and generous donations, the event raised over \$10,000 for PVAS programs, including \$2,000 from the auction for a special start-up fund for Stauffer's Marsh.

This specific fund will help PVAS develop trails, signage, brochure, and bird list for the new preserve. We can't thank Cricky and Michelle Shultz enough for providing us the barn pro bono, and for their help with parking, decorating, and generally preparing for the event.



Two Rivers Giving Circle Helps Wee Naturalist Program

PVAS has been fortunate enough to receive a grant to pilot a new program, "Wee Naturalists on the Road," at preschools in Jefferson and Berkeley County in the new year. The grant is from the Two Rivers Giving Circle Donor Advised Fund of the Eastern West Virginia Community Foundation, and will provide \$2,500 in "start-up funds" for this new program.

The new program will be loosely based on the Wee Naturalist program for preschoolers that we offer at Yankauer, but will be adapted to be appropriate for an indoor classroom setting rather than the adult/child pairing used on the trails at Yankauer. The new programs will include costumes, active games and role-plays, stuffed animals and stories to expose these children to the variety of plants and animals nature has to offer in this region.

The funding will allow PVAS to provide a series of programs to preschool classrooms free of charge in its first year while PVAS adapts and evaluates the new program. Suzi Taylor, a seasoned environmental educator who currently teaches the Wee Naturalist program at Yankauer, will be piloting these new programs as well.

We are very excited to adapt the very popular Wee Naturalist program for this new setting and audience, and look forward to having a new preschool program to serve the area for years to come.

of the Eastern Panhandle, and the Friends of the Cacapon River.

Those who attended the dedication are shown in the accompanying photo. They are, from left to right, back: Sigfrid Yngvesson, Leverett, MA (Bill's son-in-law); Larry Springer, Berkeley Springs; Grant Smith, Harpers Ferry (President of the Land Trust of the Eastern Panhandle); Barbara Yngvesson (Bill's daughter); Jonathan Harvey, Charleston, WV (representing the Nature Conservancy); Vicki Smith, Shepherdstown; Nancy Kirschbaum, Shepherdstown (former Potomac Valley Audubon Society Board member); Pat Springer, Berkeley Springs; Peter Smith, Shepherdstown (President of the Potomac Valley Audubon Society); Renny Smith, Harpers Ferry; Helen Herlocker, Great Cacapon; Cory Belton, Berkeley Springs (Bill's widow); Becky Lett, Berkeley Springs (Cory's daughter); Debra Gidlund, Berkeley Springs; Nancy and Richard Harvey, Berkeley Springs; Velda Hoffman, Berkeley Springs; Mary Nichols, Berkeley Springs; Betty Lou Harmison, Berkeley Springs; Lee Jenkins, Berkeley Springs (Potomac Valley Audubon Society Board member); Calvin Hoffman, Berkeley Springs; Jean Neely, Shepherdstown.

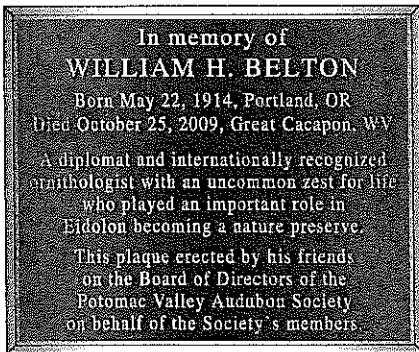


Kneeling in front: Jan Weinberg, Berkeley Springs; Lex Miller, Shepherdstown (Treasurer of the Potomac Valley Audubon Society); Joe Dent, Great Cacapon; Kristin Alexander, Martinsburg (Executive Director of the Potomac Valley Audubon Society); Tim Murphy, Shepherdstown; Joe Gentile, Berkeley Springs (Eidolon's volunteer caretaker).

Bill Belton Commemorated

Family members, friends, and associates of the late Bill Belton gathered at the Eidolon Nature Preserve on Sideling Hill Mountain the afternoon of November 13 to dedicate a plaque commemorating him

Bill, who lived in Great Cacapon, passed away at the age of 95 on October 25, 2009. He served on the PVAS Board for many years, right up to the time of his death, and he played a key role in the establishment of the preserve.



The plaque was paid for by voluntary contributions from current and former members of the PVAS Board.

Following the ceremony, Bill's widow, Cory, held a reception for the participants at her home in Berkeley Springs.

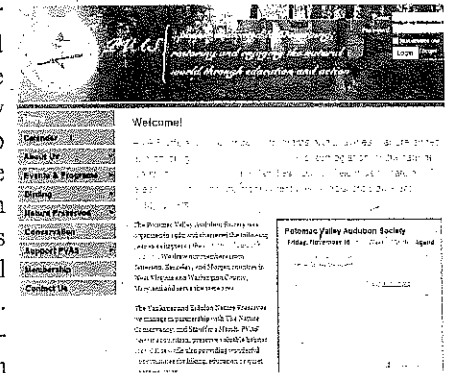
An Oregon native, Bill graduated from Stanford University in 1935 and had a distinguished 32-year career in the U.S. Foreign Service. After he retired, he began a second career as a self-educated ornithologist, earning international recognition for his work on the birds of Brazil.

He purchased property in Great Cacapon while he was in the Foreign Service and built a house and moved there after his retirement.

In addition to his service on the PVAS Board, he was very active on the boards of a variety of related area organizations, including the Nature Conservancy in West Virginia, the Potomac Headwaters Resource Conservation and Development Council, the Land Trust

New PVAS Website, Coming Soon!

PVAS has been partnering with Kristin Kaineg this fall to develop a new, modern website. The website will allow people to register for programs and field trips on-line, become a member or renew their membership on-line, receive more in-depth information about our programs and history, and it will be easier to navigate. The birding committee is also working on a birding trail map for the region that will be accessed from the site. There will be an interactive calendar with in-depth information about upcoming programs and more.



We plan to launch the new website in the new year, so go to www.potomacaudubon.org in January to check it out! We hope you like what you see!

Registration opens for next year's "Race for the Birds"

PVAS is now accepting online registrations for our 11th annual "This Race is for the Birds!" event.

The event will be held on Saturday, April 12, 2012, on the campus of the National Conservation Training Center (NCTC), near Shepherdstown, in conjunction with the Center's annual open house.



To register, and for more information, go to the race website at www.raceforthebirds.org. Or contact the race directors, James and Suzy Munnis, at jmunnis@earthlink.net or 304-876-6784.

As before, the Race for the Birds will include two professionally timed races—one 4.9 miles long and another 7.7 miles long.

Registration for these two races will be capped at 400 for both, so same-day registration may not be available.

There will also be a self-timed 2-mile community jog/walk for families and individuals who prefer a slower pace, and a 1-mile "Fun Run" for children under 10 years of age.

The 4.9- and 7.7-mile races will follow trails that wind through the forests and fields of the 538-acre NCTC campus.

The 2-mile jog/walk will follow a course that will be very user-friendly for families with small children, and trail-friendly baby joggers will be appropriate and encouraged.

The trails on the NCTC campus are not normally open to the general public so this will be a good opportunity to visit and enjoy the facility's beautiful trail network.

The two races will begin at 9:00 a.m. The jog/walk will begin shortly afterwards and the children's Fun Run will be held at about 10:45 a.m.

The children's Fun Run will be free. Fees for the other portions of the event will range from \$15 to \$25.

All proceeds will be used to support Potomac Valley Audubon's programs for children, and all fees will be tax deductible.

Fifth Master Naturalist Class Celebrates Completion!

On November 5, Master Naturalists gathered together for a potluck and celebration of their 5th graduating class. Ten new Master Naturalists were certified this year which means they have completed 64 hours of in-depth training in local wildlife and natural resource management and a minimum of 30 hours of volunteer service in the form of educational or scientific activities.

These newly Certified Master Naturalists include: Marilee Cunningham, Joan Cuzzart, Susan Jones, Scott MacKinnon, Tracy McCleaf, Woodrow Nackley, Henry Robinson, Louis Scavnicky, Gail Siano, and Lou Siano. The group also recognized the 33 Master Naturalists that recertified this year by completing their 8 hours of continuing education classes and 16 hours of volunteer service. Perhaps most impressively, the group recognized four of its members that have now completed their fifth year of active membership and service: Nancy Little, Wanda Miller, Ellen Murphy, and Diane

Sylvester. All were in the first "class" of Potomac Valley Master Naturalists and received a field bag and a certificate in recognition of this milestone and thanks for their service. Congratulations to all for this accomplishment!



Sylvester, Murphy, Miller, Little

Finally, the group recognized and thanked the 2011 Master Naturalists Co-chairs for their service and leadership, Krystal Kennedy and Nancy Little, and welcomed in the new Co-chairs, Susan Jones of Berkeley Springs and Melanie Snyder of Charles Town. In addition, Marilee Cunningham will be the new Treasurer for the group, filling an open position.

Sign Up Now for 2012 Master Naturalist Program

Our Potomac Valley Master Naturalist Program is now accepting applications for its 2012 classes.

Instruction will begin in March 2012 and continue monthly through October.

Applications must be postmarked by January 14, 2012. Candidates will be notified of their selection by February 1. Enrollment is strictly limited to 20 persons each year.

Established in 2007, the Potomac Valley Master Naturalist Program is sponsored by PVAS and is a chapter of the State of West Virginia Master Naturalist Program.

Its classes are open to anyone who wants to be certified as a Master Naturalist by the state of West Virginia. Most who enroll come from Jefferson, Berkeley, and Morgan Counties. Interested persons who live outside this area are welcome to apply, but they must commit to completing all their volunteer work in West Virginia.

In all, 64 hours of classroom time and 30 hours of volunteer work are required to complete the certification cycle.

Classes are held at the National Conservation Training Center in Shepherdstown, Cacapon State Park in Berkeley Springs, Yankauer Nature Preserve in northeastern Berkeley County, and Cool Spring Farm in southern Jefferson County.

Tuition is \$300 per person for the full course of instruction. A limited number of scholarships will be available.

Application forms and more details are available on the Potomac Valley Audubon Society website at www.potomacaudubon.org. Scholarship applications are also available there. For more information email Melanie Snyder at littleowl48@hotmail.com.

The Master Naturalist program is patterned after the long-established Master Gardener program. It trains individuals in the fundamentals of natural history and nature interpretation as a way of promoting responsible stewardship of natural resources.

Graduates of the program become part of a corps of highly qualified volunteers who assist government agencies, schools, and non-government organizations with research, outdoor recreation development, and environmental education and protection.

To remain certified they must take 8 hours of training and participate in 16 hours of volunteer activity annually.

Youth Program Update

The school programs that are being piloted at schools for kindergarten, first, fourth and fifth grades are nearly complete! This program was funded by the WV Division of Natural Resources and has allowed PVAS to test these new programs in the schools with over 800 youth this fall. The evaluations of the programs are currently being processed, but there's no doubt they've been a hit with the kids!

In addition, we've been able to offer our programs to schools serving disadvantaged youth this fall with support from the Eastern West Virginia Community Foundation's Frada Fine Fund and the Foundation's Youth Grants Program. The scholarship funds provided by the Foundation have allowed an additional 560 elementary students to participate in our programs free of charge this fall.

In addition, nearly 480 fourth-grade students have been participating in our Watershed Education program this fall taught by either Ellen Murphy or Suzi Taylor. Additional schools have already scheduled the watershed program for the spring. Students participating in the program learn about water quality issues by participating in hands-on activities both in the classroom and in the field.

Meanwhile, Ellen Murphy is busy planning for summer camp! We'll be offering sessions at the Yankauer Preserve (in Berkeley County between Martinsburg and Shepherdstown), Peter Burr Farm (near Kearneysville), and FLOC (For Love of Children Outdoor Education Center near Shannondale). The camp brochure will be out in early February, and registration will be available on our website. Stay tuned!

All of these programs are possible thanks to the hard work of our Director of Youth Programs, Ellen Murphy, our Watershed and Wee Naturalist Instructor Suzi Taylor, and a cadre of dedicated volunteers. PVAS is incredibly fortunate to have such a hard working team.

Birdseed Sale 2011 - Many Thanks

... to Marvin & Judy Gower and the staff at Gower's Williamsport, and also to Jon Birr and the staff at Gower's Ranson ... they negotiate getting really good birdseed, help us get it into vehicles, and supply storage (until April 1 this year ... don't forget). And many thanks to our PVAS helpers, Al Davis and Connie Ness at Williamsport and Joe Gentile (who helped me) at Berkeley Springs. And last but not least ... many thanks to all of you who ordered birdseed!! If you run into any problems with your birdseed, please give me a call: Birdseed.Coordinator - Diana Mullis at 304-267-3482 or dianamullis@aol.com. Thanks Again!!

Christmas Bird Counts Coming Up

December 17 and 31 have been set as the dates for this winter's annual Eastern Panhandle Christmas Bird Counts.

These local-area counts are sponsored by PVAS. They're part of a volunteer-based Christmas Bird Count that has been conducted throughout the western hemisphere every year since 1900 under the auspices of the National Audubon Society.

The purpose is to monitor the status and distribution of early-

winter bird populations.

Count volunteers follow specified routes through a designated 15-mile diameter circle, counting every bird they see or hear all day.

The December 17 count, the Charles Town count, encompasses a circle that is centered near Charles Town and stretches from the Shannondale area at the east to near Middleway at the west.

The circle for the December 31 count, the Inwood count, is centered near Shanghai in Berkeley County and includes the west side of Martinsburg and Inwood to the east and the Stotler's Crossroads/Greenwood section of Morgan County to the west.

Both experienced and novice birders are welcome to join in this season's Eastern Panhandle counts. Novice volunteers will be teamed with those who have more experience.

All those who participate must register beforehand with PVAS.

To register and/or to obtain more information, contact Bob Dean at 304-754-3042 or bobdean52@gmail.com.

The data collected from each year's Christmas Bird Count are folded into what is now the longest-running database in ornithology, representing over 100 years of continuous information. This database is used to help spot trends in bird populations, which in turn can help identify shifts in environmental conditions.

The data from each year's count are available online at www.birdsource.org (once there, click on "Christmas Bird Count."). To view data from the Eastern Panhandle counts enter their official 4-letter codes, WVCT and WVIN, in the appropriate field.

Reminder: Eidolon Hunting and Hiking Schedule for December

If you're planning to visit the Eidolon Nature Preserve in December, please remember that the main firearm season for deer continues through December 10 and there is a special, three-day season for antlerless deer December 28-30. Please keep the following rules in mind:

- In accordance with state law, no hunting is permitted on Sundays, and hikers can use Eidolon's trails freely on those days during hunting season.
- During the early December portion of the main firearm season for deer, the trails will be closed to hikers on Saturday, December 3, and Saturday, December 10.
- On all other days between December 1 and December 10, the trails will be open to hikers from 10 a.m. until 3 p.m. only.
- The preserve will be closed to hikers during the entire three-day antlerless deer season, which runs from Wednesday, December 28, through Friday, December 30.
- Hunters must be licensed by the state and follow all applicable state laws and regulations.
- For their part, hikers should exercise appropriate caution at all times during hunting season and wear at least one item of blaze orange clothing.

Full details can be found on the PVAS website.

Next PVAS Program at NCTC Will Be January Talk on Pawpaws

As usual, PVAS will not hold a program at the National Conservation Training Center in December.

Our next NCTC program will be a January 11 program about the history and uses of the Pawpaw tree.

The speaker will be Neal Peterson, of Harpers Ferry. Peterson is one of the leading experts on this interesting native plant, and he has been in the forefront of efforts to develop commercially viable cultivars.

The program will be held at 7:00 p.m. on the 11th, in Room 151 of the Instructional West Building.

Admission is free and anyone is welcome to attend.

The Pawpaw (*Asimina triloba*) is a small, very decorative tree that bears fruit with a custard-like texture and a sweet flavor reminiscent of mango or banana.

It has a long history. It was cultivated by Native Americans and early settlers. The Lewis and Clark expedition relied on Pawpaw fruit on their way west, chilled Pawpaw was one of George Washington's favorite deserts, and Thomas Jefferson cultivated Pawpaw trees at Monticello.



But the fruit is full of seeds and highly perishable, which makes commercial-scale production and handling difficult. In addition, although the Pawpaw tree is very hardy once established, it is very difficult to transplant.

For nearly 30 years, Peterson has been engaged in a breeding project intended to overcome these problems. He has now developed six patented varieties with fruits that possess outstanding flavor, can range up to a pound in size, and have far fewer seeds than their wild cousins. These plants are offered for sale nationwide through three commercial nurseries in Missouri, Kentucky and Oregon.

To learn more about Pawpaws and Peterson's work see Peterson's website at <http://petersonpawpaws.com>.

Remember United Way/CFC Fund Drives

Here's a final reminder that the annual fundraising campaigns of the United Way of the Eastern Panhandle and the Combined Federal Campaign (CFC) will continue through December 15.

PVAS encourages its members to support these organizations.

Because PVAS is an IRS-qualified non-profit agency, individuals who contribute to either United Way or CFC can designate all or part of those contributions to PVAS, if they wish.

To designate United Way contributions to PVAS, look for the section of the United Way contribution form that says "Tell us how you would like United Way to invest your donation," enter the dollar amount you wish to designate to PVAS in the space next to the phrase "Restricted contributions," and write "Potomac Valley

Audubon Society in the line below that.

To designate CFC contributions to PVAS, enter PVAS's CFC number (29061) on the CFC form that you file with your employing agency.

United Way and CFC deduct a percentage from all designated contributions to cover their own administrative costs.

If you have any questions, please contact Kristin Alexander at pvasmail@aol.com or 304-676-3397.

View from the Eagle's Nest

By *Sandy Sagalkin*

Did you know you can see Golden Eagles in the PVAS service area – well - within a reasonable drive of our service area? Seven PVAS members drove up to Waggoner's Gap, Pennsylvania, Sunday, November 6. It was perfect weather for us—sunny and a high of 43 degrees—although not ideal for Golden Eagles, hawk watching being very weather-dependent. Still, we saw three of these magnificent creatures, as well as a Bald Eagle, Coopers and Sharp-shinned Hawks, and well over 50 Red-tailed Hawks, all migrating south to their wintering grounds. This is the second year that PVAS has gone to Waggoner's Gap for the Golden Eagles. Last year we lucked out with better weather and saw thirteen.

I really wanted to use this article to tell you about the new PVAS Birding Committee. Formed this summer, the Birding Committee is working on several projects that we hope will be of high interest to the PVAS birding community. Want to know the best places in our service area to bird, where the locals bird are, and how to get there? Want to find spring migrants? summer breeding birds? late summer shorebirds? fall warblers? fall hawk watches? winter waterfowl? Soon, you will be able to find out with a new PVAS Interactive Birding Trail Map. It will be available with just a few clicks on the PVAS website. If you are new to birding or new to the area, I think you'll love it.

Most PVAS birders got their start in Birding 101. I took the course four years ago and was hooked. Many alumni of Birding 101 retake the course every year, just to go out with our experts – Wil Hershberger, Bob Dean, and Matt Orsie. They've been doing this for years and we owe them a big debt of thanks. But wouldn't you like to improve on the skills you've picked up in Birding 101, and become more proficient at identifying warblers? be able to walk through the woods, hear a bird song and know there are Black-throated Green Warblers, Scarlet Tanagers, or Indigo Buntings nearby? or know that the area you are hiking through is perfect habitat for Swamp, Song and Fox Sparrows? The Birding Committee is working on developing a Master Birder program. While we haven't locked down the details yet – whether it will be like the Master Naturalist program or a series of workshops, the idea is test whether enough fledgling and intermediate birders out there want to improve their skills.

The last thing I want to mention is that we are working with the National Conservation Training Center to develop activities for next spring to celebrate International Migratory Bird Day. I hope we will have a week of activities for you birders culminating in our annual Ruth Ann Dean Memorial Birdathon.

Great Backyard Bird Count a "Gold Mine" of Information

The next GBBC is February 17-20, 2012.

When tens of thousands of people watch birds and report what they see online, they create a snapshot showing the whereabouts of many hundreds of bird species across the United States and Canada. This annual gold mine of information about birds comes from participants in the Great Backyard Bird Count (GBBC), a joint project of the National Audubon Society and the Cornell Lab of Ornithology with Canadian partner Bird Studies Canada.

To find out more about these and other trends from the 2011 count, visit www.birdcount.org and click on "Highlights of 2011 GBBC."

The Great Backyard Bird Count is sponsored in part by Wild Birds Unlimited.

From an NAS news release April 4, 2011.

Morgan, Berkeley County Receive E-Cycling Grants

The Morgan and Berkeley County Solid Waste Authorities each were the recipient of FY12 Covered Electronic Devices (CED) Grants awarded by the WV-DEP's Rehabilitation Environmental Action Plan (REAP). REAP awarded 24 applicants in total across the State, totaling \$233,587.00. These grants will have immediate positive impact on the recycling of electronics in these two counties.

The Morgan County SWA was the recipient of a \$7,500 grant to conduct a one day special event for the collection of electronics.

The Berkeley County SWA was the recipient of a \$18,000 grant. This grant will be utilized to continue to fund the free continuous collection program of electronics at the South Berkeley Recycling Center (SBRC). The SBRC will be accepting electronic devices during its normal operating schedule of Tuesday through Saturday; 9 a.m. to 5 p.m. No other Berkeley County recycling center will be accepting electronic devices at this time. The SBRC is located at 637 Pilgrim Street, Inwood. To learn more about the Berkeley County Recycling Program, including the location of all centers, please visit the website at www.berkeleycountyrecycling.com

On March 24, 2010, Governor Manchin signed Senate Bill 398; which amended WV Code §22-15A-22 to prohibit the disposal in a landfill of certain electronic devices, such as televisions, computers or video display devices effective January 1, 2011. These recycling programs are an effort to increase recycling, reduce litter and open dumping, and to develop an alternative collection program due to the passage of SB398.

PO Box 1227, Inwood, WV 25428
304-267-9370 Office, 304-671-2925 Recycling Hotline
berkeleycountyswa@msn.com
www.berkeleycountyrecycling.com

Calendar of Upcoming Events

- Dec 9, 7pm: Potomac Valley Nature Photographers Mtg.
- Dec 17: Charles Town Christmas Bird Count
- Dec 31: Inwood Christmas Bird Count
- Jan 11, 7pm: PVAS Program on Paw Paws

JOIN PVAS TODAY!

ALL of your dues will stay here to support local PVAS efforts and help us grow! And here's what you'll get:

- Access to a wide variety of PVAS programs and events for adults and children, including field trips, special events, workshops and courses, and environmental projects.
- A subscription to Valley Views, the PVAS newsletter
- E-mail alerts about events and programs of special interest
- Satisfaction of supporting conservation efforts, youth and adult nature education, individual and family recreation, and a wide array of programs in your community.

To become a local member, send in the form below and enclose a check for \$20 (\$15 for seniors and students). Make the check out to "PVAS." This fee covers membership for everyone in your household for one year.

Membership Form

Name: _____
Address: _____
City: _____ State: _____ Zip code: _____
Phone (optional): _____
E-mail: _____

To save postage costs, PVAS regularly sends its newsletter by e-mail. You can be assured that we do not share email addresses with anyone. If you would prefer to receive the newsletter by U.S. mail check here: _____

Clip and mail this form to:

Membership Chair, PVAS
PO Box 578
Shepherdstown, WV 25443

Thank you for your support!

If you'd rather join the National Audubon Society:

Some people prefer National Audubon Society membership, which includes a subscription to the Society's Audubon magazine. To become a National member, go to the Society's website at www.audubon.org and click on "join." If you join National Audubon and reside in Berkeley, Jefferson or Morgan counties in West Virginia, or in Washington County Maryland, you will automatically become a member of PVAS and have access to our events, an e-mail copy of newsletter and e-mail alerts. However almost all of your dues payments will go to the National Audubon Society; only a small percentage will go to PVAS.

RED TEXT - DOT ALERT

If red text or a red dot appears on your mailing label, your membership may have expired and this could be your last issue of Valley Views. Take action to renew your Local membership. If you are a National Audubon Society member, the National Society will notify you directly when your membership is up for renewal.



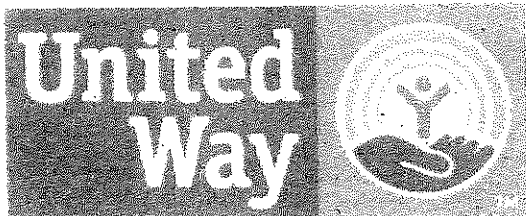
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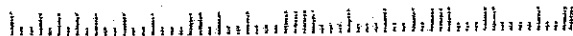
A proud partner of the United Way of
 the Eastern Panhandle and the Com-
 bined Federal Campaign.



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Jefferson County Commission
 100 E Washington Street
 Charles Town, WV 25414

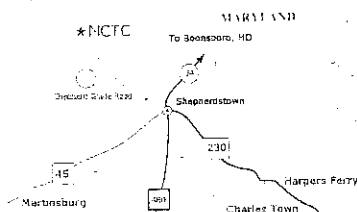
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Volume 30, Issue 4



The Potomac Valley Audubon Society meets at 7:00 p.m. on the second Wednesday of each month, September through April, at the US Fish and Wildlife Service National Conservation Training Center (NCTC), Shepherdstown, WV, in the Instructional West Building. Programs are free and open to the public. For additional information about PVAS or its programs and activities, please call any of the board members listed her or see <http://www.potomacaudubon.org>. PVAS serves the Eastern Panhandle of West Virginia and neighboring Washington County, Maryland.

PVAS BOARD
 The PVAS Board meets every other month on the first Thursday of the month (Sept.-June). Meeting location will be announced prior to meetings. These meetings are open to all PVAS members.

PVAS Officers and Board Members

- President: Peter Smith 304 876-1139pvsmith@frontiernet.net
- Vice President: Bob Reynolds robert.reynolds40@gmail.com
- Secretary: Mina Goodrich larrymina@peoplepc.com
- Treasurer: Lex Miller pamandlex@frontiernet.net
- Board Development: Wayne Braunstein 304 728-7181 wbraun@frontiernet.net
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SUBSTANCE ABUSE TASK FORCE REGIONAL MEETINGS BEGIN

"Substance abuse is jeopardizing our future." This was the cautionary note with which regional meetings held around the State in September were started. Staff of DHHR facilitated the meetings and all interested members of the public as well as county officials, health care providers, educators, and anyone with an interest in the subject were invited. DHHR explained its Comprehensive Substance Abuse Strategic Action Plan which has been a work in progress and stated that since FY 2010, prevention efforts are underway in all 55 counties for the first time ever.

State research shows:

- (1) Substance abuse is a huge concern for both health care providers and the public
- (2) There is a clear, recognizable impact on the community.
- (3) There is a major impact on youth.
- (4) The abuse of legal and "gateway" drugs, such as marijuana and alcohol, can spiral into abuse of other drugs.
- (5) There is a low public awareness of availability of treatment and financial assistance for treatment.
- (6) There are "new trends" always in substance abuse – always another new drug of choice.

- (7) The types of drugs abused differ from county to county.
- (8) People dealing with friends and family members who are abusing drugs exhibit a desire to avoid conflict with the abuser. Seeking help for friends or family is inhibited by pride and the stigma attached to drug abuse.
- (9) There is a network of skilled help available but they are fighting budget cuts and constraints.
- (10) 20% of women having babies in West Virginia are addicted compared to the national average of 4%.

The task force meetings were broken up into small groups in order to identify the concerns and recommend solutions. Each group then reported back to all participants. The State-wide Substance Abuse Council, appointed by the Governor in his Executive Order, will compile all the information from the task force regional meetings into a statewide report for the Governor. *Prosecutor Rick Staton* of Wyoming County and *Sheriff Mike White* of Hancock County are members of the Statewide Council. The regional meetings will continue in later October and November. For more information, go to www.governorsSubstanceAbusetaskforceswv.com

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THE President's View

I was very proud to welcome the WVACO Board of Directors and the many other participants to Summers County this month. Pipestem was "showing off" with a full display of fall color and beautiful blue autumn skies. We enjoyed hosting everyone and encourage you to come back for a visit.

Our legislative agenda was completed at this meeting and we found, as usual, there is far more agreement and common issues than there are disagreements. We will continue to work on the compensation increase issue to reach agreement, as it will take a unified

INTERIM HIGHLIGHTS

The post-election October session of legislative interims was considerably calmer than previous interim sessions, with no special session and with a known outcome of the special gubernatorial election. Several topics of interest to counties were taken up, including:

- **Prison Overcrowding** continues to be a hot topic of discussion by both the **Regional Jail and Corrections Oversight Committee** and **Judiciary Subcommittee A**, but many legislators are expressing that the time for talk is over and action must be taken. The regional jails are not actually overcrowded by offenders sentenced to the jail but by those who are sentenced to prisons but bed space is not available for them. DOC Commissioner Rubenstein said that prison population growth has been a problem for twenty years and continues to grow. Currently there are almost 1,800 inmates sentenced to DOC who are sitting in regional jails. He noted that there is an immediate dilemma of reaching a crisis point as well as risk of litigation and a long-term dilemma of curbing or decreasing prison population. "We must deal with the drug problem. We can't build our way out of that situation," said Rubenstein. The Judiciary Subcommittee will be looking at two draft bills in November; one proposes to decrease the number of people sent to prisons and the other provides for construction of a new facility.

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The County Line

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 2211 WASHINGTON STREET, EAST
 CHARLESTON, WV 25311

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Marion County

Historical Things to See and Do
 Prickett's Fort State Park near Fairmont is a replica of the

original frontier fortification built in the 1770's. Park staff members provide demonstrations on everything from tomahawk throwing to basket weaving.



BUSY AGENDA COMPLETED BY WVACO BOARD IN SUMMERS COUNTY

A full agenda of business and legislative items was completed by the WVACO Board of Directors in a beautiful fall setting at Pipestem State Park in Summers County, Oct. 16th-18th. The Board was welcomed by *Summers County Commissioner Jack Woodrum* and his colleague, *WVACO President Jerry Berry*. The agenda included several informational presentations: *Jimmy Gianato*, State Homeland Security Director, and *Don McGraw*, AEP, asked the Board to support efforts to curtail copper and metal thefts which are wreaking havoc on utility service and costs. *Jerry Cole*, U.S. Attorney's Office, provided information about sovereign nation citizens and asked county officials to report any questionable courthouse filings or other behavior that is consistent with the sovereign citizen activity. From the State Tax Department, *Jeff Amburgey*, Property Tax Division Director, and *Jan Mudrinich*, Legal Counsel, provided a power point presentation to explain their methodology for the valuation of chattels real for minerals. *Lisa McClung*, Deputy Cabinet Secretary for DEP, gave an overview of *Marcellus Shale* activity in WV. And last but not least, *Steve Rawlings* of the WV Counties Risk Pool gave an update on the risk pool's success with the implementation of workers' compensation coverage and reminded everyone that he is available to provide risk management services to any member county.

Items of business included a budget report, update on the courthouse video and related projects, committee reports, and the adoption of the WVACO strategic plan for the next two years. *Commissioner Lavada Williamson* gave her Compensation Committee's report on county classifications and they will continue their work to update the classes. *Prosecutor Gerry Hough* reported the recommendation from the Chattels Real Study Committee which was unanimously accepted. *County Clerk Donnie Evans* reviewed the policy statement from the Marcellus Shale Study Committee which was approved with authority to the executive director to make technical amendments. *Circuit Clerk Betsy Castle* reported on the Member Associations Relations Committee's recommendations which were accepted. A new project was undertaken to work with WVU Extension and the Charleston Gazette on "County Healthy Initiatives." A committee was appointed to work on a "county challenge" that will kick-off at the WVACO annual meeting in February. Committee members appointed are: *Commissioners Larry Barnhart & Jerry Linkinogger*, *Sheriff Steve Tanner*, *Assessor Steve Keadle*, *Circuit Clerk Donnie Kopp*, *Prosecutor Michael Sparks*, and *County Clerk Mary Beth Merrit*.

Legislative issues were adopted at the Issues and Eggs breakfast meeting on October 18th with each member association providing their legislative priorities. An issue must be unanimously adopted in order for it to "make the cut." A booklet summarizing all the issues will be sent to all county officials and legislators later this year. Following a long day of meetings, everyone was treated to dinner at Brandon's BBQ near Pipestem. Thanks to *Delegates Linda Sumner and John O'Neal* and *Senator Dave Sypolt* who joined us for lunch.

How's Your WV-IQ?

Answers on Page 7

- In what year did the WV Legislature first proclaim Charleston as the capitol city?
 - 1863
 - 1903
 - 1870
 - 1890
- The current capitol was completed on what date?
 - February 1932
 - June 1923
 - August 1877
 - April 1918
- How many square feet is the Capitol?
 - 353,000
 - 455,000
 - 615,000
 - 535,000
- What is the name of WV's first governor?
 - John Jacob
 - Arthur Boreman
 - Henry Mathews
 - Albert White
- WV paid VA \$12 million in pre-separation debt
 - True
 - False
- The WV Legislature authorized the current Capitol to be built in 1921. The building was completed in 1932.
 - True
 - False
- On August 7, 1877 an election was held to determine the location of the capitol city of WV?
 - True
 - False

TEAM COMMUNICATION

Successful teams are built on the foundation of successful communication. Communication involves much more than just talking or sending memos to other team members. Communication is a two-way process that includes the open exchange of information and ideas for everyone on the team. It allows team members the freedom to express themselves freely without fear of ridicule or retribution from the team leader or from other members of the team.

REGIONAL JAIL PER DIEM NOTICE NO INCREASE

At the regular meeting of the Regional Jail Authority Board on October 6th, the board adopted its FY 2013 financial plan that does not call for any increase in the per diem. It will remain at \$48.80.



"Loyalty means nothing unless it has at its heart the absolute principle of self-sacrifice." WOODROW WILSON

OCTOBER 2011

Calendar of Events

FEBRUARY 12-14, 2012 **WVACO 2012 Annual Conference**
 Charleston Embassy Suites, Kanawha County

MARCH 21-22, 2012 **WV EXPO**
 Charleston Civic Center, Kanawha County

Legislative Interim Meeting Dates 2011

NOVEMBER 14-16
 DECEMBER 12-14
 JANUARY 8-10, 2012

Mark your calendar

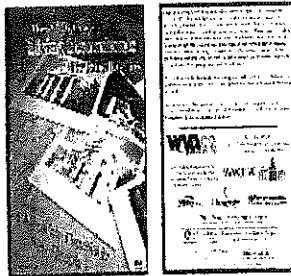


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Spirit of West Virginia Award for 2011
 Presented by the West Virginia Division of Tourism

MEMBER PROFILE: Angela Banks Jefferson County Assessor



Years in office: 2 years

Education: JHS 1983 and various college/technical courses

My favorite sport is: Football

The hardest thing I have done: Juggling work, raising 3 children, and taking care of my aging parents

You would be surprised to know: that I can be very vocal.

I'm most proud of: my children.

My favorite meal is: breakfast.

The last book I read was: A Painted House

Three people (living or dead) I'd invite to dinner: My Mom, Dad and Paternal Grandmother

My favorite movie is: Pretty in Pink

My favorite music is: Country

My pet peeve is: Salvage value

My motto is: Do the best you can and remember you cannot control everything that happens.

RECIPE OF THE MONTH



Vegetarian Chili

- 1 medium onion, chopped
- 1/4 C. olive oil
- 2 15oz cans kidney beans
- 1 15oz can pinto beans*
- 1/4 t. paprika
- 1/2 C. chili sauce
- 3 peppers (any color), chopped
- 1 clove garlic
- 1 15oz can chili beans
- 1 T. chili powder

Saute the onion, peppers, and garlic in the olive oil until the onions are translucent, about 10 minutes. Pour into crockpot with all remaining ingredients; mix well. Cook on low 4-6 hours, or high 2-3 hours. Top with more chopped onion, nondairy sour cream, and vegan cheddar cheese for a thick and satisfying chili that will have even dedicated carnivores asking for seconds. Add cayenne pepper and/or jalapenos for heat. * Some pinto beans are prepared with beef fat, so check the label.

"A faithful friend is a strong defense, and he that hath found such an one hath found a treasure." Ecclesiasticus 6

Judiciary Subcommittee A also heard an update on **Community Corrections** from Criminal Justice Division Director Norb Federspiel. From FY 2003-2011, the Community Corrections grant program has provided \$5,261, 504 in grant funds to what has built up to 22 programs covering 49 counties.

→ **Substance Abuse and its treatment, effect on the criminal justice system, and cost to West Virginia** continues to be at the center of any prison overcrowding discussion. According to a representative from the WV Prevention Resource Center Study, "It is the root of most problems in West Virginia's criminal justice system." WV fills 18.9 prescriptions per person annually, the highest rate in the nation. The national average is 12 prescriptions. WV has the highest rate of drug overdose deaths that equal the number of deaths from highway crashes. While nationwide, about 10% of Americans get addiction treatment, in WV that number is 5% to 7%. Of juvenile offenders, 80% are substance abusers. Underage drinkers consume 21% of all alcohol in the state. Substance abuse cost the state about \$1.8 billion in 2008 and that is projected to increase to over \$2 billion by 2017. Looked at another way, substance abuse costs WV \$5,096,617 per day; \$212,359 per hour; and \$3,539 a minute. As the representative put it, "These are the costs for shoveling up the mess." Prevention and treatment could save \$7 to \$20 for every one dollar invested. A Public Consulting Group, Inc. study found that WV does not collect the right information across systems, our system has been historically underfunded, and overall we have inadequate resources and ineffective programs.

→ **Marcellus Shale** continues to be studied among various committees. Finance Committee is looking at taxation and heard a report from Dr. Cal Kent of Marshall University. In a comparison study with other energy states, the report finds that taxation methods and types of taxes levied on the natural gas industry vary widely among the 19 states compared. The Economic Development Committee heard a report from Secretary of Commerce Burdette saying there is a lot of interest from industry in locating a cracker facility in WV. The Select Committee on Marcellus Shale continues to work on a regulatory bill for horizontal drilling. In one of many amendments discussed, the committee voted to make sure an amendment under consideration applied to horizontal drilling generally, not just Marcellus Shale, as there was concern that other play such as the Utica would not fall under this legislation, thus requiring revisiting the same issues.

7 tips to protect yourself from scams

- ▶ Thoroughly research people, organizations or companies that provide financial planning or investment advice, or sell produce or services
- ▶ Pay close attention to your credit report. Check for inaccuracies. You can get a summary from the three major agencies (www.annualcreditreport.com) but you may want to stagger orders from each agency every four months
- ▶ Never give personal information—social security number, bank account or other private data—to any person or organization you don't know.
- ▶ Put your name on the "Do not call" list (www.donotcall.gov). End any conversation in which you are pressured about an investment or financial service or product.
- ▶ Use a shredder to destroy any credit-card offers or other materials that someone could use to pretend to be you.
- ▶ Don't give someone money in exchange for a promise to get money. Never spend money to become eligible to win something.
- ▶ Assume any get-rich-quick opportunity is fraudulent.

For more information about fraud, go to www.sec.gov

OIL & GAS SPEAKER AVAILABLE

"In order to provide factual information about the natural gas industry and to answer questions from concerned citizens, the Independent Oil & Gas Association in partnership with the West Virginia Petroleum Council, is sponsoring the Just Beneath the Surface Alliance. As part of the educational outreach, Just Beneath the Surface Alliance is scheduling speaking engagements with county commissions, city councils, chambers of commerce, rotary clubs, lions clubs, etc. If you are interested in scheduling a speaker about this topic, please email Susan Lavenski at slavenski@charlesryan.com or call her at 304.545.8006."

"Base yourself in loyalty and trust. When you make a mistake, don't hesitate to correct it." ELEANOR ROOSEVELT

PEIA NEWS – NO PREMIUM INCREASE BUT INCREASES IN CO-PAYMENTS

The PEIA Finance Board met on October 11th and approved a tentative finance plan that does *not* increase premiums for FY 2013. However, co-payments for prescription drugs and some medical services are proposed. Overall, (state and non-state participants), the plan shifts about \$32 million of costs from PEIA to the insured participants through new or increased co-pays.

For example, the proposal includes:

- Increase co-pay for generic prescription drugs from \$5 to \$8
- Increase so-pay for brand-name, preferred drug list prescriptions from \$15 to \$50
- Increase emergency room visit co-pay to \$100
- Increase co-pay for use of urgent care facilities to \$25

According to the discussion, the increased co-pays are intended to focus on those who are utilizing medical services instead of increasing the premiums for everyone.

For more information, to make comment on the proposals, or to get individual customer service, you may attend one of the public hearings - schedule is below and all times are the same for each hearing:

Customer Service: 5 pm - 6 pm
Registration: 5 pm - 6 pm
Public Hearing: 6 pm - 8 pm

Monday, Nov 7th -
Civic Center Little Theater, Charleston

Tuesday, Nov 8th -
Tamarack Ballroom A, Beckley

Monday, Nov 14th -
Martinsburg Holiday Inn

Tuesday, Nov 15th -
Morgantown Ramada Inn

Wednesday, Nov. 16th -
Wheeling, WV Northern Community College

Thursday, Nov 17th -
Marshall Univ. Med School, Huntington

After the hearings are conducted and public comment is received, the Board meets in December to revise/adopt the final plan for FY 2013.

TECHNICAL TIDBITS

By Kathy Yates, Administrative Assistant



KEEP YOUR KEYBOARD CLEAN

To keep your keyboard in top condition cleaning should be done weekly, and the a more thorough cleaning should be done every 2 months (depending on use).

First, shutdown your PC and remove the mains plug, unplug the keyboard (remember which socket) and hold it upside down to release any debris from in between the keys (pressing the keys is a good way to release it).

If you have a can of compressed air then use it to blow any debris from around and under the keys, if not then use the hose of a vacuum cleaner to remove it.

Now take a cotton buds and put a couple of drops of the cleaning fluid on it (alcohol works fine), use the cotton bud to clean the sides of the keys.

After cleaning the sides of the keys take a lint free cloth and dampen it with your cleaning fluid (don't put the liquid directly on the keyboard), give the surface of the keyboard a good wipe over using the cloth to trace the contours of the keys.

When you have finished give the keyboard a wipe over with the dry cloth/duster, you should now have a nice clean keyboard.



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"Lack of loyalty is one of the major causes of failure in every walk of life" - NAPOLEON

NACo

2011 Fall Webinar Series

<http://www.naco.org/meetings/webinars/Pages/webinars.aspx>

NACo members can sign up now for new webinars on disaster recovery funding, promoting better health in your county through public-private partnerships, and working with your state about corrections and sentencing issues

Join thousands of county officials and staff around the country in timely, practical education in one or more of the many topics on NACo's agenda. Webinars in the "Members Only Education" are available exclusively to NACo members.

Learn more by visiting www.naco.org. If you have any questions, please contact Amanda Odorimah, Educational Services Associate, at aodorimah@naco.org or 202.942.4225.

There's a Killer on the Road – What can be done about Roadway Departure Crashes? Thursday, November 03, 2011

2:00 PM - 3:15 PM Eastern Time

During this webinar, receive a comprehensive look at the seriousness of roadway departure crashes, why it is such a problem on rural and isolated roads, and the counter measures that counties can implement to reduce the number roadway departure crashes.

Contact: James Davenport, jdavenport@naco.org or 202.661.8807

Relieving Rush Hour Congestion – What Can Counties Do? Thursday, November 10, 2011

2:00 PM - 3:15 PM Eastern Time

Demand for travel by Americans continues to grow as the population increases, particularly in metropolitan areas. Construction of new road capacity to accommodate this growth in travel has not kept pace. This challenge is especially acute during rush hour periods, and it can be costly due to loss in worker productivity. Join this webinar to hear about tools and resources (including Intelligent Transportation Systems) that counties can use to reduce the impacts of congestion, especially during rush hour.

Contact: James Davenport, jdavenport@naco.org or 202.661.8807

The Future of Financing County Energy Projects Thursday, December 01, 2011

2:00 PM - 3:15 PM Eastern Time

Over the past three years, many counties have been making significant energy project investments in their facilities—resulting in real savings over the long term and resource protection. Yet, much of the state and federal funding counties have relied on is not going to be available in 2012. The world of county energy finance is changing quickly. Participate in this webinar to learn about the new strategies available to finance your county energy projects.

Contact: Jared Lang, jlange@naco.org or 202.942.4224

COUNTY WELLNESS.....

What is the definition of wellness?

More than ever before, we hear this word in the news, on billboards, in conversation and even at work. Interestingly, there is no universally-accepted definition of wellness. There is, however, a set of common characteristics seen in most thoughtful attempts at a definition of wellness. We generally see a reference to a "state of well-being," which is vague, to say the least. Also frequently seen is a "state of acceptance or satisfaction with our present condition."

The truth is wellness is a tough word to define. Charles B. Corbin of Arizona State University who gives this *definition of wellness*: "Wellness is a multidimensional state of being describing the existence of positive health in an individual as exemplified by quality of life and a sense of well-being."

- Wellness is an active process of becoming aware of and making choices toward a more successful existence.
- Process means that improvement is always possible
- Aware means that we are continuously seeking more information about how we can improve.
- Choices means that we consider a variety of options and select those in our best interest.
- Success is determined by each individual to be their collection of life accomplishments.

Test your WV-IQ:

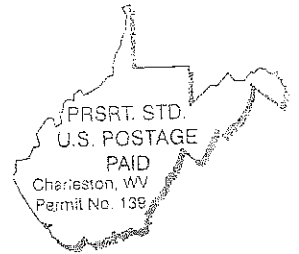
Answers for the quiz on page 3

1. (d) 1870
2. (a) February 1932, the Architect was Cass Gilbert
3. (d) 535,000 square feet
4. (b) Arthur Boreman
5. (a) True, in 1915 the US Supreme court ordered the debt
6. (a) True, at a cost of \$10 million
7. (a) True, Charleston was chosen





2211 Washington Street East
Charleston, WV 25311

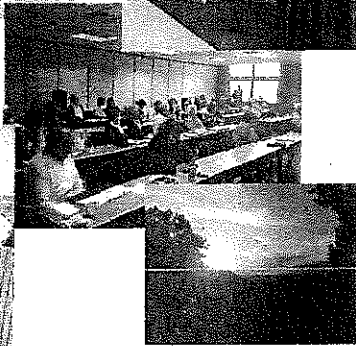
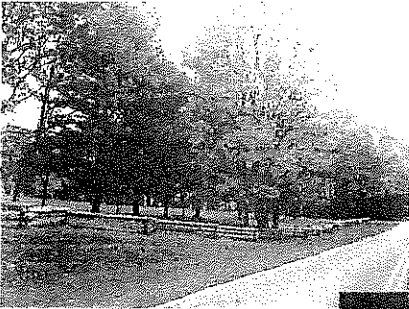


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CHARLES TOWN, WV 25414-0250



55

Direct to You



Thanks to over 70 county officials who took their time to attend the WVACO Fall Board meeting and discuss legislative issues of interest to counties. Pipestem State Park and Resort in Summers County was a beautiful fall location.

Patti

President's View Continued from page 1

effort to get that as well as other county issues passed at the Legislature. I could not attend the Issues and Eggs breakfast so I want to thank my fellow Commissioner Donnie Tenney, Vice-President for Commissioners, for chairing the meeting. Thanks to all of you who worked through a long business and legislative agenda for the good of our association and our county offices!

Jerry Berry



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

Week Ending Date	Week Ending November 26, 2011
To be Deposited on:	December 2, 2011
Amount Played	87,396,067.48
Amount Won	78,564,067.63
Amount Promo	<u>244,907.00</u>
MWAP Contribution	<u>6,010.91</u>
Adjusted Gross Terminal Revenue	<u>8,581,081.94</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>343,243.28</u>
Net Terminal Revenue	<u>8,237,838.66</u>
Surcharge @ 10%	823,783.87
State Share Excess @ 58%	477,794.64
Track Share of Capital Reinvestment @ 42%	\$ 345,988.23
Track Share of Capital Reinvestment @ 42% - 96%	\$ 332,149.66
Track Share of Capital Reinvestment @ 42% - 4%	\$ 13,838.57
Adjusted Net Terminal Revenue	<u>7,414,054.79</u>
Racetrack @ 46.50% / 42%	3,113,903.01
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	3,039,762.51
Race Track Purses @ 7% / 14% / 8%	593,124.38
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	37,070.27
Greyhound Development @ .75%	55,605.41
Thoroughbred Development @ .75%	55,605.41
Racing Commission @ 1%	74,140.54
County/Municipality @ 2%	148,281.08
3% Funds:	
Tourism Promotion Fund @ 1.375%	101,943.25
Development Office Promotion Fund @ .375%	27,802.71
Research Challenge Fund @ .5%	37,070.27
Capitol Renovation and Improvement Fund @ .6875%	50,971.63
2004 Capitol Complex Parking Garage Fund @ .0625%	4,633.78
1% Funds:	
State Capitol Complex Parking Garage @ 1%	-
Cultural Facilities and Capitol Resources @ .5%	37,070.27
Capitol Dome and Capitol Improvements @ .5% / 1%	37,070.27
	<u>7,414,054.79</u>

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

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

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 8.19%	CHARLES TOWN 41.20%	HARPERS FERRY 2.24%	RANSON 34.78%	SHEPHERDS TOWN 13.59%
2 days ending: 7/1/2011 - 7/2/2011	\$ 69,824.12	\$ 69,824.12	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week Ending:								
07/09/11	\$ 171,717.28	\$ 171,717.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/16/11	\$ 143,019.52	\$ 143,019.52	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/23/11	\$ 146,508.00	\$ 146,508.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/30/11	\$ 144,510.28	\$ 144,510.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/06/11	\$ 151,495.28	\$ 151,495.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/13/11	\$ 149,711.80	\$ 117,350.38	\$ 32,361.42	\$ 2,650.40	\$ 13,332.90	\$ 724.90	\$ 11,255.30	\$ 4,397.92
08/20/11	\$ 143,228.24	\$ 71,614.12	\$ 71,614.12	\$ 5,865.20	\$ 29,505.01	\$ 1,604.16	\$ 24,907.39	\$ 9,732.36
08/27/11	\$ 126,864.28	\$ 63,432.14	\$ 63,432.14	\$ 5,195.09	\$ 26,134.04	\$ 1,420.88	\$ 22,061.70	\$ 8,620.43
09/03/11	\$ 161,675.52	\$ 80,837.76	\$ 80,837.76	\$ 6,620.61	\$ 33,305.16	\$ 1,810.77	\$ 28,115.37	\$ 10,985.85
09/10/11	\$ 169,691.60	\$ 84,845.80	\$ 84,845.80	\$ 6,948.87	\$ 34,956.47	\$ 1,900.55	\$ 29,509.37	\$ 11,530.54
09/17/11	\$ 133,497.24	\$ 66,748.62	\$ 66,748.62	\$ 5,466.71	\$ 27,500.43	\$ 1,495.17	\$ 23,215.17	\$ 9,071.14
09/24/11	\$ 137,859.60	\$ 68,929.80	\$ 68,929.80	\$ 5,645.35	\$ 28,399.08	\$ 1,544.03	\$ 23,973.78	\$ 9,367.56
10/01/11	\$ 137,743.28	\$ 68,871.64	\$ 68,871.64	\$ 5,640.59	\$ 28,375.12	\$ 1,542.72	\$ 23,953.55	\$ 9,359.66
10/08/11	\$ 141,733.80	\$ 70,866.90	\$ 70,866.90	\$ 5,804.00	\$ 29,197.16	\$ 1,587.42	\$ 24,647.51	\$ 9,630.81
10/15/11	\$ 150,525.32	\$ 75,262.66	\$ 75,262.66	\$ 6,164.01	\$ 31,008.22	\$ 1,685.88	\$ 26,176.35	\$ 10,228.20
10/22/11	\$ 137,515.44	\$ 68,757.72	\$ 68,757.72	\$ 5,631.26	\$ 28,328.18	\$ 1,640.17	\$ 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
11/12/11	\$ 135,254.20	\$ 67,627.10	\$ 67,627.10	\$ 5,538.66	\$ 27,862.36	\$ 1,514.85	\$ 23,520.71	\$ 9,190.52
11/19/11	\$ 121,381.20	\$ 60,690.60	\$ 60,690.60	\$ 4,970.56	\$ 25,004.53	\$ 1,359.47	\$ 21,108.19	\$ 8,247.85
11/26/11	\$ 148,281.08	\$ 74,140.54	\$ 74,140.54	\$ 6,072.11	\$ 30,545.90	\$ 1,660.75	\$ 25,786.08	\$ 10,075.70
Subtotal	\$ 3,084,400.80	\$ 1,998,232.12	\$ 1,086,166.68	\$ 88,957.21	\$ 447,501.49	\$ 24,330.19	\$ 377,769.47	\$ 147,610.32

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		11/12/2011	67,627.10	
11/22/2008	63,883.80		11/21/2009	59,547.05		11/20/2010	56,010.08		11/19/2011	60,690.60	
11/29/2008	69,850.12		11/28/2009	72,399.98		11/27/2010	71,170.90		11/26/2011	74,140.54	
12/6/2008	55,696.68		12/5/2009	51,006.51		12/4/2010	53,215.08				
12/13/2008	60,178.04		12/12/2009	52,460.58		12/11/2010	46,944.00				
12/20/2008	52,189.19		12/19/2009	32,834.39		12/18/2010	42,076.76				
12/27/2008	72,205.91		12/26/2009	53,406.34		12/25/2010	50,450.28				
1/3/2009	96,504.65		1/2/2010	92,980.40		1/1/2011	85,152.12				
1/10/2009	53,286.62		1/9/2010	55,020.46		1/8/2011	54,301.30				

1/17/2009	56,068.87	1/16/2010	60,551.28	1/15/2011	54,005.90
1/24/2009	71,474.63	1/23/2010	69,943.53	1/22/2011	60,924.74
1/31/2009	61,089.80	1/30/2010	48,527.75	1/29/2011	48,036.94
2/7/2009	83,539.63	2/6/2010	37,155.14	2/5/2011	60,777.44
2/14/2009	76,054.44	2/13/2010	44,334.00	2/12/2011	67,471.84
2/21/2009	91,838.41	2/20/2010	76,946.12	2/19/2011	72,018.54
2/28/2009	80,806.88	2/27/2010	72,024.40	2/26/2011	75,544.02
3/7/2009	48,837.13	3/6/2010	76,936.85	3/5/2011	74,535.34
3/14/2009	96,025.39	3/13/2010	71,007.37	3/12/2011	66,979.48
3/21/2009	79,002.82	3/20/2010	74,335.38	3/19/2011	73,113.26
3/28/2009	79,250.83	3/27/2010	69,941.88	3/26/2011	68,490.80
4/4/2009	75,968.30	4/3/2010	70,636.28	4/2/2011	70,846.58
4/11/2009	75,964.94	4/10/2010	69,692.79	4/9/2011	67,076.78
4/18/2009	80,598.22	4/17/2010	69,335.92	4/16/2011	64,698.56
4/25/2009	75,571.46	4/24/2010	68,714.11	4/23/2011	67,674.14
5/2/2009	73,957.05	5/1/2010	68,799.06	4/30/2011	66,807.50
5/9/2009	76,697.22	5/8/2010	67,403.54	5/7/2011	66,379.74
5/16/2009	71,925.70	5/15/2010	70,186.32	5/14/2011	66,699.76
5/23/2009	81,395.43	5/22/2010	64,695.71	5/21/2011	63,210.44
5/30/2009	82,161.55	5/29/2010	67,157.40	5/28/2011	64,724.06
6/6/2009	74,895.74	6/5/2010	77,371.80	6/4/2011	74,952.34
6/13/2009	67,327.23	6/12/2010	66,106.29	6/11/2011	62,203.12
6/20/2009	75,500.53	6/19/2010	64,888.48	6/18/2011	61,200.76
6/27/2009	67,354.10	6/26/2010	63,950.29	6/25/2011	65,470.44
6/30/2009 ***	32,059.58	6/30/2010	29,667.19	6/30/2011	34,351.16

TOTALS	4403564.04	4041141.56	4016541.01	1998232.12
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Table Game Revenue
FY 2011

Date	Amount
July/August, 2010	154,185.68
September, 2010	94,247.84
October, 2010	105,903.60
November, 2010	108,717.67
December, 2010	118,721.11
January, 2011	106,189.21
February, 2011	105,776.45
March, 2011	120,927.10
April, 2011	130,654.61
May, 2011	130,492.02
June, 2011	121,576.41
July, 2011	141,718.01
August, 2011	137,473.92
September, 2011	110,375.25
October, 2011	124,273.94
	<u>1811232.82</u>

**NOTICE OF PUBLIC HEARING
COUNTY COMMISSION OF JEFFERSON COUNTY
IMPACT FEES**

The County Commission of Jefferson County will hold a public hearing concerning Impact Fees on Wednesday, December 14, 2011 at 7:00 p.m. in County Commission meeting room located at the Old Charles Town Library Meeting Room on the ground floor of the Library, 200 East Washington Street, Charles Town, WV 25414.

The purpose of this public hearing is to gather public input on the proposal by the Jefferson County Economic Development Authority to suspend the Law Enforcement and Fire & EMS impact fees for new commercial development for a minimum period of 2 years.

The decision will be made at County Commission meeting on Thursday, December 15, 2011.

**By Order of The County
Commission of Jefferson County
Patsy Noland, President**