

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, JANUARY 12, 2012
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. 10:00 a.m. Don Jacobs, DI Jacobs Consulting Company
- Classification and Compensation Study Final Report for County Clerk
2. 10:15 a.m. Doug Montgomery, Eastern Panhandle, Right Here, Right Now
- Introduce Eastern Panhandle, Right Here, Right Now and request the
Commissions endorsement - Discussion/Action
3. 10:30 a.m. Break
4. 10:45 a.m. Interviews and appointment to the Jefferson County Emergency Services
Agency for an unexpired term ending November 2, 2013 - Discussion/Action
5. 11:00 a.m. Patricia McMillian, City of Martinsburg HOME Administrator
- Conduct a Public Hearing on FY12 HOME Program - Discussion/Action
- Request the Commission to approve a resolution renewing its participation
in the Eastern Panhandle HOME Consortium of West Virginia for FY 2012 -
2013 - Discussion/Action
6. 11:30 a.m. Paul Shroyer, Director of Finance
- Preliminary Budget - Discussion/Action

UNFINISHED BUSINESS:

7. Approval of the Sexual Harassment Policy - Discussion/Action
8. Request to complete the revitalization of the County Commission Meeting Room - Discussion/Action
9. Approval to increase the Public Service District Board membership from three to five members (DM) - Discussion/Action

NEW BUSINESS:

10. Sabrina Myers, Shenandoah Center's request for a Fee refund for permit 11-652 - Discussion/Action
11. Request to use the Commission Meeting Room from Eastern Panhandle Organization Home Owners Association - Discussion/Action
12. Review of Rezoning Requests Policy - Discussion/Action
13. Approval of Letter supporting concerns regarding the Marc Train decision the proposed reduction of the Marc Commuter Rail Services (Brunswick line schedule) - Discussion/Action
14. Decision regarding the Zoning Map Amendment (Rezoning) for property designated as Tax District: Harpers Ferry, Map: 9, Parcel: 39.1. This property is currently zoned Residential Growth and Residential/Light Industrial/Commercial zoning is being requested. The property is located on the south side of Route 340 (William L. Wilson Freeway); the east side of Route 27 (Millville Road) and on the north side of Route 27/2 (Allstadt's Hill Road) and is a total of 12.97 acres. James and Barbara Gibson are the owners - Discussion/Action
15. Proposed Reorganization in County Government working document - Executive Session - Discussion/Action

DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY REPORTS

- Engineering Department Quarterly report
- Farmland Protection Board Quarterly report
- E-911 Advisory Board Quarterly report

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

~~~~~ AFTERNOON SESSION ~~~~~

**ADJOURN**

**CORRESPONDENCE:**

Notice and registration from received from the Tri-State Hay and Pasture Conference scheduled for January 19, 2012.

Letter and survey received from the West Virginia Association of Counties regarding County Health Initiative.

Media Advisory/Press released received from the Jefferson County Emergency Services Agency regarding Proposed Emergency and Fire Fees.

Letter received from the State Auditor regarding regional training and workshops for county officials.

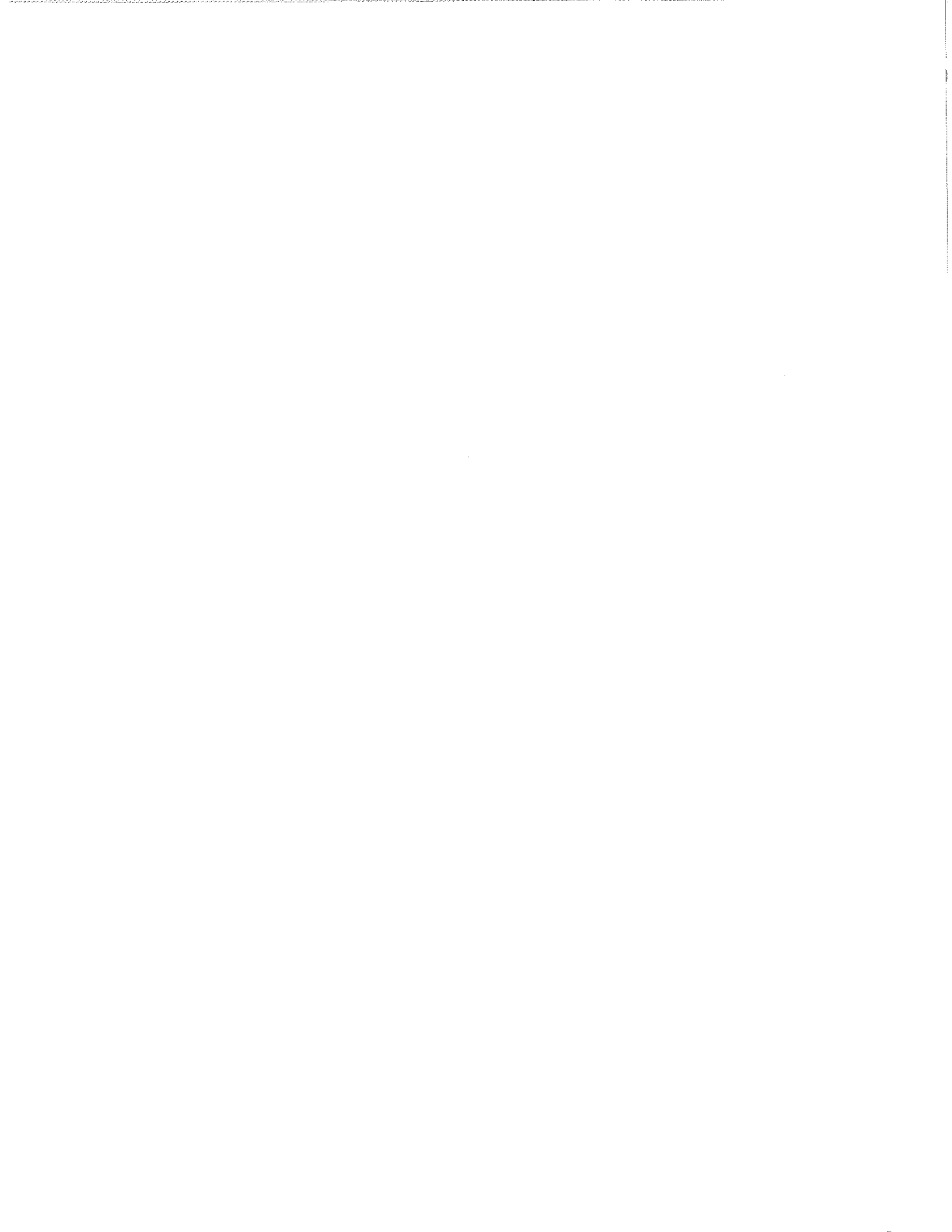
2012 West Virginia Association of Counties Annual Conference scheduled for February 12-14 registration forms received.

Minutes received from the Jefferson County Public Service District Board Meeting held December 5, 2011.

End of year letter received from Community Alternatives to Violence.

The weekly settlement report for Charles Town Races and Slots for the week ending December 31, 2011 received from the West Virginia Lottery.

*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, January 5, 2012**

---

A meeting of the Jefferson County Commission was held on Thursday, January 5, 2012 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, Nichelle Hosby, Executive Assistant and Jimmy Eddy, Bailiff. (An audio tape of the January 5, 2012 meeting is available through the Jefferson County Commission Office.)

**PLEDGE OF ALLEGIANCE**

Commissioner Morgan led the Pledge of Allegiance.

**COUNTY C OMISSION ORGANIZATION**

- A. Selection of President – Commissioner Pellish nominated Ms. Noland and Commissioner Widmyer nominated Mr. Manuel for President. Commissioner Noland was approved to serve as President by a vote of 3 to 2, with Ms. Widmyer and Ms. Morgan voting “no.”
- B. Selection of Vice President – Commissioner Noland nominated Mr. Manuel and Ms. Widmyer nominated Ms. Morgan for Vice President. Commissioner Manuel was approved to serve as Vice President by a vote of 4 to 1, with Ms. Widmyer voting “no.”
- C. Committee Assignments as listed below:

| <b>Assignment to Boards, Commissions &amp; Organizations<br/>Calendar Year 2012</b> |                              |                              |
|-------------------------------------------------------------------------------------|------------------------------|------------------------------|
| <i>Organization</i>                                                                 | <i>Commissioner<br/>2011</i> | <i>Commissioner<br/>2012</i> |
| Affordable Housing                                                                  | Noland/Manuel                | Same                         |
| Air Quality Control Board                                                           | Widmyer                      | Same                         |
| Approval of Bills                                                                   | Morgan/Pellish               | Pellish/Widmyer              |
| Board of Health                                                                     | Morgan                       | Same                         |
| Building Repair                                                                     | Manuel                       | Manuel/Widmyer               |
| Community Corrections Committee                                                     | Morgan/Manuel                | Same                         |
| Court House Committee                                                               | Noland                       | Same                         |
| Development Authority                                                               | Pellish                      | Same                         |
| E-911 Council                                                                       | Manuel                       | Same                         |

|                                                            |                          |         |
|------------------------------------------------------------|--------------------------|---------|
| Extension Service                                          | Noland                   | Same    |
| Farmers Market Committee                                   | Noland/Manuel            | Same    |
| Farmland Preservation Board                                | Morgan/Pellish<br>(Alt.) | Same    |
| Jefferson County Convention & Visitors Bureau              | Noland/Pellish<br>(Alt.) | Same    |
| Jefferson County Emergency Services Agency / Fire & Rescue | Manuel                   | Same    |
| Historic Landmarks Commission                              | Morgan                   | Same    |
| Homeland Security                                          | Manuel                   | Same    |
| Legislative Liaison                                        | Noland/Manuel            | Same    |
| Local Emergency Planning Committee                         | Manuel                   | Same    |
| Mental Health Center                                       | Prosecuting<br>Attorney  | Same    |
| MPO Interstate Council                                     | Widmyer                  | Manuel  |
| Parks and Recreation                                       | Manuel/Widmyer           | Widmyer |
| Planning Commission*                                       | Pellish                  | Pellish |
| Public Service District Liaison                            | Widmyer/Noland           | Same    |
| Region 9                                                   | Widmyer                  | Noland  |
| Roundtable/Council of Government                           | Noland                   | Same    |
| Solid Waste Authority                                      | Widmyer                  | Same    |
| Telemon Board                                              | Morgan                   | Same    |
| Water Advisory Committee                                   | Widmyer/Manuel           | Same    |
| Workforce Investment Act Liaison                           | Morgan                   | Same    |

Mr. Pellish was approved to serve on the Planning Commission by a vote of 3 to 2, with Ms. Morgan and Ms. Widmyer voting "no."

Mr. Manuel made a motion that the list of Commissioner assignments for 2012 be approved as negotiated. Ms. Widmyer seconded the motion and it was unanimously approved.

#### **APPROVAL OF MINUTES**

Motion by Mr. Manuel to approve the Minutes of the December 15, 2011 meeting as amended. Motion seconded by Ms. Widmyer and unanimously approved.

Motion by Ms. Morgan to approve the Minutes of the December 14, 2011 Public Hearing as presented. Motion seconded by Mr. Manuel and unanimously approved.

#### **APPROVAL OF PURCHASE ORDERS**

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$76,024.31, being purchase order numbers: 52982, 52983, 52984, 52985, 53285, 53286, 53287, 50463, 49111, 49112, 49113, 50655, 50654, 50657, 50772,

50804, 50806, 50809, 50812, 50818, 50821, 50822, 49114, 50813, 50617, 50774, 50798, 50799, 50800, 50801, 50803, 50811, 50771, 50689, 50722, 50723, 50808, 48587, 48566, and 50777. Motion seconded by Mr. Manuel and unanimously approved.

### APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the December 22, 2011 accounts payable in the amount of \$11,360.54. Motion seconded by Mr. Pellish and unanimously approved.

Motion by Ms. Morgan to approve the December 29, 2011 accounts payable in the amount of \$541,099.82. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Morgan to approve the January 5, 2012 accounts payable in the amount of \$720,255.44. Motion seconded by Mr. Pellish and unanimously approved.

### PUBLIC COMMENT:

**David Tabb** commented on an Ethics Committee report and tax code changes.

**Kathy Knight** commented on the US Rt. 340 corridor project.

### PRESENTATIONS:

1. **Angela Banks, County Assessor** discussed changes to the West Virginia Code for Board of Review and the Office of the Assessor (SB 401) and its implementation by the Jefferson County Assessor's Office.

The Commission took a recess at 10:37 a.m.

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

2. **Peter Chakmakian, attorney for William E. Knode and Jo Ann Knode** presented their Petition to vacate unused streets and alleys on the Knode property and requested that the Commission schedule a public hearing on the Petition.

Motion by Mr. Manuel to schedule a public hearing date. Ms. Morgan seconded the motion and it was unanimously approved. The Commissioners agreed to schedule the public hearing for Thursday, January 26, 2012 at 11:00 a.m. during the regular Commission meeting.

Motion by Ms. Morgan directing Staff to undertake the preparation of a notice similar to the Notice of Public Hearing to be prepared by Mr. Chakmakian, adding the statement that "the record will be held open and written comments will be accepted by the Commission until the date of the hearing." Motion seconded by Mr. Pellish and unanimously approved.

3. **Jennifer Brockman, Director of Planning and Zoning** spoke about the upcoming US 340 Public Meeting and the purpose for the request for a joint public hearing between the Jefferson County Planning Commission and the Jefferson County Commission.

Motion by Ms. Widmyer that the County Commission schedule a joint work session between the Jefferson County Planning Commission and the Jefferson County Commission to hear final recommendations to the US 340 Gateway Corridor Plan. Ms. Morgan seconded the motion and the motion was approved 4 to 1 with Mr. Pellish voting "no."

4. **Barbara Miller, Director of Homeland Security and Emergency Management** informed the Commission

that her agency was chosen to receive a \$30,000.00 grant for a Pets Sheltering Trailer and supplies. She explained that no matching funds were required.

Motion by Ms. Morgan to approve the grant in the amount of \$30,000.00 for a Pets Sheltering Trailer and supplies. Motion seconded by Mr. Manuel and unanimously approved.

- 5. Rebecca Burns of the Engineering Department, substituting for Roger Goodwin, Chief County Engineer** advised that the topic of Letters of Credit securing construction bonds was now moot.

Ms. Burns recommended the tolling of the Construction Bond for the Jackson Woods Subdivision, Lots 1 – 12 (File #06-28).

Motion by Mr. Manuel to authorize the Commission to execute a document approving tolling of the Construction Bond for the Jackson Woods Subdivision, Lots 1 – 12 (File #06-28). Mr. Pellish seconded the motion and it was approved 4 to 1 with Ms. Morgan voting “no.”

### UNFINISHED BUSINESS

- 6. Request by Tim Boyde, County Administrator for approval of the proposed Sexual Harassment Policy.**

Unanimous consent to have the Sexual Harassment Policy placed on the January 12, 2012 agenda with corrections for review and approval.

7. Review of the 2012 Board of Review and Equalization Notice was discussed.

Motion by Ms. Morgan to approve the Board of Review and Equalization Notice. Mr. Pellish seconded the motion and was unanimously approved.

8. Tim Boyde represented Jeff Polczynski, Director of Emergency Communication request for approval of a no-cost internship for an administrative assistant.

Motion by Ms. Morgan to approve the no-cost internship of Ms. Tabatha Jenkins for the Emergency Communications Center for a minimum of 150 hours. Mr. Manuel seconded the motion and unanimously approved.

Mr. Boyde requested on behalf of Mr. Polczynski, Director of Emergency Communication that Pamela Dudash receive compensation during temporary assignment as Acting Supervisor Public Safety Dispatcher.

Motion by Mr. Manuel to temporarily place Pamela Dudash at Grade IV, Step G (80 hour) during her temporary assignment as an Acting Supervising Public Safety Dispatcher. Motion second by Ms. Morgan and unanimously approved.

9. Nichelle Hosby, Executive Assistant gave a brief overview of the proposal to revitalize the Commission meeting room.

The Commission requested that a policy be written concerning the usage of the I Pads.

Motion by Mr. Pellish to approve the revitalization plan as presented. Ms. Morgan seconded the motion.

The Commission agreed to hold over for final approval until Thursday, January 12, 2012 when a total cost is presented.

10. Approval to increase the Public Service District Board membership from three to five members was withdrawn by Mr. Manuel and will be placed on the Thursday, January 12, 2012 agenda.

11. Request to use the County Commission meeting room by the Poverty Initiative at Union Theological Seminary was discussed.

Motion by Ms. Morgan to approve the usage of the meeting room by the Union Poverty Initiative at Union Theological Seminary. Motion seconded by Mr. Manuel and unanimously approved.

12. A Resolution designed for Paul Rosa was presented in appreciation for his serving on the Jefferson County Emergency Services Agency.

RESOLUTION IN RECOGNITION OF PAUL ROSA FOR HIS SERVICE ON THE JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

WHEREAS, the Jefferson County Commission formed the Jefferson County Ambulance Authority in November 1995,

WHEREAS, the Jefferson County Ambulance Authority, now known as the Jefferson County Emergency Services Agency, is comprised of volunteers of Jefferson County citizens who are knowledgeable and committed to serving and protecting the residents in Jefferson County, WV;

WHEREAS, Paul Rosa was appointed by the Jefferson County Commission to the Jefferson County Ambulance Authority in December 3, 2001 and served in his capacity as a Volunteer;

WHEREAS, Paul Rosa was a valuable asset to Jefferson County as a member of the Jefferson County Emergency Services Agency by providing his knowledge and applying his professional expertise in order to preserve and protect the residents of Jefferson County, WV;

WHEREAS, the Jefferson County Commission recognizes that the people of Jefferson County have benefited from the knowledge and expertise provided by Paul Rosa as the result of his involvement, dedication and loyalty to the Jefferson County Emergency Services Agency;

THEREFORE, the Jefferson County Commission hereby recognizes Paul Rosa for his years of service as a loyal and dedicated member of the Jefferson County Emergency Services Agency and in appreciation for his service to the citizens of Jefferson County, West Virginia.

By ORDER of the Jefferson County Commission:

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Motion by Ms. Widmyer to approve the Resolution for Paul Rosa with some language amendments and to allow the appropriate signatures to be affixed. Motion seconded by Mr. Manuel and unanimously approved.

13. A Resolution for Active WV 2015: WV Physical Activity Plan was received by Patty Hamilton.

*A Resolution by the County Commission of Jefferson County, WV*

*January 19, 2012*

**Whereas**, the citizens of Jefferson County are vitally important to our community; and

**Whereas**, the goal of this day is to support the announcement and subsequent implementation of **Active WV 2015: WV Physical Activity Plan**; and

**Whereas**, increased physical activity can improve the mental and physical well being of those in our area and the quality of life in our state; and

**Whereas**, a population engaged in a physically active lifestyle can help to combat the epidemic levels of obesity and chronic diseases among state and local residents; and

**Whereas**, all sectors of our communities must cooperate to support activities necessary to increase physical activity including: Health Care; Public Health; Education; Business & Industry; Mass Media; Parks, Recreation, Fitness and Sports; Transportation; and Volunteer & Non-Profit; and

**Whereas**, all those who live, work or play in West Virginia can be a part of increasing physical activity by supporting physical activity at school, in the community and within families.

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Jefferson County, that **January 19, 2012** be noted as:

**WV Physical Activity Day**

***Be Wild. Be Wonderful. Be Active.***

APPROVED AND ADOPTED by the County Commission/Council on January 5, 2012.

\_\_\_\_\_  
President

ATTEST: \_\_\_\_\_ Clerk/Secretary \_\_\_\_\_

Motion by Ms. Widmyer to approve the Resolution of WV Physical Activity Day and to allow the appropriate signatures to be affixed on the document. Motion seconded by Mr. Manuel and unanimously approved.

14. A department head quarterly report was received from Mark Schiavone, Director of Capital Management.

15. A quarterly report was received from the Water Advisory Committee.

### **COUNTY COMMISSIONER REPORTS**

#### **Commissioner Widmyer:**

- Attended a Water Advisory Committee meeting.

#### **Commissioner Manuel:**

- Reminded all to eat at Applebee's this evening. 20% of the proceeds will go to the Animal Welfare Society.
- Distributed maps from Senator Herb Snyder regarding the Congressional Redistricting.
- Requested that a letter be sent to the Maryland Transit Authority regarding the proposal to stop the last Marc train and that there is a Town Hall meeting scheduled January 7, 2012.

#### **Commissioner Pellish:**

- No new information to report.

#### **Commissioner Noland:**

- Attended a Partnership for Affordable Housing meeting and asked staff to check if we have a laser printer that the county could issue them.

#### **Commissioner Morgan:**

- Attended the groundbreaking ceremony for Middleway Fire Company.  
Attended a Telemon Community Action Board meeting.

### **COUNTY ADMINISTRATOR REPORTS**

#### **County Administrator Tim Boyde reported:**

- That work would begin on the Columns next week.
- Boxwoods at the Courthouse would be removed.
- Department Heads evaluations have been completed.
- Insurance Broker reported that the numbers are high with an increase of 20%.
- Had a meeting with Judges Yoder and Sanders.
- Paul Shroyer will be bringing

- Department Heads have received their budget packets.

There being no further business, motion by Mr. Manuel to adjourn. Motion seconded by Ms. Noland and unanimously approved. Upon rising at 12:20 p.m. the meeting was adjourned until Thursday, January 12, 2011.

---

PATRICIA A. NOLAND, PRESIDENT

**SPECIAL SESSION:**

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

At a Special Session of the County Commission of said County and State held at the Jefferson County Commission Meeting Room on the lower floor of the Old Charles Town Library at 200 E. Washington Street, on Thursday, January 5, 2012 beginning at 7:00 o'clock p.m.

**PUBLIC HEARING - PETITION TO REZONE THE PROPERTY DESIGNATED AS TAX DISTRICT: HARPERS FERRY, MAP: 9, PARCEL:39.1. THIS PROPERTY IS CURRENTLY ZONED RESIDENTIAL/LIGHT INDUSTRIAL/COMMERCIAL ZONING IS BEING REQUESTED. THE PROPERTY IS LOCATED ON THE SOUTH SIDE OF ROUTE 340 (WILLIAM L. WILSON FREEWAY); THE EAST SIDE OF ROUTE 27 (MILLVILLE ROAD) AND ON THE NORTH SIDE OF ROUTE 27/2 (ALLSTADT'S HILL ROAD) AND IS A TOTAL OF 12.97 ACRES. JAMES AND BARBARA GIBSON ARE THE OWNERS**

Ms. Noland called the Public Hearing to order at 7:00 p.m.

Present were: Patricia Noland, President  
Lyn Widmyer, Commissioner  
Frances Morgan, Commissioner  
Walt Pellish, Commissioner  
Dale Manuel, Commissioner

Executive Assistant: Nichelle Adams Hosby

Stephanie Grove, Esq. Assistant Jefferson County Prosecuting Attorney  
Jennifer Brockman Director, Planning and Zoning  
Seth Rivard Planner, Jefferson County

Jennifer Brockman and Seth Rivard gave a overview of the Rezoning request.

Public comment was made by:  
Scott Faulkner  
Nicholas Lund  
John Maxey  
Mayor Joe Anderson  
Matt Knott  
Karan Townsend  
Jim Cummings  
Lynn Wiseman

Written Comments were also submitted to the Commission.

There being no further public comment the Public Hearing was concluded at 7:35 p.m.

---

PATSY A. NOLAND, PRESIDENT

**PURCHASE ORDERS TO BE APPROVED**  
**January 12, 2012**

| DEPARTMENT           | PURCHASE ORDER | AMOUNT       | VENDOR                | DESCRIPTION                           |
|----------------------|----------------|--------------|-----------------------|---------------------------------------|
|                      |                |              |                       |                                       |
| CIRCUIT CLERK        | 50466          | \$ 103.94    | MATTHEW BENDER & CO.  | WV COURT RULES 2012 ED                |
|                      |                |              |                       |                                       |
| COMMISSION           | 50471          | \$ 150.00    | IDVILLE               | Lanyards                              |
|                      | 50470          | \$ 99,942.40 | WV REGIONAL JAIL      | Dec '11 billing                       |
|                      |                |              |                       |                                       |
| COMMUNICATIONS       | 53241          | \$ 250.00    | RENEE MEADOR          | Domestic Violence Training            |
|                      | 53242          | \$ 260.00    | NENA                  | Annual membership dues                |
|                      |                |              |                       |                                       |
| COURTHOUSE           | 50823          | \$ 340.00    | WINCHESTER SECURITY   | Labor for service call Tax Office     |
|                      | 50831          | \$ 2,628.17  | FISHER AUTO PARTS     | Monthly statement                     |
|                      |                |              |                       |                                       |
| MAINTENANCE          | 50832          | \$ 1,548.95  | 84 Lumber             | Monthly statement                     |
|                      | Lot 18         |              |                       |                                       |
|                      |                |              |                       |                                       |
| OTHER BUILDINGS      | 50644          | \$ 5,401.97  | CAPITAL TRISTATE      | Various electrical supplies           |
|                      | 50824          | \$ 1,225.00  | ABH SERVICES          | Cleaning, strips, seals, floors (P&R) |
|                      | 50830          | \$ 695.76    | FIDELITY POWER SYSTEM | Service Calls- Generators             |
|                      |                |              |                       |                                       |
| PROSECUTING ATTORNEY | 50724          | \$ 775.20    | PAMELA PATTERSON      | ST v. Jacobs & ST v. Lewis            |
|                      | 50726          | \$ 3,764.03  | SPECIALTY BUSINESS    | Office supplies                       |

|                    |       |                      |      |                   |  |
|--------------------|-------|----------------------|------|-------------------|--|
|                    |       |                      |      |                   |  |
| VARIOUS            | 53126 | \$ 1,558.31          | NAPA | Monthly statement |  |
| <b>GRAND TOTAL</b> |       | <b>\$ 118,643.73</b> |      |                   |  |

Printed at 11:56 a.m. on 1/9/12

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

**AGENDA REQUEST FORM**

Name: Don Jacobs, D I Jacobs Consulting Company

Department or Entity: \_\_\_\_\_

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1<sup>st</sup> Choice: 1/12/11

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: **Classification and Compensation Study Final Report for County Clerk**

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:

## ***D I Jacobs Consulting Company***

---

**90 Twinbrooke Drive, Holden, MA 01520 (508) 829.-2254 FAX (508) 267-8500**  
**E-mail [dijacobs@aol.com](mailto:dijacobs@aol.com)**

November 7, 2011

Mr. Tim Boyde, County Administrator  
Office of the County Commission  
124 E. Washington Street  
Charlestown, West Virginia 25414-1072

### **RE: Classification and Compensation Study Final Report**

Dear Mr. Boyde:

On behalf of D.I. Jacobs Consulting Company, I am pleased to submit for your review and comment the enclosed Classification and Compensation Study Final Report that was conducted for positions in the office of the County Clerk to be incorporated in to the current Jefferson County Classification and Compensation Plan.

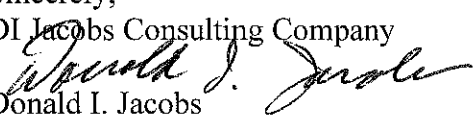
We hope that the advice and recommendations contained herein are helpful to you and the County Commissioners to provide fair, equitable, and cost-effective classification and compensation services to all employees in Jefferson County.

I would like to acknowledge the support and cooperation that was provided to me by Ms. Jennifer Maghan, County Clerk and the members of her staff during the course of this study.

It is recommended that the County approve a series of classification and compensation policies in support of the proposed Classification and Compensation Plan. Please see the enclosed draft classification and compensation policies for your review.

I welcome the opportunity to meet with you, members of your staff, and/or members of the County Commission at your convenience to discuss in greater detail the information and recommendations that are contained in the enclosed County Clerk department Classification and Compensation Study Final Report.

Sincerely,  
DI Jacobs Consulting Company

  
Donald I. Jacobs  
Principal



Municipal Management Consultant Services

Jefferson County, West Virginia  
County Clerk Department

## Classification & Compensation Study Summary Report

### Project Goal:

"To classify and compensate positions and employees in a "fair" and "equitable" manner: internally based on what employees are required to do and how they perform, and externally in comparison to the market place"

### Classification Plan Objectives:

1. To write accurate job descriptions in a standardized, uniform, and accurate manner in compliance with ADA and FLSA regulations and the department's organizational structure.
2. To compare positions to one another based on the essential functions (where the employee spends the majority of time) and the minimum qualifications of each position (evaluation criteria).
3. To apply a position appraisal system consisting of a set of standardized, universal evaluation criteria and recommend the assignment of positions to a classification level to maintain establish and maintain internal equity between all positions in Jefferson County.

### Compensation Plan Objectives:

1. To compensate positions and employees in a standardized, uniform manner.
2. To establish a direct linkage between the classification of a position (grade level) and the compensation of a position (salary range).
3. To establish a compensation structure that that is competitive with the market place.

### Classification Plan Results

1. Job descriptions have been written in a standardized, uniform format that accurately describe the minimum qualifications and essential functions of each position in accordance with FLSA and ADA guidelines.
2. Recommend that the Deputy County Clerk position be classified at Grade Level II in the County's current Classification Plan.



Municipal Management Consultant Services

**Jefferson County, West Virginia  
County Clerk Department**

3. Recommend that the Chief Deputy Clerk position be classified at Grade Level IV in the County's current Classification Plan.
4. Recommend that the Senior Chief Deputy Clerk position be classified at Grade Level V in the County's current Classification plan.

Please the enclosed recommended Classification and Compensation Plan along with the Classification Plan Position Rating Charts for further details.

**Job Descriptions**

Job descriptions were developed in a consistent manner providing employees with the opportunity to participate directly in the process. Job descriptions are important components of a comprehensive personnel system. They can and should be used not only for the recruitment and compensation of both positions and employees, but also as tools to assist in the administration of the various operating departments of the County. Job descriptions are intended to define the purpose of each position (why it exists), the initial expectations relative to the level and type of services to be provided by employees and as fundamental building blocks for administering the County's compensation system consistent with the goals and objectives of the organization (County-wide and each department). They describe in detail how positions have been classified or compared to other positions in the County (with the exception of the Deputy Sheriff position that is in a separate Classification and Compensation Plan) and serve as the basis for the County to determine whether an employee should be paid overtime in accordance with the Fair Labor Standards Act (FLSA).

The County's current Classification Plan, consisting of 8 grade levels, is consistent with each of the County department's organization structure. Since job descriptions focus on the purpose and the minimum qualifications of each position and not the qualifications of the employee, they can and should be used to develop employee objectives, performance management plans, and as an integral component of both exempt and non-exempt employee performance appraisals.

Job descriptions also serve as a legal document protecting the County and employee against possible personnel actions that could be determined to be discriminatory. The employment section of the ADA (Title I) is that people with disabilities who are able to work should have opportunities to do so. Employers must make reasonable accommodations to assure that these opportunities exist.



Municipal Management Consultant Services

**Jefferson County, West Virginia  
County Clerk Department**

**Conclusion**

The proposed classification of positions should be viewed as one step in the development of a comprehensive, integrated County-wide personnel system. This recommendation will not result in any changes to the current County Classification and Compensation Plan.

The classification of positions and the compensation of employees strive for both internal and external equity. Internal equity requires that pay be related to the

relative worth of a position based on what an employee is required to do on an on-going basis (essential functions) and what the County establishes as the minimum qualifications (evaluation criteria) so that the principle of equal pay for equal work is maintained throughout the organization. External equity means establishing an on-going consistent process to compensate both positions (salary range) and employees competitively both internally as well as externally in comparison to comparable positions in the market place.

It is recommended that Jefferson County establish classification and compensation policies in support of the current Classification and Compensation Plan to ensure that the Plan is administered going forward in a fair (consistent) and equitable (competitive) manner for all parties concerned. In addition, it is recommended that the County develop and implement a salary adjustment based on both an employee's years of service in a position as well as an employee's performance.

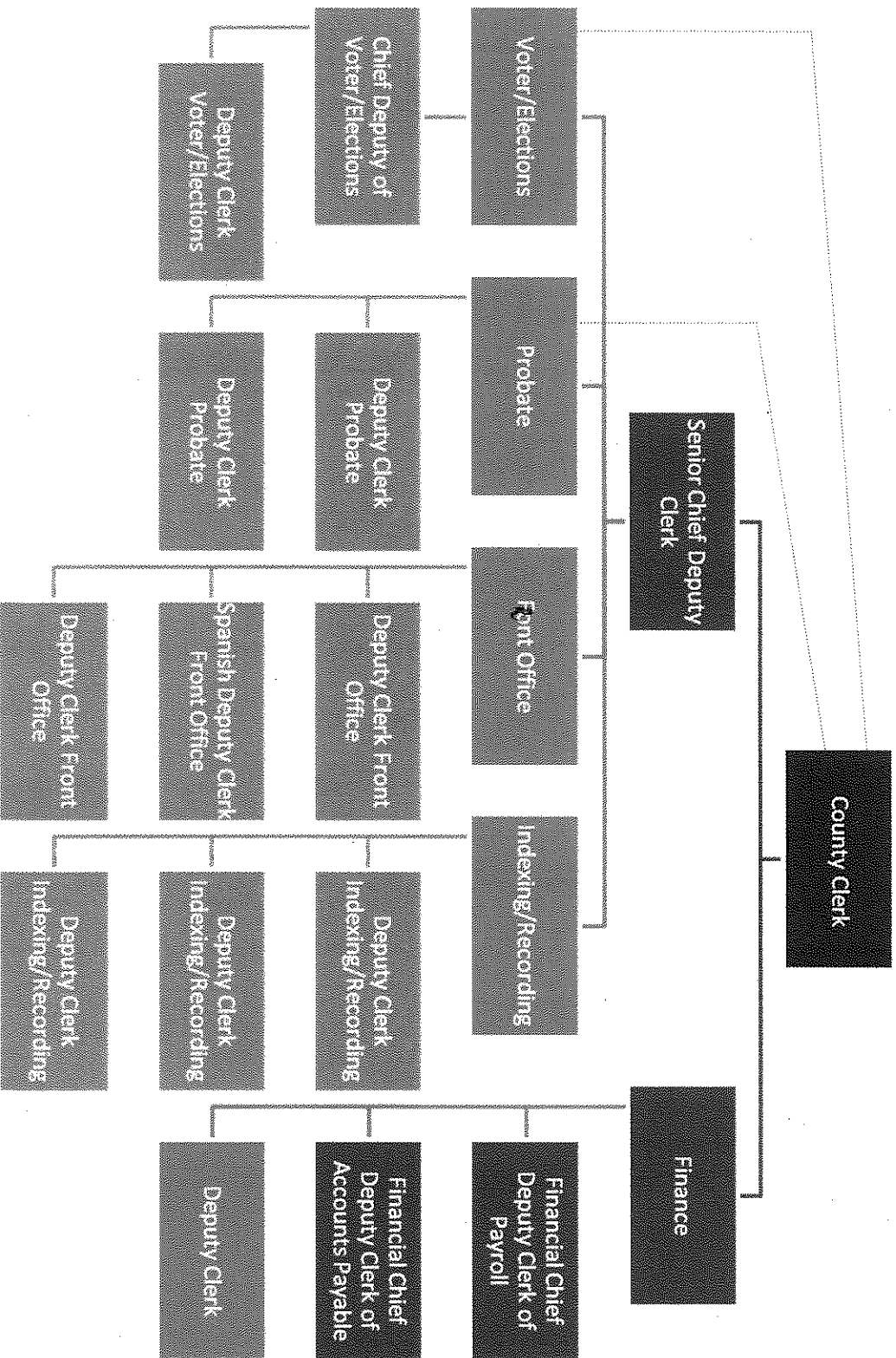
Please see the proposed Classification and Compensation policies that are contained in this report for further details.

Jefferson County has committed itself to maintaining a fair, equitable classification and compensation plan. The adoption and maintenance of the recommended changes to the current Classification and Compensation Plan will enable the County to achieve this objective.



Municipal Management Consultant Services

# Jefferson County Clerk's Office Organizational Chart



Departments report directly to County

Clerk

Jefferson County, West Virginia  
Proposed Classification Plan Fiscal Impact  
(County Clerk Positions)

|                            | Employee       | Current Wage | Step 1   | Step 2   | Step 3    | Step 4    | Step 5    | Step 6    | Step 7    | Step 8    | Step 9    | Step 10   | Step 11   | Step 12   | Step 13   |
|----------------------------|----------------|--------------|----------|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Grade Level I              |                |              | \$20,500 | \$21,371 | \$22,280  | \$23,226  | \$24,214  | \$25,243  | \$26,315  | \$27,434  | \$28,600  | \$29,815  | \$31,082  | \$32,403  | \$33,781  |
| Grade Level II             |                |              | \$25,625 | \$26,586 | \$27,583  | \$28,617  | \$29,690  | \$30,804  | \$31,959  | \$33,157  | \$34,401  | \$35,691  | \$37,029  | \$38,418  | \$39,859  |
| Deputy Clerk               | Barker         | \$40,000     |          |          |           |           |           |           |           |           |           |           |           |           |           |
| Deputy Clerk               | K. Bloomer     | \$34,500     |          |          |           |           |           |           |           |           |           | X         |           |           |           |
| Deputy Clerk               | B. Doorman     | \$31,888     |          |          |           |           |           |           | X         |           |           |           |           |           |           |
| Deputy Clerk               | W. Evangelisti | \$37,075     |          |          |           |           |           |           |           |           |           |           |           | X         |           |
| Deputy Clerk               | L. Fields      | \$34,500     |          |          |           |           |           |           |           |           |           | X         |           |           |           |
| Deputy Clerk               | C. Grim        | \$34,500     |          |          |           |           |           |           |           |           |           | X         |           |           |           |
| Deputy Clerk               | J. Herbert     | \$32,000     |          |          |           |           |           |           |           |           |           |           | X         |           |           |
| Deputy Clerk               | J. Jett        | \$30,500     |          |          |           |           |           | X         |           |           |           |           |           |           |           |
| Deputy Clerk               | K. Olden       | \$36,960     |          |          |           |           |           |           |           |           |           |           | X         |           |           |
| Deputy Clerk               | M. Pagano      | \$37,250     |          |          |           |           |           |           |           |           |           |           |           | X         |           |
| Grade III                  |                |              | \$30,750 | \$31,749 | \$32,781  | \$33,847  | \$34,947  | \$36,082  | \$37,255  | \$38,466  | \$39,716  | \$41,007  | \$42,339  | \$43,716  | \$45,136  |
| Grade Level IV             |                |              | \$35,875 | \$36,915 | \$37,986  | \$39,088  | \$40,221  | \$41,387  | \$42,588  | \$43,823  | \$45,094  | \$46,401  | \$47,747  | \$49,132  | \$50,556  |
| Finance Chief Deputy Clerk | V. Fields      | \$43,250     |          |          |           |           |           |           |           | X         |           |           |           |           |           |
| Chief Deputy Clerk         | Barker         | \$40,000     |          |          |           |           | X         |           |           |           |           |           |           |           |           |
| Chief Deputy Clerk         | N. Painter     | \$39,716     |          |          |           |           | X         |           |           |           |           |           |           |           |           |
| Finance Chief Deputy Clerk | S. Grans       | \$44,500     |          |          |           |           |           |           |           |           | X         |           |           |           |           |
| Grade Level V              |                |              | \$51,250 | \$52,531 | \$53,845  | \$55,191  | \$56,570  | \$57,985  | \$59,434  | \$60,920  | \$62,443  | \$64,004  | \$65,604  | \$67,244  | \$68,926  |
| Sr. Chief Deputy           | G. Magaha      | \$45,100     | X        |          |           |           |           |           |           |           |           |           |           |           |           |
| Grade Level VI             |                |              | \$66,625 | \$68,124 | \$69,657  | \$71,224  | \$72,827  | \$74,465  | \$76,141  | \$77,854  | \$79,606  | \$81,397  | \$83,228  | \$85,101  | \$87,016  |
| Grade Level VII            |                |              | \$76,875 | \$78,605 | \$80,373  | \$82,182  | \$84,031  | \$85,924  | \$87,855  | \$89,831  | \$91,853  | \$93,919  | \$96,033  | \$98,193  | \$100,403 |
| Grade Level VIII           |                |              | \$97,375 | \$98,787 | \$100,219 | \$101,673 | \$103,147 | \$104,642 | \$106,160 | \$107,699 | \$109,261 | \$110,845 | \$112,452 | \$114,083 | \$115,737 |
| Total Cost Estimate        |                |              |          |          |           |           |           |           |           |           |           |           |           |           |           |

Jefferson County, West Virginia  
Proposed Classification Plan Fiscal Impact  
(County Clerk Positions)

|                            | Employee       | Current Wage | Step 14   | Step 15   | Step 16   | Step 17   | Step 18   | Step 19   | Step 20   | New Wage | Annual Difference |
|----------------------------|----------------|--------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|----------|-------------------|
|                            |                |              | \$55,216  | \$36,713  | \$38,273  | \$39,900  | \$41,596  | \$43,363  | \$45,206  |          |                   |
| <b>Grade Level I</b>       |                |              |           |           |           |           |           |           |           |          | \$0               |
| Deputy Clerk               | Barker         | \$40,000     | \$41,353  | \$42,904  | \$44,513  | \$46,182  | \$47,914  | \$49,711  | \$51,575  | \$41,353 | \$1,353           |
| Deputy Clerk               | K. Bloomer     | \$34,500     | x         |           |           |           |           |           |           | \$35,691 | \$1,191           |
| Deputy Clerk               | B. Dorman      | \$31,888     |           |           |           |           |           |           |           | \$31,959 | \$71              |
| Deputy Clerk               | W. Evangelisti | \$37,075     |           |           |           |           |           |           |           | \$38,418 | \$1,343           |
| Deputy Clerk               | L. Fields      | \$34,500     |           |           |           |           |           |           |           | \$35,691 | \$1,191           |
| Deputy Clerk               | C. Ginn        | \$34,500     |           |           |           |           |           |           |           | \$35,691 | \$1,191           |
| Deputy Clerk               | J. Herbert     | \$32,000     |           |           |           |           |           |           |           | \$33,157 | \$1,157           |
| Deputy Clerk               | J. Jett        | \$30,500     |           |           |           |           |           |           |           | \$30,804 | \$304             |
| Deputy Clerk               | K. Olden       | \$36,960     |           |           |           |           |           |           |           | \$37,029 | \$69              |
| Deputy Clerk               | M. Pagano      | \$37,250     |           |           |           |           |           |           |           | \$38,418 | \$1,168           |
| <b>Grade III</b>           |                |              | \$46,603  | \$48,118  | \$49,682  | \$51,296  | \$52,963  | \$54,685  | \$56,462  |          | \$0               |
| <b>Grade Level IV</b>      |                |              | \$52,023  | \$53,531  | \$55,084  | \$56,681  | \$58,325  | \$60,016  | \$61,757  |          | \$573             |
| Finance Chief Deputy Clerk | V. Fields      | \$43,250     |           |           |           |           |           |           |           | \$43,823 | \$573             |
| Chief Deputy Clerk         | Barker         | \$40,000     |           |           |           |           |           |           |           | \$40,221 | \$221             |
| Chief Deputy Clerk         | N. Painter     | \$39,716     |           |           |           |           |           |           |           | \$40,221 | \$505             |
| Finance Chief Deputy Clerk | S. Grans       | \$44,500     |           |           |           |           |           |           |           | \$45,094 | \$594             |
| <b>Grade Level V</b>       |                |              | \$70,649  | \$72,415  | \$74,225  | \$76,081  | \$77,983  | \$79,933  | \$81,931  |          | \$6,150           |
| St. Chief Deputy           | G. Megaha      | \$45,100     |           |           |           |           |           |           |           | \$51,250 | \$6,150           |
| <b>Grade Level VI</b>      |                |              | \$88,973  | \$90,975  | \$93,022  | \$95,115  | \$97,255  | \$99,444  | \$101,681 |          | \$0               |
| <b>Grade Level VII</b>     |                |              | \$102,662 | \$104,972 | \$107,333 | \$109,748 | \$112,218 | \$114,743 | \$117,324 |          | \$0               |
| <b>Grade Level VIII</b>    |                |              | \$117,415 | \$119,118 | \$120,845 | \$122,597 | \$124,375 | \$126,178 | \$128,008 |          | \$0               |
| <b>Total Cost Estimate</b> |                |              |           |           |           |           |           |           |           |          | \$17,081          |

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

**AGENDA REQUEST FORM**

Name: Doug Montgomery

Department or Entity: Eastern Panhandle, Right Here, Right, Now

Estimation of amount of time needed for appointment: 5 Minutes

Date Requested – 1<sup>st</sup> Choice: 01/26/2012

Date Requested – 2<sup>nd</sup> Choice: 02/02/2012

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

Subject:

**Introduce Eastern Panhandle, Right Here, Right Now and request the Commissions endorsement.**

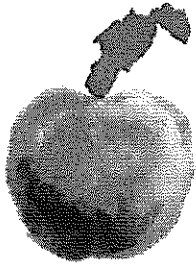
Please provide the County Commission with a description of your request or presentation, including any background information:

**This is a citizen, business task force formed to help jump-start the local economy by countering the negative national press and inform and educate the public on the opportunities in the local Housing Market. See Press Release.**

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

**The Jefferson County Commission supports and endorses the objectives and goals of the task force Eastern Panhandle, Right Here, Right Now.**

Attachments: **Press Release**



## EASTERN PANHANDLE

*Right here, Right now!*

## PRESS RELEASE

Now is the time to do business in the Eastern Panhandle of West Virginia. A group of dedicated volunteers and community leaders have joined together to create a new initiative entitled "Eastern Panhandle Right Here, Right Now!" (EPRHRN). Statistics show that housing starts and purchases stimulate the general economy of a community so the focus began with the study of housing data.

According to 2008 figures from the National Homebuilders Association building 100 new single-family homes in one year creates over 324 local jobs and \$21.1 million in income.

The committee recently had presentations from the Eastern Panhandle Board of Realtors and the Eastern Panhandle Homebuilders Association on statistical housing data of the Eastern Panhandle. The median price of a home in Berkeley County, West Virginia in September, 2011 was \$130,000. This price point results in a payment around \$900 per month. The median rent price for the same county and time was \$1,200 per month. The resulting savings for buying versus renting are approximately 25%, without income tax savings. The nationwide comparison of buying versus renting is a savings of around 15 – 20% for homeowners. The savings in Berkeley County, West Virginia are higher for homeowners than the national average.

Prettyman Broadcasting is contributing to the initiative by running testimonials from home buyers as public service messages. The message is clear – that buying a home in the Eastern Panhandle is a financially sound decision. One of the testimonials is from Brandon Clark who says ".....convenient....great community....I just felt like I would be throwing my money away in renting, right now they offered me a good rate".

EPRHRN will be presenting this initiative to city and county governments in the Eastern Panhandle, inviting their support. The committee encourages community participation in this initiative. For more information please contact the Eastern Panhandle Board of Realtors at 304-263-8512 or the Eastern Panhandle Homebuilders Association at 304-267-4710. Some 2012 plans for the initiative include a media breakfast and a Buyer's Seminar at the 2012 EPHBA Home Show.

For more information contact: Doug Montgomery at 304-263-8512

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

**AGENDA REQUEST FORM**

Name: Nichelle Hosby

Department or Entity: \_\_\_\_\_

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1<sup>st</sup> Choice: 1/12/11

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

**Subject: Interviews and appointment to the Jefferson County Emergency Services Agency for an unexpired term ending November 2, 2013**

Please provide the County Commission with a description of your request or presentation, including any background information: **Due to a letter of resignation received there is a vacancy for an unexpired term.**

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 Emergency Services Agency for an unexpired term ending November 21, 2013.**

Attachments:

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, December 15, 2011, or as soon thereafter as the Commission may decide:

**Jefferson County Emergency Services Agency - Unexpired term ending November 2, 2013 as follows:**

- One Citizen representative

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

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

**SPIRIT OF JEFFERSON:**

**PLEASE ADVERTISE ON:**

**November 30 & December 7, 2011**

**Sandy McDonald**

---

**From:** "paul rosa" <paul.rosa@frontiernet.net>  
**To:** "Sandy McDonald" <sandy@jeffersoncountywv.org>  
**Cc:** "Pete Kelley" <wvkelley@frontiernet.net>  
**Sent:** Monday, November 21, 2011 8:36 PM  
**Subject:** JCESA Board Membership

I hereby resign from the Jefferson County Emergency Services Agency Board for medical reasons.

Paul M. Rosa

JEFFERSON COUNTY EMERGENCY SERVICES AGENCY BOARD

Marty Freeman      **Represents Citizen**      Kabletown District  
P.O. Box 945  
Charles Town, WV 25414  
304-535-6851  
3 years 11/2/2014                      Unexpired term took effect 10/28/2010

Michael Mood                      **Represents Fire**      Middleway District  
51 Shady Acres Lane  
Kearneysville, WV 25430  
304-582-0204  
3 years 11/02/2014

Alan Williams                      **Represents Fire**      Charles Town District  
P.O. Box 195  
Charles Town, WV 25414  
571-246-2269  
3 years 11/2/2014 (replaced Todd Wilt, II)

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

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

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

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

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

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

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

Dale Manuel      **Represents Jefferson County Commission**  
75 Porter Way  
Charles Town, WV 25414  
304-725-8160  
Jefferson County Emergency Services Agency  
Doug Pittinger, Director  
  
304-728-3287 (Office)  
FEIN - 55-0751374

Jefferson County Commission  
Application for Boards, Committees or Commissions

Please type or print information

NAME: SIDNEY RUSSELL WHITE, III

HOME ADDRESS: RR2 BOX 1165, 1203 SHANNONDALE ROAD, HARPERS FERRY, WV 25425

HOME TELEPHONE NUMBER: 304-728-6616

WORK ADDRESS: RETIRED

WORK PHONE NUMBER: N/A

MOBILE PHONE NUMBER: 240-529-5171

E-MAIL ADDRESS: SANDSWHITE@CITLINK.NET

MAGISTERIAL DISTRICT: KABLETOWN

PARTY AFFILIATION (*Building Commission applicants only*): N/A

OCCUPATION: CONTRACT PILOT

LENGTH OF RESIDENCY IN JEFFERSON COUNTY: 15 YEARS

EDUCATION: HIGH SCHOOL NEW BERN, NC

COLLEGE UNC CHAPEL HILL, NC; USN POSTGRADUATE SCHOOL, MONTEREY, CA

TRADE OR BUSINESS SCHOOL NAVAL FLIGHT TRAINING, PENSACOLA, FL

LIST QUALIFICATIONS FOR THIS POSITION:

EXPERIENCE AND TRAINING AS A MILITARY AND CIVILIAN AVIATOR; NAVY SAFETY OFFICER AND

SHIP EMERGENCY RESPONSE TEAM OFFICER; SIX YEARS AS INTELLIGENCE ANALYST AND

WAR COLLEGE INSTRUCTOR; SIXTEEN YEARS MEMBER OF SHANNONDALE SAFETY PATROL

NAME OF BOARD, COMMITTEE OR COMMISSION APPLYING FOR:

JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

ORGANIZATION MEMBERSHIPS & POSITIONS HELD: TREASURER SEVEN YEARS FOR HOME OWNERS ASSOCIATION IN WASHINGTON, DC; NAVAL OFFICER 21 YEARS; CONTRACT PILOT 8 YEARS

Signature: \_\_\_\_\_

*S R White*

Date: 30 NOVEMBER 2011

***This application is good for and will be retained for two (2) years in accordance with the Administrative Policies and Procedures Policy. In order to be considered for appointment, a new application must be submitted.***

Robert Leeper  
433 Shadowhawk Lane  
Kearneysville, WV 25430  
January 4, 2012

Jefferson County Commissioners  
124 E. Washington Street  
Charles Town, WV 25414

Dear County Commission:

My Name is Robert Leeper and I am from the Middleway District. I would like to submit this letter as a letter of interest in serving on the Jefferson County Emergency Services Authority as a citizen representative.

My family and I have been residents of Jefferson County for over twelve years, and I would like to become active with the community through government appointment and would consider serving on the ESA a privilege to helping provide the community with direction and guidance.

I have also attached a resume that will provide to you a background history of my experiences and qualifications that should help me serve on the authority.

Sincerely,



Robert Leeper

# Robert Leeper

## Contact

Tel : 304-261-7361

e-mail : [robleeper@frontiernet.net](mailto:robleeper@frontiernet.net)

## Address

433 Shadowhawk Lane, Kearneysville WV 25430

## Profile

**Objective** Seeking citizen representative position with the Jefferson County Emergency Services Authority

## Education

- |                     |                                                                                                                                                          |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>2009 to 2010</b> | <b>Master of Science Management, School of Education</b><br><i>(Public Executive Leadership Program)</i><br>Johns Hopkins University, Baltimore Maryland |
| <b>2007 to 2009</b> | <b>Bachelor of Science, School of Education</b><br><i>(Public Executive Leadership Program)</i><br>Johns Hopkins University, Baltimore Maryland          |
| <b>2000 to 2002</b> | <b>Associate of Science, Fire Sciences</b><br>Shepherd College, Shepherdstown West Virginia                                                              |

## Work Experience

### Loudoun County Department of Fire, Rescue, and Emergency Management

January 1999 to Present

#### Station Commander - Captain, Instructor

- ✓ Manage daily oversight of a fire station
- ✓ Liaison between government and volunteer organizations
- ✓ Assist in instruction of adult based educational training courses.
- ✓ Prepare staffing for station management and daily activities
- ✓ Meet with business owners to promote community safety initiatives.

### University of Maryland

#### Work Control Supervisor

June 1995 to January 1999

- ✓ Management of Facility repairs for residential dormitories
- ✓ Prepare annual budget reports
- ✓ Recruit, Train, and Staff a twenty four hour operation center

### Past Volunteer Experiences

Middleway Fire Department ( 2009 -2011)

Laurel Fire Department (1988 - 2000)

**Activities and Interests**

**Interest:** Leadership and Management

**Hobbies:** Working with civic groups for the promotion of safe communities  
History - Study of local communities and Shenandoah Historical Battlefields.



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

**AGENDA REQUEST FORM**

Name: Patricia McMillan

Department or Entity: City of Martinsburg HOME Administrator

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: January 12, 2012

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: **(1) Conduct a public hearing on FY12 HOME Program**

**(2) Request the Commission to approve a resolution renewing its participation in the Eastern Panhandle HOME Consortium of West Virginia for FY 2012-2013**

Please provide the County Commission with a description of your request or presentation, including any background information: **Provide an overview of the HOME Program and program outcomes for the Eastern Panhandle HOME consortium over the past 5 years. Request that members of the public offer comments and suggestions on use of FY2012 HOME funds in Jefferson County.**

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

Attachments:

**JEFFERSON COUNTY COMMISSION, JEFFERSON COUNTY, WEST VIRGINIA  
FY 2012 HOME INVESTMENT PARTNERSHIP PROGRAM**

Notice is hereby given by the Jefferson County Commission that it will hold a public hearing on **Thursday, January 12, 2012 at 11:00 a.m.**, prevailing time, in the County Commission meeting room located at the Old Charles Town Library, 200 W. Washington Street, Charles Town, WV 25414. The Jefferson County Commission Chambers are accessible to persons with physical disabilities. If special arrangements need to be made to accommodate citizens in order for them to participate in the public hearing, please call **Sandy Slusher McDonald, Deputy County Administrator, at 304-728-3284** to make those arrangements.

The purpose of this public hearing is to discuss the specific housing needs of Jefferson County, WV. The Jefferson County Commission is a member of the Eastern Panhandle HOME Consortium of West Virginia which consists of the City of Martinsburg, Berkeley County, part of Jefferson County and part of Morgan County, West Virginia. The HOME Consortium is eligible to receive a HOME Investment Partnership Grant in FY 2012. The U.S. Department of Housing and Urban Development will be notifying the City of Martinsburg in the future of the amount of HOME funds that will be available for FY 2012. In order to receive those funds, the member jurisdictions in the Eastern Panhandle HOME Consortium must develop a program for the use of HOME funds as a part of the City of Martinsburg's FY 2012 Consolidated Annual Action Plan. The HOME Consortium will be preparing their HOME Program and they intend to afford citizens, local agencies, and interested parties the opportunity to become involved in the planning process.

The following general types of activities are eligible for funding under the HOME program: Homeowner Rehabilitation, including repair, rehabilitation or reconstruction of owner occupied houses; Homebuyer Activities, including funds for purchase and/or rehabilitation of existing houses or new construction of houses for homebuyers; Rental Housing, including acquisition and/or rehabilitation of existing rental housing or new construction of rental housing; and Tenant Based Rental Assistance, including financial assistance for rent, security deposits and under certain conditions, utility deposits for tenants. All HOME funds must be used for persons and households that meet the HUD income guidelines and definition of low- and moderate-income.

Notice is also hereby given that the JEFFERSON COUNTY COMMISSION is accepting proposals for the use of its portion of the HOME Consortium funds for FY 2012 beginning December 5, 2011. Application packets, instructions and information are available on an open basis. All interested applicants are encouraged to contact the Jefferson County Commission office, in order to obtain the application packet and to address any questions. **Please contact Sandy Slusher McDonald at 124 E. Washington Street, Charles Town, WV 25414 or 304-728-3284.**

All interested citizens are encouraged to attend this public hearing and they will be given the opportunity to present oral or written testimony concerning the housing needs of Jefferson County and the use of HOME funds to address those needs. Written comments may be addressed to **Sandy Slusher McDonald, Deputy County Administrator, 124 E. Washington Street, Charles Town, WV 25414 or 304-728-3284**

**Patricia A. Noland, President**  
Jefferson County Commission

## RESOLUTION

**A RESOLUTION OF THE County Commission OF Jefferson County, West Virginia AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA FOR THE PERIOD OF JULY 1, 2012 TO JUNE 30, 2013.**

**WHEREAS**, TITLE II of the National Affordable Housing Act of 1990 provides for the creation of the HOME Investment Partnership Program (hereinafter referred to as "HOME"); and

**WHEREAS**, the HOME regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) under 24 CFR Part 92 authorizes units of general local government to enter into Housing Consortium Cooperation Agreements; and

**WHEREAS**, there is a need throughout the Eastern Panhandle of West Virginia to provide affordable housing for the low and moderate income residents; and

**WHEREAS**, the City of Martinsburg, County of Berkeley, Town of Hedgesville, County of Jefferson, City of Charles Town, City of Ranson, City of Shepherdstown, Town of Bolivar, Town of Harpers Ferry, County of Morgan, Town of Paw Paw, Town of Bath West Virginia, have formed a Consortium that has been designated as a Participating Jurisdiction under the HOME Program, thereby entitling the Consortium to seek annual funding; and

**WHEREAS**, the Jefferson County Commission entered into a three (3) year Housing Consortium Cooperation Agreement with an annual renewal clause for participation in the HOME Consortium for the Eastern Panhandle; and

**WHEREAS**, the U.S. Department of Housing and Urban Development is expected to award the HOME Consortium of the Eastern Panhandle a HOME grant upon request and consideration for Fiscal Year 2012-2013; and

**WHEREAS**, the Jefferson County Commission recognizes the need to obtain funding for affordable housing and has identified the HOME Program as a source of funds to meet this need.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY THAT:**

1. Jefferson County will cooperate with the City of Martinsburg, County of Berkeley, Town of Hedgesville, City of Charles Town, City of Ranson, City of Shepherdstown, Town of Bolivar, Town of Harpers Ferry, County of Morgan, Town of Paw Paw, Town of Bath West Virginia, in a Consortium for participation in the HOME Program; and
2. The President of the Jefferson County Commission is hereby authorized to enter into a one-year Cooperation Agreement for the period of July 1, 2012 to June 30, 2013 with the other members which form the Eastern Panhandle HOME Consortium of West Virginia; and

3. A copy of this resolution is to be submitted in the request to US. Department of Housing and Urban Development to approve funding of the Eastern Panhandle HOME Consortium of West Virginia for the above Fiscal Year 2012 HOME Investment Partnership Program.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**BY:**

---

President, Jefferson County Commission

**ATTEST:**

---

Jennifer S. Maghan, County Clerk

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

**AGENDA REQUEST FORM**

Name: Paul Shroyer

Department or Entity: \_\_\_\_\_

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1<sup>st</sup> Choice: 1/12/11

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: **Presentation of Preliminary Budget**

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:

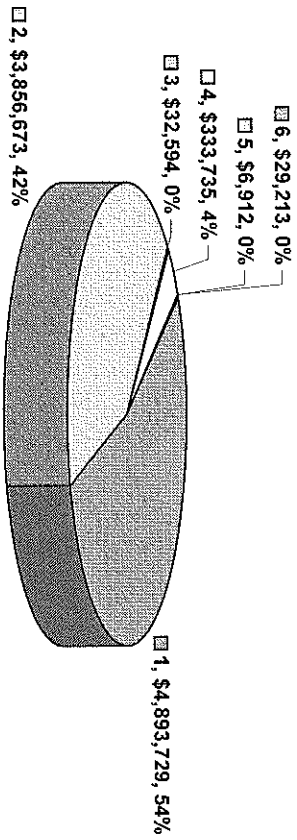
**Budget Analysis Report**  
**For the Fiscal Year Ending June 30, 2012**  
**As of November 2011**

Jefferson County, WV  
 FYE June 30, 2012  
 Financial Statement Chart-General County Fund  
 YTD Expenditure by Government Activity-November 2011

The Chart and financial data represent year to date budget expenditures from the General County Fund for the Fiscal Year Ending June 30, 2012.

| General County Fund Chart-Expenditure Summary by Government Activity |                    |               |                     |                      |                 |                |                               |  |          |
|----------------------------------------------------------------------|--------------------|---------------|---------------------|----------------------|-----------------|----------------|-------------------------------|--|----------|
| Grand Total                                                          | General Government | Public Safety | Health & Sanitation | Culture & Recreation | Social Services | Capital Outlay |                               |  |          |
|                                                                      |                    |               |                     |                      |                 |                | Chart Classification by Color |  |          |
|                                                                      | Item #1            | Item #2       | Item #3             | Item #4              | Item #5         | Item #6        |                               |  |          |
| Totals                                                               | 9,152,856.41       | \$4,893,729   | \$3,856,673         | \$32,594             | \$333,735       | \$6,912        |                               |  | \$29,213 |

November 2011-FYE June 30, 2012



- 1
- 2
- 3
- 4
- 5
- 6



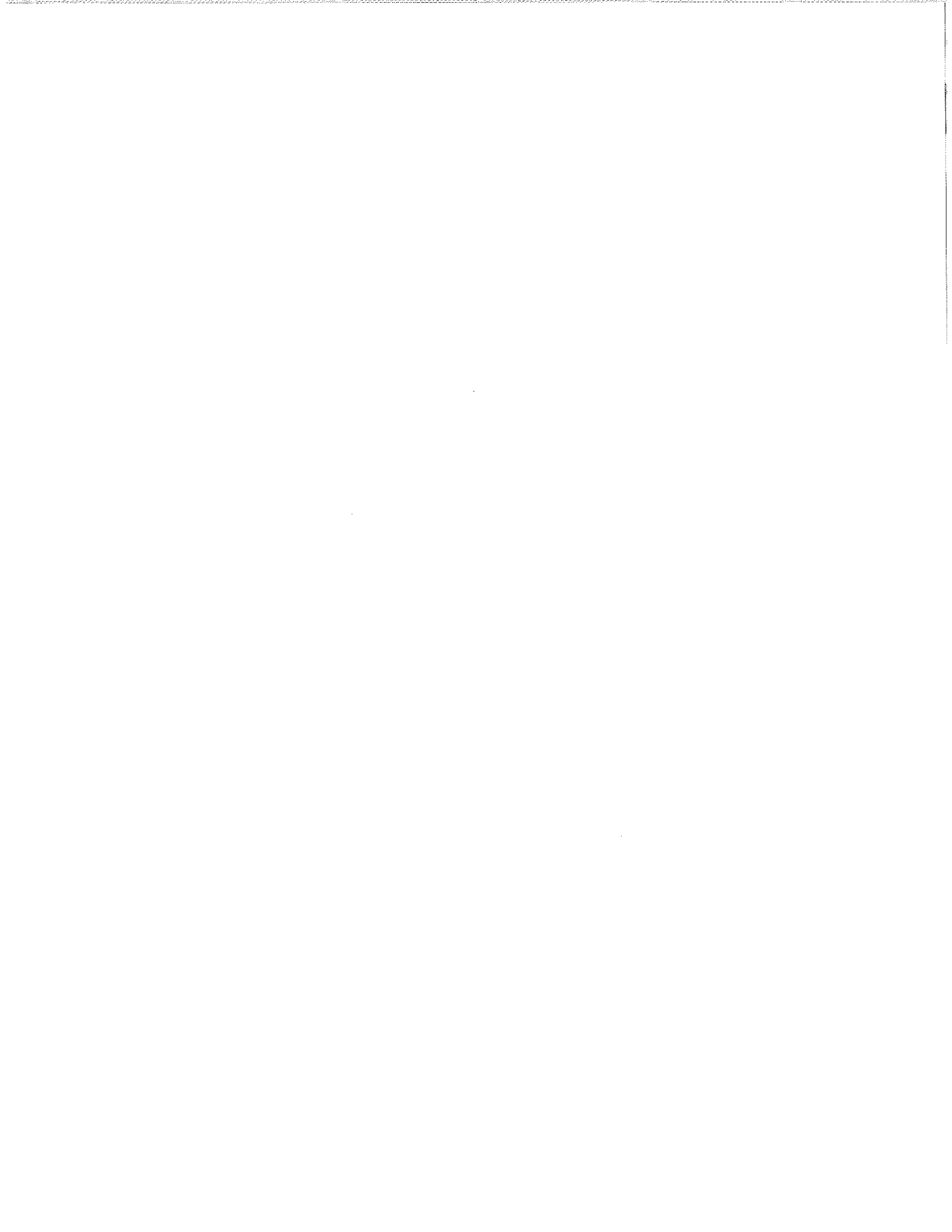
| Current Budget               | Totals       | Estimated Current Actual                                                                               | Totals        |
|------------------------------|--------------|--------------------------------------------------------------------------------------------------------|---------------|
| Budgeted Revenues            | \$24,603,599 | Project revenues including carryover                                                                   | \$ 24,874,964 |
| Budgeted Expenditures        | (24,603,599) | Less: Estimated expenditures                                                                           | (20,169,032)  |
|                              |              | Less: Outstanding Encumbrances 11/30/2011                                                              | (101,091)     |
|                              |              | Estimated Fund Balance 6/30/2012 (CASH BASIS)                                                          | 4,604,841     |
| Budgeted surplus/(shortfall) | \$0          | Less: Estimated end of year accounts payable, Outstanding encumbrances and increases to current budget | (1,151,210)   |
|                              |              | Estimated ending fund balance-Accrual Accounting Basis for Audit Purposes                              | \$ 3,453,631  |

**Current Year Budget & Estimated Revenues**

| Col (a)  | Column (a)                       | Column (b)                                | Column (c)                            | Column (d)                            | Column (e) | Col (f)                           | Col (g)       | Column (h)                       | Column (i)                                              | Column (j)                      | Column (k)                                                                  | Column (l)                        | Column (m) |
|----------|----------------------------------|-------------------------------------------|---------------------------------------|---------------------------------------|------------|-----------------------------------|---------------|----------------------------------|---------------------------------------------------------|---------------------------------|-----------------------------------------------------------------------------|-----------------------------------|------------|
| Line No. | Account                          | Revenue Classification                    | Budgeted revenues-FY Ending 6/30/2012 | Actual CV YTD revenues- November 2011 |            | CV YTD Percentage of Total Budget | Foot Note Ref | Estimated revenues-FYE 6/30/2012 | Criteria for review, equal to or greater than \$100,000 | Estimate over or (under) Budget | Reason for variance                                                         | Total revenues-FY Ended 6/30/2011 |            |
|          | Equity and Fund Balance Accounts |                                           | 3,408,661.00                          | 3,408,661.00                          |            | 100.00%                           |               |                                  |                                                         |                                 |                                                                             |                                   |            |
|          | 299                              | Unencumbered fund balance-added at bottom |                                       |                                       |            |                                   |               |                                  |                                                         |                                 |                                                                             |                                   |            |
| 1        | 301-000                          | Public Utility Taxes                      | 456,817.00                            | 225,560.75                            |            | 49.38%                            |               | 438,104.22                       | 438,104.22                                              | (18,712.78)                     | Budget higher than PY Actual Taxes Collected                                | 387,037.86                        |            |
| 2        | 301-001                          | Ad Valorem Taxes-Current                  | 9,760,897.00                          | 5,220,684.97                          |            | 53.48%                            | 5             | 9,440,905.00                     | 9,440,905.00                                            | (319,992.00)                    | Budget estimate low for uncollectable taxes                                 | 8,928,949.19                      |            |
| 3        | 301-002                          | Ad Valorem Taxes-1st Prior Year           | 500,000.00                            | 600,276.18                            |            | 120.06%                           | 6             | 663,893.05                       | 663,893.05                                              | 163,893.05                      | High uncollectable carryover from PY                                        | 487,562.04                        |            |
| 4        | 301-003                          | Ad Valorem Taxes-2nd Prior Year           | 10,000.00                             | 8,469.96                              |            | 84.70%                            |               | 33,984.56                        | 23,684.56                                               | (10,300.00)                     | Budget appears to be low.                                                   | 10,723.75                         |            |
| 5        | 301-004                          | Ad Valorem Taxes-3rd Prior Year           | 1,000.00                              | 10,376.37                             |            | 1037.64%                          |               | 45,807.39                        | 44,807.39                                               | (1,000.00)                      | Budget appears to be low.                                                   | 345.00                            |            |
| 6        | 301-005                          | Ad Valorem Taxes-4th & Other PY           | 1,000.00                              | 356.32                                |            | 35.63%                            |               | 1,700.40                         | 700.40                                                  | (1,000.00)                      | Budget appears to be low.                                                   | 418.61                            |            |
| 7        | 301-006                          | Supplemental taxes                        | 150,000.00                            | 68,047.66                             |            | 45.37%                            |               | 169,286.50                       | 19,286.50                                               | (150,000.00)                    | Budget appears to be low. PY \$171,699                                      | 171,699.26                        |            |
| 8        | 301-007                          | Land Sale Surplus                         | 35,000.00                             | 12,839.23                             |            | 36.66%                            |               | 52,261.09                        | 17,261.09                                               | (35,000.00)                     | Once a year distribution-normally after November. Budget appears to be low. | 66,560.43                         |            |
| 9        | 301-008                          | Delinquent & Nonretired Land              | (228,704.00)                          | (132,230.59)                          |            | 58.44%                            |               | (194,048.98)                     | 34,654.02                                               | (158,703.00)                    | High level of delinquent taxes keeps discounts down                         | (161,746.24)                      |            |
| 10       | 301-009                          | Tax Discounts                             | 275,000.00                            | 230,641.36                            |            | 83.87%                            |               | 267,492.00                       | 267,492.00                                              | (7,508.00)                      | 2.67% of est collections-based on PY actual                                 | 267,733.42                        |            |
| 11       | 304                              | Property Transfer Taxes                   | 600,000.00                            | 180,293.30                            |            | 30.05%                            |               | 451,498.44                       | 451,498.44                                              | (148,501.56)                    | Shortfall due to limited land transfers                                     | 456,466.20                        |            |
| 12       | 306                              | Oil and Gas Severance Tax                 | 25,000.00                             | 9,277.53                              |            | 37.11%                            | 2             | 25,000.00                        | 0.00                                                    | (25,000.00)                     | Set to budget. PY \$33,485.                                                 | 33,485.17                         |            |
| 13       | 307                              | Horse Racing                              | 20,000.00                             | 9,155.96                              |            | 45.78%                            |               | 19,829.70                        | (70.30)                                                 | (20,000.00)                     | Not a material variance-not material to budget.                             | 19,263.50                         |            |
| 14       | 308                              | Wine and Liquor Tax                       | 5,000.00                              | 3,106.25                              |            | 62.13%                            |               | 7,592.04                         | 2,592.04                                                | (2,592.04)                      | Budget appears low-not a material to budget.                                | 6,066.70                          |            |
| 15       | 309                              | Hotel Occupancy Tax                       | 600,000.00                            | 291,087.80                            |            | 48.51%                            |               | 600,017.73                       | 600,017.73                                              | (17.27)                         | Not a material variance-not material to budget.                             | 550,324.33                        |            |
| 16       | 317                              | License Decal Fee                         | 100.00                                | 44.00                                 |            | 44.00%                            |               | 85.41                            | (14.59)                                                 | (100.00)                        | Not a material variance-not material to budget.                             | 132.00                            |            |
| 17       | 318                              | Permits-Building                          | 195,000.00                            | 13,478.76                             |            | 6.91%                             |               | 244,667.83                       | 244,667.83                                              | 49,667.83                       | Slightly behind last year-most rev near end of year                         | 262,478.05                        |            |
| 18       | 319                              | Permits-Misc                              | 0.00                                  | 0.00                                  |            | 0.00%                             |               | 0.00                             | 0.00                                                    | 0.00                            | PY \$158-not material                                                       | 158.00                            |            |
| 19       | 322                              | Federal Grants                            | 80,000.00                             | 39,880.03                             |            | 49.85%                            | 2             | 80,000.00                        | 0.00                                                    | (80,000.00)                     | Set to Budgeted amount. PY \$177,482.                                       | 177,482.77                        |            |
| 20       | 325                              | Federal Payment in Lieu of Taxes          | 15,000.00                             | 7,270.30                              |            | 48.47%                            | 4             | 16,023.00                        | 16,023.00                                               | 1,023.00                        | Set to PY Actual-not current receipts                                       | 18,725.00                         |            |
| 21       | 329                              | Sheriff's Service of Process              | 18,000.00                             | 4,775.36                              |            | 26.53%                            |               | 10,679.15                        | (7,320.85)                                              | (18,000.00)                     | slightly over current budget-PY \$18,725                                    | 18,725.00                         |            |
| 22       | 330-000                          | Sheriff's Earnings                        | 10,000.00                             | 6,008.80                              |            | 60.09%                            |               | 14,106.93                        | 4,106.93                                                | (4,106.93)                      | Budget may be high. PY Actual \$10,962                                      | 10,962.18                         |            |
| 23       | 330-001                          | Sheriff's Earnings-Arrest Fees            | 14,000.00                             | 0.00                                  |            | 0.00%                             |               | 0.00                             | (14,000.00)                                             | (14,000.00)                     | Budget may be low. PY Actual \$14,556                                       | 14,696.10                         |            |
| 24       | 330-002                          | Sheriff's Earnings-Courts                 | 175,000.00                            | 71,935.25                             |            | 41.11%                            |               | 166,717.20                       | (8,282.80)                                              | (175,000.00)                    | Not carrying in PY-budget high                                              | 182,518.60                        |            |
| 25       | 331                              | County Clerks Earnings                    | 1,000.00                              | 546.10                                |            | 54.61%                            |               | 1,278.79                         | 278.79                                                  | (278.79)                        | Projected under budget-could be low land transfers                          | 1,374.10                          |            |
| 26       | 331-002                          | County Clerks Earnings-Presidential Fund  | 65,000.00                             | 33,484.56                             |            | 51.51%                            |               | 80,130.26                        | 15,130.26                                               | (15,130.26)                     | Not a material variance                                                     | 72,249.97                         |            |
| 27       | 332                              | Circuit Clerks Earnings                   | 500.00                                | 595.97                                |            | 119.19%                           |               | 1,811.32                         | 1,311.32                                                | (500.00)                        | YTD projects high-PY actual \$730                                           | 730.28                            |            |
| 28       | 333                              | Prosecuting Attorney Earnings             | 4,000.00                              | 1,610.00                              |            | 40.25%                            |               | 3,607.95                         | (392.05)                                                | (4,000.00)                      | Not a material variance                                                     | 3,720.00                          |            |
| 29       | 334                              | Accidents Reports                         | 4,500.00                              | 2,068.00                              |            | 45.96%                            |               | 5,497.93                         | 997.93                                                  | (4,500.00)                      | Not a material variance                                                     | 5,563.00                          |            |
| 30       | 336                              | Map Sales                                 |                                       |                                       |            |                                   |               |                                  |                                                         |                                 |                                                                             |                                   |            |



|     |     |                                                       |               |              |            |        |   |    |               |  |              |                                   |               |
|-----|-----|-------------------------------------------------------|---------------|--------------|------------|--------|---|----|---------------|--|--------------|-----------------------------------|---------------|
| 81  | 439 | Planning & Zoning, Employee Salaries                  | 405,727.00    | 153,102.67   | 4,560.72   | 37.74% |   | \$ | 389,118.35    |  | 16,608.65    |                                   | 375,920.66    |
| 82  | 440 | Engineering, Employee Salaries                        | 682,312.00    | 237,299.33   | 150.00     | 34.78% |   | \$ | 587,933.70    |  | 94,378.30    |                                   | 698,834.68    |
| 83  | 451 | Zoning                                                | 155,305.00    | 60,506.05    | 40.58      | 38.96% |   | \$ | 146,962.83    |  | 8,342.17     |                                   | 135,235.79    |
| 84  | 700 | Law Enforcement, Employee Salaries                    | 3,192,574.00  | 1,232,104.18 | 331.00     | 38.59% |   | \$ | 2,972,082.13  |  | 220,491.87   |                                   | 2,726,150.85  |
| 85  | 701 | Service of Process, Employee Salaries                 | 15,000.00     | 6,074.35     |            | 40.50% |   | \$ | 14,380.14     |  | 613.86       |                                   | 8,990.78      |
| 86  | 704 | Charges by other Gov't Regional Jail Cost             | 1,300,000.00  | 471,310.40   |            | 36.25% |   | \$ | 1,145,645.00  |  | 154,355.00   | Calculated at 110% PY Mo. Average | 1,041,499.60  |
| 87  | 711 | Emergency Services, Employee Salaries                 | 251,838.00    | 90,416.27    | 1,200.00   | 35.90% |   | \$ | 239,497.75    |  | 12,340.25    |                                   | 219,716.03    |
| 88  | 712 | Communication Center                                  | 1,994,541.00  | 755,538.26   | 10,783.40  | 38.07% |   | \$ | 1,831,103.21  |  | 153,437.79   |                                   | 1,755,694.73  |
| 89  | 713 | Fire & Rescue Contribution                            | 0.00          |              |            |        |   |    |               |  | 0.00         |                                   | 427,000.00    |
| 90  | 715 | Ambulance Authority                                   | 1,962,500.00  | 1,194,750.00 | 0.00       | 60.88% | 2 | \$ | 1,962,500.00  |  | 0.00         |                                   | 1,311,000.00  |
| 91  | 716 | Airport Control, Salary Supplement                    | 266,734.00    | 106,479.70   |            | 39.92% | 2 | \$ | 266,734.00    |  | 0.00         |                                   | 250,883.71    |
| 92  | 800 | Local Health Department-Contributions to              | 65,188.00     | 32,894.00    |            | 50.00% | 2 | \$ | 65,188.00     |  | 0.00         |                                   | 130,375.00    |
| 93  | 808 | Self Waste Authority                                  | 35,000.00     | 0.00         |            | 0.00%  |   | \$ | 0.00          |  | 35,000.00    |                                   | 33,250.00     |
| 94  | 900 | Parks & Recreation                                    | 460,056.00    | 201,085.14   |            | 43.71% | 2 | \$ | 460,056.00    |  | 0.00         | Set to budget. Spent budget in PY | 359,292.26    |
| 95  | 903 | Arts & Humanities Contributions                       | 25,000.00     | 9,148.29     |            | 36.59% |   | \$ | 23,295.72     |  | 1,704.28     |                                   | 22,012.97     |
| 96  | 909 | Historical Commission                                 | 25,000.00     | 9,148.28     |            | 36.59% |   | \$ | 23,295.70     |  | 1,704.30     |                                   | 22,012.97     |
| 97  | 911 | Other Gov't Contrib to Visitors Center                | 300,000.00    | 114,353.72   |            | 38.12% |   | \$ | 291,196.95    |  | 8,803.05     |                                   | 275,182.16    |
| 98  | 916 | Other Gov't Contrib to Libraries                      | 221,160.00    | 110,580.00   |            | 50.00% |   | \$ | 221,160.00    |  | 0.00         |                                   | 221,160.00    |
| 99  | 952 | Other Gov't Contrib to Senior Center                  | 5,990.00      | 0.00         |            | 0.00%  |   | \$ | 0.00          |  | 5,990.00     |                                   | 5,990.00      |
| 100 | 953 | Other Gov't Contrib to Public Transit                 | 13,823.00     | 6,911.50     |            | 50.00% |   | \$ | 13,823.00     |  | 0.00         |                                   | 13,823.00     |
| 101 | 975 | Capital Outlay-County Clerk                           | 0.00          | 12,207.05    |            | 0.00%  | 3 | \$ | 12,207.05     |  | (12,207.05)  | Need budget revision              | 29,296.92     |
| 102 | 976 | Capital Outlay-Circuit Clerk                          | 25,000.00     | 17,008.20    |            | 68.02% |   | \$ | 25,000.00     |  | 0.00         |                                   | 15,840.46     |
| 103 | 990 | Capital Outlay-Law Enforcement                        | 69,400.00     | 0.00         |            | 0.00%  |   | \$ | 69,400.00     |  | 0.00         |                                   | 68,801.62     |
| 104 | 993 | Election-Capital Outlay                               | 31,000.00     | 0.00         |            | 0.00%  |   | \$ | 31,000.00     |  | 0.00         |                                   | 23,470.10     |
| 105 |     | Total estimated expenditures and uses                 | 24,603,599.00 | 9,283,435.41 | 101,091.21 | 37.69% |   | \$ | 20,169,031.87 |  | 4,434,567.13 |                                   | 19,488,883.16 |
| 106 |     |                                                       |               |              |            |        |   |    |               |  |              |                                   |               |
| 107 |     | Footnotes:                                            |               |              |            |        |   |    |               |  |              |                                   |               |
| 108 | 1   | Estimated expenditures adjusted to 110% of prior year |               |              |            |        |   |    |               |  |              |                                   |               |
| 109 | 2   | Estimated expenditures set to budget amount           |               |              |            |        |   |    |               |  |              |                                   |               |
| 110 | 3   | Expenditures exceed current budget                    |               |              |            |        |   |    |               |  |              |                                   |               |
| 111 | 4   | Estimated revenues set to PY actual                   |               |              |            |        |   |    |               |  |              |                                   |               |
| 112 | 5   | Estimated revenues based on 7.5% of uncollected levy  |               |              |            |        |   |    |               |  |              |                                   |               |
| 113 | 6   | Estimate after Land Sale Posted                       |               |              |            |        |   |    |               |  |              |                                   |               |



713

HOLID  
2 1-5-12  
HOLID OVER  
1-12-11

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| <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 – 1<sup>st</sup> Choice: December 15, 2011

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

**Subject: Sexual Harassment Policy**

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve Sexual Harassment Policy as presented**

**Attachments:**

## SEXUAL HARRASSMENT

### **POLICY**

The Jefferson County Commission prohibits sexual harassment in the workplace, whether committed by supervisory or non-supervisory personnel, elected officials, or third parties.

### **PROVISIONS**

Title VII of the Civil Rights Act of 1964 prohibits employment discrimination on the basis of race, sex, religion, or national origin. Sexual Harassment is included among those prohibitions.

Specifically, no supervisor shall insinuate or threaten, either explicitly or implicitly, that an employee's submission to or rejection of sexual advances will in any way influence any personnel decision regarding that employee's employment, wages, advancement, assigned duties, shifts, or other condition of employment or career development.

Other sexually harassing conduct in the workplace that may create an offensive work environment, whether it be in the form of physical or verbal harassment, regardless of whether committed by supervisory or non-supervisory personnel, or persons not employed by the county is prohibited.

Prohibited conduct included but is not limited to:

- Repeated offensive or unwelcome sexual flirtations, advances, propositions, continued or repeated verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body;
- Sexually degrading words used to describe an individual;
- The display in the workplace of sexually suggestive objects or pictures;
- Harassment based on sexual preference;
- Retaliation for sexual harassment complaints such as disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work related matters with any employee because that employee has complained about or resisted harassment, discrimination or retaliation;
- Intentionally pressuring, denying, lying about, or otherwise covering up or attempting to cover up improper conduct;
- Creating and/or spreading rumors of a sexual nature;
- Physical assaults of a sexual nature such as;
  1. Rape, sexual battery, molestation or attempts to commit these assaults; and
  2. Intentional physical contact which is sexual in nature such as touching, pinching, patting, grabbing, brushing against another employee's body or touching another employee's body.

Sexual harassment in the workplace by any employee will result in disciplinary action up to and including dismissal and may lead to personal, legal, financial liability.

- Persons involved in a confidential investigation shall cooperate and provide true and complete information.
- Employees who fail to cooperate with county investigations of sexual harassment or retaliation shall be subject to disciplinary action up to and including dismissal.
- Supervisors who allow harassing or offensive language or behavior within their work unit, or who fail to respond promptly to a complaint of sexual harassment, shall be subject to disciplinary action up to and including dismissal.

Employees are expected to contact their immediate supervisor, their Elected Official/Department Head, or the County Administrator if they are confronted with sexual harassment or observe any prohibited form of harassment.

Formatted: Font color: Dark Red

- The county will maintain both a male and female contact person for complainants to use for review of an incident or concern.
- Such internal concerns will be investigated promptly (within 3 business days), and corrective action will be taken where allegations are verified.
- No employee will suffer retaliation or intimidation as a result of using the internal review team.

## PROCEDURES

### General

It is the responsibility of each supervisor to ensure the county work environment is free from sexual harassment.

Any complainant wishing to have a review of an alleged incident ~~may~~ must express their concern in writing, or make an oral presentation to their supervisor, to the elected official/department head, or the county administrator.

A complainant need not be limited to someone who was the target of harassment or retaliation.

Anyone who has observed sexual harassment or retaliation ~~should~~ must report it to their immediate supervisor. Upon hearing of a complaint, the supervisor must report this information to the county administrator immediately. The supervisor may be asked to help in the investigation of the complainant, if appropriate.

### Process

~~Where possible,~~ The complainant should first discuss the incident or concern with the supervisor of the department or area from which the alleged concern originates, if feasible.

The investigation will generally be as follows:

1. The investigator will create a confidential and separate file.
2. The investigator will review relevant county policies and procedures.
3. The investigator will interview the complainant and document the interview.
4. The investigator will interview the alleged perpetrator and will document the interview.
5. The investigator will interview witnesses for corroboration.
6. The investigator will prepare a report stating the nature of the complaint, information gathered, and recommendations for corrective action.
7. Dissemination of information or findings will be determined on a need-to-know basis to ensure appropriate confidentiality.
8. The investigator will review the report with the Civil Division who, together with the investigator, will separately advise the alleged victim and the alleged perpetrator of the results of the investigation.
9. The elected official/county administrator will take appropriate action recommended by the investigator and counsel.

#### Documentation

General information regarding Sexual Harassment will be available from the county administrator.

The elected official/county administrator will maintain all written records of incidents in separate, confidential, locked files.

Written material regarding any sexual harassment incident or concern will not be made part of an employee's personnel file.

General information regarding any disciplinary actions taken resulting from a confirmed sexual harassment investigation will be in the employee's personnel file.

Authored by: ETB

Date Prepared: 09/12/11

Revised : 01/06/2012

Approved:

8 (circled) 13 (circled)

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

HOLD OVER APPROVED  
 TO 1-12-12 3-0  
 1-5-12

AGENDA REQUEST FORM

Name: Nichelle Hosby

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: 12/15/2011 YS/11

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: **Request to complete the revitalization of the County Commission Meeting Room**

Please provide the County Commission with a description of your request or presentation, including any background information: **In July 2010 the staff began remodeling and updating the Commission Meeting Room. New tables and chairs were purchased along with a TV for PowerPoints.**

The staff would like to complete the room with a new paint job, install a hanging projector, organize the cords that display on the floor, add a possible TV on the Left wall, install new microphones, camera, purchase a speaker timer, purchase 5 laptops or I pads for Commissioners (part of going green) and add additional tables. (See drawing)

\$412K  
 COAL SEVERANCE  
 OR  
 WNE NUMBERS

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



K-Log, Inc. 1224 W. 27th St. P.O. Box 5 Zion, IL 60099  
 Phone (800) 872-6611 Fax (847) 872-3728

# Quotation

Quote No.: Q11-117004  
 Date: 11/1/2011

Cust.No.: 194166  
 P.O. No.:

**Customer Delivery Site Features:**

Loading Dock      Delivery Floor:

Freight Elevator     

Help with Unloading

Phone: **304-728-3284**  
 Fax:   
 Email: **nhosby@jeffersoncountywv.**

**Billing Address**

**Shipping Address**

NICHELLE HOSBY  
 JEFFERSON COUNTY COURTHOUSE  
 124 E WASHINGTON ST  
 CHARLES TOWN WV 25414

Fax:  Phone: **304-728-3284**  
 Email: **nhosby@jeffersoncountywv.org**

To:

| Item                                                                                   | Options                                                                            | Customer Delivery Requirements                                                                                                                                                                                                                                                                                                         |
|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NFT-24RCL<br>24x24 Contemp 90° Radius<br>Laminate Connecting Corner<br>Ship Via: Truck | Laminate Color: Charcoal Essence<br>Edge Color: Charcoal                           | <input type="checkbox"/> Tailgate Only      Qty: 2<br><input checked="" type="checkbox"/> Inside Bldg.      Unit Price \$450.24<br><input type="checkbox"/> Extra Deliv. Person<br><input checked="" type="checkbox"/> 24 hr. Notice      Options: \$0.00<br><input checked="" type="checkbox"/> Liftgate      Total Price: \$900.48   |
| NFT-7224L<br>72"Wx24"D Laminate<br>Contemporary Train/Conf Tbl<br>Ship Via: Truck      | Laminate Color: Charcoal Essence<br>Paint Finish: Charcoal<br>Edge Color: Charcoal | <input type="checkbox"/> Tailgate Only      Qty: 1<br><input checked="" type="checkbox"/> Inside Bldg.      Unit Price \$911.04<br><input type="checkbox"/> Extra Deliv. Person<br><input checked="" type="checkbox"/> 24 hr. Notice      Options: \$0.00<br><input checked="" type="checkbox"/> Liftgate      Total Price: \$911.04   |
| FT-4224L<br>72"Wx24"D Laminate<br>Contemporary Train/Conf Tbl<br>Ship Via: Truck       | Laminate Color: Charcoal Essence<br>Paint Finish: Charcoal<br>Edge Color: Charcoal | <input type="checkbox"/> Tailgate Only      Qty: 3<br><input checked="" type="checkbox"/> Inside Bldg.      Unit Price \$786.24<br><input type="checkbox"/> Extra Deliv. Person<br><input checked="" type="checkbox"/> 24 hr. Notice      Options: \$0.00<br><input checked="" type="checkbox"/> Liftgate      Total Price: \$2,358.72 |

We are pleased to submit the above quotation for your consideration. All quotations are contingent upon the availability of materials and all other causes beyond our control. Typographical errors are subject to correction. PLEASE NOTE: Prices and shipping charges are for the models and quantities listed. Shipping charges are for standard dock to dock tailgate delivery unless otherwise indicated. This quote is valid for 45 days. If I can be of further assistance, please call me. Thank you! Carmen ext. 142

Sub Total: \$4,170.24  
 Tax: \$0.00  
 Shipping: \$580.65  
**K-Log Total: \$4,750.89**

**DSAN** How to purchase Tel: 516-625-5608 | Fax: 516-625-0878 | Email: info@dsan.com

**CATALOG OF PRESENTATION PRODUCTS**

home speaker timers laser pointers cue lights audio accessories projector accessories info displays

Home Products Contact Us

DSan Shop Home Page

Keywords:

Find

Sign In

Order Status

Shopping Cart

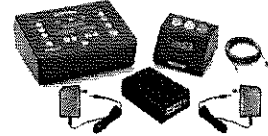
Selected Category

Item Details

Speaker Timers > Limitimer Systems

Speaker timer systems with programmable timer and remote signal light

Item Name: **Limitimer PRO-2000 Bluetooth® Wireless**  
 Item #: **PRO-2000BT**  
 Price/ea: **\$1,117.00**



Wireless Speaker Timer System including timer with built-in Bluetooth® transmitter, podium signal light (PSL-20V), Bluetooth signal light receiver (RFR-2000) 50' Cat 5 cable and power supplies for timer and receiver.

Signal light receives data and power from the AC-powered receiver. This allows the receiver to be placed in any position for best reception. Receiver contains two RJ45 jacks and can drive up to four Podium Signal Lights or an Audience Signal light.

This wireless option allows several wireless Limitimer Systems to be used in proximity to one another or with a DSAN wireless cue light. Up to six (6) signal lights can be connected to a Bluetooth-enabled timer. Each signal light will require its own receiver Model TR-2000BT.

Buy Now Quantity: 1

Email to a Friend

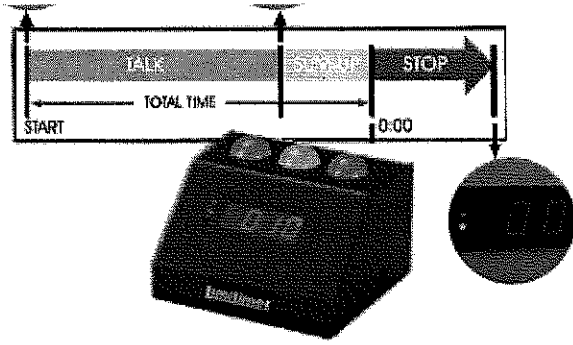
Category List

- Information Display
- Cue Lights
  - Cue Light Systems
  - Accessories
  - Transmitters
- Speaker Timers
  - Limitimer Systems
  - Signal Lights
  - Accessories
  - Battery Powered
- Laser Pointers
  - Large Size Pointers
  - Pen Style Pointers
- Audio Accessories
- Projector Bulbs

UD7

Home Products Contact Us

D'San Corp: Limitimer - Thre Traffic Light for Speakers



Next: Signal Lights

© 2005 -2011 D'san Corporation ■ Tel: 516-625-5608 ■ Fax: 516-625-0878 ■ Email: info@dsan.com  
142 Mineola Avenue Roslyn Heights, New York 11577



**Walmart**  
Save money. Live better.

Don't Miss Even More Amazing Online Specials

8

[Value of the Day](#) [Local Ad](#) [Store Finder](#) [Registry](#) [Gift C](#)

All Deals **We have 8 Coupons for this site.**

[Subr](#)

Rollover the DropinSavings Tag to view them.

[DropinSavings Settings](#) | Closing window in 4...

Please see the messages below.

**Please note:**

- Items in your cart are not reserved until you complete your purchase.
- For support or returns of items purchased from a Marketplace Retailer, please contact the seller directly. These items are not returnable to Walmart.com or Walmart stores. Click "See returns policy" in the Store Pickup or Ship column for more information.

[Contin](#)

**Cart Items**



**Philips 46" Class LCD 1080p 60Hz HDTV, 46PFL3505D**

home free item

[Save for later](#) | [Remove](#)

Include a Service Plan?



**Canopy Faux Leather Short Tapered Storage Basket**

[Save for later](#) | [Remove](#)



**Level TV Wall Mount Full Motion Mount Fits 10-40" TV, DC37SJ**

home free item

[Save for later](#) | [Remove](#)

Include installation?

**Store Pickup or Ship?**

**Store Pickup — Free**

Confirm pickup location during checkout

**Ship — Free**

Standard Shipping. Arrives Tue 12/13-Fri 12/13  
Select faster shipping speeds during checkout

When will I get this item?

**Store Pickup — Free**

Confirm pickup location during checkout

**Ship**

Standard Shipping. Arrives Tue 12/13-Fri 12/13  
Select faster shipping speeds during checkout

When will I get this item?

**Store Pickup — Free**

Confirm pickup location during checkout

**Ship — Free**

Standard Shipping. Arrives Wed 12/14-Fri 12/14  
Select faster shipping speeds during checkout

When will I get this item?

State

Zip Code  Example: 12345

Phone Number   
Phone number associated with your billing address

Date of Birth

Last 4 Digits of SSN

For verification, please provide your date of birth and the last four digits of your Social Security number.

You must read the E-sign consent section of the Terms and Conditions before checking the checkbox below. Click here for a printer-friendly version.

[E-Sign Consent and Terms and Conditions](#)

**You must scroll to the end of the Terms and Conditions before clicking "I Accept".**

I agree to have the Terms and Conditions presented electronically.

## Bottom of Form

[Back](#) [Continue](#)

## Order Summary

[Return to cart](#)

### Store Pickup

**Charles Town Store** — Walmart Supercenter Store #2566  
 96 Patrick Henry Way, Charles Town, WV 25414 Change  
 Pickup person: Nichelle Hosby

Item

Arrives at store 12/16-12/22

|                                                   | Qty | Total           |
|---------------------------------------------------|-----|-----------------|
| Philips 46" Class LCD 1080p 60Hz HDTV, 46PFL3505D | 1   | <b>\$529.98</b> |

**Charles Town Store** — Walmart Supercenter Store #2566  
 96 Patrick Henry Way, Charles Town, WV 25414 Change  
 Pickup person: Nichelle Hosby

Item

Arrives at store 12/19-12/22

|                                                              | Qty | Total          |
|--------------------------------------------------------------|-----|----------------|
| Level TV Wall Mount Full Motion Mount Fits 10-40" TV, DC375J | 1   | <b>\$38.00</b> |

Subtotal (2 items)

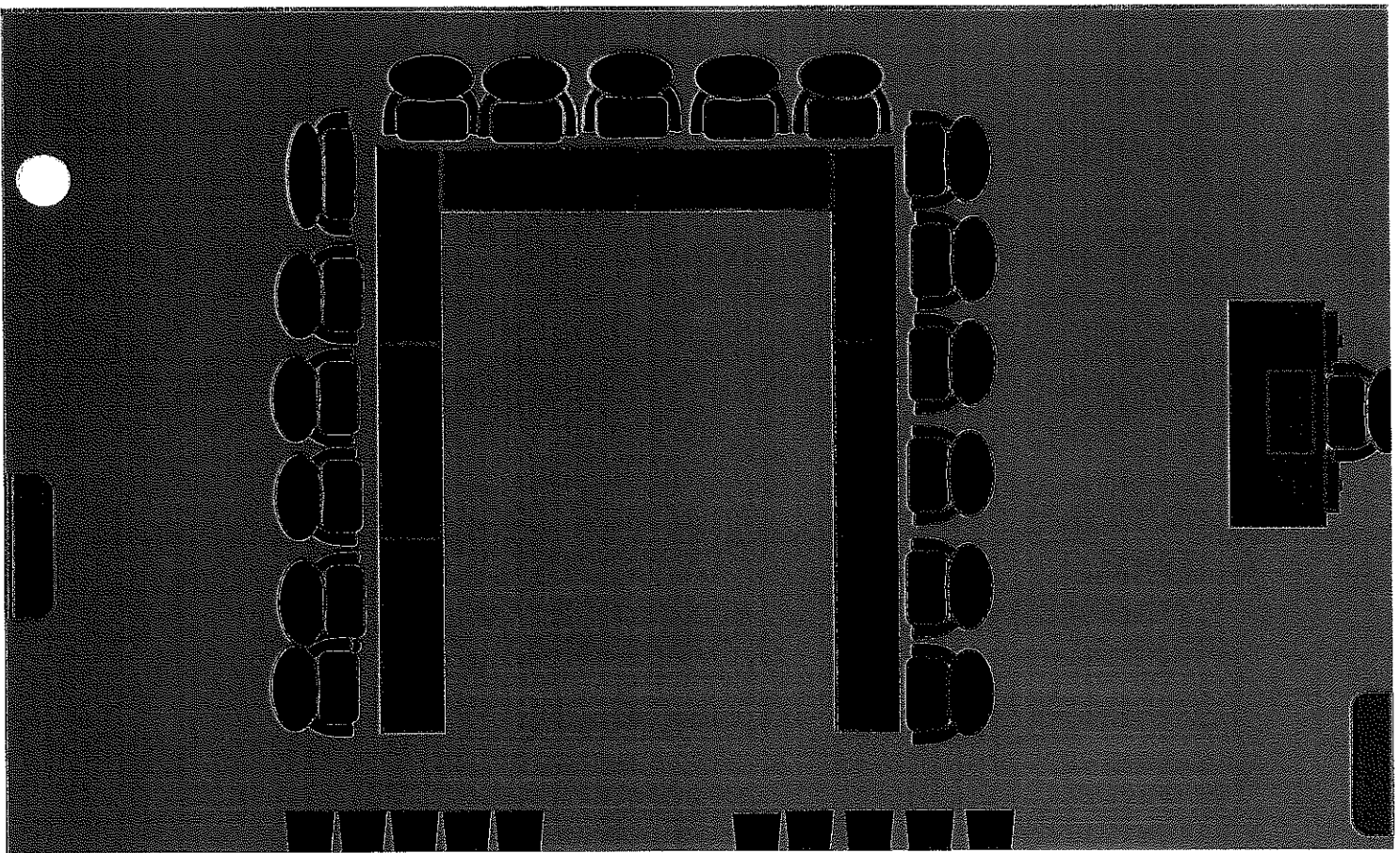
**\$567.98**

Tax Taxes includes all state and local sales taxes for merchandise, gift wrap and shipping (where applicable). ✓

**\$34.08**

Order Total

**\$602.06**





# Rough Order of Magnitude

Modified: 12/14/2011  
Revision: 0

## Hearing Room Audio Systems

### Jefferson County Commission

124 East Washington Street  
Charles Town, WV 25414

Presented By:

Insight Audio/Visual  
Services, LLC



*We See AV Clearly*  
[www.AVInsight.com](http://www.AVInsight.com)

### Insight Audio/Visual Services

83 Veronica Lane  
Charles Town, WV 25414 USA  
703-636-1351

# Rough Order of Magnitude

| Qty                     | Description                                                                                                                                                                                                                                                                        | Price              |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Display Devices</b>  |                                                                                                                                                                                                                                                                                    | <b>\$1,775.43</b>  |
| 1                       | <b>Toshiba 46G310U</b><br>46" Widescreen 1080p LCD HDTV                                                                                                                                                                                                                            | \$1,077.97 *       |
| 1                       | <b>Owner Furnished Equipment LCD PROJECTOR</b><br>System Integration Of Client's LCD Projector                                                                                                                                                                                     | \$486.17 *         |
| 1                       | <b>Owner Furnished Equipment LCD (FLAT PANEL)</b><br>System Integration Of Client's Flat Panel Display                                                                                                                                                                             | \$211.29 *         |
| <b>Microphones</b>      |                                                                                                                                                                                                                                                                                    | <b>\$15,923.81</b> |
| 1                       | <b>Listen Technologies WX-WCAP-C</b><br>Confidea Wireless Conference Access Point                                                                                                                                                                                                  | \$3,514.09 *       |
| 1                       | <b>Listen Technologies WC-CD-C</b><br>Confidea Wireless Chairman Unit                                                                                                                                                                                                              | \$1,398.48         |
| 7                       | <b>Listen Technologies WC-DD-C</b><br>Confidea Wireless Delegate Unit                                                                                                                                                                                                              | \$8,866.62         |
| 2                       | <b>Listen Technologies WC-CHT</b><br>Confidea Wireless Charging Tray For 6 Battery Packs                                                                                                                                                                                           | \$2,144.62         |
| <b>Audio Processing</b> |                                                                                                                                                                                                                                                                                    | <b>\$1,696.71</b>  |
| 1                       | <b>Biamp NEXIA CS</b><br>Nexia Cs Is A Digital Signal Processor With 10 Mic/line Inputs and 6 Mic/line Outputs. Intended For A Variety Of Conferencing Applications Such As Boardrooms, Courtrooms, and Council Chambers, Nexia Cs Includes A Broad Selection Of Audio Components, | \$1,696.71 *       |
| 1                       | <b>Owner Furnished Equipment AUDIO AMPLIFIER</b><br>Audio Amplifier                                                                                                                                                                                                                | \$0.00             |

\* Price Includes Accessories

Presented By: Insight Audio/Visual Services  
Project: Hearing Room Audio Systems

12/14/2011  
Page 2 of 5

# Rough Order of Magnitude

| Qty                                                                                                                                                                          | Description                                                                                                                                                                                                     | Price             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <b>Wiring Infrastructure</b>                                                                                                                                                 |                                                                                                                                                                                                                 | <b>\$126.66</b>   |
| 100                                                                                                                                                                          | <b>West Penn Wire-cdt 25225B</b><br>2 Cond 16 (19x29) Bare CMP                                                                                                                                                  | \$30.00           |
| 1                                                                                                                                                                            | <b>Wiremold NM2044-2</b><br>2 Gang Extra Deep Device Box - For Mounting Power/communication Device When Additional Depth Is Required. Has Combination Twistouts For 2700, 2800, 2900, and Nm2000.               | \$19.14           |
| 8                                                                                                                                                                            | <b>Wiremold NM2000 BC</b><br>1.75" X 1" Nonmetallic Cable Raceway- 5' Stick                                                                                                                                     | \$77.52           |
| <b>Wall Plates</b>                                                                                                                                                           |                                                                                                                                                                                                                 | <b>\$951.91</b>   |
| 1                                                                                                                                                                            | <b>Extron CIA111</b><br>Installation Computer Interface With Modular A/v Faceplate                                                                                                                              | \$834.87 *        |
| 1                                                                                                                                                                            | <b>Extron IN9365D</b><br>Extron Maap Insert, One XLR 3-pin Female To Solder Cups - Neutrik                                                                                                                      | \$41.50 *         |
| 2                                                                                                                                                                            | <b>Extron IN9385</b><br>Extron Maap Insert: One 3.5 MM Stereo Mini Jack To Solder Tabs                                                                                                                          | \$75.54 *         |
| <b>Control Systems</b>                                                                                                                                                       |                                                                                                                                                                                                                 | <b>\$1,123.74</b> |
| Wiring, Control Devices, Control System Equipment, Interfaces, Installation Labor and Programming to Provide Control and Integration of Subsystems as Described in Proposal. |                                                                                                                                                                                                                 |                   |
| 1                                                                                                                                                                            | <b>Crestron MC3</b><br>3-series Control System™<br>control System From Crestron Featuring The All New Core 3 Os, The Mc3 Delivers An Entirely New Level Of Power and Performance With A Unique Set Of Features. | \$1,089.86 *      |
| 1                                                                                                                                                                            | <b>Netgear FS105</b><br>5 Port Fast Ethernet Switch                                                                                                                                                             | \$33.88 *         |
| 1                                                                                                                                                                            | <b>Owner Furnished Equipment iPad</b><br>Ipad Capable Of Running Crestron Mobile Pro Software. Software Must Be Purchased From Itunes Store For \$99                                                            | \$0.00            |

\* Price Includes Accessories

Presented By: Insight Audio/Visual Services  
Project: Hearing Room Audio Systems

12/14/2011  
Page 3 of 5

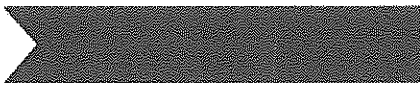
# Rough Order of Magnitude

| Qty                                  | Description                                                                                                                                                                                                                                                                                | Price              |
|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| <b>Equipment Racks and Furniture</b> |                                                                                                                                                                                                                                                                                            | <b>\$0.00</b>      |
| 1                                    | <b>Owner Furnished Equipment EQUIPMENT RACK</b><br>Install Equipment Rack and Configure Existing Power Equipment, Build False Wall As Needed So That Rack Is In Front Of Plumbing Pipe In Ceiling.                                                                                         | \$0.00             |
| 1                                    | <b>Owner Furnished Equipment POWER CONDITIONER</b><br>Power Conditioner                                                                                                                                                                                                                    | \$0.00             |
| <b>Video Processing</b>              |                                                                                                                                                                                                                                                                                            | <b>\$338.00</b>    |
| 1                                    | <b>Extron P/2 DA4XI</b><br>The Extron P/2 Da4xi Is A One Input VGA Distribution Amplifier That Splits A Signal and Distributes It To Four Separate Outputs. With 350 MHZ (-3db) RGB Video Bandwidth, Fully Loaded, The P/2 Da4xi Is Compatible With Vga-qxga Graphic Cards and Projectors. | \$338.00 *         |
| <b>Project Subtotal:</b>             |                                                                                                                                                                                                                                                                                            | <b>\$21,936.26</b> |
| <b>Misc. Costs:</b>                  |                                                                                                                                                                                                                                                                                            |                    |
|                                      | Crestron Mobile Pro Software purchased by JCC                                                                                                                                                                                                                                              | \$99.00            |
|                                      | iPad to be furnished by JCC                                                                                                                                                                                                                                                                | \$599.00           |
| <b>Misc. Costs Total</b>             |                                                                                                                                                                                                                                                                                            | <b>\$698.00</b>    |

\* Price Includes Accessories

Presented By: Insight Audio/Visual Services  
Project: Hearing Room Audio Systems

12/14/2011  
Page 4 of 5



# Rough Order of Magnitude



## Project Summary

|                       |                    |
|-----------------------|--------------------|
| Equipment:            | \$21,936.26        |
| Equipment Adjustment: | \$548.53           |
| Misc Parts:           | \$658.12           |
| Labor:                | \$7,382.65         |
| Sales Tax:            | \$1,157.25         |
| Misc. Costs:          | \$698.00           |
| <b>Grand Total:</b>   | <b>\$32,380.81</b> |

Client: Michelle Hosby

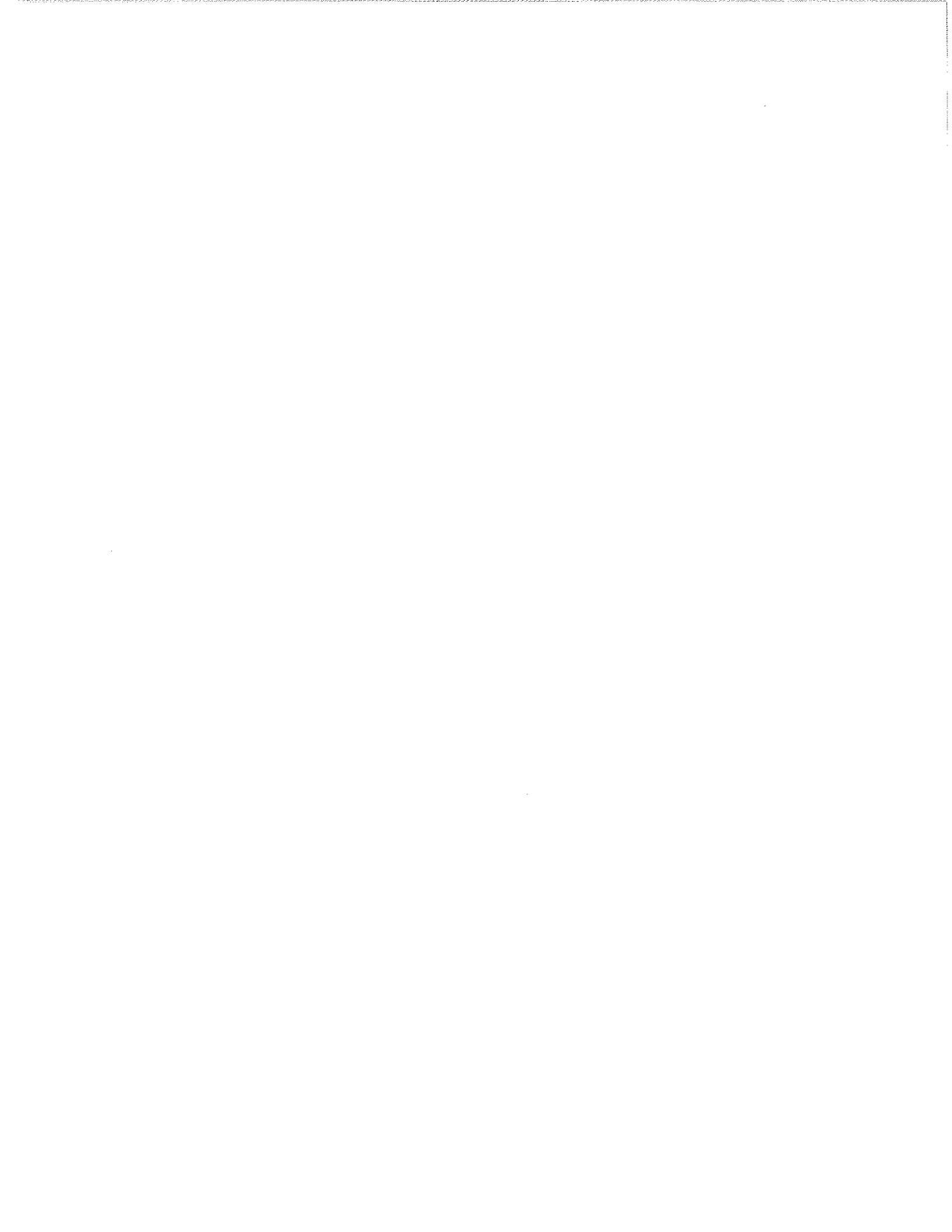
Date \_\_\_\_\_

Contractor: Insight Audio/Visual Services

Date \_\_\_\_\_

# Cost for Meeting Room Upgrades

|                    |                    |
|--------------------|--------------------|
| Tables             | \$4,750.89         |
| Audio System       | \$32,380.81        |
| Timer              | \$1,117.00         |
| Touch pads         | \$3,275.00         |
| Lecturn            | \$250.00           |
| Misc. (Paint ect.) | \$250.00           |
| Total              | <b>\$42,023.70</b> |



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

**AGENDA REQUEST FORM**

Name: Dale Manuel

Department or Entity: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: January 5, 2011

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: Approval to increase the Public Service District Board membership from three to five members

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to increase the Public Service District Board membership from three to five members**

Attachments:





**Shenandoah Center**  
Genesis HealthCare™

10

50 Mulberry Tree Street  
Charles Town, WV 25414  
Tel 304 724 1101  
Fax 304 724 1105

December 7, 2011

Dear Sir or Madam:

This letter is to request a refund for permit 11-652 for the shed move at Shenandoah Center. After further review, we no longer feel that moving the shed is necessary and have canceled the permit. We are requesting a refund in the check issued amount of \$275.20 minus any processing fees you see fit. Sorry for any inconvenience that this may have caused. Thank you for your consideration in this matter. If you have any additional questions, please contact me at 304-724-1101 between the hours of 9:00 a.m. and 4:30 p.m.

Sincerely,

Sabrina Myers  
Bookkeeper

RECEIVED

RECEIVED  
DEC 15 2011  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Jefferson County Commission

Per Michelle 11/15/2012 cc meeting

**JEFFERSON COUNTY, WEST VIRGINIA**

**Engineering Department**

116 East Washington Street

P.O. Box 716

Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

Email: [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org)

MEMORANDUM

TO: TIMOTHY BOYDE, COUNTY ADMINISTRATOR  
JEFFERSON COUNTY COMMISSION

FROM: REBECCA F. BURNS, OFFICE MANAGER  
DEPARTMENT OF ENGINEERING

DATE: JANUARY 3, 2012

SUBJECT: SHENANDOAH CENTER - FEE REFUND REQUEST

This is in response to the request by Shenandoah Center for a refund of building permit fees for Permit #11-652. Shenandoah Center submitted 2 building permit applications for sheds on November 30, 2011. One was for a new shed, the other for relocation of an existing shed to another part of the property. After the permit applications were processed and the permits issued they decided not to pursue relocation of the existing shed.

Prior to the applications being submitted we entertained several telephone calls and walk in meetings about the permit process for both sheds. We also pulled the old site plan file for the property and made copies of the site plan for them to accompany the permit applications.

The permit fee for the shed in questions was calculated as follows: Base fee of \$250.00 plus the square footage fee of \$25.20 for a total permit fee of \$275.20. When asked in the past for a fee refund the Commission has returned the square footage fee but retained the base fee for work completed by staff. Based on past action by the Commission a fee refund of \$25.20 is recommended.

If you have any questions please give me a call.

**RECEIVED**

IAN 03 2012

Jefferson County Commission

COUNTY COMMISSION MEETING ROOM

REQUEST FORM

Date Requested: please see page 2 for requested dates and times
Meeting Time: 7-9PM to and 9AM -12 noon
Organization Name: EPOHOA
Purpose of Meeting: Jefferson County EPOHOA bi-monthly

Please attach a brief description of your organization. (You may attach other printed materials.)

Please check the boxes on all that apply to your organization:

- Has previously used the library
Is a not-for-profit organization
Can provide a certificate of insurance
Indemnification Form provided in lieu of certificate of insurance

By signing this Request, I acknowledge that I have read and fully understand the Jefferson County Commission Meeting Room Policy for the use of the County Commission Meeting Room located at 200 East Washington Street lower level of the Old Charles Town Library. I agree to assume personal responsibility for my organization's compliance with these regulations, the behavior of all those attending any meeting or program, and the care of the meeting room and all property within the room.

Person Making Request: (printed): Nance L. Briscoe

Signature of Person Making Request: [Handwritten Signature] Date: 1-3-2012

Contact Person: Nance Briscoe or any of the EPOHOA officers listed on page 2

(If other than the representative signing above)

Representative's Address: 22 Cloverdale Place Charles Town WV 25414

Telephone: 304.728.2201 Fax: 304.724.6323

E-Mail: briscoen@frontiernet.net

The Eastern Panhandle Organization of Homeowner Associations, Inc. is a non-profit 501(C)3 organization comprised of an accumulative 8-county wide membership.

EPOHOA requests one of two meeting locations or possibly sharing these locations.

- (1.) Large Conference Room at the Jefferson County Development Authority
- (2.) Charles Town Library Meeting Room

The six (6) meeting dates are:

January 18, 2012 Wednesday 7PM to 9PM  
March 17, 2012 Saturday 9AM to 12 NOON  
May 16, 2012 Wednesday 7PM to 9PM  
July 18, 2012 Wednesday 7PM to 9PM  
September 15, 2012 Saturday 9AM to 12 NOON  
November 21, 2012 Wednesday 7PM to 9PM  
The current officers for EPOHOA:

Pete Appignani, President  
PAppignani@gmail.com HOME (304) 724-2130 WORK (301) 251-7608  
CELL(304) 579-7938

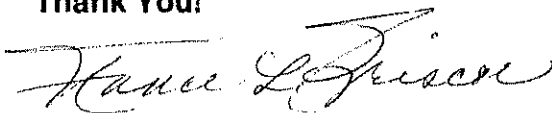
Neal Nilsen, Vice President  
neal@askneal.com WORK (304) 724-1056 ext 303 CELL (304) 579-5733

Elliot Simon, Treasurer  
ems779@aol.com HOME(304) 725-9446 CELL(304) 283-7071

Laura Taylor, Secretary  
taylorlaura@live.com HOME (304) 725-6559

Nance Briscoe, Membership  
briscoen@frontiernet.net HOME (304) 728-2201 CELL (202) 460-5181  
FAX(304) 724-6323

Should you have questions please feel free to contact me at your earliest convenience.  
Thank You!



Nance L. Briscoe  
304.728.2201  
briscoen@frontiernet.net

**COUNTY COMMISSION MEETING ROOM**

**INDEMNIFICATION FORM**

As the individual or the authorized representative of the organization making the reservation, I agree to indemnify and hold harmless the Jefferson County Commission, its agents and representatives, from any and all lawsuits, action, claims or demands of any character or nature arising out of or brought on account of injuries or damages sustained by any person(s) as a consequence or result of using the meeting room, its furnishings or its equipment.

Person Making Request: (printed): Nance Briscoe, EPOHOA Membership Chairman

Signature of Person Making Request: *Nance L. Briscoe* Date: 1/13/2012

Contact Person: see current officers listing below  
(If other than the representative signing above)

Representative's Address: 22 Cloverdale Place - Charles Town WV 25414

Telephone: 304.728.2201 Fax: 304.724.6323

E-mail: briscoen@frontiernet.net

Pete Appignani, President  
PPAppignani@gmail.com HOME (304) 724-2130 WORK (301) 251-7608 CELL(304) 579-7938

Neal Nilsen, Vice President  
neal@askneal.com WORK (304) 724-1056 ext 303 CELL (304) 579-5733

Elliot Simon, Treasurer  
ems779@aol.com HOME(304) 725-9446 CELL(304) 283-7071

Laura Taylor, Secretary  
taylorlaura@live.com HOME (304) 725-6559

Nance Briscoe, Membership  
briscoen@frontiernet.net HOME (304) 728-2201 CELL (202) 460-5181 FAX(304) 724-6323



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

**AGENDA REQUEST FORM**

Name: County Commission

Department or Entity: \_\_\_\_\_

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: January 12, 2012

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: **Review of Rezoning Requests Policy**

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:

## COUNTY COMMISSION OF JEFFERSON COUNTY

**POLICY TITLE:** Review of Rezoning Requests - County Commission

**POLICY NUMBER:** 2012 - 1

**ADOPTED:** January 12, 2012

**EFFECTIVE:** January 12, 2012

**REVISED:**

---

**PURPOSE:**

To provide a comprehensive and uniform process for reviewing Rezoning Requests submitted to the County Commission of Jefferson County.

**POLICY:**

Jefferson County Commission policy for considering Rezoning Requests.

**PROCEDURE:**

1. All applications for rezoning shall be referred to the Planning Commission for their review and recommendation in accordance with Article 12 of the Jefferson County Zoning and Land Development Ordinance. In accord with state law, the Planning Commission shall hold a public hearing within 60 days of the submission of a complete application and all required fees.
2. The Planning Commission shall forward a packet including the application, the staff report and a record of their public hearing, including findings and recommendations, to the County Commission in a timely manner. 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. Following the Public Hearing, the County Commission may take action or leave the record open for a time certain and schedule action at a later date.

**DRAFT**

January 12, 2012

The Honorable Joe Manchin, Senator  
311 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Manchin:

The Maryland Transit Administration, a part of the Maryland Department of Transportation, is again proposing changes to the MARC train - Brunswick Line schedule, which changes are of great concern to riders and officials in the Eastern Panhandle. Specifically, the Maryland Transit Administration operates the Maryland Regional Rail Lines, including the Brunswick line which stops in Duffields, Harpers Ferry and Martinsburg. The MTA proposes to add an early morning train from Martinsburg to Washington, DC, add an early afternoon train from Washington, DC to Martinsburg and terminate the 7:15 p.m. late train from Washington, DC to Martinsburg at Brunswick, Maryland. Stopping the last train at Brunswick would have a negative impact on hundreds of current Eastern Panhandle commuters and could prevent individuals considering moving to the Eastern Panhandle to reconsider. This would be extremely detrimental to the economic welfare of the Eastern Panhandle.

While the proposed additional early morning and afternoon trains may be beneficial to some commuters, terminating the last train from Washington, DC that arrives at 9:14 p.m. in Martinsburg, West Virginia would be catastrophic for the riders in Duffields, Harpers Ferry and Martinsburg. Those riders who may have to work overtime or who may have missed one of the earlier trains, would now have to find other transportation home or possibly to work and back home.

In 2008 the Jefferson County Economic Development Authority began researching the environmental and economic impacts that this reduction in service may have on West Virginia. The Development Authority's preliminary estimate at that time indicated that the elimination of the late train could result in the

The Honorable Joe Manchin, Senator  
January 12, 2012  
Page 2

Duffields - 175 and Harpers Ferry - 135, for a total of 525 riders. The population of the Eastern Panhandle has continued to grow substantially since 2008, in part because of the availability of the commuter train to Washington, DC, and terminating the late train's run in Brunswick, Maryland would have an even greater impact to rail commuters in 2012. The Jefferson County Development Authority as well as other organizations are attempting to attract individuals and businesses to the Eastern Panhandle and it is the Jefferson County Commission's concern that this action by the MTA will hinder that very important endeavor.

In conclusion, the Jefferson County Commission is writing to solicit your assistance in any way possible to insure that the 7:15 p.m. late train from Washington, DC continues to make its run to Martinsburg, West Virginia, stopping at Duffields and Harpers Ferry, and that this service is not interrupted for any reason.

Thank you for your time in considering our request and we are hopeful you will take up our cause and provide us with any assistance you can to keep the last train running to Martinsburg, West Virginia.

Respectfully submitted,

JEFFERSON COUNTY COMMISSION

---

Patsy A. Noland, President

PAN:ds

Decision:

25  
14

NOTICE OF PUBLIC HEARING

COUNTY COMMISSION OF JEFFERSON COUNTY

The County Commission of Jefferson County will hold a Public Hearing on Thursday, January 5, 2012, at 7:00 p.m. in the County Commission meeting room located at the Old Charles Town Library, 200 East Washington Street, Charles Town, WV 25414.

The purpose of the hearing is for public input for the Zoning Map Amendment (Rezoning) for property designated as Tax District: Harpers Ferry, Map: 9, Parcel: 39.1. This property is currently zoned Residential Growth and Residential/Light Industrial/Commercial zoning is being requested. The property is located on the south side of Route 340 (William L. Wilson Freeway); the east side of Route 27 (Millville Road) and on the north side of Route 27/2 (Allstadt's Hill Road) and is a total of 12.97 acres. James and Barbara Gibson are the owners.

Documents may be reviewed at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org).

Anyone wishing to provide written or oral comment may do so at this meeting or send comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org).

A decision will be made at the County Commission Regular meeting on January 12, 2012.

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



# Corporation of Harpers Ferry

1000 WASHINGTON STREET

P.O. BOX 217

**Harpers Ferry, West Virginia 25425**

(304) 535-2206

FAX (304) 535-6520

**Joe Anderson**

MAYOR

COUNCIL MEMBERS

BETSY BAINBRIDGE  
GREG VAUGHN  
JERRY HUTTON  
DAN RISS  
CHARLOTTE THOMPSON

RECORDER  
KEVIN GARDEN

TREASURER  
SHAUNA JOHNSTONE

TOWN CLERK  
CAITLYN DELASHMUTT

Patsy Noland, President

Jefferson County Commission

PO Box 250

Charleston, WV 25414

November 15, 2011

Dear Ms. Noland

I would like to request that the Jefferson County Commission hold a public hearing on the application of James and Barbara Gibson to rezone 12.97 acres from Residential Growth to Residential-Light Industrial- Commercial at the intersection of US 340 and Millville Road.

This is an important decision affecting the Harpers Ferry area, particularly in terms of traffic impacts. The public should be given the opportunity to review and comment on the proposal.

Thank you for your consideration of this request.

**RECEIVED**

NOV 21 2011

Jefferson County Commission

Sincerely,

Joe Anderson (Mayor)



**National Parks Conservation Association®**  
Protecting Our National Parks for Future Generations®

November 7, 2011

Ms. Patsy Noland, President  
Mr. Dale Manuel, Vice President  
Mr. Walt Pellish, Commissioner  
Ms. Frances Morgan, Commissioner  
Ms. Lyn Widmyer, Commissioner  
Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

Dear President Noland and Members of the Commission:

Thank you for the opportunity to comment on the petition to rezone the property designated as Tax District: Harpers Ferry, Map 9, Parcel: 39:1 – locally known as Allstadt's Corner, between Route 340, Millville Road, and Allstadt's Hill Road. The following is submitted on behalf of the nonpartisan National Parks Conservation Association (NPCA), the nation's leading nonprofit advocacy organization solely dedicated to protecting, restoring, and enhancing America's national parks for this and future generations. NPCA has more than 600,000 members and supporters in West Virginia and across the country.

The property's owners have requested that the 12.97-acre property be rezoned from Residential Growth to Residential/Light Industrial/Commercial. The Allstadt's Corner property currently hosts the Harpers Ferry Flea Market and the Wilt Fruit Stand. The property is adjacent to the Harpers Ferry National Historical Park, a local and national treasure, as well as an economic engine in the region.

Harpers Ferry National Historical Park features extraordinary human history and outstanding scenic beauty. For decades, West Virginia leaders have worked with local and national interests including the NPCA to preserve and protect this extraordinary place, with notable success to date.

The park attracts approximately 270,000 visitors each year, people who travel not only to the park itself to learn about America's Civil War, civil rights, industrial, and transportation history, but many of whom then also visit other historical and cultural attractions in the area. They spend a night or more at an area inn or motel, eat meals at local restaurants, boat or fish the Shenandoah and Potomac rivers with a local outfitter, and otherwise contribute to the region's heritage and eco-tourism economy. A 2006 NPCA report, *The U.S. National Park System: An Economic Asset at Risk*, found that every federal dollar invested in national parks generates an average of four dollars of value in an area's economy. In other words, national parks not only feed our spirits and provide living classrooms about our American history; parks also put bread on the table in local homes.

Permitting commercial or industrial development on Allstadt's Corner is a direct threat to the experience that this community's leaders and partners, including the West Virginia Congressional delegation, have invested in and worked hard to cultivate at the Harpers Ferry



**National Parks Conservation Association®**  
*Protecting Our National Parks for Future Generations®*

National Historical Park. Intense development of the parcel would detract from the national park's historic character, and would directly impact the experience of visitors to the School House Ridge section of the Park – where Confederate General Stonewall Jackson's troops were based during the September 1862 siege and defense of Harpers Ferry, which resulted in the largest surrender of U.S. troops and supplies during the Civil War. Additionally, the significant congestion created as a result of increased development at this busy stretch of Route 340 would exacerbate traffic issues, making Harpers Ferry National Historical Park and the businesses in this corridor less attractive to heritage and recreational tourists.

NPCA respectfully requests that you deny this petition for rezoning. Thank you for the opportunity to submit these comments.

Sincerely,

Joy M. Oakes, Senior Regional Director  
Mid-Atlantic Region

Cc: The Hon. John D. Rockefeller IV  
The Hon. Joe Manchin III  
The Hon. Shelley Moore Capito

**J. Michael Cassell, Esq.**

**CASELL & PRINZ, PLLC**  
120 N. George Street, Suite 200  
Charles Town, West Virginia 25414  
304-728-2012/telephone  
304-728-2881/facsimile  
[jcassell@cassellprinz.com](mailto:jcassell@cassellprinz.com)

RECEIVED

November 14, 2011

NOV 14 2011

Mr. Timothy Boyde  
County Administrator  
County Commission of Jefferson County  
Hunterhouse  
Charles Town, WV

JEFFERSON COUNTY COMMISSION

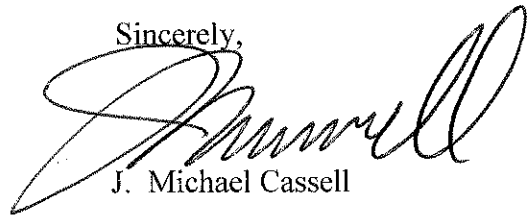
Re: James and Barbara Gibson  
Petition for Rezoning

Dear Mr. Boyd:

Mr. and Mrs. Gibson retained me to represent them regarding their Rezoning Petition for Allstadt's Corner. Please place this matter on the County Commission Agenda on December 1, 2011, for deliberation and a decision on the request for an amendment to the zoning map. I am informed that the Planning Commission conducted the Statutory Public Hearing on November 8, 2011. I am also informed that the staff will complete their report within the week. We may provide additional information to you after a review of the Staff Report.

I thank you.

Sincerely,



J. Michael Cassell

cc: James and Barbara Gibson

James G. and Barbara S. Gibson  
201 Needwood Farm Lane  
Harpers Ferry, West Virginia 25425

November 22, 2011

County Commission  
Of Jefferson County, WV  
Hunter House  
Charles Town, West Virginia 25414

Re: Petition for Zoning Map Amendment  
Submitted by James and Barbara Gibson

Ladies and Gentlemen:

This letter is submitted to the County Commission as a summary of the position of support of our request for a Zoning Map Amendment. Attached to this letter are copies of the Petition filed with Exhibits, a copy of the Supplemental Information filed and dated November 8, 2011, a copy of Section 8A-7-9, WV Code as Amended, and a copy of Article 12 of the Zoning Ordinance.

**I. Introduction**

The property is currently zoned Residential Growth contrary to its current use which has been Commercial since at least 1952. We request a Zoning Map Amendment for the property to be included in the Residential/Light Industrial/Commercial District (See Section 5.8, Jefferson County Zoning and Land Development Ordinance). The property contains 12.97 acres. Since 1983 the Flea Market has operated on the property along with Wilt's Fruit Stand which sells a range of produce and agricultural products. From 1952 until 1983 the property was utilized as a drive-in theatre.

In addition, the property also includes the Allstadt's Ordinary which is where we are currently residing. We have restored this historic property and have placed the property on the National Register of Historic Places. It is currently a Mixed Use Property containing two (2) different Commercial Uses (the flea market and Wilt's Fruit Stand) with the Residential Use of the Allstadt's Ordinary Buildings.

**II. The Petition for a Zoning Map Amendment is Consistent with the Comprehensive Plan.**

A. Comprehensive Plan Recommendation 4.01 (page 78) states as follows:

*“It is the vision of this Comprehensive Plan that development will be concentrated within the designated growth areas.”*

The map on page 75 of the Comprehensive Plan clearly shows that this property is within the “growth area” which is described by this recommendation. A copy of the map is attached as an exhibit with the Petition.

The Comprehensive Plan (page 8) also contains two (2) policies which are entirely consistent with this Map Amendment Request.

*“1. This plan encourages new development patterns that foster Mixed Use Neighborhoods so that a sense of community begins at the subdivision level.*

*2. This plan encourages economic development so that residents can live and work in the County.”*

In addition to these two policies, two of the Statement of Goals in the Comprehensive Plan (page 19) further reflects the consistency of this request with the Comprehensive Plan.

*“3. To encourage growth and development in areas where sewer, water, schools and other public facilities are available or can be provided without unreasonable costs to the community.*

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

It is clear that the fundamental goals and policies of the Comprehensive Plan are to direct development to the “growth area” where infrastructure is already available in a form of water, sewer, and highways.

B. Comprehensive Plan Recommendation 3.03 (page 25) refers to the basic policy that existing Land Uses should be the basis of a Zoning Map Amendment where the basic principles of the Comprehensive Plan are also observed. This property has been a drive-in theatre and a flea market since 1952. Two current Commercial Uses (Flea Market and Fruit Stand) were in existence at the time the

County Commission adopted the Zoning Ordinance in July 1988. The Petition seeks to conform the Zoning Classification of the property with the mixture of Commercial and Residential Uses which have been in existence on the property since the early 1950's.

C. Comprehensive Plan Recommendation 3.13 (page 56) refers to the preservation of historic resources. We have restored the Allstadt's Ordinary Buildings and have maintained them for many years. Recommendation 3.13 specifically states that amendments to the Ordinance should include:

*“rewarding the retention and restoration of historic buildings during the Subdivision process with limited increase density to offset the expense of preservation.”*

The recommendation goes on to suggest that the Amendments and policies should include the reevaluation of Zoning Restrictions to allow for adaptive reuse of historic properties to encourage their continued occupancy and maintenance. We fall squarely within this important historic preservation recommendation and should be given positive consideration as a result of our contributions to historic preservation in this County.

D. Comprehensive Plan Recommendation 3.18 (page 64) relates directly to new Commercial Development to diversify the economy of Jefferson County, increase the tax base and mitigate the problems of increasing residential growth to provide employment opportunities for the workforce. This Zoning Map Amendment is entirely consistent with the recommendation that additional commercial development is necessary to provide a healthy tax base and workforce in this County. A change from High Density Residential to Mixed Use Zoning will provide an opportunity to further diversify the economy of the County rather than increase High Density Residential Housing.

E. Comprehensive Plan Recommendation 3.25 (page 73) describes the US 340 Corridor as the main transportation artery through the County. The Comprehensive Plan recognizes that it is appropriate and logical that development should occur along this corridor. This Zoning Map Amendment will be subject to all of the subsequent design requirements and traffic improvements which may be adopted to comply with recommendation 3.25 of the Comprehensive Plan.

**III. Conditions in the Neighborhood have changed since 1988.**

A. Central water and sewer are now available.

The Comprehensive Plan encourages growth and development where central water and sewer services are available.

B. Adjacent properties on three (3) sides of the Allstadt's property are now in the Residential/Light Industrial/Commercial Use District, including the recently rezoned Shenandoah Professional Building to my north (a residential structure converted to commercial use), and River Riders, to my east, which has greatly expanded business since 2004.

Other commercial enterprises have recently located along US 340 since 2004 including Meadow Farms Nursery and Through the Garden Landscaping.

It is also important to note that the Customs and Border Patrol is constructing a large training complex that includes offices, training facilities, and other buildings. This is the most significant change in the neighborhood. Other new commercial enterprises on the US 340 corridor includes the Eckles-Spencer Funeral Home, the Sears Store, the new Sheetz store, Aldi Grocery Store, Benjamin Moore Paint store, and Rock and Tile.

C. Transportation infrastructure has also changed in the neighborhood. There are new traffic Signals on US 340 at Route 230 and at Country Club Road. There is a proposed traffic signal and intersection realignment planned at the Customs and Border Protection Complex. Other major transportation upgrades include the four (4) lane Route 9 upgrade toward Martinsburg and Leesburg. It is also important to note that a new bridge was constructed over the Shenandoah River.

Since this property is already a Commercial Use with considerable traffic impact, the change in zoning should have little or no net increase in traffic.

**IV. The Petition comes before the County Commission with a clean slate.**

The Planning Commission conducted a public hearing on November 8, 2011 as required by statute. After the hearing the Planning Commission was unable to make a decision on the

Allstadt's property Petition for a Zoning Map Amendment. The Planning Commission had a tie vote which means that the Planning Commission took no action. Although the Planning Commission staff agreed with our petition in many ways, they officially took no position in the Staff Report filed with the Planning Commission. This means that the County Commission can make its decision exclusively on its own judgment regarding the merits of the Petition.

The issue before the County Commission is whether or not the amendment requested in the Petition is consistent with the adopted Comprehensive Plan. We respectfully request that the County Commission find that our Petition for a Zoning Map Amendment is consistent with the adopted Comprehensive Plan.

**V. Conclusion.**


There are two fundamental reasons that the Zoning Map Amendment is consistent with the Comprehensive Plan and should be approved by the County Commission:

- A. The Allstadt's Property has been in use as a Mixed Use/Commercial-Residential Property since 1952.
- B. The Comprehensive Plan directs future growth in the County to be within the growth area described in the map on page 75 of the Plan.

The Zoning Map Request is both consistent with the Comprehensive Plan and consistent with the Uses applied to the property since at least 1952. We respectfully request that the County Commission approve the Zoning Map Amendment.

Sincerely,

James G. Gibson



Barbara S. Gibson



# EXHIBIT 1

PETITION FOR MAP AMENDMENT  
James and Barbara Gibson  
August 30, 2011

*Rec'd  
August 30, 2011  
Jennifer S. Mathan  
County Clerk*

Owner/Applicant:

James G. and Barbara S. Gibson  
201 Needwood Farm Lane  
Harpers Ferry, WV 25425

**RECEIVED**

AUG 30 2011

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Substantiation for the Request:

1. The property is currently zoned Residential Growth and the Applicant is seeking a map amendment for the Residential/Light Industrial/Commercial District (commonly known as the Mixed-Use District). The Applicant believes that this change is consistent with the 2004 Jefferson County Comprehensive Plan, as explained in this application;
2. There has been a significant change in the neighborhood, since the Jefferson County Zoning Ordinance was adopted in 1988, as explained in this application; and,
3. The Applicant believes that the Residential Zoning Classification is an error due to the long term mixed use nature of the property, as explained in this application.

Tax District, Map and Parcel Number:

Harpers Ferry Tax District, Map 9, Parcel 39.1

Deed Book Reference:

Deed Book 913 at Page 643

Plat:

Attached

Tract Size:

12.97 Acres

Discussion on:

Comprehensive Plan compatibility of the proposed change: See Below.

Any Change of transportation characteristics and neighborhood from when the original ordinance was adopted: See Below.

Typically, an amendment to a zoning map can include three types of justifications based on the jurisdiction. These justifications include: Comprehensive Plan compatibility or consistency; change of neighborhood; and/or error in the zoning map. The Jefferson County Zoning Ordinance requires a discussion on the Comprehensive Plan, transportation characteristics and change of neighborhood. This application will also discuss why the applicant feels that this property should always have been included in the Residential/Light Industrial/Commercial District.

1. Comprehensive Plan Compatibility

The 2004 Comprehensive Plan includes a total of 32 recommendations. Of these 32 recommendations, the Applicant believes that 27 of them are neutral with respect to this application. These neutral recommendations include: 3.01; 3.02; 3.04; 3.05; 3.06; 3.07; 3.08; 3.09; 3.10; 3.11; 3.12; 3.14; 3.15; 3.16; 3.17; 3.19; 3.20; 3.21; 3.22; 3.23; 3.24; 3.26; 3.27; 4.02; 4.03; 4.04; and, 4.05.

The Applicant believes that the remaining five (5) recommendations support the map amendment. These recommendations include the following:

**Recommendation 3.03 on page 25 states:** "When considering amendments to the Ordinances and Zoning Map to incorporate decisions based on the recommendations of this Plan, the County should address the ordinances in their entirety including: a. The preparation of a comprehensive 'existing land use map'".

**Comment:** If this 'existing land use map' were to be completed, it would demonstrate that this property is currently residential and commercial. In fact, the Ordinary (currently a residence) on site was used as a tavern, meeting hall and an inn in the early 19<sup>th</sup> Century. In addition, this property was used as a drive-in theater from 1952 to around 1983 and was then converted to the flea market in 1983 (prior to the adoption of the Zoning Ordinance). As everyone is aware, the flea market is still an ongoing commercial enterprise. Accordingly, when considering this amendment to the Zoning Map, Recommendation 3.03 appears to support the request based on the 'existing land uses'.

**Recommendation 3.13 on Page 56 states:** "The County should examine existing land use regulations and Planning Commission resources and explore regulation amendments and policies that encourage preservation of historic resources. Some amendments and policies that may want to investigate may include: a. Rewarding the retention and restoration of historic buildings during the subdivision process with limited increased density to offset the expense of preservation; b. Re-evaluating zoning restrictions on the adaptive reuse of historic county-wide in order to encourage their continued occupancy and maintenance".

**Comment:** The Applicant has already restored the existing buildings on site, including the Ordinary, at their own expense. The Applicant has also placed them on the National Register of Historic Places. Accordingly, it appears that they have already met the intent of subsection 'a' of Recommendation 3.13; and, in order to meet subsection 'b', the property would need the 'Mixed-Use' Zoning Classification.

**Recommendation 3.18 on Page 64** states: "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 in the workforce."

Comment: This map amendment would be consistent with this recommendation by the virtue that it would allow the Applicant to pursue these types of projects.

**Recommendation 3.25 on Page 73** states: "The County should study the US 340 corridor, including the land use, viewscape, economic development and traffic design and management in order to create an effective strategy for the long term management of this important mixed-use corridor".

Comment: This is a subjective recommendation that is viewed differently by each person. The Applicant is on record in the recent past indicating that this study is futile, since the corridor has already been developed. It is interesting to note that in the implementation section of the Comprehensive Plan (page 106), it only states that to implement this recommendation the County should 'initiate a cooperative planning effort with the WV DOT to improve the US 340 corridor'. Unfortunately, the County has little to say in what the DOT does in this corridor. This is evident in that the 340 Study doesn't include the area between Harpers Ferry and the Virginia line, because of the discussions taking place between West Virginia, Virginia and Maryland. This also recently became evident since the State and the Border Patrol and Customs appear to be placing a new traffic signal without local County planning input. Finally, this recommendation is written in the suggestive form (should) versus the mandatory form (shall).

Notwithstanding this, the Applicant feels that this recommendation supports the rezoning application for the following reasons: the land use on this property is already mixed-use; the viewscape looking towards this property already includes the flea market and a rezoning would allow marketing to other commercial/office ventures; it would permit economic development; and, traffic design for new commercial development would necessitate improvements, even though the property already generates commercial traffic. A major purpose of this request is to allow mixed uses on the property that meets current design standards, in order to enhance the views from the top of Allstadts Hill.

**Recommendation 4.10 on Page 78** states: "It is the vision of this Comprehensive Plan that development will be concentrated within the designated growth areas".

Comment: With regard to this rezoning application, this is probably the strongest and most definitive recommendation of them all. There is only one map in the Comprehensive Plan that makes land use recommendations. This map is on page 75 of the Plan. Although it shows the limits of four other study areas, it does not mention the '340 Study' area at all. It does, however show the 'Growth Area' as contemplated in recommendation 4.10. The property that the Applicant is requesting a map amendment is located squarely in this Growth Area. What better place to allow a mixed-use community, then one that is already mixed-use and is in the designated growth area where development should be concentrated pursuant to recommendation 4.10?

In addition to these Comprehensive Plan Recommendations, portions of the narrative also support this application. This discussion isn't intended to spark a debate on which narrative portions take precedent over others, since again this is in the eyes of reader. It merely identifies some sections of the Plan that are supportive of this request. Two of the Plan's policies include the following statements:

'This Plan encourages new development patterns that foster mixed-use neighborhoods so that a sense of community begins at the subdivision level'; and,

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

Two of the Statement of Goals in the Plan state that the Plan should:

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

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

With regard to the public services mentioned in the first statement, this property is already zoned Residential, so any commercial component would lessen the demand on schools (school impact fees are in place anyway). Also, public water and sewer are currently available on this site.

Page 71 of the Plan lists a shocking fact. It states that "Land zoned for commercial and industrial use makes up approximately 5% of the County, which is almost evenly split between the I-C District and the mixed use district". If this is true, it would appear to be very difficult for the County to meet recommendation 3.18 listed above (pursue commercial and industrial development); if there is only 5% of the land in the County is zoned for commercial use.

In conclusion, with regard to how this application relates to the Comprehensive Plan, it would appear that the requested map amendment is very much consistent and compatible with the 2004 Jefferson County Comprehensive Plan.

## **2. Change of Neighborhood**

There have been significant changes in the neighborhood that would support the requested change from Residential Growth to the Mixed-Use Zone. These include the following:

### **Availability of Central/Public Water and Wastewater Treatment Facilities:**

Public utilities were not available in this neighborhood when the original zoning ordinance was adopted. These services are now available in the neighborhood as well as directly on this property. As stated earlier, a goal of the Comprehensive Plan is to encourage growth and development where sewer and water services are available.

### **Adjacent and Confronting Zoning, Commercial and Industrial Subdivision Approval and Intensity of Use has changed:**

The zoning classification on the property directly across Route 340 was recently changed from Residential Growth to the Mixed-Use district. As such, the applicant's property is now bordered on the East (River Riders) and the North (Shenandoah Professional Building) by property zoned Residential/Light Industrial/Commercial. This same logic should apply to the applicant's property, especially since this property has had commercial uses on it longer than those adjacent and confronting properties.

Since the adoption of zoning, the intensity of use on the adjacent and confronting properties has also increased. River Riders has greatly expanded their operation to the benefit of the region and the Shenandoah Professional Building is a converted residential structure.

In additions to those changes and expansions, the adjacent Old Standard Quarry is now an approved recorded commercial/industrial subdivision. This is certainly a change in the neighborhood that should favorably justify this application.

Also in the immediate neighborhood, the former Cliffside Inn has undergone extensive renovations to become a Quality Inn. Its renaissance has made it a much more desirable destination.

### **Addition of the Park Service Parking Lot and Bus Transportation/Tourist Center:**

The Park Service parking lot and transportation center was added since the adoption of the zoning ordinance. This parking and transportation has enhanced the transportation network in the area. It also converted open land into a paid parking lot.

### **Addition of Commercial and Residential Uses in the Neighborhood:**

Besides the Shenandoah Professional Building, at least two new commercial enterprises have opened in the immediate neighborhood. These include Through the Garden Landscaping and Meadow's Nursery. These businesses were opened after the zoning ordinance was adopted and are adjacent to two residential developments that were developed after zoning was adopted. These additions further demonstrate that the neighborhood has changed into a mixed-use neighborhood.

Most recently, the Customs and Border Patrol began one of the largest nonresidential developments in the neighborhood. Regardless of who owns it, it is a massive complex that includes offices and training facilities, among other uses. It can't be ignored as a significant change in this particular neighborhood. Based on intensity of use, it is a significant quasi-commercial development in this area.

There have been multiple changes in the slightly expanded neighborhood that would support a change to the Residential/Light Industrial/Commercial District. These include the addition of Eckels-Spencer Funeral Home, the Sears Store along with the multi-unit commercial and warehousing complex in which it is located, the new Sheetz store, the Aldi Grocery Store, Rock and Tile (formerly The Lumber Yard), the Farm and Tractor Supply Store under construction, the zip-line operation along the Potomac River and the townhouse development at Windmill Crossing. All of these projects were developed after the zoning ordinance was adopted. Not only does this demonstrate that the neighborhood has changed to mixed-use, it also demonstrates that mixed-use must be consistent with the Comprehensive Plan, since all of these projects were approved in the past ten or so years.

Finally, with regard to changes in the area since the zoning ordinance was adopted, no discussion would be complete without mentioning the addition of slot machines and table games at the Charles Town Race Track. These enhancements to the Race Track have increased incoming visitors to this area of Jefferson County. Accordingly, the Route 340 Corridor needs to change in order to accommodate the additional commercial growth needed to serve these visitors.

**3. Change of Transportation Characteristics (from when the original ordinance was adopted):**

There have been many changes in the transportation characteristics in this area since the adoption of the zoning ordinance. These include: the reconstruction of the Route 340 Bridge over the Shenandoah River; a new traffic signal at the intersection of Route 230 and Route 340; a new traffic signal at the intersection of Route 24 (Country Club Road) and Route 340; the improvement of the Shipley School access to Route 340; and, the addition of the previously mentioned Harpers Ferry Parking Facility and Bus Transportation Center along Route 340 near Bolivar. There is also a proposed traffic signal and intersection realignment planned at the Customs and Border Patrol Complex. Furthermore, the Planning Staff has reported that West Virginia, Virginia and Maryland are in serious discussions with regard to improving the Route 340 Corridor in the area of the Shenandoah and Potomac Rivers.

All of these improvements have had a positive effect on the transportation characteristics and traffic flow in this area. The opening of the new four lane Route 9 towards Leesburg should also have a positive effect on the traffic flow along Route 340.

Furthermore, the proposed map amendment from Residential Growth to Residential/Light Industrial/Commercial should have very little impact on traffic, since the property is already zoned for high density residential and the site is already utilized commercially.

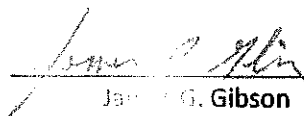

4. Error in the Zoning Map:

The applicant's property had a mix of commercial and residential uses on the property when the original Zoning Ordinance and the Residential/Light Industrial/Commercial District were adopted. As such, the property should always have been included in this mixed-use zone. The property contains the Allstadt residence and an Ordinary which was built in the late 18<sup>th</sup> Century. An Ordinary was a commercial tavern and meeting place. This reference is to show how early the property was utilized both residentially and commercially. More recently, the property was used as a drive-in movie theater from 1952 until 1983; and, as a large flea market from 1983 until the present. The property also contains the Wilt Fruit Stand and farmers' market, which has been open since 1968. The dwellings have remained on the property.

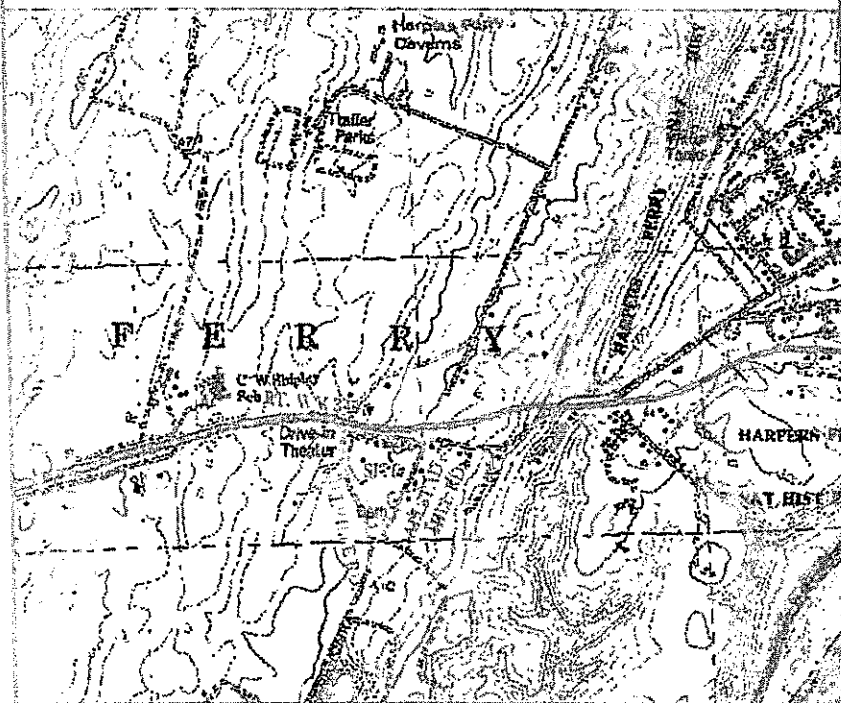
When the Zoning Ordinance was adopted in 1988 and continuing today, the applicant's property contained a large flea market, a fruit stand and several dwelling units. Furthermore, the property is adjacent to one of only a couple of 'Primary' access roads in Jefferson County as defined on a map in the 1987 Comprehensive Plan (the Plan that was in effect at the adoption of the original Zoning Ordinance) and on the same map in the 2004 Comprehensive Plan. Accordingly, the property should have been always been zoned Residential/Light Industrial/Commercial.

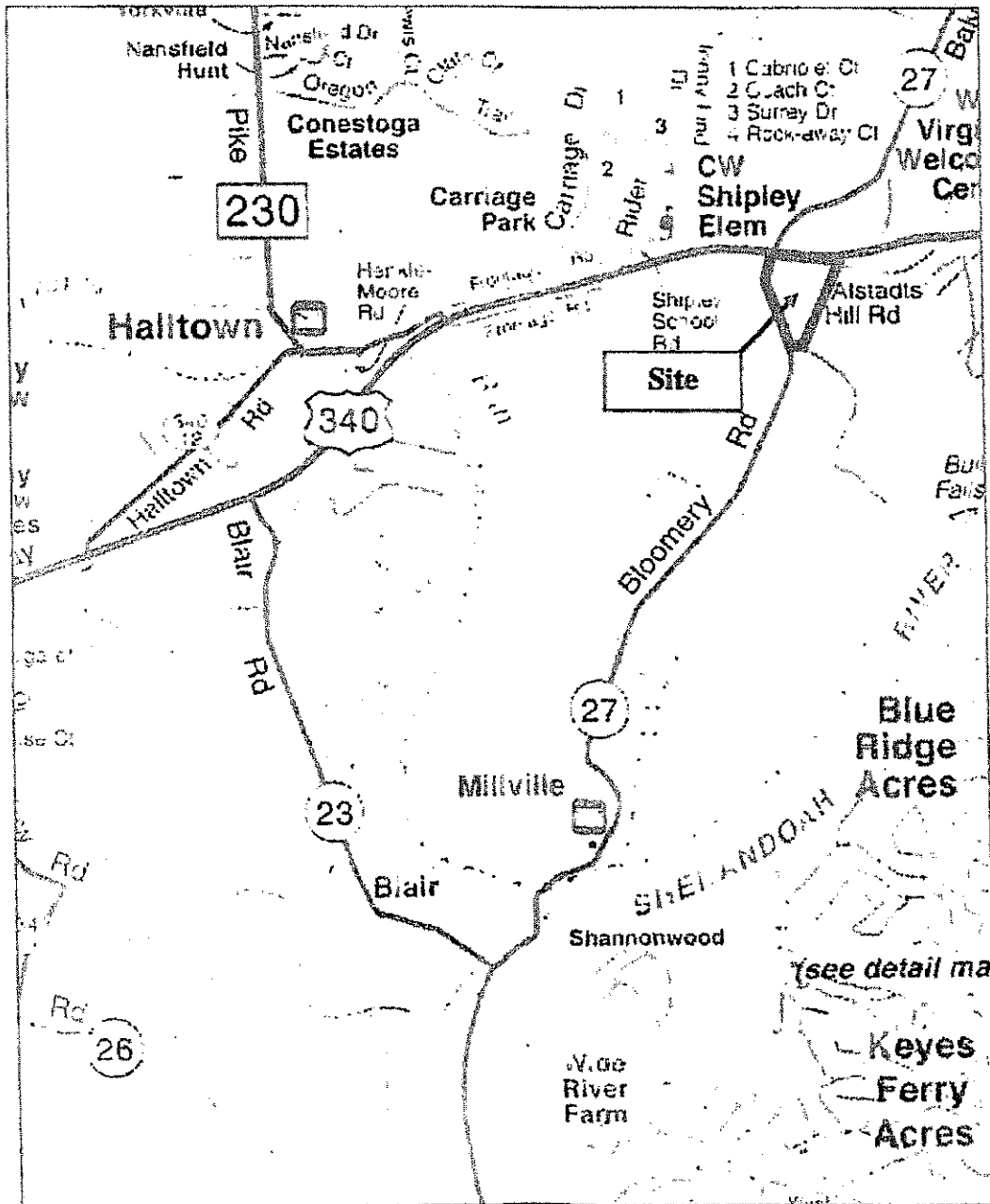
5. Conclusion:

The Applicant is requesting that the County Commission of Jefferson County approve a map amendment to the Jefferson County Zoning Map. This map amendment will change the zoning classification on the applicant's property from the Residential Growth District to the Residential/Light Industrial/Commercial District. This request is supported by the 2004 Jefferson County Comprehensive Plan, along with the other reasons set forth in this petition, which include the Change of Neighborhood and the Error in the Zoning Map.

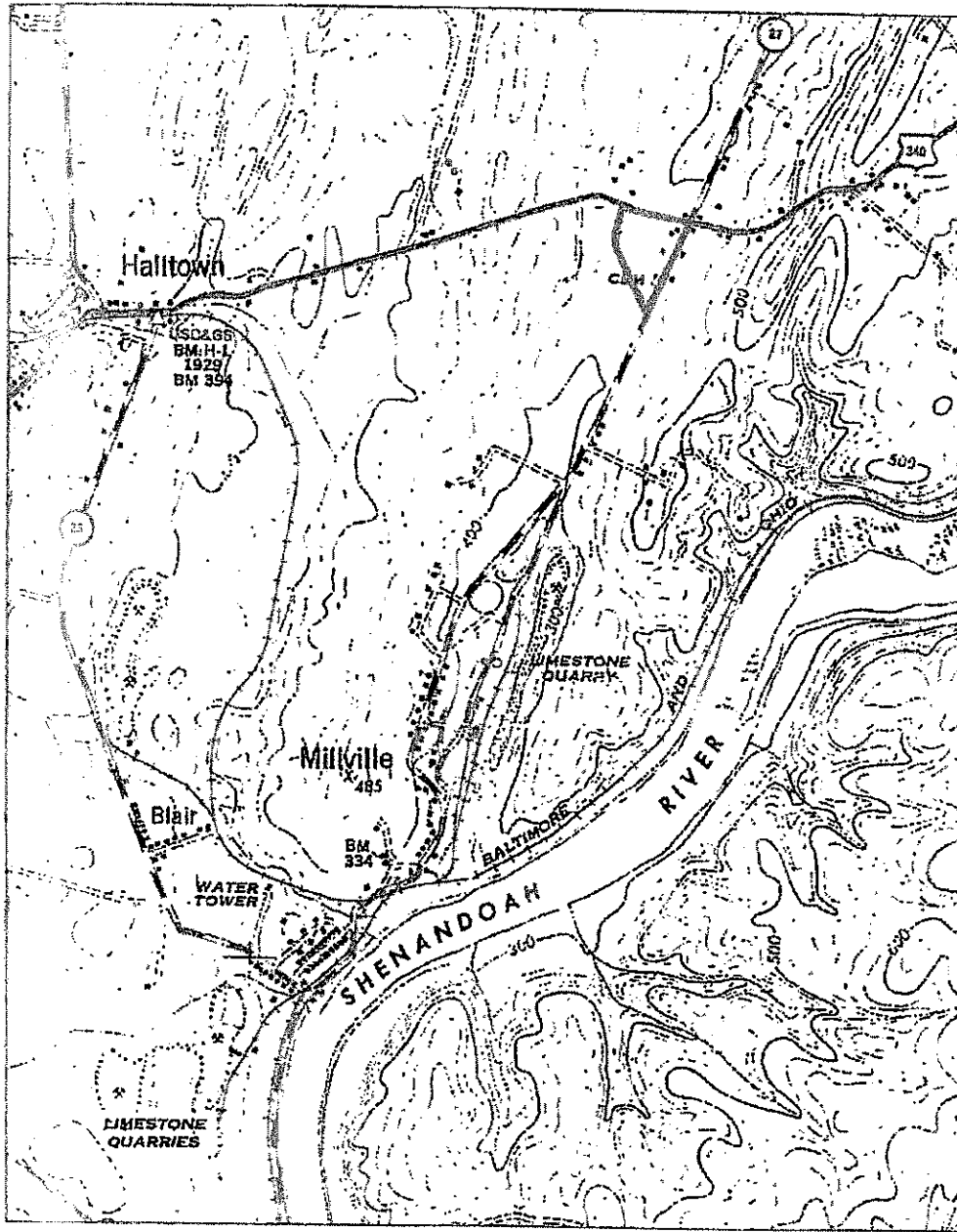
|                                                                                     |           |                                                                                      |         |
|-------------------------------------------------------------------------------------|-----------|--------------------------------------------------------------------------------------|---------|
|  | 8/29-2011 |  | 8/29/11 |
| James G. Gibson                                                                     | Date      | Barbara S. Gibson                                                                    | Date    |

LOCATION INSET  
SCALE: 1"=2000'





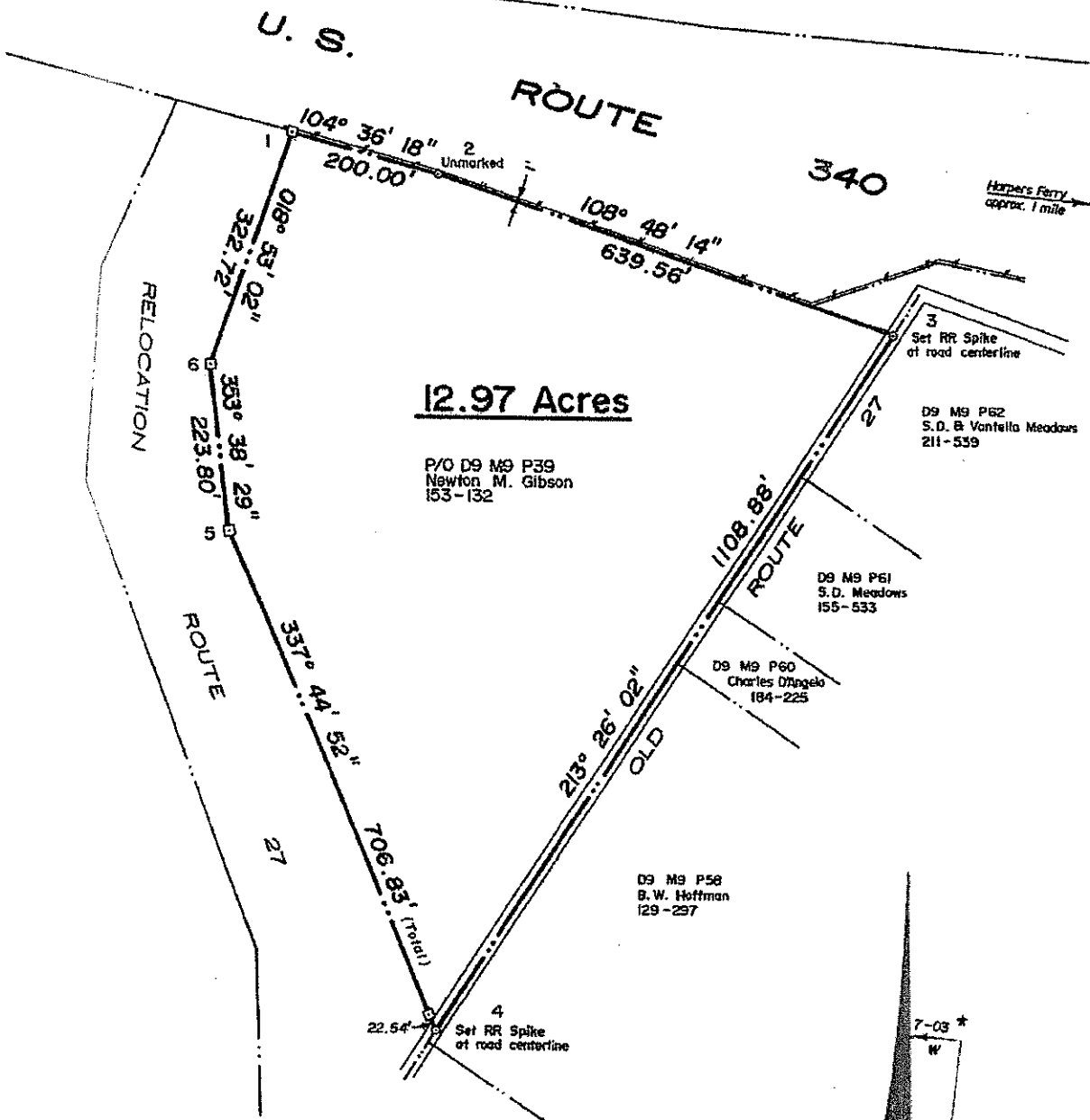
Location of Gibson/Flea Market Property



USGS Map of Property



□ = Dept. of Highways Concrete Monument



**12.97 Acres**

P/O D9 M9 P39  
Newton M. Gibson  
153-132

D9 M9 P62  
S.D. B. Vantetta Meadows  
211-539

D9 M9 P61  
S.D. Meadows  
155-533

D9 M9 P60  
Charles D'Angelo  
184-225

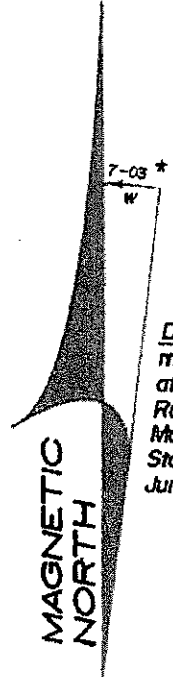
D9 M9 P58  
B.W. Hoffman  
129-297

Plat of Survey showing a portion of the **Newton M. Gibson** property

Harpers Ferry District  
Jefferson County, W. Va.

Scale: 1" = 200'  
Surveyed: June 1981

Charles K. Sager  
Jefferson County Surveyor



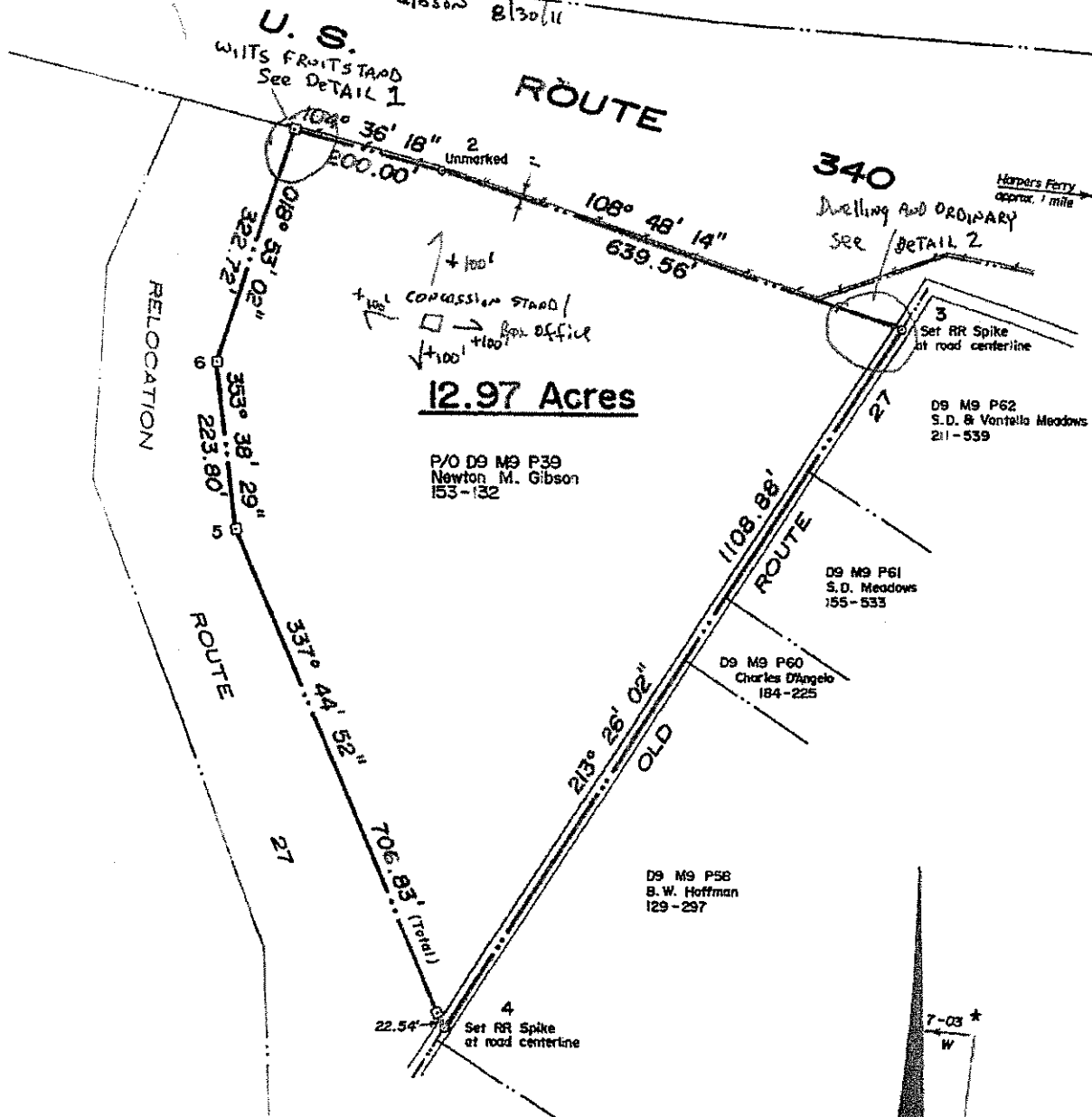
Declination measured at the Ranson, WV Magnetic Station June 1979.

**APPALACHIAN SURVEYS, INC.**

P.O. BOX 35  
CHARLES TOWN, WV 25414

ILLUSTRATIONS by James Gibson 8/30/11

☐ = Dept. of Highways Concrete Monument



**12.97 Acres**

P/O D9 M9 P39  
Newton M. Gibson  
153-132

Harpers Ferry  
approx. 1 mile  
Dwelling AND ORDINARY  
SEE DETAIL 2

D9 M9 P62  
S.D. & Vontella Meadows  
211-539

D9 M9 P61  
S.D. Meadows  
155-533

D9 M9 P60  
Charles D'Angelo  
184-225

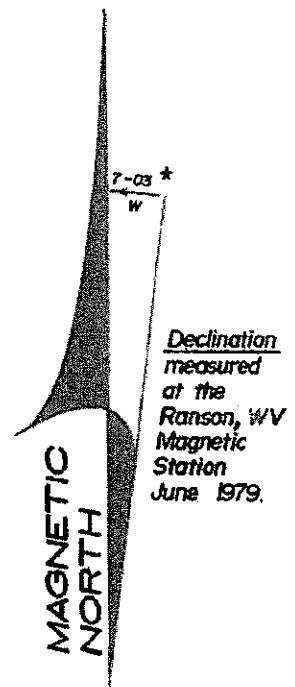
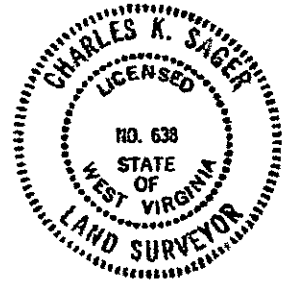
D9 M9 P58  
B.W. Hoffman  
129-297

Plat of Survey  
showing a portion of the  
**Newton M. Gibson property**

Harpers Ferry District  
Jefferson County, W. Va.

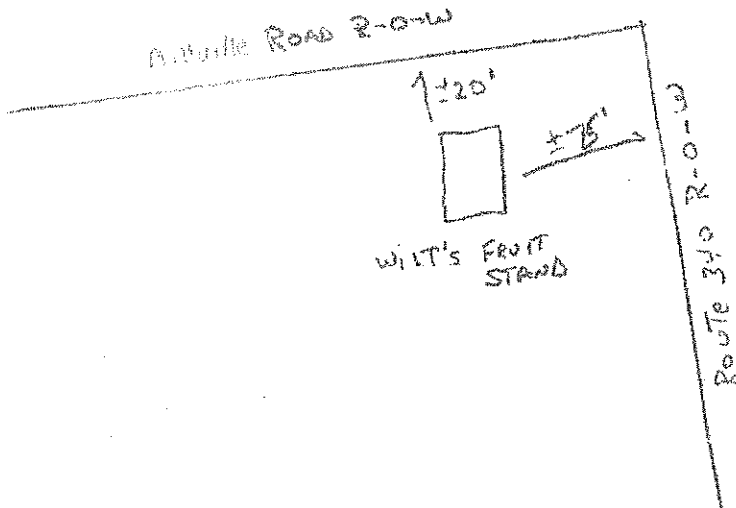
Scale: 1" = 200'  
Surveyed: 05 June 1981

Charles K. Sager  
Jefferson Co. Surveyor

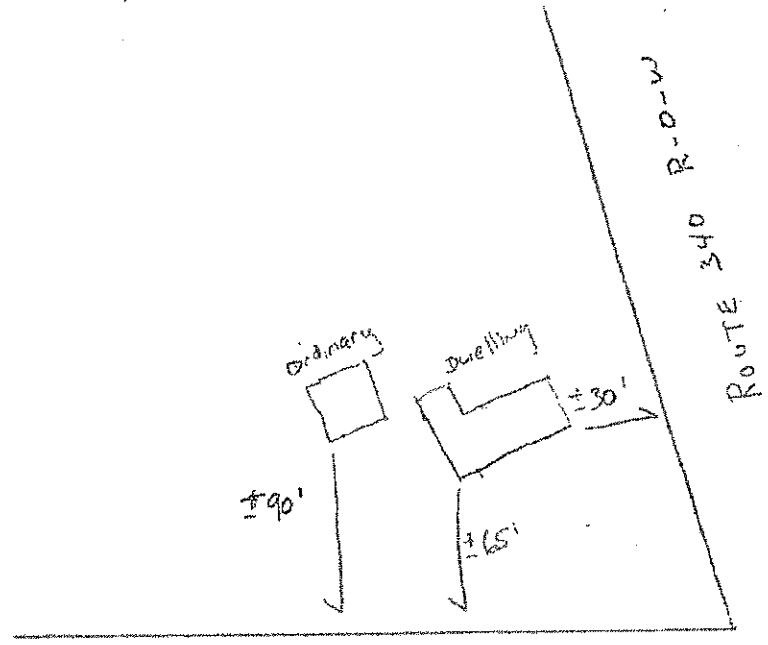


**APPALACHIAN SURVEYS, INC.**

P.O. BOX 35  
CHARLES TOWN, WV 25414



Detail 1



ROAD R-O-W -

DETAIL 2

# EXHIBIT 2

James and Barbara Gibson  
Petition for Map Amendment  
Supplemental Information  
November 8, 2011  
File # Z11-04

This supplemental Information is intended to clarify some issues that have been addressed in the Gibson Rezoning Staff Report dated November 8, 2011. In that report the Staff defers to the Planning Commission to make the decision. The Staff Finding concludes that the application is both 'in compliance and not in compliance with the Plan'. However, the Planning Commission should note that the West Virginia State Code uses the word 'consistency' with the Plan, as opposed to 'compliance'. Also, the Commission should note that only if the Commission recommends that the request is 'inconsistent' with the Plan, then the County Commission must make an additional finding that there have been major changes in the area that weren't anticipated when the Plan was adopted.

Operating under the primary premise that this application is consistent with the 2004 Comprehensive Plan, the applicant's original submittal demonstrated that of the 32 recommendations in the 2004 Comprehensive Plan, 27 of those recommendations are neutral with respect to the application. The remaining 5 recommendations support the map amendment. All 5 of these recommendations are discussed in the original application, but the most conclusive of these 5 is Recommendation 4.10 that states:

"It is the vision of this Comprehensive Plan that development will be concentrated within the designated growth area."

There is only one map in the 2004 Comprehensive Plan that shows the designated growth area. That map (copy attached) shows clearly that the applicant's property falls directly within that growth area. The Staff Report states that since the Plan lacks a land use component, it is hard to discuss a rezoning application in terms of consistency. However, in this case, this property falls directly within the designated growth area on the reference map that is the closest thing that the Comprehensive Plan has regarding future land use. Accordingly, it appears that this application is very much consistent with the Comprehensive Plan.

Whereas the Applicant's original submittal analyzed the recommendations in the Comprehensive Plan, the Staff Report includes a lot of narrative from the Plan. The Applicant chose to primarily focus on the recommendations since they deal with the technical direction that the County should use to move forward with implementation, while the narrative tends to be anecdotal and editorial.

The Staff Report also suggests that the Central Business Districts (CBD) of Charles Town and Ranson can be threatened by commercial rezonings in the County. This is somewhat disingenuous since Ranson and Charles Town themselves annexed and approved large commercial developments (Home Depot, Weis, Kohls, Rite Aid, Sheetz, Aldi, Farm and Tractor Supply, etc.) well outside of their CBDs. However, all of these discussions in the Staff Report digress from the consistency question that is answered in the referenced Recommendation 4.10.

There are 4 major points that support this rezoning that were raised in the original submission that were not addressed in the Staff Report:

1. The Shenandoah Professional Building property across Route 340 from the subject property at the same intersection was just rezoned to the Residential/Light Industrial/Commercial District. The same justification for that rezoning can be applied directly to this rezoning request. In fact, based in part by that action, this Applicant's property is now surrounded on three sides by property that is zoned Residential/Light Industrial/Commercial. As such, this Applicant's property is now a donut hole out of the middle of the Mixed-Use Classification (see attached map);
2. Central/Public Water and Wastewater Facilities are currently available on this property. The Comprehensive Plan certainly supports development where there are existing water and sewer facilities;
3. The immediate neighborhood has already been planned for commercial uses including: the Shenandoah Professional Building; the expansion of River Riders; and the State approval of the 40 plus commercial/office lots on the Old Standard Quarry property. These changes, along with the other outlined changes in the original submission, all took place since the 2004 Plan was written and are major use changes. The Staff Report suggests that it was the National Park Service acquisitions that were not anticipated in 2004. In fact, those changes were anticipated for at least a decade. In the late 1990s, three scenarios were studied to enlarge the Park Boundaries. These studies showed which properties were intended to be included in the Park Boundary. It is important to note that the subject 12.97 acres included in this rezoning application was NOT included within that expansion.
4. The Staff's transportation analysis did not include the fact that this property is already zoned for Residential Growth and already has a high intensity commercial use on the property. As explained in the original submission, the proposed map amendment to the Mixed-Use District should have very little impact on traffic, since the property is already zoned for high density residential and the site is already utilized commercially. In fact, contrary to the statement in the Staff Report, this property has a residential subdivision approved on this property. The subdivision is not 'expired' as indicated in the Staff Report. As the Planning Commission is aware, all parties have agreed to extend the subdivision through July 1, 2012 (see attached order). As the Commission can see, the 'Variance History' on Page 3 of the Staff report is incomplete since it does not reflect the July 2011 agreement.

Finally, there is a Staff Recommendation on pages 19-21 of the Staff Report. In that recommendation, the Staff never once states that this application is inconsistent with the Comprehensive Plan. Article 8A of the West Virginia State Code, as amended, only requires a finding that the map amendment is consistent with the Comprehensive Plan. The Applicant feels that the original submission for a rezoning, along with this supplement, provides the Commission with ample evidence that the proposed map amendment is consistent with the Jefferson County Comprehensive Plan. This evidence supports the rezoning of the 12.97 acres from Residential Growth to Residential/Light Industrial/Commercial.

Attached, please find a revised proposed motion that is supported by the original application and this supplement.








Staff Report  
Jefferson County Planning Commission Meeting  
November 8, 2011







Image 4



**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 Property

Map 2

# EXHIBIT 3

**Library References**

Zoning and Planning ⇨151, 194.  
 Westlaw Key Number Search: 414k151,  
 414k194.  
 C.J.S. Zoning and Land Planning §§ 65, 67, 71,  
 87 to 89, 95 to 96.

**Notes of Decisions**

**• Notice and hearing 1**

**1. Notice and hearing**

Generally, where statute requires publication of notice for public hearing prior to enactment of zoning ordinance, failure to comply with such requirement will render zoning ordinance invalid. Code, 8-24-44. Grady v. City of St. Albans, 1982, 297 S.E.2d 424, 171 W.Va. 18. Zoning And Planning ⇨ 134.1

Failure of city to give any notice or to hold any public hearing before it received zoning ordinance and had first reading on it rendered the ordinance invalid. Code, 8-24-44. Grady v. City of St. Albans, 1982, 297 S.E.2d 424, 171 W.Va. 18. Zoning And Planning ⇨ 134.1

Violation of statute governing notice and public hearing required for zoning ordinance to be validly enacted did not give rise to implied cause of action. Code, 8-24-44. Grady v. City of St. Albans, 1982, 297 S.E.2d 424, 171 W.Va. 18. Zoning And Planning ⇨ 764

**§ 8A-7-9. Amendments to the zoning ordinance by petition**

(a) After the enactment of the zoning ordinance, the planning commission or the owners of fifty percent or more of the real property in the area to which the petition relates may petition to amend the zoning ordinance. The petition must be signed and be presented to the planning commission or the clerk of the governing body.

(b) Within sixty days after a petition to amend the zoning ordinance is received by the planning commission or the governing body, then the planning commission or the governing body must hold a public hearing after giving public notice. The public notice of the date, time and place of the public hearing must be published in a local newspaper of general circulation in the area affected by the proposed zoning ordinance, as a Class I legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this code, at least fifteen days prior to the public hearing.

(c) If the petition to amend the zoning ordinance is from the owners of fifty percent or more of the real property in the area, then 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. 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.

Acts 2004, c. 153, eff. 90 days after March 13, 2004.

**Historical and Statutory Notes**

**Derivation:**

Former § 8-24-46, which also related to petitions for changes to zoning ordinances, was derived

from Acts 1959, c. 118, and Acts 1969, c. 86, and was repealed by Acts 2004, c. 153, eff. 90 days after March 13, 2004.

**Library References**

Zoning and Planning ⇨192.  
 Westlaw Key Number Search: 414k192.  
 C.J.S. Zoning and Land Planning §§ 86, 93.

**§ 8A-7-10. Effect of enacted zoning ordinance**

(a) After enactment of a zoning ordinance by a municipality or county, all subsequent land development must be done in accordance with the provisions of the zoning ordinance.

(b) All zoning ordinances, and all amendments, supplements and changes thereto, legally adopted under any prior enabling acts, and all actions taken under the authority of any such

ordinances, are here of the governing bo These ordinances sh plan of land use or p

(c) Land, building the same use and su the land, buildings alterations or addit industry or manufa manufacturer but n or acquisition of a development or exp present or future s; may provide for th one nonconforming

(d) If a use of a p property has been the property can sh absence of natural agricultural, indust use. If the proper structures must co the land, buildings landmark, historic ;

(e) Nothing in tl of urban areas, the Acts 2004, c. 153, eff.

**§ 8A-7-11. Variance**

(a) A variance is not involve permit it involve changing

(b) The board c that the variance:

(1) Will not adv property owners o

(2) Arises from variance is sought

(3) Would elimi

(4) Will allow t done.

Acts 2004, c. 153, eff

**§ 8A-7-12. Validity**

All zoning ordi adopted under p hereby validated action of the gove Acts 2004, c. 153, ef

**Derivation:**

Former § 8-24-validation of existi

# EXHIBIT 4

ARTICLE 12. MAP AND TEXT AMENDMENTS

Section 12.1 Purpose

- (a) These regulations, restrictions, provisions, and the boundaries of districts provided herein may from time to time be amended, modified, or repealed by the County Commission. Any person, individual, board, commission or bureau of the County may petition the County Commission for such change.
- (b) The County Commission shall refer any amendment or alteration of this Ordinance to the Planning and Zoning Commission for analysis, study, report, and recommendations.

Section 12.2 Procedure for Amendment by Governing Body

[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE MAY 4, 1989]

- (a) After the enactment of the zoning ordinance, the governing body of the County may amend the zoning ordinance without holding an election.  
[PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS REINSTATED BY COURT ORDER ON \_\_\_\_\_]
- (b) 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.  
[PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS REINSTATED BY COURT ORDER ON \_\_\_\_\_]

Section 12.3 Procedure for Amendment by Petition

- (a) The procedure for amendment shall be as dictated in §8A-1-1 et seq of the West Virginia State Code, as amended.  
[PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS REINSTATED BY COURT ORDER ON \_\_\_\_\_]
- (b) Petitions to the County Commission for an amendment must contain the following information:
  - 1. Substantiation for the request
  - 2. Tax District, Map and Parcel number
  - 3. Deed Book reference
  - 4. Plat or sketch pursuant to Section 7.4 (b)
  - 5. Tract size

6. Discussion on:

- a. Comprehensive Plan compatibility of the proposed change.
- b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted  
[PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS  
REINSTATED BY COURT ORDER ON \_\_\_\_\_]

## Debbie Stellato

---

**From:** Moses King [KngBuster@yahoo.com]  
**Sent:** Monday, January 09, 2012 10:00 AM  
**To:** dstellato@jeffersoncountywv.org; webmaster@jeffersoncountywv.org;  
laura@jeffersoncountywv.org; sandy@jeffersoncountywv.org; nhosby@jeffersoncountywv.org  
**Subject:** Allstadt's Corner

## Your submission:

---

**Your Name:** Moses King

**Your Email Address:** [KngBuster@yahoo.com](mailto:KngBuster@yahoo.com)

**Subject:** Allstadt's Corner

**Message:** Please take into consideration every tax paying resident of this country, when taking into consideration the rezoning of the of Gibson Property. This property is so close to the National Park. Neon signs and bright lights and more urban development will take away views from the park. This is a National Treasure, don't vote to build more industrial/commerical buildings here. It's just not right. You want to make WV look bad? Don't do it. It will really make the place look trashy and unattractive to visitors. Keep the industrial development, grocery stores, gas stations etc in Charles Town. You could leave a black mark on this country's heritage and WV's reputation.

**Debbie Stellato**

---

**From:** Dan Stanton [DanStantonHFWV@aol.com]  
**Sent:** Sunday, January 08, 2012 11:21 AM  
**To:** dstellato@jeffersoncountywv.org; webmaster@jeffersoncountywv.org;  
laura@jeffersoncountywv.org; sandy@jeffersoncountywv.org; nhosby@jeffersoncountywv.org  
**Subject:** Allstadt Rezoning

## **Your submission:**

---

**Your Name:** Dan Stanton

**Your Email Address:** [DanStantonHFWV@aol.com](mailto:DanStantonHFWV@aol.com)

**Subject:** Allstadt Rezoning

**Message:** Please say "No!" to needless rezoning that endangers the best of what our area has to offer. Let's preserve our historic and geographic resources! Please don't cave in to pressure from those who want to only exploit for personal gain. Please be smart about this upcoming decision.

## Debbie Stellato

---

**From:** Debbie Piscitelli [dkpiscitelli@earthlink.net]  
**Sent:** Saturday, January 07, 2012 9:26 AM  
**To:** dstellato@jeffersoncountywv.org; webmaster@jeffersoncountywv.org;  
laura@jeffersoncountywv.org; sandy@jeffersoncountywv.org; nhosby@jeffersoncountywv.org  
**Subject:** Alstadt rezoning/intersection

## Your submission:

---

**Your Name:** Debbie Piscitelli

**Your Email Address:** [dkpiscitelli@earthlink.net](mailto:dkpiscitelli@earthlink.net)

**Subject:** Alstadt rezoning/intersection

**Message:** When you consider the rezoning for the Alstadt property along 340, please keep in mind the already dangerous intersection of 340 and Bloomery/Bakerton Road. Whatever you decide for that area, the lack of safety at the intersection should be addressed. Thank you.

**Sandy McDonald**

---

**From:** "Carol Gallant" <dcgallant@aol.com>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;  
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Thursday, January 05, 2012 5:40 PM  
**Subject:** Gibson Property

## Your submission:

---

**Your Name:** Carol Gallant

**Your Email Address:** dcgallant@aol.com

**Subject:** Gibson Property

**Message:** This never-ending effort seeking approval for development in this highly visible, well-used, central, open-space location, adjoining historic land!! aaugh. The answer is NO. What havoc we already have wrought by ignoring the larger picture--it is the 21st Century...nature, open space, less traffic are now valuable and are for the common good, given the over-emphasis on develop/malls/ etc. in 20th century....And not the trite "jobs and tax base" argument always used by pro-developers at the expense of the average guy with a few bucks to spend at an open flea market, or a bit of time at a river, for example, or the citizen who prefers less density and appreciates the 'web of life' connectedness in natural settings...For heavens sake, surely we folks need to be recognized in law and represented in decision-making,,for Business development is not the only opportunity for private land-owners to profit...at least mixed-use can be done--A little imagination, please. I know because I've done this with my land in N.C., at little cost to me--reasonable restrictions on development are not anti-business; they are pro-community. And County Commissions are hopefully not an extension of the Chamber of Commerce, but given power in order to protect the overall interests of all their constitutents.

**Sandy McDonald**

---

**From:** "Ed Wheelless" <ewheelless@comcast.net>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;  
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Thursday, January 05, 2012 12:07 PM  
**Subject:** Gibson Rezoning

**Your submission:**

---

**Your Name:** Ed Wheelless

**Your Email Address:** ewheelless@comcast.net

**Subject:** Gibson Rezoning

**Message:** I am strongly opposed to the rezoning of the Gibson property from Residential Growth to Residential/Light Industrial/Commercial. I urge the commission to deny this amendment. This type of development is incompatible with the NPS Murphy Farm. Harpers Ferry NHP is the gem of Jefferson County. Do not allow our heritage, scenic beauty and tourism to be diminished by allowing commercial development on this land. From the Rt. 340 meetings I have attended, it is clear that the people of Jefferson County have spoken -- preserve our historic green spaces and work to showcase our treasures!

**Sandy McDonald**

---

**From:** "Dixie Cavaliere" <pauldiwv@comcast.net>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;  
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Thursday, January 05, 2012 12:50 PM  
**Subject:** 1/5 hearing to protect Harpers Ferry

**Your submission:**

---

**Your Name:** Dixie Cavaliere

**Your Email Address:** pauldiwv@comcast.net

**Subject:** 1/5 hearing to protect Harpers Ferry

**Message:** Rezoning this property from "Residential Growth" to "Residential/Light Industrial/Commercial" could allow developments to degrade the historic character of Harpers Ferry National Historical Park, and threaten its status as a regional economic engine. Please do not allow this to happen!

**Sandy McDonald**

---

**From:** "Mark Drummond" <markdrummond22@yahoo.com>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;  
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Thursday, January 05, 2012 1:07 PM  
**Subject:** Please DENY the zoning request for Allstadt's Corner

## Your submission:

---

**Your Name:** Mark Drummond

**Your Email Address:** markdrummond22@yahoo.com

**Subject:** Please DENY the zoning request for Allstadt's Corner

**Message:** President Noland and County Commissioners,

I urge the County Commission to NOT change the zoning of the property Allstadt's Corner. The property is currently zoned as "Residential Grownth" and should remain in that zoning category. Changing the zoning for this property will HARM the County's economic efforts. The location of this property is essentially "right in the middle" of the viewshed for the Harpers Ferry National Park. Having a handful of homes on this property would not overly harm the viewshed. But allowing any type of light industry would be horrific. This would HARM the County by decreasing tourism.

I urge you to DENY the request to change the zoning for this property.

**Sandy McDonald**

---

**From:** "Lynne Wiseman" <lewiseman@aol.com>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;  
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Thursday, January 05, 2012 2:14 PM  
**Subject:** Allstadt's corner

**Your submission:**

---

**Your Name:** Lynne Wiseman

**Your Email Address:** lewiseman@aol.com

**Subject:** Allstadt's corner

**Message:** In reference to the Allstadt's corner property being rezoned--As I live off of Bakerton Rd. my concern is the traffic at that intersection. It is already very difficult and any added traffic from anything else would be a nightmare. I also am very much opposed to this project because of its impact on the park service. This is an historic pristine area that does not need additional building to interfere with the view shed.

**Sandy McDonald**

---

**From:** "Carol Mathers" <bandcee@comcast.net>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;  
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Thursday, January 05, 2012 2:54 PM  
**Subject:** Rezoning Gibson Property(Allstadt Corner)

## Your submission:

---

**Your Name:** Carol Mathers

**Your Email Address:** bandcee@comcast.net

**Subject:** Rezoning Gibson Property(Allstadt Corner)

**Message:** To the Jefferson County Commissioners:

I have been a resident of Jefferson County for 36 years. I have seen many changes since Rt. 340 became a dual highway. Commercial growth was inevitable but we have managed to still preserve the character of the area immediately adjacent to the Harpers Ferry Park by keeping commercial areas and housing developments clustered more closely to Charles Town. The most positive changes to the area in my opinion have been those that enabled the park service to acquire historic battlefields and adjacent properties. While preserving and protecting them they have invested millions to enhance the area making it even more attractive for tourism. If it were up to me, I would have left it all alone to selfishly enjoy the rural flavor of the apple orchards, the old quarry houses, and the wide open spaces. But I'm only one taxpayer and this is not just my land (my home). It is shared by a nation of taxpayers who trust us to preserve our parks and historic lands for them and future generations. We cannot do that if we allow individuals to develop pieces of it for their own profit--by doing so we all lose.

Rezoning this property from "Residential Growth" to "Residential/Light Industrial/Commercial" will allow developments to degrade the historic character of Harpers Ferry National Historical Park. This threatens its status as a regional economic engine which has as much to do with its aesthetic appeal as it does with its history. At risk are pristine sight-lines from School House Ridge, where General Stonewall Jackson oversaw the capture of 12,500 troops in 1862--West Virginia's most significant Civil War battle! Development of the property would detract from the park's historic integrity and natural beauty. Since community leaders and partners, including the West Virginia congressional delegation, have invested millions to protect the historic character and meaning of Harpers Ferry we should not waste their investment or efforts on a shortsighted change. Please deny this application for rezoning.

Sincerely,

Carol R. Mathers

Bakerton, WV

**Sandy McDonald**

---

**From:** "Krista Steiding" <dissaann@hotmail.com>  
**To:** <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>;  
<laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>  
**Sent:** Thursday, January 05, 2012 3:36 PM  
**Subject:** Allstadt's Corner rezoning

**Your submission:**

---

**Your Name:** Krista Steiding

**Your Email Address:** dissaann@hotmail.com

**Subject:** Allstadt's Corner rezoning

**Message:** Please consider the impact from the possible rezoning of Allstadt's Corner (Gibson Property). The current infrastructure at this section of Rt. 340 is not advanced enough to support either increased residential growth or commercial ventures. Low income housing in this area without sufficient transportation methods would cause significant safety concerns as would increased traffic from commercial avenues. The areas in this region (Bakerton Road, Millville Road, Harpers Ferry, etc.) should be considered for their historic value and what increased development would do the integrity of this section of Jefferson County. I am not opposed to growth within the county but I do feel that growth should occur only where the infrastructure can support it.

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

**AGENDA REQUEST FORM**

Name: Tim Boyde

Department or Entity: \_\_\_\_\_

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: 1/12/11

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: **Proposed Reorganization in County Government working document – Executive Session**

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:

James and Barbara Gibson  
201 Needwood Farm Lane  
Harpers Ferry, WV 25425

January 09, 2012

## RESPONSE TO PUBLIC INPUT RE: REZONING OF ALLSTADT'S CORNER

Approximately 15 people out of a County population of approx. 54,000 have chosen to make a comment personally or in digital form concerning our application for rezoning. The following is a response to the different issues presented.

1. No need to wait for the 340 study to be completed:

- a. General public comment is only the 1<sup>st</sup> step
- b. The latest staff chosen Corridor map (see map) doesn't make any planning sense. It in fact ignores long time existing uses and proposes down-zoning of properties that have been zoned for 20 years.
- c. Changes anticipated by the plan must pass judicial review (does it apply w/ the applicable County, State, and land laws regarding private property rights. )
- d. Even if the County Commission chooses to accept the study, it would take much more time to change the ordinances to implement the study.
- e. Most importantly, a majority of this 5 member County Commission must vote for it.  
I think that will be a long wait yet.
- f. Why should we wait for a new study to be completed when the existing County Commission's adopted Comprehensive Plan already puts our property into the Jefferson County Growth Area as shown on the map, thus making our request for rezoning consistent with the Comprehensive Plan, which is the only basis of review.

2. Traffic: *Our properties have contributed approximately the same traffic flow for 25 years.*

- a. Only a small portion of the traffic on 340 originates or terminates at businesses within the 340 E Corridor study area.
- b. This is an intrastate federally supported highway for all to use.
- c. Until the bottle-neck between the bridges is resolved by 3 states and the Federal Gov't , the County is limited to lobbying for safety improvements.

- d. Are we the only "at-grade" crossroad intersection on a 4-lane highway without a traffic light?
- e. Please support the installation of a traffic light and the reduction of the speed limit at 340/27 intersection.

3. National Park Service: *Our property is not included in the Park expansion plan.*

- a. The NPS drew up their expansion plan after the imposition of zoning in 1988.
- b. The NPS knew they were expanding into the County growth area.
- c. On one hand we have an agency of the Federal Gov't (NPS) testifying against a commercial rezoning of 12 acres on 340 (our property which is already being used commercially and is zoned Residential, and on the other hand another Federal agency (Customs and Border Patrol) is converting 200 acres of rural land on 340 to Commercial (and no one seems to mind.)
- d. None of the NPS's 3 scenarios for expansion included any property on the SE corner of 340/27.  
See map.
- e. Now the NPS, which is not under the jurisdiction of any County zoning, wants to use that very zoning process of "public input" to try to influence individual property owner's rights in Jefferson County.
- f. If they are interested in our property, the NPS could make us an offer to buy it,  
which they have not done.

4. Growth area: *Our property is located in the designated growth area in the Comprehensive Plan*

- a. Businesses, investors, and families have bought or retained land along 340 E based on the fact it is within the County's growth area. This should be a predictably pro-business area in which to invest for the future.

5. Land uses: *Our property is surrounded by Residential/Light Industrial/Commercial properties*

Re: Claims that the zoning classification is too broad and we should wait for it to be rewritten. The same claim was brought up at the initial Shenandoah rezoning request over a year ago and the PC and staff have yet to make those changes. At that point, with all the public comment periods, it would still be a lengthy process.

I need to make financial decisions now and must deal with the ordinances and Comprehensive Plan on the books now.

The following are a summary of the technical reasons we believe we should be rezoned:

1. Our property has been a mixture of commercial and residential uses continually for 60 years.
2. Our property is located within the designated growth area in our Comprehensive Plan.
3. We are surrounded by other R/L/C properties.
4. We have water and sewer on the property.
5. We won't increase the traffic flow on the highways.
6. Rezoning the property would allow an already approved higher density subdivision to be modified to include commercial elements for economic development. Commercial elements would also serve the residential in the area to help keep traffic off 340.
7. Changing the zoning classification to residential/light industrial/commercial will not negatively impact the scenic vistas or historic resources any more than the property's current residential growth classification or it's current use.
8. The current Comprehensive Plan addresses all these elements and still recommends this Corridor (and this property) be the official "growth area" of Jefferson County.

Many respondents are suggesting that this is a vote between business in the 340 growth area verses support for the National Park Service. We feel that it is not an "either-or situation" but that business, NPS, history, tourism, agriculture, and view-shed can and must co-exist for the economic health of the County.



## MEMORANDUM

### Jefferson County, West Virginia Engineering Department

TO: Jefferson County Commission  
Tim Boyde, County Administrator

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

DATE: January 3, 2012

SUBJECT: **Engineering Department Quarterly Update Report - January 2012**

1. Projects Undertaken/Underway (in alphabetical order):

A. Bonding:

- i) Sheridan Estates Subdivision – we submitted the required paperwork to BB&T Bank requesting payment of the \$972,616.00 bond surety to the County Commission. Rebecca Burns, Bonding Administrator, received the payment on December 15, 2011, and secured the funds in an escrow account at the Bank of Charles Town. The Engineering Department will be working on carrying out the approved options for completing the site work in this subdivision.
- ii) Chapel View Subdivision – working on outline of tasks necessary to bid and contract for completion of the site work for this project.
- iii) Windmill Crossing Subdivision – working to get the developer to complete the remaining site improvements, create the HOA, and transfer the common areas. The as-built plans received from W.H. Gordon Associates, Inc. indicate that the recently constructed SWM basin is not constructed according to the approved plans. The City of Charles Town's consulting engineer also agrees with our finding and we are coordinating with the City of Charles Town, efforts to get the developer to address and correct the unsatisfactory work.

B. Chesapeake Bay SWM Ordinance:

- i) Working on WVDEP grant funding application request to hire consultant to help with drafting a new stormwater management

ordinance. A meeting is scheduled for January 10, 2012, with the county administrator, chief county engineer and representatives of the WVDEP and Region 9, to finalize the grant funding application.

C. Water Budget Study:

- i) Analytical Services, Inc. has completed approximately 65% of the work.

D. Property Safety Ordinance:

- i) Case 11-001 (Jenkins) – in process of completing the investigation report and filing a petition/complaint with the County Clerk's office seeking an order from the county commission for the property owner to bring a violation into compliance. This most likely will result in a hearing before the county commission in the near future, which may eventually result in the need for the county to demolish a dilapidated structure located on Mission Road.

2. Projects Completed:

A. Westridge Hills Test Wells Project:

- i) Final report received and accepted by the County Commission on December 1, 2011. Final invoicing received from the consultant. The final cost of the project is \$110,823.90; the budget amount was \$125,000.00. Roger Goodwin, Chief County Engineer, gave a summary of the project to the JCPSD board at their December 5, 2011, meeting. The JCPSD board discussion indicated efforts will be made to get the Westridge Hills HOA to donate both the wells and the land to the JCPSD, with the intent to create an arrangement wherein Jefferson Utilities, Inc. can utilize the one well as an additional public water supply source.

3. Projects Proposed:

- A. Get the land development standard construction details updated and put into a digital/AutoCAD format, to supplement the requirements of the Subdivision, Zoning, and Stormwater Management ordinances.
- B. Create a standardized manual/packet of information outlining the Engineering Department's approval process for land development projects and building permits, in order to support economic development efforts.

4. Items Requiring Commission Attention:

There are no items requiring immediate attention at this time.

**JEFFERSON COUNTY  
DEPARTMENTAL MEMORANDUM**

**TO:** Jefferson County Commission  
Tim Boyde, County Administrator

**FROM:** Elizabeth Wheeler

**DATE:** January 1, 2012

**SUBJECT:** Jefferson County Farmland Protection Board Quarterly Update Report

**1. PROJECTS UNDERTAKEN:** (in alphabetical order)

- a. Organizational assessment review & planning with Land Trust Alliance consultant
- b. Property monitoring: 9 properties monitored, reports completed and filed

**2. PROJECTS COMPLETED:**

- a. **Easements closed October – December 2011 (total held: 36 properties, 3,486 acres)**
  1. Burch property, 185 acres: Closed December 19, 2011
  2. Gray property, 60 acres: Closed November 30, 2011
  3. Henshaw property, 73 acres: Closed December 29, 2011
  4. Stehr property, 219 acres: Closed October 11, 2011
  5. Writt property, 70 acres: Closed December 2011

In last quarter of 2011, the Farmland Protection board purchased easements on five properties totaling 607 acres of land for \$1,081,821. These funds were matched by the NRCS and NPS/ABPP in the amount of \$1,232,320. The appraised easement value of these properties was \$2,973,000. Landowners donated \$622,858, or 21 percent of the value of the conservation easements.

- b. **2012 Application package prepared and submitted to USDA/NRCS (7 properties)**

**3. PROJECTS PROPOSED/UNDERWAY:**

- a. Strategic Plan
  - i. Policy review
  - ii. community focus groups
  - iii. Revised Program for 2012
- b. Planning for 2012 10<sup>th</sup> year anniversary of program

**4. ITEMS REQUIRING COMMISSION ATTENTION:**

a. Approval of Property Purchase

1. Property PP purchase: 264.5 acres, \$10,000 match from JCFPB, \$883,700 ABPP match
2. Property RR purchase: 148 acres, \$250,000 match from JCFPB, \$250,000 NRCS match

b. Approval of new Board members TBA

(FORM)  
JEFFERSON COUNTY  
DEPARTMENTAL MEMORANDUM

TO: Jefferson County Commission  
Tim Boyde, County Administrator

FROM: E911 Advisory Board, Henry Christie, Chair

DATE: 12/30/11

SUBJECT: (Insert Department) Quarterly Update Report

1. PROJECTS UNDERTAKEN: (in alphabetical order)

- a. THIS board is a state mandated advisory board to the Emergency Communication Center Director. We do not have any budget + do not undertake any projects

2. PROJECTS COMPLETED:

- a. \_\_\_\_\_
- i. \_\_\_\_\_

3. PROJECTS PROPOSED/UNDERWAY:

- a. \_\_\_\_\_
- i. \_\_\_\_\_

4. ITEMS REQUIRING COMMISSION ATTENTION:

- a. A CAD system as proposed by ECC Director
- i. is essential





West Virginia University

Extension Service

December 29, 2011

**FROM:** Judy Matlick, Extension Agent

**SUBJECT:** Ag Education Dinner Meeting: January 12  
Tri-State Hay and Pasture Conference: January 19

**Ag Education Dinner Meetings:**

Thursday, January 12, 2012, Berkeley County Youth Fair grounds.

**Farming as a Business:** Aaron Helmick, Little Brown Cow Dairy

Aaron, Tara, & Andy Helmick live on and operate a grass based dairy operation in Monroe County, WV. Both Aaron and Tara are natives of the state and hold agricultural degrees from WVU. Aaron and Tara work on the farm with no outside income, and have very little outside labor. In the spring they will have 150 crossbred cows to freshen which will be milked throughout the year. Aaron has a unique situation because the farm his family operates is a leased farm, which has both positive and negative aspects. The Helmick's operate their farm strictly from a business perspective, their production decisions must be economically viable for their operation.

*Dinner will be served at 6:30 p.m. with the presentation to start after the meal. Please call Mary Beth Bennett at 304-264-1936 or the Jefferson County Extension Office 304-728-7413 ext 0 by noon on Wednesday, January 4 so there is enough food for everyone. There is no charge for the meal.*

Upcoming Ag. Education Dinner Meetings:

| Date                       | Topic                            | Speaker    |
|----------------------------|----------------------------------|------------|
| Thursday, February 9, 2012 | Fencing                          | Kencove    |
| Thursday, March 8, 2012    | Nutrition and Rotational Grazing | Matt Poore |

Cooperative  
Extension Service

The West Virginia  
University Cooperative  
Extension Service,  
U.S. Department  
of Agriculture,  
West Virginia County  
Boards of Education and  
County Commissions  
Cooperating

Phone: 304 728-7413  
Fax: 304 728-4101  
www.ext.wvu.edu

Jefferson County Extension Office

1948 Wiltshire Road  
Suite 3  
Kearneysville WV 25430

RECEIVED

DEC 30 2011

Jefferson County Commission

Equal Opportunity/Affirmative Action Institution

## Program Agenda

- 8:30 **Registration and refreshments**
- 9:00 **Moderator Welcome**  
Willie Lantz, Extension Educator, University of Maryland Extension, Garrett County
- 9:05 **Balage Systems: What's Working Today**  
Les Vough
- 9:35 **Forages in Your Future**  
Bob Hendershot, State Grassland Conservationist, Retired, USDA-NRCS Ohio
- 10:50 **Break**
- 11:00 **Selection for earlier conception and greater calf sale weights in pasture systems.**  
Ed Rayburn, Extension Specialist — Forage Agronomist, West Virginia University
- 12:00 **Lunch**  
**Afternoon Session Moderator**  
Derrick Bender, Extension Educator, University of Maryland Extension, Allegany County
- 1:00 **Greetings from the National American Forage & Grassland Council Office**  
Bob Hendershot, Past President, AFCC
- 1:05 **Focus on the Forage**  
Bob Hendershot
- 2:20 **Break**
- 2:30 **Dairy Heifer Grazing Research**  
Jeff Semler, Senior Agent, Agriculture & Natural Resources, University of Maryland Extension Washington County
- 3:15 **Proper Adjustment of Mower-Conditioners and Balers**  
Jordan Milewski, Hay & Forage Marketing, New Holland Agriculture
- 4:15 **Adjourn**
- Nutrient Management Credits:**  
MD Nutrient Applicator Voucher Recertification Credits  
MD Nutrient Management Consultants - 6 credits  
WV Nutrient Management Consultants - 2 credits
- Co-sponsor Partners**  
University of Maryland Extension, Penn State Extension, West Virginia University Extension Service, USDA Natural Resources Conservation Service — Maryland, Maryland-Delaware Forage Council, Maryland Grazing Lands Conservation Initiative Coalition, Maryland Grazers Network and Northeast Center for Risk Management Education.

Friends, Supporters, Stakeholders,

The Jefferson Farmers Market in Charles Town will be holding a brainstorming session on Tuesday January 10<sup>th</sup> at 7 PM, in the large meeting room at the office of the Jefferson County Development Authority, 1948 Wiltshire Blvd in Bardane.

Please come help us develop a strategic plan for the growth of the market in 2012 and beyond!

As plans for further development of the downtown of Charles Town / Ranson proceeds, we want to make sure the Farmers Market grows and develops along with it. To best facilitate this process, we thought it wise to assemble as many of the stakeholders in the market as possible and come up with as many new ideas as possible to enliven the market, broaden its vendor base and increase its outreach to the public.

***Customers:*** tell us what you want to see at the market!

***Vendors:*** tell us what you need to make the market your best of the week!

***Council Members, Commissioners, Board Members:*** Tell us what you would like to see the market doing!

**Shepherd Ogden**  
**Agricultural Development Office**

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

**Tel: 304.728.3255 Fax: 304.725.3133**



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

**FAX**

Patricia L. Hamilton  
 Executive Director

**TO: ALL COUNTY OFFICIALS**  
**From: West Virginia Association of Counties**  
**Re: County Health Initiative & Survey**  
**Date: January 3, 2012**

Hello County Officials and Happy New Year! What better way to start 2012 than to think about being healthier! WVACO is getting started on a Healthy Counties Initiative but we need some basic information for our partners, *The Charleston Gazette* and *WVU Extension Services*, and for our "County Health Committee": Commissioners Jerry Linkinogger & Larry Barnhart, Assessor Steve Keadle, Circuit Clerk Donnie Kopp, County Clerk Mary Beth Merritt, Sheriff Steve Tamer, Prosecutor Michael Sparks, and WVACO President Jerry Berry, Summers County Commissioner

*"A Healthy Society = A Productive Society"*  
*How can county government help to make healthy choices the easy choices?*

Why this project?

In the past three years, West Virginians have suffered:

- the nation's highest rate of heart attack
- the nation's highest rate of stroke and cardiovascular disease
- the nation's highest rate of hypertension
- the nation's highest rate of diabetes
- one of the nation's top rates of obesity, a major cause of all of the above diseases
- the nation's top rate of physical inactivity
- a top-five ranking in kidney failure, toothlessness, cancer deaths, poor physical and mental health days, preventable hospitalization and premature death
- the nation's highest smoking and smokeless tobacco rates, including smoking by pregnant women

*"We can beat this, but medical professionals can't do it by themselves. Public health can't do it by itself. The schools can't do it by themselves. State and local government can't do it by themselves. It's going to take everybody."* Dick Wittberg, Director of Mid-Ohio Valley Public Health Dept.

County government has a role in improving the access to healthy choices for its citizens which brings the benefits of healthier, more productive employees and citizens and a more inviting community for economic development. *Please complete the following survey for our project:*

A HEALTHY CHOICE IS YOUR CHOICE!  
SURVEY

Please take a few minutes to answer any or all of the following questions and send the answers via fax (304-346-0592), mail (2211 Washington St. E., Charleston 25311), or email [wvaco@wvaco.org](mailto:wvaco@wvaco.org) by **January 20, 2012**:

- (1) **Sharing success stories** - What is your county already doing to promote good health for your employees? For your citizens? What are you proud of? (Send pictures if you have them - *The Gazette* is asking for them - a good opportunity to feature your county!)
  
- (2) **Starting a plan for action** - What would you like to see your county government do to promote good health?
  
- (3) **Making the case for county government investing in health** - What role can your county government play to promote good health for citizens? (Example, has the "walkability" of your county ever been assessed?)
  
- (4) **Partnerships** - What local groups / organizations / businesses might partner with you to create projects that make your county a place that promotes physical activity? (Example: playgrounds, bike trails, a 5K walk/run race)  
If you have partners, how did you achieve the partnerships and who are some of your county's partners?
  
- (5) **Results** - What project(s) might your county government do to encourage your citizens to be more active?

County \_\_\_\_\_

Signature \_\_\_\_\_

*Thank you for your time!*



## **MEDIA ADVISORY/PRESS RELEASE**

### **FOR IMMEDIATE RELEASE**

**Contacts:** Ed Hannon, Deputy Director  
Jefferson County Emergency Services Agency (JCESA)  
Co-Chair, PR Committee, Jefferson County Fire and EMS Fee  
540-931-1451 (c)

Ed Smith, Fire Chief (Retired)  
Independent Fire Company  
Co-Chair, PR Committee, Jefferson County Fire and EMS Fee  
304-279-2938

### **\*\*\*\*PUBLIC NOTICE\*\*\*\***

## **COMMUNITY INFORMATION MEETINGS**

**Jefferson County, WV**—You are invited to join representatives of the Jefferson County Commission, Jefferson County Emergency Services Agency (JCESA) and your local fire companies for several information sharing meetings on the proposed Jefferson County Fire and EMS Fee.

There will be a brief presentation and an opportunity for you to ask questions.

The meetings are scheduled as follows:

- |                  |                                                                                               |
|------------------|-----------------------------------------------------------------------------------------------|
| January 9, 2012  | Shepherdstown Fire Department—7:00 p.m.<br>8052 Shepherdstown Pike, Shepherdstown, WV         |
| January 19, 2012 | Blue Ridge Mountain Volunteer Fire Company—7:00 p.m.<br>181 Keyes Gap Road, Harpers Ferry, WV |
| January 25, 2012 | Independent Fire Company—7:00 p.m.<br>200 West 2 <sup>nd</sup> Avenue, Ranson, WV             |
| January 26, 2012 | Friendship Fire Company—7:00 p.m.<br>1050 West Washington St., Harpers Ferry, WV              |

The Jefferson County Commission will hold a public hearing on the proposed Fire and EMS Fee—no date has been set for the public hearing at this time. We will let the community know as soon as a date has been confirmed.

Thank you for your long-standing and ongoing support of the Jefferson County Fire and EMS services. We look forward to seeing you at the community information meetings.

###



# State of West Virginia

Office of the State Auditor  
Glen B. Gainer III  
State Auditor  
www.wvsao.gov

Building 1, Room W-100  
Charleston, West Virginia 25305  
Telephone: (304) 558-2251  
FAX: (304) 558-5200

200 West Main Street  
Clarksburg, West Virginia 26301  
Telephone: (304) 627-2415  
FAX: (304) 627-2417

December 29, 2011

To All County Officials:

Once again, my Local Government Services Division will be conducting regional training workshops for county officials. Over the last several years, we have provided detailed training to county officials on the budgeting process. We are adding another topic to the discussion. We are seeing a growing number of embezzlement and fraud cases in our state. In an effort to help minimize this problem, we will address some key elements of prevention and detection during these workshops.

**I would encourage all county officials and some of their assistants to attend one of these workshops.** I feel these workshops can be a valuable tool to all people involved in the budget process and have therefore waived any registration costs. This is a great opportunity for you to meet with other county officials and some of my staff.

If you should have any questions concerning these workshops, please contact Ora Ash, Director of Local Government Services at 304-627-2415.

Sincerely,

A handwritten signature in black ink, appearing to read "Glen B. Gainer, III".

Glen B. Gainer, III  
State Auditor

RECEIVED

JAN 9 3 2012

Jefferson County Commission



# State Auditor's 2012 Budget Preparation and Fraud/Embezzlement Prevention and Detection Regional Workshops

State Auditor Glen B. Gainer III, through his Local Government Services Division, is pleased to announce regional Budget Preparation Workshops for both county and municipal governments at convenient locations throughout West Virginia. These workshops will cover the basics of local government budget preparation in relation to preparing, approving and adopting a budget. Other related topics will include budget revisions, property tax rates and special excess levies. There will also be suggestions on the internal controls needed to prevent and detect fraud and embezzlement.

| City        | Type   | Workshop Date/Time       | Location                                                               | Deadline    |
|-------------|--------|--------------------------|------------------------------------------------------------------------|-------------|
| Clarksburg  | County | Jan. 31, 1:00 pm-4:00 pm | Auditor's Office, Clarksburg<br>200 West Main Street -- (304) 627-2415 | January 23  |
| Wheeling    | County | Feb. 3, 8:30 am-12:00 pm | SpringHill Suites, Wheeling<br>908 National Road - (304) 232-8903      | January 24  |
| Clarksburg  | County | Feb 9, 1:30 pm-4:00 pm   | Auditor's Office, Clarksburg<br>200 West Main Street -- (304) 627-2415 | January 30  |
| Charleston  | County | Feb. 14, 1:00am-4:30 pm  | Embassy Suites, Charleston<br>300 Court Street -- (304) 347-8700       | February 7  |
| Martinsburg | County | Feb. 22, 8:30am-12:00 pm | Holiday Inn, Martinsburg<br>301 Foxcroft Avenue, (304) 267-5500        | February 14 |

**Note: At least ten participants must register for a workshop or we may be forced to cancel.**

Detach and return the registration form below no later than the deadline for the specific workshop. For questions concerning the content of the workshops, contact: Ora Ash, (304) 627-2415, ext. 5114 Email: [ora.ash@wvsao.gov](mailto:ora.ash@wvsao.gov)

**2012 BUDGET PREPARATION REGIONAL WORKSHOP      Free to attend, but you must register!**

\_\_\_ Mr \_\_\_ Mrs \_\_\_ Ms \_\_\_\_\_ County of: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Mail to: Karen Drain, Admin. Support  
Budget Prep. Regional Workshop  
200 West Main Street  
Clarksburg, West Virginia 26301

**FAX TO: 304-627-2417**

|                            |                              |
|----------------------------|------------------------------|
| ___ Clarksburg, January 31 | ___ Charleston, February 14  |
| ___ Wheeling, February 3   | ___ Martinsburg, February 22 |
| ___ Clarksburg, February 9 |                              |

**IMPORTANT: If unable to attend after registering, please call our office at 304-627-2415 to cancel.**



# 2012 ANNUAL CONFERENCE

February 12-14, 2012



**FAX: 304-346-0592**

**PHONE: 304-346-0591**

County \_\_\_\_\_ Title/Office \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Email \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

Spouse/Guest(s) \_\_\_\_\_

**REGISTRATION:**

**\$195 County Attendee**

BILL MY COUNTY       PAY AT DOOR       PREPAY-MAIL CHECK/PAYPAL

**\$40 per Guest**

PAY AT DOOR       CHECK ENCLOSED

ADDITIONAL INFORMATION \_\_\_\_\_

**FOR ROOM RESERVATIONS:**

Embassy Suites \$119       Marriott \$109

**Name on Room Reservation** \_\_\_\_\_

**Date:** Check In Date \_\_\_\_\_ Check Out Date \_\_\_\_\_ # of Nights \_\_\_\_\_

**Room Type:** 1 King \_\_\_\_\_ 2 Doubles \_\_\_\_\_ Smoking Requested (Embassy Only) \_\_\_\_\_

**Special Needs/Requests:** \_\_\_\_\_

**MUST INCLUDE TO RESERVE ROOM:**       Letter of Credit       Credit Card

Credit Card Type \_\_\_\_\_ Credit Card # \_\_\_\_\_ Exp. Date \_\_\_\_\_

▶ **PLEASE FAX YOUR TAX EXEMPT FORM. IT WILL BE REQUIRED TO HAVE TAX EXEMPT STATUS.**

**ALL RESERVATIONS MUST BE CANCELLED THRU THE WVACO**



## ANNUAL MEETING 2012 DRAFT AGENDA

Embassy Suites

Feb 12 - 14, 2012

“Energizing the Future of Counties”

### SUNDAY, Feb. 12

- 9:00 - 5:00 Registration / Exhibits Open
- 2:00 - 4:30 WVACO Board of Directors Meeting
- 3:00 Leadership Workshops - To Be Announced
- 6:00 - 9:00 Presidents Reception  
*Contributing Sponsored - ANGA  
America's Natural Gas Alliance*
- 9:00 Hospitality Suites Open



### MONDAY, Feb 13<sup>th</sup>

- Full Breakfast Buffet (Embassy Suites)
- 8:00 - 9:30 Registration , continued
- 8:45 Call to Order, Pledge of Allegiance  
Welcome from the President & Executive Director  
State of the Counties Address - *Jerry Berry, WVACO President; Summers  
County Commissioner*  
Remarks from Legislative Leaders for Counties
- 9:45-11:00 Keynote Speaker - *Neal Petersen*  
*“In Life There Are No Barriers - Only Solutions!”*
- 11:00 Six Concurrent Energizing Workshop Sessions - To Be Announced
- 12:15 Luncheon & Presentation of Richard Shelton Memorial Award  
Governor Tomblin, Guest (invited)

*Member Association Meetings Monday Afternoon  
NACo Member Counties Meet to Elect NACo Board Representative*

### **7:00-10:00 LEGISLATIVE RECEPTION - THE ESQUIRES**

- 9:00 Hospitality Suites Open

### TUESDAY, Feb 14<sup>th</sup> - Valentine's Day!

- 8:30-9:00 Full Breakfast Buffet
- 9 - 10:30 WVACO Business Meeting & Legislative Presentation  
Report from NACo Board Representatives  
Report from the WV Counties Risk Pool - *Chris Carey & Steve Rawlings*
- Other Tuesday morning business/speakers
- 10:30-3:00 Buses to the Capitol

# Jefferson County Public Service District

---

---

## Jefferson County Public Service District Regular Board Meeting December 5, 2011

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, December 5, 2011 in the meeting room at the District's office in Kearneysville. Those in attendance included: Secretary, Jim Cummins; Treasurer, Peter Appignani; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; Operations Manager, Joe Freeze; Pentree Engineers, John Tuggle and Zane Summerfield; District Legal Counsel, Jim Kelsh; and liaison for the County Commission, Commissioner Lyn Widmyer.

Secretary Jim Cummins called the meeting to order at 7:00PM.

### Election of Acting Chairman for Meeting

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to nominate Mr. Appignani as the acting chairman to have all power and authority that the chairman would normally have. The acting chairman will have this authority for the remainder of the calendar year. Approved 2-0.

### Public Comments

Jacquelyn Milliron, Breckenridge resident, read her comment into record regarding the District's response to a recent PSC Staff's information request.

### Review Minutes of November Regular Board Meeting

The minutes of the November 2, 2011 regular Board meeting were approved as presented.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to accept the November 2, 2011 minutes as presented. Approved 2-0.

### OLD BUSINESS

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

- Mr. Lee Snyder Will Address the Board on the Above

Mr. Lee Snyder, President of Jefferson Utilities, addressed the Board with concerns he had with a letter submitted by John Maxey to the WV Public Service Commission. Mr. Snyder believed the letter had numerous inaccuracies so he sent a rebuttal letter to the District, which he read to the Board tonight. He also informed the Board that the Westridge Hills Test Well Project has been completed with test results indicating that there is sufficient water, at least for now, to use one of the wells as a public water supply. Roger Goodwin, County Engineer, was in the audience to provide a summary of the results from the study. Mr. Snyder would like to get concurrence from the District, County Commission, and the Westridge Hills Homeowners Association to utilize the well as a water supply.

Mr. Maxey presented to the Board an email from the Westridge Hills Homeowners Association indicating that they would like to donate the wells and land to the District. The HOA believes that the District has access to public funding that a private utility does not which will help reduce the impact on customer's rates. Mr. Snyder does not think the donation of the wells and land is necessary for the District and JUI to move forward with a public / private partnership that would enable the use of public money to keep rates from rising. At this point the Board does not fully understand if the deed will allow this transfer with existing easements, and if so, all the positive and / or negative consequences of ownership of the wells and land. The Board discussed with Mr. Snyder possibly modifying the current public / private partnership and the possibility of the District accepting the donation from the HOA and allowing Jefferson Utilities unrestricted water access to the wells but further investigation is necessary.

RECEIVED

JAN 06 2012

Public Comments:

Ed Burns had contingencies about neighboring wells losing water supply if these new wells are utilized.

Jacquelyn Milliron believed this to be a good solution to the problem.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to direct Counsel to evaluate the proposal of the Westridge Hills Homeowners Association donation of the land and wells and to investigate what would be involved in pursuing this option. Approved 2-0.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to direct Counsel to provide, if any, risks that would be involved with giving Jefferson Utilities unrestricted water access from the test wells. Approved 2-0.

Update on Options and Process Path for Creating/Revising PSD Strategic Plan

This item was tabled until next month.

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

Update on Payment Options for Upgrades to Pump Station 5-3

This item was tabled until next month.

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

Update on Upgrades to Glen Haven and Cavaland Water Systems

Ms. Lawton informed the Board that Matt Harper will be giving a presentation next month on his findings.

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

**NEW BUSINESS**

To consider and act upon on the proposed Bond Resolution for the issuance of the Sewerage System Revenue Bond, 2011 Series A (the "Bond"). The proceeds of the Bond will be used to permanently finance the Refunding Sewerage System Bond Anticipation Notes, Series 2011, issued to temporarily finance the costs of design of, and other preliminary costs for, additions, betterments, improvements and extensions to the existing public sewerage facilities of the District.

The District is moving forward with a loan financed through MVB Bank to refinance the BAN. The current extension of the BAN expires on January 5<sup>th</sup>. The BAN was used to partially pay for engineering design work done by Pentree Inc. relating to the Flowing Springs Wastewater Treatment Plant. Mr. Kelsh has requested expedited approval from the Public Service Commission on this issue. The Board now has to approve the 2011 Bond Resolution regarding this.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to adopt the Notes Resolution as read into record:

RESOLUTION AUTHORIZING THE ISSUANCE BY JEFFERSON COUNTY PUBLIC SERVICE DISTRICT OF NOT MORE THAN \$750,000 IN AGGREGATE PRINCIPAL AMOUNT OF SEWER REVENUE BOND, 2011 SERIES A, FOR THE PURPOSES OF PERMANTLY FINANCING THE REFUNDING SEWERAGE SYSTEM BOND ANTICIPATION NOTES, 2011 SERIES A; PROVIDING AS TO THE TERMS AND PROVISIONS OF THE BOND; AUTHORIZING AND APPROVING THE SALE AND DELIVERY OF SUCH BOND; DESIGNATING A REGISTRAR, PAYING AGENT AND DEPOSITORY BANK; PROVIDING FOR THE RIGHTS AND REMEDIES OF AND SECURITY FOR THE REGISTERED OWNERS OF SUCH BOND; AND ENACTING OTHER PROVISIONS WITH REPSECT THERETO.

Unanimously approved.

To consider and act upon any measures related to the foregoing.

There were no further actions relating to the above agenda item needed from the Board.

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

Discuss Sewer Service for Developments Near Shepherdstown

Last month the Board discussed the possibility of working with Shepherdstown to provide public sewer service for three developments, Heatherfield, Mecklenburg Heights, and Chaplin's Choice, with failing septic systems that are just outside Shepherdstown service area. The Board wanted to include the Health Department on these discussions and suggested staff go back to Shepherdstown and find out the expectations and scope they have for this project. In the audience was Bill Zaleski, Willis Newell, Mark Shields and Paula Burns from the Health Department and Ed Burns from the Planning Commission to discuss this issue. Mr. Zaleski informed the Board that they have no reports or test results showing failing septic systems in this area. The Board appreciates the Board of Health attending the meeting. Staff will continue to work with Shepherdstown to find out their expectations for this project.

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

Discussion of New Public Service Commission Rules on Alternative Sewer Service

Mr. Kelsh informed the Board of the new rules adopted by the Public Service Commission (PSC) for "alternative sewer systems" effective January 23, 2012. The District had filed comments on the proposed rule changes which the PSC considered. The changes will limit utilities abilities to get involved with existing systems.

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

Consider 2012 Board Meeting Dates

The monthly meetings of the District are held on the first Monday of the month unless it falls on a holiday. The Board would like to move the proposed January 9<sup>th</sup> Board meeting to Tuesday, January 3<sup>rd</sup>.

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to accept the 2012 board meeting schedule as presented with the change of the January meeting to the 3<sup>rd</sup>. Approved 2-0.**

Discussion of any Expenses over Budget

There were no items over budget this month. The District has 134% coverage.

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

Disbursements

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to approve disbursements for Cavaland water expenses in the amount of \$2,505.57, Glen Haven water expenses in the amount of \$6,634.98. Approved 2-0.**

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to approve disbursements for the Public Service District expenses in the amount of \$179,345.50. Approved 2-0.**

Approve Transfer of \$5,940.40 from Renewal & Replacement Account to Sewer Operating Account for New Transfer Switch at Pump Station 4-2

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to approve the transfer of \$5,940.40 from Renewal & Replacement Account into Sewer Operating Account for New Transfer Switch at Pump Station 4-2. Approved 2-0.**

Approve Transfer of \$2,341.88 from Renewal & Replacement Account to Sewer Operating Account for New Omni-Site at Pump Station 1-12

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to approve the transfer of \$2,341.88 from Renewal & Replacement Account into Sewer Operating Account for New Omni-Site at Pump Station 1-12. Approved 2-0.**

Approve Transfer of \$2,655.47 from Sewer Security Deposit Account to Sewer Operating Account for Security Deposit Refunds

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to approve the transfer of \$2,655.47 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Approved 2-0.

Approve Transfer of \$50.99 from Glen Haven Security Deposit Account to Glen Haven Operating for Security Deposit Refunds

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to approve the transfer of \$50.99 from Glen Haven Security Deposit Account into Glen Haven Operating Account for Security Deposit Refunds. Approved 2-0.

General Manager's Report

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

Pump Station 3-7 Backup – Ms. Lawton informed the Board of the sewer backup at a residence in Breckenridge due to a power failure. District staff will be meeting with Pentree to discuss options for this pump station and residence to prevent this from occurring again.

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

Public Comment

Mr. Tuggle would like the District to take care of outstanding bills the District has with Pentree and possibly propose a payment schedule to cover costs.

Correspondence

None.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to convene in executive session for the purpose of discussing litigation and contract negotiations. Approved 2-0.

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

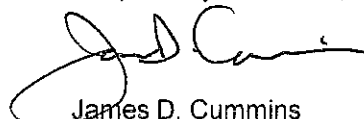
**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to return to public session. Approved 2-0.

**Action:** Motion made by Mr. Cummins and seconded by Mr. Appignani to adjourn. Approved 2-0.

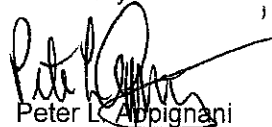
There being no further business at this time, the meeting was adjourned at 9:18PM

The next regular meeting is scheduled for Tuesday, January 3, 2012 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



James D. Cummins  
Secretary



Peter L. Appignani  
Treasurer

## Nichelle Hosby

---

**From:** Carolyn Zdziera [czdziera@msn.com]  
**Sent:** Wednesday, January 04, 2012 1:44 PM  
**To:** mratliff@wvregion7wib.org; mrhosby@comcast.net; mrider1531@live.com; mschiavone@jeffersoncountywv.org; ndalby@frontiernet.net; nfernand@aerotek.com; nhosby@jeffersoncountywv.org; nicky@amomscatalog.com; nicky@momscatalog.com; nicolas.h.diehl@wv.gov  
**Subject:** 2011 Year End Letter

Having trouble viewing this email? [Click here](#)

Community Alternatives to Violence  
891 Auto Parts Place Box 136  
Martinsburg, WV 25403  
304-262-4424  
866-332-2906 fax [www.commav.org](http://www.commav.org)



December 2011

To all our friends and supporters,

As 2011 draws to a close, we would like to share with you just a few examples of what inspires us to continue our work to end family violence.

Enrollment in CAV's 32-week intervention program is again approaching an all-time high of 70 men and women. Does this mean that family violence is increasing? Not necessarily. We believe heightened community awareness of the importance of intervening with the abuser is the answer.

Thanks to the belief by the West Virginia Coalition Against Domestic Violence that abusers must be targeted for intervention services, increased opportunities for training CAV volunteers again became available in 2011.

A new approved intervention curriculum targeting Respectful Relationships continues to be used with increased participation by clients. Videos to accompany this are being added, and we hope to purchase an entire set in early 2012.

Finally, a heartfelt thank you goes to you, for your volunteer and financial contributions. This community "giving back" was more critical than ever this year, as more of our participants cannot afford the required class fees.

In 2012, our expectations are high with plans to reach employers and schools from the publication of a collection of student artwork and essays entitled "It's A Wonderful World"--what a world would be like without violence. As one middle school student put it: "This is where I would like to live!"

If you are moved to partner with us to end family violence, please visit us at [www.comnav.org](http://www.comnav.org).

Sincerely,

*Carolyn Zdziera*

Carolyn Zdziera  
Executive Director

**Forward email**



This email was sent to [czdziera@msn.com](mailto:czdziera@msn.com) by [czdziera@msn.com](mailto:czdziera@msn.com) |  
[Update Profile/Email Address](#) | Instant removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).  
Community Alternatives to Violence | 891 Auto Parts Place | Box 136 | Martinsburg | WV | 25403

**THIS IS A TEST EMAIL ONLY.**

This email was sent by the author for the sole purpose of testing a draft message. If you believe you have received the message in error, please contact the author by replying to this message. Constant Contact takes reports of abuse very seriously. If you wish to report abuse, please forward this message to [abuse@constantcontact.com](mailto:abuse@constantcontact.com).

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

| Week Ending Date                                  | Week Ending<br>December 31, 2011 |
|---------------------------------------------------|----------------------------------|
| <b>To be Deposited on:</b>                        | January 9, 2012                  |
| Amount Played                                     | 109,491,641.06                   |
| Amount Won                                        | 98,222,081.06                    |
| Amount Promo                                      | 307,535.52                       |
| MWAP Contribution                                 | <u>5,890.27</u>                  |
| <b>Adjusted Gross Terminal Revenue</b>            | <b><u>10,956,134.21</u></b>      |
| Administrative Costs @ 4%                         | 0.00                             |
| Excess Lottery Fund @ 4%                          | 438,245.38                       |
| <b>Net Terminal Revenue</b>                       | <b><u>10,517,888.83</u></b>      |
| Surcharge @ 10%                                   | 1,051,788.88                     |
| State Share Excess @ 58%                          | 610,037.55                       |
| Track Share of Capital Reinvestment @ 42%         | 441,751.33                       |
| Track Share of Capital Reinvestment @ 42% - 96%   | \$ 424,081.28                    |
| Track Share of Capital Reinvestment @ 42% - 4%    | \$ 17,670.05                     |
| <b>Adjusted Net Terminal Revenue</b>              | <b><u>9,466,099.95</u></b>       |
| Racetrack @ 46.50% / 42%                          | 3,975,761.98                     |
| Lottery Fund @ 30% / 0%                           | 0.00                             |
| Excess Lottery Fund @ 0% / 41%                    | 3,881,100.98                     |
| Race Track Purses @ 7% / 14% / 8%                 | 757,288.00                       |
| Workers' Compensation Debt Reduction @ 7% / 0%    | 0.00                             |
| Employee Pension Fund @ 1% / .5%                  | 47,330.50                        |
| Greyhound Development @ .75%                      | 70,995.75                        |
| Thoroughbred Development @ .75%                   | 70,995.75                        |
| Racing Commission @ 1%                            | 94,661.00                        |
| County/Municipality @ 2%                          | 189,322.00                       |
| <b>3% Funds:</b>                                  |                                  |
| Tourism Promotion Fund @ 1.375%                   | 130,158.87                       |
| Development Office Promotion Fund @ .375%         | 35,497.87                        |
| Research Challenge Fund @ .5%                     | 47,330.50                        |
| Capitol Renovation and Improvement Fund @ .6875%  | 65,079.44                        |
| 2004 Capitol Complex Parking Garage Fund @ .0625% | 5,916.31                         |
| <b>1% Funds:</b>                                  |                                  |
| State Capitol Complex Parking Garage @ 1%         | 0.00                             |
| Cultural Facilities and Capitol Resources @ .5%   | 38,016.91                        |
| Capitol Dome and Capitol Improvements @ .5% / 1%  | <u>56,644.09</u>                 |
|                                                   | <b><u>9,466,099.95</u></b>       |

**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<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>8.19% | CHARLES<br>TOWN<br>41.20% | HARPERS<br>FERRY<br>2.24% | RANSON<br>34.78% | SHEPHERDS<br>TOWN<br>13.59% |
|---------------------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 2 days ending:<br>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                | \$ 71,814.12              | \$ 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                              | \$ 169,591.60                | \$ 84,845.80              | \$ 84,845.80         | \$ 6,948.87      | \$ 34,956.47              | \$ 1,900.55               | \$ 29,509.37     | \$ 11,530.54                |
| 09/17/11                              | \$ 133,497.24                | \$ 66,748.62              | \$ 66,748.62         | \$ 5,466.71      | \$ 27,500.43              | \$ 1,495.17               | \$ 23,215.17     | \$ 9,071.14                 |
| 09/24/11                              | \$ 137,859.60                | \$ 68,929.80              | \$ 68,929.80         | \$ 5,645.35      | \$ 28,399.08              | \$ 1,544.03               | \$ 23,973.78     | \$ 9,367.56                 |
| 10/01/11                              | \$ 137,743.28                | \$ 68,871.64              | \$ 68,871.64         | \$ 5,640.59      | \$ 28,375.12              | \$ 1,542.72               | \$ 23,953.55     | \$ 9,359.66                 |
| 10/08/11                              | \$ 141,733.80                | \$ 70,866.90              | \$ 70,866.90         | \$ 5,804.00      | \$ 29,197.16              | \$ 1,587.42               | \$ 24,647.51     | \$ 9,630.81                 |
| 10/15/11                              | \$ 150,525.32                | \$ 75,262.66              | \$ 75,262.66         | \$ 6,164.01      | \$ 31,008.22              | \$ 1,685.88               | \$ 26,176.35     | \$ 10,228.20                |
| 10/22/11                              | \$ 137,515.44                | \$ 68,757.72              | \$ 68,757.72         | \$ 5,631.26      | \$ 28,328.18              | \$ 1,540.17               | \$ 23,913.94     | \$ 9,344.17                 |
| 10/29/11                              | \$ 121,015.96                | \$ 60,507.98              | \$ 60,507.98         | \$ 4,955.60      | \$ 24,929.29              | \$ 1,355.38               | \$ 21,044.68     | \$ 8,223.03                 |
| 11/05/11                              | \$ 141,347.76                | \$ 70,673.88              | \$ 70,673.88         | \$ 5,788.19      | \$ 29,117.64              | \$ 1,583.09               | \$ 24,580.38     | \$ 9,604.58                 |
| 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                |
| 12/03/11                              | \$ 118,859.88                | \$ 59,429.94              | \$ 59,429.94         | \$ 4,867.31      | \$ 24,485.14              | \$ 1,331.23               | \$ 20,669.73     | \$ 8,076.53                 |
| 12/10/11                              | \$ 102,790.88                | \$ 51,395.44              | \$ 51,395.44         | \$ 4,209.29      | \$ 21,174.92              | \$ 1,151.26               | \$ 17,875.33     | \$ 6,984.84                 |
| 12/17/11                              | \$ 111,962.64                | \$ 55,981.32              | \$ 55,981.32         | \$ 4,584.87      | \$ 23,064.31              | \$ 1,253.98               | \$ 19,470.30     | \$ 7,607.86                 |
| 12/24/11                              | \$ 108,497.24                | \$ 54,248.62              | \$ 54,248.62         | \$ 4,442.96      | \$ 22,350.43              | \$ 1,215.17               | \$ 18,867.67     | \$ 7,372.39                 |
| 12/31/11                              | \$ 189,322.00                | \$ 94,661.00              | \$ 94,661.00         | \$ 7,752.74      | \$ 39,000.32              | \$ 2,120.41               | \$ 32,923.10     | \$ 12,864.43                |
| Subtotal                              | \$ 3,715,833.44              | \$ 2,313,948.44           | \$ 1,401,885.00      | \$ 114,814.38    | \$ 577,576.61             | \$ 31,402.24              | \$ 487,575.60    | \$ 190,516.17               |

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  | 12/3/2011  | 59,429.94  |
| 12/13/2008 | 60,178.04  | 12/12/2009 | 52,460.58  | 12/11/2010 | 46,944.00  | 12/10/2011 | 51,395.44  |
| 12/20/2008 | 52,189.19  | 12/19/2009 | 32,834.39  | 12/18/2010 | 42,076.76  | 12/17/2011 | 55,981.32  |
| 12/27/2008 | 72,205.91  | 12/26/2009 | 53,406.34  | 12/25/2010 | 50,450.28  | 12/24/2011 | 54,248.62  |
| 1/3/2009   | 96,504.65  | 1/2/2010   | 92,980.40  | 1/1/2011   | 85,152.12  | 12/31/2011 | 94,661.00  |
| 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

2313948.44

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 |
| November, 2011    | 121,118.87 |
|                   | 1932351.69 |