

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**THURSDAY, OCTOBER 25, 2012**  
**9:30 A.M.**

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

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

**APPROVAL OF PURCHASE ORDERS**

**APPROVAL OF ACCOUNTS PAYABLE**

**PUBLIC COMMENT**

**PRESENTATIONS:**

1.     9:45 a.m.     Jennifer Brockman, Director of Planning and Zoning  
                      - Appointment of Envision Jefferson 2035 (2014 Comprehensive Plan)  
                      Steering Committee Members by the County Commission - Discussion/Action
  
2.     10:10 a.m.     Interviews and appointment to the Jefferson County Emergency Services  
                      Agency  
                      - One three year term ending November 2, 2015 - EMS - Discussion/Action  
                      - Two three year terms ending November 2, 2015 - Citizen -  
                      Discussion/Action  
                      - One unexpired term ending November 2, 2012 - Citizen - Discussion/Action
  
3.     10:30 a.m.     Break
  
4.     10:45 a.m.     Lynn Fields, Deputy Probate Clerk  
                      - Approval to set Tuesday, November 27<sup>th</sup>, 2012 at 10:00 a.m. as the date to  
                      hear the amended Petition to Remove Executor from the Printz Estates and  
                      Appoint Curator and the response to amend Petition to Remove Executor and  
                      Appoint Curator; Petition to Remove Executor of the Blanch V. Nelson Estate -  
                      Discussion/Action

**UNFINISHED BUSINESS:**

5. Request for County Commission direction related to Public Hearing input received related to New Commercial and Industrial Zoning Categories - Discuss motion from last week's meeting to *postpone these items for consideration after the Comprehensive Plan process is completed* - Discussion/Action

**FINANCIAL DIRECTOR REPORTS**

- Budget Analysis for the General County Fund for the Month Ending September 30, 2012 - Discussion/Action

**COUNTY ADMINISTRATOR REPORTS**

- Commissioner's Top Project Listing - Discussion/Action
- IT Presentation - Discussion/Action

**COUNTY COMMISSION REPORTS**

6. Break for Lunch

**~~~~~ EVENING SESSION ~~~~~**

7. 7:00 p.m. Public Hearing for public input for the following amendments to the Impact Fee Ordinance: An amendment providing for an affordable housing discount to the Impact Fee schedule as required by W. Va. Code §7-20-7a - Discussion

8. ADJOURN

**CORRESPONDENCE:**

Results of CCAWV Jail Costs Summit held October 14-15, 2012, Hilton Gardens Inn, Harrison County, WV received.

Postcard received from City of Charles Town concerning upcoming events.

Thank you letter received from Animal Welfare Society concerning donation received from the County Commission.

Weekly Settlement for Hollywood Casinos at Charles Town Races and Slot received for weeks ending October 6<sup>th</sup>, 2012 received from the West Virginia Lottery.

**Thank you letter received from Hospice of the Panhandle concerning donation received from the County Commission.**

**Letters received from David Tabb concerning the Briel Building, Homeland Security and Jefferson County Emergency Services.**

**Letter received from State of West Virginia Office of the State Treasurer concerning Coal County Reallocation Severance Tax to Coal-Producing Counties.**

**Letter received from The Vintage Lady Shop, Cindi and Billy Ray Dunn concerning the sale of land at the corner of Washington St. and Rt. 340.**

**Letter received from Pamela Parziale concerning the Certified Arts Community project.**

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

**Minutes**  
**Jefferson County Commission**  
**Thursday, October 18, 2012**

A meeting of the Jefferson County Commission was held on Thursday, October 18, 2012 in the County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patricia Noland, Lyn Widmyer, Dale Manuel, Frances Morgan and Walt Pellish. Also present were Debbie Keyser, County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of the October 18, 2012 meeting is available through the Jefferson County Commission Office.)

**PLEDGE OF ALLEGIANCE**

Commissioner Pellish led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Motion by Ms. Widmyer to approve the Minutes of the October 4, 2012 regular meeting as presented. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Ms. Morgan to approve the Minutes of the October 4, 2012 Public Hearing regarding the Rt. 340 East Gateway Corridor. Motion seconded by Mr. Pellish and unanimously approved.

**APPROVAL OF PURCHASE ORDERS**

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$146,286.84 being P. O. Nos. 50165, 50179, 52068, 49892, 49982, 49984, 50064, 50170, 50163, 49790, 49795, 49814, 50164, 50166, 50172, 50173, 50174, 50175, 50176, 50178, 50041, 50042, 50043, 50045, 50046, 50177 and 49956. Motion seconded by Ms. Morgan and unanimously approved.

**APPROVAL OF ACCOUNTS PAYABLE**

Motion by Mr. Pellish to approve the accounts payable for October 11, 2012 in the amount of \$340,077.22. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Widmyer to approve the accounts payable for October 18, 2012 in the amount of \$161,658.35. Motion seconded by Ms. Manuel and unanimously approved.

CHCKNO	DEPT	VENDOR	PONU M	POAMT	NOAMT	CHECK AMOUNT
068417	425	COMCAST		\$ -	\$ 349.94	\$ 349.94
068418	424	AT&T/IL		\$ -	\$ 0.41	\$ 0.41
068419	ALLOC	AHA/ART&HUMANITIES ALLNC		\$ -	\$ 2,079.49	\$ 2,079.49
068420	700	MATTHEW ARMEL		\$ -	\$ 100.00	\$ 100.00
068421	424	BOLAND SERVICES	52829	\$ 270.00	\$ -	\$ 270.00
068421	425	BOLAND SERVICES	51117	\$ 991.01	\$ -	\$ 991.01
068422	PAYROLL	LAURENCE R CROFFORD		\$ -	\$ 7.71	\$ 7.71
068423	424	CHARLES TOWN UTILITY BRD		\$ -	\$ 60.21	\$ 60.21

068423	425	CHARLES TOWN UTILITY BRD		\$ -	\$ 790.95	\$ 790.95
068424	405	DELL MARKETING LP	50040	\$ 1,072.07	\$ -	\$ 1,072.07
068425	425	DAYCON	50169	\$ 41.92	\$ -	\$ 41.92
068426	405	FEDEX		\$ -	\$ 21.74	\$ 21.74
068426	700	FEDEX		\$ -	\$ 49.05	\$ 49.05
068427	433	TODD FAGAN		\$ -	\$ 155.00	\$ 155.00
068428	717	FISHER AUTO PARTS	50109	\$ 7,000.00	\$ -	\$ 7,000.00
068429	415	GENERAL COUNTY FUND-J FE		\$ -	\$ 20,980.55	\$ 20,980.55
068430	717	GUTTMAN OIL CO		\$ -	\$ 17,734.61	\$ 17,734.61
068431	412	MICHAEL HARMAN		\$ -	\$ 72.18	\$ 72.18
068432	425	IDVILLE, INC	49869	\$ 100.00	\$ -	\$ 100.00
068433	428	IBM CORPORATION		\$ -	\$ 1,407.00	\$ 1,407.00
068434	425	JEFF CO PUBLIC SER DEPT		\$ -	\$ 305.05	\$ 305.05
068435	ALLOC	JEFFERSON COUNTY HISTORI		\$ -	\$ 2,079.49	\$ 2,079.49
068436	425	JEFFERSON UTILITIES INC		\$ -	\$ 499.76	\$ 499.76
068437	716	JOHN DEERE FINANCIAL	50160	\$ 74.96	\$ -	\$ 74.96
068438	700	LAW ENFORCEMENT SYS INC	49642	\$ 130.00	\$ -	\$ 130.00
068439	712	LANGUAGE LINE SERVICES		\$ -	\$ 61.40	\$ 61.40
068440	412	JUDITH A MATLICK		\$ -	\$ 1,136.03	\$ 1,136.03
068441	425	HOME DEPOT CREDIT SERVIC		\$ -	\$ 27.52	\$ 27.52
068442	405	NATL DIST ATTORNEYS ASSO	50047	\$ 75.00	\$ -	\$ 75.00
068443	712	NAEMD	48184	\$ 100.00	\$ -	\$ 100.00
068444	ALLOC	JEFF CO PARKS &		\$ -	\$ 21,834.69	\$ 21,834.69
068445	425	POTOMAC EDISON/OH		\$ -	\$ 2,364.86	\$ 2,364.86
068446	425	REESE'S NURSERY&LANDSCAP	51108	\$ 800.00	\$ -	\$ 800.00
068447	ALLOC	RANSON PARKS/REC COMMSSN		\$ -	\$ 7,200.00	\$ 7,200.00
068448	401	RICOH USA, INC./GA		\$ -	\$ 252.73	\$ 252.73
068448	403	RICOH USA, INC./GA		\$ -	\$ 287.58	\$ 287.58
068448	404	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
068448	405	RICOH USA, INC./GA		\$ -	\$ 423.90	\$ 423.90
068448	406	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
068448	425	RICOH USA, INC./GA		\$ -	\$ 48.10	\$ 48.10
068448	433	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
068448	440	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
068448	700	RICOH USA, INC./GA		\$ -	\$ 295.90	\$ 295.90
068448	712	RICOH USA, INC./GA		\$ -	\$ 267.08	\$ 267.08
068449	405	STAPLES CREDIT PLAN	50044	\$ 22.98	\$ -	\$ 22.98
068450	425	SHENANDOAH VALLEY WATER		\$ -	\$ 677.65	\$ 677.65
068451	425	SOUTHERN REFRIGERATION	50171	\$ 55.47	\$ -	\$ 55.47
068452	425	THOMPSON GAS		\$ -	\$ 891.28	\$ 891.28
068454	401	UNITED BANKCARD CENTER		\$ -	\$ 641.68	\$ 641.68

068454	402	UNITED BANKCARD CENTER		\$ -	\$ 9.85	\$ 9.85
068454	402	UNITED BANKCARD CENTER		\$ -	\$ 15.71	\$ 15.71
068454	403	UNITED BANKCARD CENTER		\$ -	\$ 1,979.20	\$ 1,979.20
068454	405	UNITED BANKCARD CENTER		\$ -	\$ 193.00	\$ 193.00
068454	412	UNITED BANKCARD CENTER		\$ -	\$ 444.70	\$ 444.70
068454	413	UNITED BANKCARD CENTER		\$ -	\$ 93.78	\$ 93.78
068454	415	UNITED BANKCARD CENTER		\$ -	\$ 77.04	\$ 77.04
068454	424	UNITED BANKCARD CENTER		\$ -	\$ 135.00	\$ 135.00
068454	424	UNITED BANKCARD CENTER		\$ -	\$ 98.94	\$ 98.94
068454	424	UNITED BANKCARD CENTER		\$ -	\$ 24,511.29	\$ 24,511.29
068454	425	UNITED BANKCARD CENTER		\$ -	\$ 297.00	\$ 297.00
068454	425	UNITED BANKCARD CENTER		\$ -	\$ 23.51	\$ 23.51
068454	425	UNITED BANKCARD CENTER		\$ -	\$ 72.26	\$ 72.26
068454	425	UNITED BANKCARD CENTER		\$ -	\$ 19.94	\$ 19.94
068454	425	UNITED BANKCARD CENTER		\$ -	\$ 185.01	\$ 185.01
068454	428	UNITED BANKCARD CENTER		\$ -	\$ 90.84	\$ 90.84
068454	433	UNITED BANKCARD CENTER		\$ -	\$ 359.00	\$ 359.00
068454	439	UNITED BANKCARD CENTER		\$ -	\$ 170.00	\$ 170.00
068454	439	UNITED BANKCARD CENTER		\$ -	\$ 408.90	\$ 408.90
068454	439	UNITED BANKCARD CENTER		\$ -	\$ 150.00	\$ 150.00
068454	440	UNITED BANKCARD CENTER		\$ -	\$ 160.20	\$ 160.20
068454	440	UNITED BANKCARD CENTER		\$ -	\$ 438.00	\$ 438.00
068454	440	UNITED BANKCARD CENTER		\$ -	\$ 351.88	\$ 351.88
068454	700	UNITED BANKCARD CENTER		\$ -	\$ 399.00	\$ 399.00
068454	700	UNITED BANKCARD CENTER		\$ -	\$ 34.20	\$ 34.20
068454	700	UNITED BANKCARD CENTER		\$ -	\$ 230.52	\$ 230.52
068454	700	UNITED BANKCARD CENTER		\$ -	\$ 212.12	\$ 212.12
068454	700	UNITED BANKCARD CENTER		\$ -	\$ 109.97	\$ 109.97
068454	711	UNITED BANKCARD CENTER		\$ -	\$ 180.00	\$ 180.00
068454	711	UNITED BANKCARD CENTER		\$ -	\$ 84.80	\$ 84.80
068454	712	UNITED BANKCARD CENTER		\$ -	\$ 715.52	\$ 715.52
068454	712	UNITED BANKCARD CENTER		\$ -	\$ 329.51	\$ 329.51
068454	712	UNITED BANKCARD CENTER		\$ -	\$ 3,515.68	\$ 3,515.68
068454	716	UNITED BANKCARD CENTER		\$ -	\$ 338.05	\$ 338.05
068454	716	UNITED BANKCARD CENTER		\$ -	\$ 307.60	\$ 307.60
068454	716	UNITED BANKCARD CENTER		\$ -	\$ 54.98	\$ 54.98
068454	717	UNITED BANKCARD CENTER		\$ -	\$ 204.06	\$ 204.06
068454	717	UNITED BANKCARD CENTER		\$ -	\$ 862.14	\$ 862.14
068455	716	UNIVERSITY OF MISSOURI		\$ -	\$ 450.00	\$ 450.00
068456	ALLOC	JEFFERSON CO CONVENTION		\$ -	\$ 25,993.68	\$ 25,993.68
068457	405	WEST PAYMENT CENTER	49635	\$ 2,864.19	\$ -	\$ 2,864.19

068458	PAYROLL	RUSSELL WILLIAMS		\$ -	\$ 7.71	\$ 7.71
<hr/>						
<b>TOTAL</b>						\$ 161,658.35
<b>TOTAL</b>				\$ 13,597.60	\$ 148,060.75	\$ 161,658.35

**PUBLIC COMMENT:**

- **Eula Odom, Sheridan Estates HOA President**, spoke about discrepancies, in her opinion, contained in the October 11, 2012 letter/proposal from attorney Steven Mathias regarding unfinished construction at Sheridan Estates.
- **Tom Cardamone, Sheridan Estates HOA Vice President**, commented on the unfinished construction at Sheridan Estates.
- **David Tabb, resident of Jefferson County**, opined regarding perceived safety issues relating to ongoing construction on Rt. 340.

**PRESENTATIONS:**

1. **Angela Banks, Assessor**, presented the following exonerations for approval:

**NOTICE OF EXONERATION:**

Angela Banks, County Assessor, requested exonerations for Jim Blok/Apple Blossom Meadows Subd. Lot Owners Assn., Inc. in the amounts of \$99.36 and \$18.50 for Ticket Nos. 17884 and 17885, respectively.

Name	District	Type	Ticket No.	Amount
Jim Blok/Apple Blossom Meadows Subd. Lot Owners Assn., Inc.	Kabletown	Real Estate	17884	\$99.36
			17885	\$18.50

**NOTICE OF EXONERATION:**

Angela Banks, County Assessor, requested exoneration for Remac America/Mark Soresi in the amount of \$2,957.70 for Ticket No. 310500.

Name	District	Type	Ticket No.	Amount
Remac America/Mark Soresi	Kabletown	Real Estate	310500	\$2,957.70

Motion by Mr. Manuel to approve two (2) exonerations for Jim Blok/Apple Blossom Meadows Subd. Lot Owners Assn., Inc. in the amounts of \$99.36 and \$18.50, being Ticket Nos. 17884 and 17885, respectively. Motion seconded by Mr. Pellish and unanimously approved.

Motion by Ms. Morgan to approve exoneration for Remac America/Mark Soresi in the amount of \$2,957.70, being Ticket No. 310500. Motion seconded by Ms. Widmyer and unanimously approved.

2. **Patricia Smith, Department of Juvenile Services** explained the purpose and goals of the newly-formed Jefferson County Youth Reporting Center and requested financial assistance from the Commission.

The Commission requested Ms. Smith to calculate the amount of financial assistance she estimates would be needed at this time to purchase computers and return to the Commission with a definite figure.

**COUNTY ADMINISTRATOR REPORTS:**

- Attending a Jefferson County Emergency Services Agency meeting this evening.
  - Held Human Resources Managers Performance Review Training and Goal-Setting Training.
  - With the Commission's permission, on November 15, 2012 Paul Shroyer will be on the Agenda to participate in a preliminary budget meeting. Department managers financial training will be held on November 14, 2012 and we should have a full list of capital outlay projects that will be all inclusive by that date. Have set four (4) Wednesdays in January 2013 for the management team to work on the budget
  - The AS400 upgrade has been completed which will give the County another five (5) years with the memory that was installed.
3. **Roger Goodwin, Chief County Engineer** requested the complete release of the construction bond security for Sur-Loc Flooring Systems, LLC – Sur-Lock Flooring at Burr Business Park (File #S11-10) – Letter of Credit #316 with The Bank of Charles Town, Charles Town, West Virginia.

Motion by Mr. Manuel to approve the complete release of the \$219,088.00 construction bond security for Sur-Loc Flooring Systems, LLC – Sur-Lock Flooring at Burr Business Park (File #S11-10) – Letter of Credit #316 with The Bank of Charles Town, Charles Town, West Virginia as presented by Mr. Goodwin. Motion seconded by Mr. Pellish and unanimously approved.

**Roger Goodwin requested** a decision by the Commission on the tolling provisions of the Jefferson County Land Development Site Improvements Bonding and Bond Surety Policy as amended May 31, 2012.

Motion by Ms. Widmyer to ask staff to reconsider this proposed policy in three (3) areas:

- 1) To consider 50% as the total number of lots that would be eligible;
- 2) To consider how the Commission can assure that amenities that have been promised at time of subdivision approval, that the appropriate amenities are connected to the lots that are being tolled; and
- 3) That Mr. Goodwin review the testimony of the EPHOA and give the Commission a response.

Motion died for lack of a second.

Motion by Mr. Manuel that the proposed policy be resubmitted to Mr. Goodwin and his staff to review and rework whenever they have an opportunity and insert reasonable numbers as in their professional opinion are more appropriate. Motion seconded by Ms. Noland and passed 4 to 1.

4. **The Commission took a short break at 10:45 a.m.**  
**The Commission reconvened at 10:55 a.m.**

5. **Stephanie Grove, Assistant Prosecuting Attorney** requested that the County Commission approve language, as presented by Ms. Grove, eliminating a loophole in the affordable housing discount impact fee ordinance to prevent exemptions within five (5) years of receipt of an affordable housing discount.

Motion by Mr. Manuel to move the 5-year look-back period into the ordinance for purposes of the public hearing  
Motion seconded by Ms. Morgan and unanimously approved.

6. **Lynn Fields, Deputy Probate Clerk, requested** that the Commission in its capacity as a Fiduciary Review Board, close or approve the estates presented by Ms. Fields since the last regularly scheduled quarterly meeting.

Motion by Ms. Morgan to convene as a Quarterly Fiduciary Review Board. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Morgan to approve closure of the Estates presented by Ms. Fields. Motion seconded by Mr. Manuel and unanimously approved.

7. **Grant Smith of the Land Trust of the Eastern Panhandle on behalf of Elizabeth Wheeler of the Jefferson County Farmland Protection Board requested** that the Jefferson County Commission approve the purchase by the Jefferson County Farmland Protection Board and the NPS/American Battlefield Protection Program of one conservation easement on property in Jefferson County owned by The Claymont Society for Continuous Education, Inc.

Motion by Ms. Morgan to approve the purchase by the Jefferson County Farmland Protection Board and the NPS/American Battlefield Protection Program of one conservation easement on property in Jefferson County owned by The Claymont Society for Continuous Education, Inc. Motion seconded by Mr. Manuel and unanimously approved.

8. **DR Acquisitions, LLC requested** the proposal contained in numbered paragraphs 1, 2, 3 and 4 in the letter dated October 11, 2012 from Stephen M. Mathias, Esq. of Bowles Rice McDavid Graf & Love, PLLC regarding Sheridan Subdivision, be approved.

Motion by Ms. Morgan to approve, in principle, the four (4) points presented in the October 11, 2012 letter, subject to review of the fine details at some point. Motion seconded by Mr. Manuel. Friendly amendment by Mr. Pellish that specifies the streets be identified instead of the "front section" wording and that the lot numbers be corrected. Motion with amendment unanimously approved.

9. **Barbara Miller, Director of Homeland Security and Emergency Management requested** the County Commission to approve and submit the 2012 Community Resilience Innovation Challenge Grant Application for Jefferson County Homeland Security and Emergency Management in the amount of \$31,800.00.

Motion by Mr. Manuel to approve and submit the 2012 Community Resilience Innovation Challenge Grant Application for Jefferson County Homeland Security and Emergency Management in the amount of \$31,800.00. Motion seconded by Ms. Widmyer and unanimously approved.

10. **Neil Barkus, Esq. of Steptoe & Johnson requested** an Executive Session to update the Commission regarding pending litigation. **Stephanie Grove, Esq. also requested this Executive Session to discuss upcoming mediation in the Windle pre-suit claim.**

Motion by Ms. Morgan to enter into an executive session regarding a personnel matter pursuant to WV Code §6-9A-4. Motion seconded by Mr. Pellish and unanimously approved.

Motion by Ms. Morgan to conclude the executive session and reconvene the regular meeting of the County Commission. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Morgan that the Commission authorize Commissioner Pellish to conclude settlement negotiations. Motion seconded by Mr. Manuel and unanimously approved.

No action necessary with regard to the Windle matter.

**Ms. Keyser stated that with regard to Communications Policy versus Communications Guidelines** she had understood it was the Commission's wish that she develop a policy outlining all the things that constitute a meeting of the Commission, etc. It was given to Stephanie Grove to review and she was of the legal opinion that guidelines cannot be made into a policy.

**The Commission broke for lunch at 12:40 p.m.  
The Commission reconvened at 1:30 P.M.**

**11. Ms. Brockman presented an update to the Commissioners on the 2014 Comprehensive Plan.**

Motion by Ms. Widmyer that the Commission allow Ms. Brockman to conduct interviews for the position of Comprehensive Plan Planner and recommend a candidate to the Commission. Ms. Morgan seconded the motion and it was unanimously approved.

**Ms. Brockman requested the scheduling of a public hearing to be held by the County Commission regarding the recommendation of the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for a 2.39 acre property owned by the Bank of Charles Town, designated s Tax District: Harpers Ferry, Map: 7, Parcels: 24 and 26.**

Motion by Mr. Manuel to set a date for a public hearing in the evening approximately thirty (30 ) days from this date regarding the landowner-initiated petition to amend the County Zoning Map for a 2.39 acre property owned by the Bank of Charles Town, designated as Tax District: Harpers Ferry, Map: 7, Parcels: 24 and 26, and direct Ms. Keyser to review possible dates and schedule the hearing. Motion seconded by Mr. Pellish and unanimously approved.

**Ms. Brockman requested appointment of Envision 2035 (2014 Comprehensive Plan) Steering Committee Members by the County Commission.**

By general consensus, in order to allow the Commissioners time to interview the applicants, the Commission agreed to continue this item until next week's meeting and place it on the Agenda next week as an actionable item.

**Ms. Brockman and the County Commission reviewed comments received by the public on and after September 6, 2012 regarding Proposed Zoning Text Amendments related to New Commercial and Industrial Zoning Categories and requested direction from the County Commission so that a revised draft can be prepared for consideration at a future meeting.**

Motion by Ms. Morgan to postpone these items for consideration after the Comprehensive Plan process is completed. Motion seconded by Ms. Widmyer. Motion not voted on.

Motion by Mr. Manuel to hold this motion over until next week's Agenda for decision. Motion passes 3 to 2.

**DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS:**

Jefferson County Historic Landmarks Commission

**COUNTY COMMISSIONER REPORTS:**

**Commissioner Morgan:**

- Attended a Jefferson County Board of Health meeting.
- Attended a meeting at the Berkeley/Jefferson Day Report Center.
- Attended a Historic Landmarks Commission meeting.
- Attended Middeyway Days event.

**Commissioner Widmyer:**

- Participated in the Freedom's Run 5k run.
- Attended Middeyway Days event.
- Attended a WV DOT Corridor Management Handbook meeting.
- Attended a Jefferson county Parks and Recreation meeting.

**Commissioner Manuel:**

- Attended Midway Days event.
- On October 15, 2012 attended a Teen Court Organizational meeting.
- On October 17, 2012 attended a regular Teen Court meeting - Operations Manual approved, first case to be heard in mid-January 2013.
- Attended a Jefferson County Parks and Recreation meeting.

**Commissioner Noland:**

- Attended a Jefferson County Convention and Visitors' Bureau meeting with new CEO.
- Attended a Jefferson County Council on Aging meeting.
- Attended a Regional Jail Summit.

Magistrate Gail Boober and the Commission discussed how the Magistrates and County Commission can work together to reduce monthly regional jail costs.

There being no further business, the meeting was adjourned until Thursday, October 25, 2012 at 9:30 a.m.

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PATRICIA A. NOLAND, PRESIDENT

**PURCHASE ORDERS TO BE APPROVED**  
**October 25, 2012**

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
ADDRESSING	50859	\$ 3,600.00	MSAG, Inc.	Annual Support
ENGINEERING	51037	\$ 200.00	WV State Fire Commission	Renewal Code Certifications
	51038	\$ 235.00	ASCE Membership	2013 ACSE Dues
OTHER BUILDINGS	50180	\$ 338.95	Grainger	Blank keys/ filters
	50181	\$ 1,033.00	Fire Safety Equipment Supply	Fire extinguisher inspection
	50183	\$ 628.50	BK Office Supply	Recycle containers/lids
SHERIFF	50182	\$ 175.00	All Star Auto Glass	windshield replacement
SHERIFF TAX OFFICE	52083	\$ 220.77	PIFER	Ink cartridge & maint supply
	52084	\$ 600.00	Helen Milbourne	2011 Del taxes for property tax
<b>GRAND TOTAL</b>		<b>\$ 7,031.22</b>	Printed at 11:12 a.m. on 10/22/12	

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: October 18, 2012

Date Requested – 2<sup>nd</sup> Choice: October 25, 2012

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

Subject: **Appointment of Envision Jefferson 2035 (2014 Comprehensive Plan) Steering Committee Members by the County Commission**

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

On September 20, 2012, the County Commission directed staff to recruit interested citizens for the purpose of creating a citizen based Steering Committee to support staff during the 24 month planning process related to the development of the 2014 Comprehensive Plan, "Envision Jefferson 2035". While the Jefferson County Department of Planning Staff will have a leadership role in this planning process, the County Commission determined that a Steering Committee, to be comprised of members appointed by the County Commission who will provide input, policy feedback and recommendations to staff, would be an asset in the development of the Envision Jefferson 2035 Plan. Steering Committee Members will assist staff in assessing the public's input into local planning issues and policies, be mindful of current political issues, and be educated on best management practices of Planning and Comprehensive Plan concepts for possible inclusion into the 2014 Comprehensive Plan.

To that end, staff drafted a press release and application form to allow members of the public to nominate themselves for membership on this Committee. The Commission determined that each of the five Commissioners will appoint 2 citizens to serve on the Steering Committee from their geographic area of the County and jointly appoint 2-3 members at large. Applications were accepted through Wednesday October 10, 2012. A matrix of the applicants organized by the Commissioner that represents them is attached. Full applications will be provided to the County Commission under separate cover.

Interested citizens were made aware of the fact that participation in the Steering Committee requires a commitment to attend meetings once or twice a month for the 24 month planning period from November 2012 through December 2014, including a kick-off meeting November 2012. There will also be expected participation in public input meetings which will be held at 4 different phases throughout the 2 year process and required involvement in at least one additional sub-committee that will require additional meetings. Most meetings will be held at 7 pm or on Saturday.

Staff respectfully requests that the appointments to the Steering Committee occur in the month of October so that the kick-off meeting in November can be scheduled. The 2014 Comprehensive Plan is projected to be finalized in the Fall of 2014 for adoption by the County Commission by December 2014.

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

I move to appoint the following citizen members to the Envision Jefferson 2035 Steering Committee:

\_\_\_\_\_

Attachments:

- **Matrix on interested citizens as of October 10, 2012**

<b>NAME</b>	<b>Magisterial District</b>	<b>LENGTH OF RESIDENCY</b>
Robin Huyett Thomas	Charles Town	3
Suzanne Malesic	Charles Town	4
Mark Dyck	Charles Town	8
Sallie Edwards	Charles Town	8
James Gibson	Harpers Ferry	66
Ellen May	Harpers Ferry	20
Matthew Knott	Harpers Ferry	38
Kathy Knight	Harpers Ferry	10
Mark Wenger	Harpers Ferry	8 months
Gil Narro Garcia	Harpers Ferry	23
Axel Carroll	Kabletown	11
Michael Brust	Kabletown	11
Peter Dougherty	Kabletown	37
Nance Briscoe	Kabletown	22
Jeral Milton	Kabletown	19
Bradley Grubb	Kabletown	4 months
Susan Rissler Sheely	Kabletown	36
Debbie Wilson	Kabletown	10
Warren Mickey	Kabletown	62
Nancy Lutz	Middleway	42
Peter Fricke	Middleway	23
Pam Parziale	Middleway	40

Joe Bosco	Middleway	18
B. Lee Synder	Middleway	62
John Reisenweber	Norbourne	
Janis Schiltz	Shepherdstown	9
Ted Schiltz	Shepherdstown	9
Cathy Vance	Shepherdstown	16
Daniel Hayes	Shepherdstown	5
Ellen Smith	Shepherdstown	6
Krista Steiding	Shepherdstown	21
William McLeod	Shepherdstown	7

# Emergency Services Board Summary

There is currently **one** vacant EMS position and **two** vacant citizen positions for terms ending November 2, 2015 and **one** vacant citizen unexpired term ending November 2, 2014.

This board has a state code requirement that does not allow more than **three** persons per district to serve the County Commissioner does not count in this instance. Members cannot serve more than two consecutive terms. The code also states that the board must be comprised of:

- County Commissioner                      One
- Citizens    Five
- EMS    Two
- Fire    Two
- Fire & Rescue                      One     Appointed by the Association of Fire & Rescue (District District does not count)
- Medical Director of the EMS Program     Non-voting

### **Currently the demographics are as such:**

Name	Represents	District
Vacant		
Dave Withers	Fire/Rescue Assoc.	Does not count
Ed Boober	Citizen	Charles Town
Alan Williams	Fire	Charles Town
Pete Kelley	EMS	Shepherdstown
Brenda Engle	EMS	Kabletown
Robert Murto	Citizen	Shepherdstown
Robert Kitchner	Citizen	

Michael Mood	Fire	Middleway
Sidney White, III	Citizen	Kabletown
Dale Manuel	Commission	N/A

**Board Members whose terms are ending or resigned:**

Ed Boober	Citizen	Charles Town
R.M. Pete Kelley	EMS	Shepherdstown
Russell Kitchner	Citizen	Harpers Ferry
Marty Freeman	Citizen	Kabletown

**Current interested applicants are as such:**

Russell Kitchner	Citizen	Harpers Ferry
Reese L. Clabaugh	Citizen	Middleway
Maura Sherrill	Citizen	Charles Town
Joseph Malcolm	Citizen	Harpers Ferry

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 (Resigned 9/12)

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



## ARTICLE 2. BOARD OF DIRECTORS

(a) **Governance.** Management of the Agency shall be vested in a Board of Directors.<sup>6</sup> The Board shall consist of eleven voting members<sup>7</sup> and the Medical Director who shall be a non-voting *ex officio* member. The Board shall be comprised of individuals appointed by the Commission as follows:

- (1) One member of the Jefferson County Commission, who shall be a voting member;
- (2) Five Citizen members who are not currently employed or affiliated with the Commission, or with an emergency medical service or fire protection service in Jefferson County;
- (3) Two representatives of the emergency medical services community in Jefferson County;
- (4) Two representatives of the fire protection services community in Jefferson County;
- (5) A representative appointed by the Jefferson County Fire & Rescue Association; and
- (6) The Medical Director of the EMS program who shall be a non-voting *ex officio* member of the Board.<sup>8</sup>

(b) **Geographic Diversity.** All Board members shall be residents of Jefferson County.<sup>9</sup> With the exception of the Commission and Jefferson County Fire & Rescue Association members, no more than three voting members of the Board may come from the same Magisterial District.<sup>10</sup>

(c) **Terms of Office.** Individuals appointed to the Board shall serve for the term specified by the Commission, or until their successors have been appointed and qualified.<sup>11</sup> Board members are limited to two consecutive terms.<sup>12</sup>

(d) **Compensation.** Members and Officers of the Board shall serve without compensation other than reimbursement of approved reasonable and necessary expenses incurred in the discharge of their duties, unless a majority of the Board shall vote to establish such compensation.<sup>13</sup>

<sup>6</sup> *Id.* Section 3(a).

<sup>7</sup> Section 3(b) of Senate Bill 224 requires that the Board consist of at least three members as follows: (1) a representative from an emergency medical service; (2) a representative from a fire protection service; and (3) a citizen member who is not employed with an emergency medical service, a fire protection service or the county commission.

<sup>8</sup> Ordinance Creating the Jefferson County Emergency Services Agency, *supra*, Section 3(b).

<sup>9</sup> Senate Bill 224, Section 3(c).

<sup>10</sup> *Id.* at Section 3(b)(7).

<sup>11</sup> *Id.* at Section 3(d).

<sup>12</sup> Senate Bill 224, Section 3(d).

<sup>13</sup> This is a carryover provision from the Emergency Ambulance Service Authority Act of 1975, West Virginia Code Section 7-15-1, *et seq.* A subsection thereof, West Virginia Code Section 7-15-6, authorized the Board to compensate members at a rate not to exceed \$20 per meeting actually attended. Section 7-15-7 authorized the Board to fix compensation for Officers without specifying a maximum amount other than the proviso that aggregate annual compensation shall not exceed \$600 per individual.

17 mb  
August 10, 2012

Pete Kelley  
President, JCESA Board

Dear Pete:

It is with mixed emotions that I submit my resignation from the JCESA Board to you. I have decided to put my "hat in the ring" and compete for the position of Business Manager. It would be entirely inappropriate for me to continue to serve on the Board under these circumstances.

There are a number of important projects underway at the Agency that cannot be abandoned including the supervision of the bi weekly payroll, completion of the audit and monitoring of funds expenditure. For that reason, I have assured Director Pittinger that I will continue to volunteer as needed to keep the Agency in a proper financial situation while the application process plays out. However, I will discontinue signing or certifying anything as Treasurer as of this date.

I appreciate all the help and assistance you have given me.

Sincerely,



Marty L. Freeman



# JEFFERSON COUNTY COMMISSION

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

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

Web: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

PRESIDENT  
*Patsy Noland*

VICE PRESIDENT  
*Dale Manuel*

COMMISSIONER  
*Frances Morgan*

COMMISSIONER  
*Walt Pellish*

COMMISSIONER  
*Lyn Widmyer*

September 20, 2012

Dr. Russell Kitchner  
153 Gap View Blvd.  
Harpers Ferry, WV 25425

Dear Dr. Kitchner:

Please be advised that your term on the Jefferson County Emergency Services Agency will expire on November 2, 2012. Until the County Commission has acted to appoint someone for another Three year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, October 25<sup>th</sup>, 2012 or as soon thereafter as the Commission may decide.

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

For the Commission,

Nichelle Adams Hosby  
Executive Assistant

NAH

Wishes reappointment per conversation  
on 10/17/12 at 3:50pm.

County Administrator  
*Debbie Keyser*

Deputy County Administrator  
*Sandy Shusher McDonald*

COPY

October 8, 2012

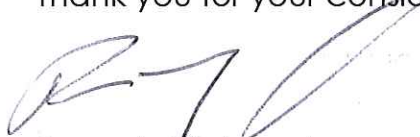
Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

Dear County Commissioners,

This letter is to inform you that I am interested in serving a 3 year term on the Jefferson County Emergency Services board as a Representing Citizen. Please find below my qualifications.

- \*Resident of Jefferson County for over 44 years
- \*Small Business owner in Jefferson County for over 27 years
- \*Sat in on a few of the County Commission and Jeff Co EMS budget meetings during my election campaign in spring 2012
- \*Not currently serving on any other boards so this would be a top priority
- \*References: Dave Withers, Mike Mood, Ronald Fletcher, John Mills (other references available upon request)

Thank you for your consideration,



Reese L. Clabaugh  
304-671-1400 cell  
304-725-0094 work  
[reeses@frontiernet.net](mailto:reeses@frontiernet.net)

**RECEIVED**

OCT 11 2012

Jefferson County Commission

4m w/ Secretary - 9:46 A.M on 10/22/12

C Town District

Maura Sherrill  
551 Lone Oak Road  
Ranson, WV 25438  
maura.choirgirl@comcast.net  
304-725-4797

September 25, 2012

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

This constitutes my letter of interest in one of the appointments of a 3-year term ending November 2, 2015, representing Citizens, for the Jefferson County Emergency Services Agency. If appointed, I would be from the Ranson District of Jefferson County.

I have lived at the above address in Ranson since 1997 and in West Virginia since 1988. My address is also less than one mile from the JCESA on Sixteenth Avenue. I'm interested in and involved in my local community and the greater communities of Jefferson County and the state of West Virginia. I vote, I go to church, I read the papers, I shop and patronize local merchants, I have a child in the public school system, I know my neighbors, and I love Jefferson County and West Virginia. I would be a responsible representative of the citizens.

Thank you for considering me for this appointment.

Very sincerely yours,

*Maura Sherrill*

Maura Sherrill

**RECEIVED**

SEP 26 2012

**Jefferson County Commission**

LM @ 9:51 am on Voicemail 10/23/12

October 18, 2012

My name is Joseph A. Malcolm and I a current resident of Jefferson County and living in the Harpers Ferry District. I currently work with the Deputy Reserves. I wish to be appointed to serve on the Jefferson County Emergency Services Agency Board.

Joseph Malcolm  
138 Dillow Lane  
Harpers Ferry, WV 25425  
304-725-5588  
304-283-5919  
jmalcolm@blue-grenade.com

Served in the Military. Vast history in Public Service.

10/22/12 - w/ Mr. - IN D.C.

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

**AGENDA REQUEST FORM**

Name: Lynn Fields

Department or Entity: Probate Office

Estimation of amount of time needed for appointment: ~~1-2 hours~~ 5 min

Date Requested – 1<sup>st</sup> Choice: October 25<sup>th</sup>, 2012

Date Requested – 2<sup>nd</sup> Choice November 1<sup>st</sup>, 2012

If a specific date is needed, please provide reason for specific date: **We would like to request Tuesday, November 13<sup>th</sup>, Tuesday November 27<sup>th</sup>, OR a recommended date set by the county commission. We are requesting the day not be on a regularly scheduled commission day because of the length of time necessary for the hearing.**

Subject: **Requesting a hearing date to be set to hear (1) Amended Petition to Remove Executor from the Printz estates and Appoint Curator AND the Response to Amended Petition to Remove Executor and Appoint Curator; (2) Petition to Remove the Executor of the Blanch V. Nelson estate.**

Please provide the County Commission with a description of your request or presentation, including any background information: **Requesting a hearing date to be set to hear (1) Amended Petition to Remove Executor from the Printz estates and Appoint Curator AND the Response to Amended Petition to Remove Executor and Appoint Curator; (2) Petition to Remove the Executor of the Blanch V. Nelson estate.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **The probate office has no recommended motion on either estate. We defer to the decision set by the county commission.**

Attachments: **To follow once hearing date is set.**

DINSMORE & SHOHL LLP  
Huntington Square  
900 Lee Street ^ Suite 600 ^ Charleston, WV 25301  
www.dinsmore.com

P.O. Box 11887 ^ Charleston, WV 25339-1887

John F. Hussell, IV  
(304) 357-9966 (direct) ^ (304) 357-0919 (fax)  
john.hussell@dinsmore.com

August 10, 2012

Jennifer S. Maghan, Clerk  
Jefferson County Courthouse  
100 E. Washington Street  
Charles Town, WV 25414

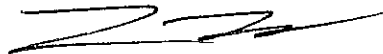
Re: In Re: The Estate of Charles Francis Printz, Deceased  
SS# 236-03-1575  
MaryBeth Printz/Estate of Charles Francis Printz  
Our File No. 73117-1

Dear Ms. Maghan:

Enclosed for filing in the Office of the Clerk of the County Commission of Jefferson County, West Virginia is an original **Amended Petition to Remove Executor and Appoint Curator** (Petition) in the above-referenced matter. I have also enclosed an original **Certificate of Service** reflecting service of the foregoing on counsel for Charles F. Printz, Jr., as well as an extra copy of the Petition to be file-stamped and returned to me in the enclosed self-addressed, postage pre-paid envelope.

Should you have any questions regarding the enclosed Petition or Certificate of Service, please feel free to call me. Thank you.

Yours very truly,



John F. Hussell, IV

JFH/dmm  
Enclosures

cc: David A. DeJarnett, Esquire

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF CHARLES FRANCIS PRINTZ, DECEASED  
SS# 236-03-1575

**AMENDED PETITION TO REMOVE EXECUTOR AND APPOINT CURATOR**

Pursuant to W. Va. Code § 44-1-5 (2010), Petitioner, MaryBeth Printz, by counsel, John F. Hussell, IV, Staci N. Criswell, Katherine M. Mullins, and the law firm of Dinsmore & Shohl, LLP, requests that the County Commission of Jefferson County, West Virginia remove Charles F. Printz, Jr. as Executor of the Estate of Charles Francis Printz (the Estate) and appoint a Curator of the Estate. In support of this Petition, Petitioner states as follows:

1. Petitioner, MaryBeth Printz, is the surviving daughter of Charles Francis Printz (the Decedent) and is an heir-at-law of Charles Francis Printz.
2. The Respondent, Charles F. Printz, Jr., is the surviving son of the Decedent and a resident of Martinsburg, Berkeley County, West Virginia.
3. Petitioner is informed and believes, and on such information and belief alleges, that on October 1, 2008, the Decedent executed an instrument purporting to be the Last Will and Testament of Charles Francis Printz appointing the Respondent, Charles F. Printz, Jr., as Executor of the Estate. A copy of the instrument dated October 1, 2008, is attached hereto as Exhibit A.
4. The Decedent died testate on September 30, 2011, a resident of Shepherdstown, Jefferson County, West Virginia.
5. Petitioner is informed and believes, and on such information and belief alleges, that on October 13, 2011, the instrument dated October 1, 2008, was admitted to

probate by the County Commission of Jefferson County, West Virginia and the Respondent, Charles F. Printz, Jr., qualified as Executor of the Estate.

6. Petitioner is informed and believes, and on such information and belief alleges, that the instrument admitted to probate is not the Last Will and Testament of Charles Francis Printz for the reason that at the time the Decedent executed the instrument, he was under the undue influence of the Respondent, Charles F. Printz, Jr.

7. On or about May 24, 2012, Petitioner filed a Complaint in the Office of the Clerk of the Circuit Court of Jefferson County, West Virginia, contesting the validity of the instrument dated October 1, 2008, as provided by W. Va. Code §§ 41-5-11 and 41-5-12 (2010).

8. In light of the pending will contest, should the Respondent, Charles F. Printz, Jr., be permitted to continue to serve as Executor, he will have a conflict of interest as a fiduciary and a beneficiary under the instrument dated October 1, 2008.

9. Due to this conflict, the Respondent, Charles F. Printz, Jr., should be removed as Executor and a curator appointed as provided by W. Va. Code § 44-1-5 (2010).

10. Moreover, Petitioner is informed and believes, and upon such information and belief alleges, that the Respondent, Charles F. Printz, Jr., has breached his fiduciary duty to the Estate and its beneficiaries by engaging in self-dealing as Executor for his own benefit and to the detriment of the Estate and its beneficiaries.

11. Petitioner is informed and believes, and upon such information and belief alleges, that the Respondent, Charles F. Printz, Jr., has improperly handled the assets of the Estate, has allowed the assets of the Estate to diminish, and has acted in a manner that is contradictory to the terms of the instrument dated October 1, 2008, purporting to be the Last Will and Testament of Charles F. Printz. Petitioner submits that the foregoing actions have been to the detriment of the Estate and its beneficiaries.

12. Specifically, the Respondent, Charles F. Printz, Jr., refused to allow Petitioner an opportunity to go through her personal items at the residence owned by the Decedent, as well as the items of personal property owned by her parents, including photographs, correspondence, clothing, and furniture, which would have had to occur during the summer due to Petitioner's job as a teacher in Alaska.

13. In February, 2012, the Respondent, Charles F. Printz, Jr., indicated that proceeds from a life insurance policy had been received and that he would distribute Petitioner's share to her within the next month or so. However, to date, over five (5) months later, the Respondent, Charles F. Printz, Jr., has failed to distribute said proceeds to Petitioner.

14. Respondent, Charles F. Printz, Jr., set an arbitrary deadline of May 18, 2012, for Petitioner to notify him as to whether she would be making her own arrangements for storage and moving of her personal items at the residence owned by the Decedent; otherwise, he said would hire movers to pack Petitioner's personal items on May 21, 2012, and transport them to a storage facility. On May 18, 2012, counsel for Petitioner informed counsel for Respondent that she would make her own arrangements for removal of her personal items from the residence. On May 21, 2012, counsel for Respondent informed counsel for Petitioner that the items had been packed and moved to a storage facility. Those items were withheld from Petitioner until she paid One Thousand Four Hundred Forty-Nine Dollars and Seventy-Five Cents (\$1,449.75) for the cost of packing and storing the items. This expense was unnecessary and should be borne by the Estate.

15. Respondent, Charles F. Printz, Jr., made statements accusing Petitioner of removing items from the residence owned by the Decedent during visits prior to the death of the Decedent, even demanding an accounting of items removed.

16. Petitioner is informed and believes, and upon such information and belief alleges, that the Decedent did not intend or contemplate that there would be such an unfriendly and acrimonious relationship between the Petitioner and Respondent, Charles F. Printz, Jr., in the administration of the Estate.

17. The unfriendly and acrimonious relationship between the Petitioner and Respondent, Charles F. Printz, Jr., has been detrimental to the administration of the Estate and its beneficiaries.

18. Respondent, Charles F. Printz, Jr., should be removed as Executor of the Estate and his appointment as Executor be revoked due to his continued violation of his fiduciary duties to the Estate and its beneficiaries and for his self-dealing and self-interest in handling the administration of the Estate.

19. Petitioner is informed and believes, and upon such information and belief alleges, that the Respondent, Charles F. Printz, Jr., will continue to mismanage and/or convert the assets of the Estate to his own personal benefit, and his past acts, omissions, and self-dealing necessitate the immediate suspension of the power and authority of the Respondent, Charles F. Printz, Jr., as Executor, pending formal Hearing on this Petition for the protection of the Estate and of the interests of the Petitioner.

WHEREFORE, Petitioner respectfully requests that the County Commission of Jefferson County, West Virginia enter an Order:

1. Removing Charles F. Printz, Jr. as Executor of the Estate of Charles Francis Printz;
2. Appointing a Curator of the Estate of Charles Francis Printz in accordance with the provisions of W. Va. Code § 44-1-5 (2010) pending resolution of the civil action to be filed in the Circuit Court of Jefferson County, West Virginia;

3. Permanently enjoining Charles F. Printz, Jr., in his capacity as Executor of the Estate, from making any partial or complete distributions of any assets of the Estate in accordance with the terms of the instrument dated October 1, 2008;

4. Directing Charles F. Printz, Jr., in his capacity as Executor of the Estate, to deposit with the Clerk of the County Commission an amount of money equal to that withdrawn or removed from the Estate, which sum will be held in the custody of the Clerk pending further Order of the County Commission in these proceedings;

5. Impressing a trust on such funds in the Estate, on funds removed from the Estate, and on funds deposited with the Clerk of the County Commission, in favor of the Estate;

6. Granting Petitioner her reasonable costs, including attorneys' fees, expended in this matter; and

7. Granting Petitioner such other and further relief as the County Commission may deem proper.

MARYBETH PRINTZ

By:   
Of Counsel

John F. Hussell, IV - WV Bar No. 6610  
Staci N. Criswell - WV Bar No. 8797  
Katherine M. Mullins - WV Bar No. 11425  
Dinsmore & Shohl, LLP  
P.O. Box 11887  
Charleston, WV 25339-1887  
Phone: (304) 357-0900  
Fax: (304) 357-0919  
*Counsel for Petitioner*

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF CHARLES FRANCIS PRINTZ, DECEASED  
SS# 227-05-5194

**CERTIFICATE OF SERVICE**

The undersigned, of counsel for Petitioner, MaryBeth Printz, does hereby certify that the foregoing **Amended Petition to Remove Executor and Appoint Curator** has been served upon the following by this day mailing to him, by first class mail, postage prepaid, a true copy thereof:

David A. DeJarnett, Esquire  
Bowles Rice McDavid Graff & Love LLP  
P.O. Drawer 1419  
Martinsburg, WV 25402  
*Counsel for Respondent*

This 10<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
John F. Hussell, IV

DINSMORE & SHOHL LLP  
Huntington Square  
900 Lee Street ^ Suite 600 ^ Charleston, WV 25301  
www.dinsmore.com

P.O. Box 11887 ^ Charleston, WV 25339-1887

John F. Hussell, IV  
(304) 357-9966 (direct) ^ (304) 357-0919 (fax)  
john.hussell@dinsmore.com

August 10, 2012

Jennifer S. Maghan, Clerk  
Jefferson County Courthouse  
100 E. Washington Street  
Charles Town, WV 25414

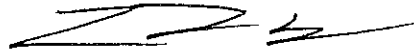
Re: In Re: The Estate of Bethel H. Printz, Deceased  
SS# 227-05-5194  
MaryBeth Printz/Estate of Bethel H. Printz  
Our File No. 73117-1

Dear Ms. Maghan:

Enclosed for filing in the Office of the Clerk of the County Commission of Jefferson County, West Virginia is an original **Amended Petition to Remove Executor and Appoint Curator** (Petition) in the above-referenced matter. I have also enclosed an original **Certificate of Service** reflecting service of the foregoing on counsel for Charles F. Printz, Jr., as well as an extra copy of the Petition to be file-stamped and returned to me in the enclosed self-addressed, postage pre-paid envelope.

Should you have any questions regarding the enclosed Petition or Certificate of Service, please feel free to call me. Thank you.

Yours very truly,



John F. Hussell, IV

JFH/dmm  
Enclosures

cc: David A. DeJarnett, Esquire

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF BETHEL H. PRINTZ, DECEASED

SS# 227-05-5194

**AMENDED PETITION TO REMOVE EXECUTOR AND APPOINT CURATOR**

Pursuant to W. Va. Code § 44-1-5 (2010), Petitioner, MaryBeth Printz, by counsel, John F. Hussell, IV, Staci N. Criswell, Katherine M. Mullins, and the law firm of Dinsmore & Shohl, LLP, requests that the County Commission of Jefferson County, West Virginia remove Charles F. Printz, Jr. as Executor of the Estate of Bethel H. Printz (the Estate) and appoint a Curator of the Estate. In support of this Petition, Petitioner states as follows:

1. Petitioner, MaryBeth Printz, is the surviving daughter of Bethel H. Printz (the Decedent) and is an heir-at-law of Bethel H. Printz.
2. The Respondent, Charles F. Printz, Jr., is the surviving son of the Decedent and a resident of Martinsburg, Berkeley County, West Virginia.
3. Petitioner is informed and believes, and on such information and belief alleges, that on January 21, 2008, the Decedent executed an instrument purporting to be the Last Will and Testament of Bethel H. Printz appointing the Respondent, Charles F. Printz, Jr., as Executor of the Estate. A copy of the instrument dated January 21, 2008, is attached hereto as Exhibit A.
4. The Decedent died testate on October 20, 2011, a resident of Shepherdstown, Jefferson County, West Virginia.
5. Petitioner is informed and believes, and on such information and belief alleges, that on November 1, 2011, the instrument dated January 21, 2008, was admitted to

probate by the County Commission of Jefferson County, West Virginia, and the Respondent, Charles F. Printz, Jr., qualified as Executor of the Estate.

6. Petitioner is informed and believes, and on such information and belief alleges, that the instrument admitted to probate is not the Last Will and Testament of Bethel H. Printz for the reason that at the time the Decedent executed the instrument, she was under the undue influence of the Respondent, Charles F. Printz, Jr.

7. On or about May 24, 2012, Petitioner filed a Complaint in the Office of the Clerk of the Circuit Court of Jefferson County, West Virginia, contesting the validity of the instrument dated January 21, 2008, as provided by W. Va. Code §§ 41-5-11 and 41-5-12 (2010).

8. In light of the pending will contest, should the Respondent, Charles F. Printz, Jr., be permitted to continue to serve as Executor, he will have a conflict of interest as a fiduciary and a beneficiary under the instrument dated January 21, 2008.

9. Due to this conflict, the Respondent, Charles F. Printz, Jr., should be removed as Executor and a curator appointed as provided by W. Va. Code § 44-1-5 (2010).

10. Petitioner is informed and believes, and upon such information and belief alleges, that the Respondent, Charles F. Printz, Jr., has breached his fiduciary duty to the Estate and its beneficiaries by engaging in self-dealing as Executor for his own benefit and to the detriment of the Estate and its beneficiaries.

11. Petitioner is informed and believes, and upon such information and belief alleges, that the Respondent, Charles F. Printz, Jr., has improperly handled the assets of the Estate, has allowed the assets of the Estate to diminish, and has acted in a manner that is contradictory to the terms of the instrument dated January 21, 2008, purporting to be the Last Will and Testament of Bethel H. Printz. Petitioner submits that the foregoing actions have been to the detriment of the Estate and its beneficiaries.

12. Specifically, the Respondent, Charles F. Printz, Jr., refused to allow Petitioner an opportunity to go through her personal items at the residence owned by the Decedent, as well as the items of personal property owned by her parents, including photographs, correspondence, clothing, and furniture, which would have had to occur during the summer due to Petitioner's job as a teacher in Alaska.

13. The instrument dated January 21, 2008, purporting to be the Last Will and Testament of Bethel H. Printz, provides that the furniture and household furnishings were to be divided equally between Petitioner and Respondent, Charles F. Printz, Jr., in a manner which was mutually agreeable. However, in response to requests by Petitioner for certain items, Respondent, Charles F. Printz, Jr., stated that he was keeping those items for himself. Respondent's actions demonstrate that he considered himself to have complete control of the items of personal property and to be entitled to make the final determination of which items Petitioner was permitted to have. These actions were in contravention of the instrument dated January 21, 2008, purporting to be the Last Will and Testament of Bethel H. Printz, which provides that Petitioner and Respondent were to come to an agreement with respect to these items.

14. In addition, pursuant to the instrument dated January 21, 2008, purporting to be the Last Will and Testament of Bethel H. Printz, the Decedent devised unto Petitioner all of her clothing and personal effects. Petitioner requested that the Respondent, Charles F. Printz, Jr., mail the mink coat owned by the Decedent to her. Respondent replied, "I had thought that after 25 years in Alaska, you had plenty of warm clothing."

15. Respondent, Charles F. Printz, Jr., set an arbitrary deadline of May 18, 2012, for Petitioner to notify him as to whether she would be making her own arrangements for storage and moving of her personal items at the residence owned by the Decedent; otherwise, he

said would hire movers to pack Petitioner's personal items on May 21, 2012, and transport them to a storage facility. On May 18, 2012, counsel for Petitioner informed counsel for Respondent that she would make her own arrangements for removal of her personal items from the residence. On May 21, 2012, counsel for Respondent informed counsel for Petitioner that the items had been packed and moved to a storage facility. Those items were withheld from Petitioner until she paid One Thousand Four Hundred Forty-Nine Dollars and Seventy-Five Cents (\$1,449.75) for the cost of packing and storing the items. This expense was unnecessary and should be borne by the Estate.

16. Respondent, Charles F. Printz, Jr., made statements accusing Petitioner of removing items from the residence owned by the Decedent during visits prior to the death of the Decedent, even demanding an accounting of items removed.

17. Petitioner is informed and believes, and upon such information and belief alleges, that the Decedent did not intend or contemplate that there would be such an unfriendly and acrimonious relationship between the Petitioner and Respondent, Charles F. Printz, Jr., in the administration of the Estate.

18. The unfriendly and acrimonious relationship between the Petitioner and Respondent, Charles F. Printz, Jr., has been detrimental to the administration of the Estate and its beneficiaries.

19. Respondent, Charles F. Printz, Jr., should be removed as Executor of the Estate and his appointment as Executor be revoked due to his continued violation of his fiduciary duties to the Estate and its beneficiaries and for his self-dealing and self-interest in handling the administration of the Estate.

20. Petitioner is informed and believes, and upon such information and belief alleges, that the Respondent, Charles F. Printz, Jr., will continue to mismanage and/or convert

the assets of the Estate to his own personal benefit, and his past acts, omissions, and self-dealing necessitate the immediate suspension of the power and authority of the Respondent, Charles F. Printz, Jr., as Executor, pending formal Hearing on this Petition for the protection of the Estate and of the interests of the Petitioner.

WHEREFORE, Petitioner respectfully requests that the County Commission of Jefferson County, West Virginia enter an Order:

1. Removing Charles F. Printz, Jr. as Executor of the Estate of Bethel H. Printz;
2. Appointing a Curator of the Estate of Bethel H. Printz in accordance with the provisions of W. Va. Code § 44-1-5 (2010) pending resolution of the civil action to be filed in the Circuit Court of Jefferson County, West Virginia;
3. Permanently enjoining Charles F. Printz, Jr., in his capacity as Executor of the Estate, from making any partial or complete distributions of any assets of the Estate in accordance with the terms of the instrument dated January 21, 2008;
4. Directing Charles F. Printz, Jr., in his capacity as Executor of the Estate, to deposit with the Clerk of the County Commission an amount of money equal to that withdrawn or removed from the Estate, which sum will be held in the custody of the Clerk pending further Order of the County Commission in these proceedings;
5. Impressing a trust on such funds in the Estate, on funds removed from the Estate, and on funds deposited with the Clerk of the County Commission, in favor of the Estate;
6. Granting Petitioner her reasonable costs, including attorneys' fees, expended in this matter; and

7. Granting Petitioner such other and further relief as the County

Commission may deem proper.

MARYBETH PRINTZ

By:   
Of Counsel

John F. Hussell, IV – WV Bar No. 6610  
Staci N. Criswell – WV Bar No. 8797  
Katherine M. Mullins – WV Bar No. 11425  
Dinsmore & Shohl, LLP  
P.O. Box 11887  
Charleston, WV 25339-1887  
Phone: (304) 357-0900  
Fax: (304) 357-0919  
*Counsel for Petitioner*

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF BETHEL H. PRINTZ, DECEASED

SS# 227-05-5194

**CERTIFICATE OF SERVICE**

The undersigned, of counsel for Petitioner, MaryBeth Printz, does hereby certify that the foregoing **Amended Petition to Remove Executor and Appoint Curator** has been served upon the following by this day mailing to him, by first class mail, postage prepaid, a true copy thereof:

David A. DeJarnett, Esquire  
Bowles Rice McDavid Graff & Love LLP  
P.O. Drawer 1419  
Martinsburg, WV 25402  
*Counsel for Respondent*

This 10<sup>th</sup> day of August, 2012.

  
\_\_\_\_\_  
John F. Hussell, IV

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

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 1 hour

Date Requested – 1<sup>st</sup> Choice: October 18, 2011

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

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

**Subject: Request for County Commission Direction Related to Public Hearing Input Received Related to New Commercial and Industrial Zoning Categories**

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

**On September 6, 2012, the County Commission held a public hearing to receive public input and comments on the proposed new Commercial and Industrial Zoning Categories. Opportunities for written comments were held open until September 20, 2012.**

**Staff has summarized all verbal and written comments received in the attached matrix and provided staff response to the comments. Staff would like to review these with the County Commission prior to any action being taken on the amendments and would like to receive County Commission direction related to the comments so that a revised draft can be prepared for consideration at a future meeting.**

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

**I move to direct staff to incorporate the following recommendations into a revised draft of the Proposed Zoning Text Amendments related to New Commercial and Industrial Zoning Categories based on public testimony received on and after September 6, 2012:**

- 1.
- 2.

Attachments:

- Memo regarding locational criteria for proposed districts
- Matrix of Public Hearing Comments
- Comments received in writing



**JEFFERSON COUNTY, WEST VIRGINIA**  
**Departments of Planning & Zoning**  
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Phone: (304) 728-3228  
Fax: (304) 728-8126

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**MEMO**

**TO:** Jefferson County Commission  
**FROM:** Steve Barney, Zoning Administrator  
**DATE:** October 22, 2012  
**RE:** Draft Zoning Ordinance Amendments – Options for Proceeding with County Commission Review of Proposed New Zoning Districts

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At the October 18<sup>th</sup> County Commission meeting, the Commission discussed the merits of postponing consideration of new commercial zoning districts until the year 2015, after the adoption of the 2014 Comprehensive Plan.

Staff is concerned that this delay could result in substantial areas of the county being rezoned to the current, overbroad zoning districts, for lack of a more appropriate alternative.

After many years during which Conditional Use Permits were the preferred method of securing land use entitlements, several zoning cases have occurred within the past year. The County Commission approved three of these zoning cases, changing the designation of approximately 67 acres to the Residential - Light Industrial - Commercial district. (The Commission also denied two zoning requests.)

This recent increase in zoning map amendment applications appears likely to continue; at present, four zoning cases are proceeding through the public hearing process, representing approximately 49 acres.

Accordingly, staff has identified some alternative possible courses of action for consideration:

- Option 1:** The new districts could include language stating that they are appropriate only in the Growth Area as shown in the 2004 Comprehensive Plan (and/or a Future Land Use Map shown in the pending Comprehensive Plan. This option is appropriate if members of the County Commission believe that the proposed zoning districts should include location criteria specifying a distinct area where the districts are appropriate.
- Option 2:** The amendments could be separated into two or three groups of districts, and each group of districts addressed separately. This option is appropriate if members of the Commission feel that the full set of districts is too much to consider at one time.
- Option 3:** Action on the proposed zoning districts could be deferred until after the current round of zoning cases is completed. The public input process for these zoning cases may offer the Commission the opportunity to reflect on what types of new zoning districts are needed for the County.

Please note that Planning and Zoning Department staff has met with the County Commission's Legal staff regarding the proposed amendments. Legal staff has found that the amendments do not need to wait for the adoption of the Comprehensive Plan.

Staff is committed to continuing to work with the Commission to ensure that the amendments address the County's needs.

Please let me know if you need additional information.

Cc: Debbie Keyser, County Administrator  
Jennifer Brockman, Director, Planning and Zoning Department



**JEFFERSON COUNTY, WEST VIRGINIA**  
**Departments of Planning & Zoning**  
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[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Phone: (304) 728-3228  
Fax: (304) 728-8126

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**MEMO**

**TO:** Jefferson County Commission  
**FROM:** Steve Barney, Zoning Administrator  
**DATE:** October 11, 2012  
**RE:** Draft Zoning Ordinance Amendments – Recommendations Regarding Locational Criteria for Proposed New Zoning Districts

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Background

Staff has reviewed the public comments received regarding the draft Zoning Ordinance amendment to create additional new commercial and industrial zoning districts. These comments include testimony provided during the two County Commission public hearings, as well as written comments received.

The vast majority of the comments received were related to two issues: the location criteria for the districts, and the relationship of the proposed districts to the Comprehensive Plan.

Locational Criteria and Relationship to the Comprehensive Plan

The draft ordinance includes a section entitled "Location" for each district, which states that the zoning category is intended for use in certain areas. While these criteria were intended to provide guidance regarding possible appropriate locations for the new districts, the locational language has resulted in some concerns, especially regarding potential establishment of additional commercial uses in residential areas. As a result of these comments, staff has revisited the strategy of providing locational criteria in the ordinance.

While purpose statements for zoning districts are commonly found in zoning ordinances, locational criteria for zoning districts are not typically included. Staff initially recommended including the criteria in an effort to address initial concerns regarding location of the districts.

Following review of the comments received during and after the County Commission public hearings, staff finds that it is more appropriate to defer to the adopted Comprehensive Plan regarding the location of new development. Recommendation 4.01 of the 2004 Jefferson County Comprehensive Plan provides guidance in this regard:

***RECOMMENDATION 4.01: It is the vision of this Comprehensive Plan that development will be concentrated within the designated growth areas.***

This recommendation refers to the Growth Area shown on the Study Area Map in the 2004 Comprehensive Plan (attached). The Growth Area generally includes the US 340 corridor (including a portion of Harpers Ferry and Bolivar), the majority of the Charles Town corporate limits, the southern portion of the corporate limits of Ranson, and an area surrounding Shepherdstown.

A zoning change must be consistent with a Comprehensive Plan as provided in Article 12 of the Zoning Ordinance and Chapter 8A of the West Virginia Code. Recent zoning changes approved by the County Commission are consistent with the Comprehensive Plan recommendation that new development should be located within the Growth Area. Three zoning change requests were approved within the Growth Area as shown in the Comprehensive Plan. Of the two recent zoning change applications for properties located outside the Growth Area, one request was denied by the County Commission (Z11-05, Twin Oaks) and one request was withdrawn by the applicant (Z11-03, Hott).

#### Staff Recommendation

Because the Comprehensive Plan includes guidance for the location of new development as discussed above, staff recommends removing all location criteria from the draft ordinance. By doing so, the new districts would be consistent with the format of the existing districts named in the ordinance, which generally do not specify locational criteria.

Please also note that it is anticipated that the Envision Jefferson 2035 Comprehensive Plan will address the appropriate locations for various types of development in greater detail.

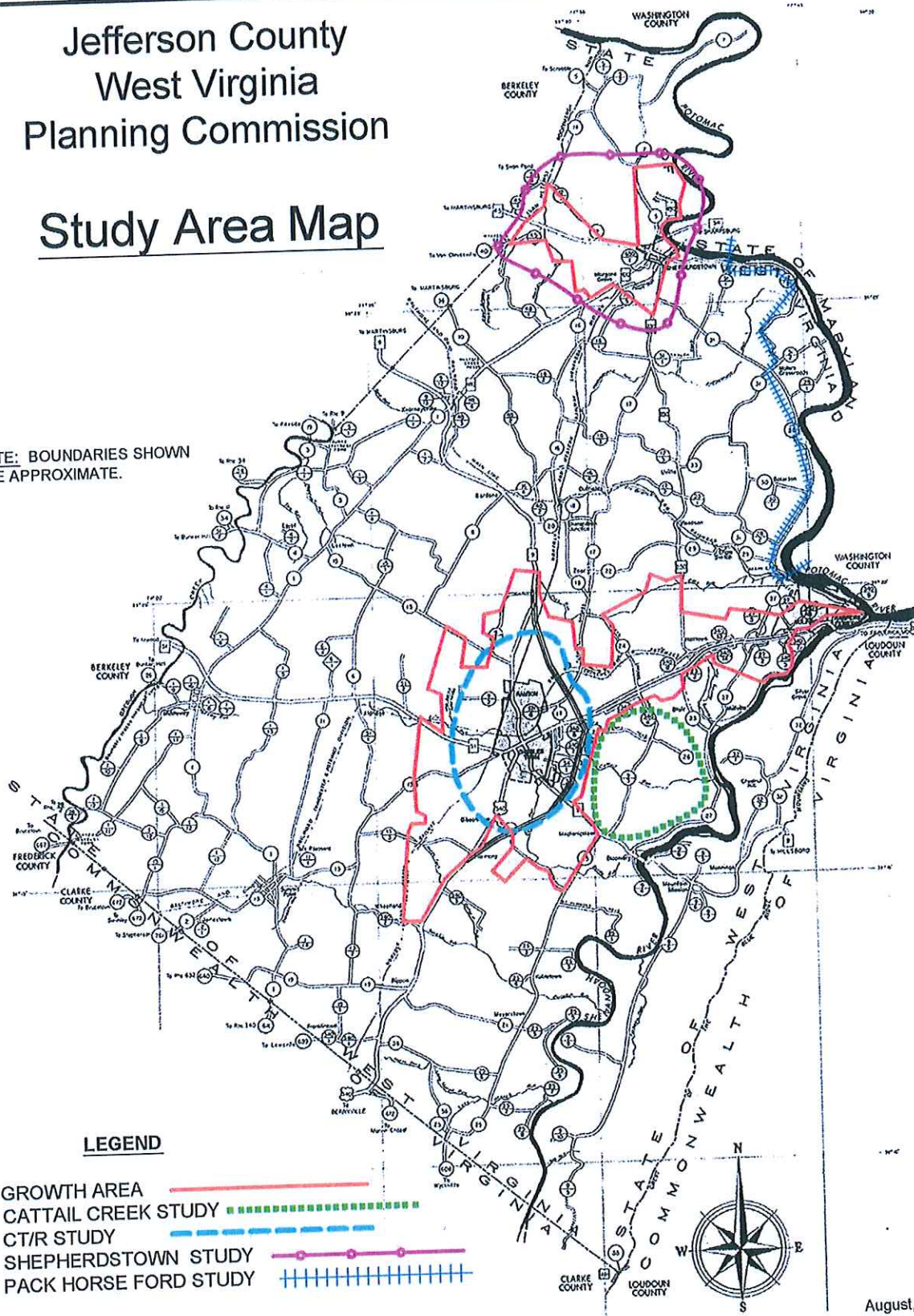
Please let me know if you need additional information.

Att: Study Areas Map, 2004 Jefferson County Comprehensive Plan

# Jefferson County West Virginia Planning Commission Study Area Map

NOTE: BOUNDARIES SHOWN  
ARE APPROXIMATE.

- LEGEND**
- 1. GROWTH AREA ———
  - 2. CATTAIL CREEK STUDY - - - - -
  - 3. CT/R STUDY - - - - -
  - 4. SHEPHERDSTOWN STUDY - - - - -
  - 5. PACK HORSE FORD STUDY + + + + +



August, 2003  
NOT TO SCALE

**Public Comments Received at 9/6/12 County Commission Public Hearing and during public comment following the public hearing  
(includes comments from 8/16/12 and 9/6/12 County Commission Workshop)  
Proposed Zoning Text Amendment regarding New Commercial Zoning Districts (and Related Amendments) -  
Zoning and Land Development Ordinance**

#	Source	Section or Topic	Request	Comment	Staff Recommendation
1	Lyn Widmyer; Mike Cassell; Rebecca L. Harriet (NPS); David Hammer; Joe Anderson (Harpers Ferry)	Location criteria	Location criteria are too broad. (Various comments re: the Neighborhood Commercial District, General Commercial District, Highway Commercial District.)	Staff finds that the Comprehensive Plan includes guidance for the location of new development; as such, location criteria are not necessary.	Recommend deletion of locational criteria in accordance with 9/27/12 memo to County Commission, and renumbering accordingly.
2	Mark Dyck	Location criteria	Location criteria are too limiting. (Various comments re: the Major Industrial District, Planned Neighborhood Development District.)	Staff finds that the Comprehensive Plan includes guidance for the location of new development; as such, location criteria are not necessary.	Recommend deletion of locational criteria in accordance with 9/27/12 memo to County Commission, and renumbering accordingly.
3	Dale Manuel	Location criteria	Clarify whether references to "growth area" would also include a future land use map.	Staff finds that the Comprehensive Plan includes guidance for the location of new development; as such, location criteria (including the reference to "Growth Area") are not necessary.	Recommend deletion of locational criteria in accordance with 9/27/12 memo to County Commission, and renumbering accordingly.
4	Lee Snyder (letter), Mike Cassell, Dr. and Mrs. James Gibson (letter)	Procedural	Comment: There is no map that designates where each zoning district should be placed. West Virginia State Code, as amended, requires that boundaries of all zones be placed on the zoning map. This is found in 8A-7-3 (g): "The boundaries of each zone and the designated classifications must be shown on a zoning district map."	Staff concurs that the boundaries of any property which has been to zoned a particular district must be shown on a zoning map. However, staff finds that the intent of 8A-7-3 is not to preclude the establishment of new zoning districts in a Zoning Ordinance, in the absence of an action to simultaneously rezone property to these districts.  Following the adoption of the proposed amendments, the new districts would, in effect, be shown on the zoning map as covering no land currently.  Staff also finds that the Comprehensive Plan includes guidance for the location of new development.	No change recommended.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
5	Mike Cassell, Dr. and Mrs. James Gibson (letter)	Procedural	Comment: The 2004 Comprehensive Plan does not designate the areas for these proposed new zones. Wait until the Comprehensive Plan is finished before creating these additional districts.	Staff finds that the Comprehensive Plan includes guidance for the location of new development in the form of the Growth Area shown on the Study Area Map in the 2004 Comprehensive Plan.	No change recommended.
6	Dr. and Mrs. James Gibson (letter)	Procedural	PND-type districts are usually only permitted in States that particularly authorize them in their state enabling legislation.	Per Chapter 8A of the West Virginia Code, a Zoning Ordinance may "authoriz[e] planned unit developments to achieve more efficient use of land and setting standards and regulations for the developments" and may "authorize[e] flexible planning standards to create, redevelop, reuse, protect, and enhance the physical qualities of the community."  Chapter 8A also states that a Zoning Ordinance may make specific provisions to allow non-uniformity in rules, regulations and standards in a zone.  Examples of other West Virginia communities with similar districts include Fairmont, Morgantown, Charleston, and Putnam County.	No change recommended.
7	Lyn Widmyer	Section 5.11, Neighborhood Commercial (NC)	Submittal of a development plan should be required for a zoning map amendment request for the Neighborhood Commercial (NC) district.	Staff finds that this requirement could be a disincentive for property owners to apply for the NC district instead of another, more permissive district.	No change recommended.
8	Mike Cassell, Lyn Widmyer, Mark Dyck	Section 5.11, Neighborhood Commercial (NC)	The Neighborhood Commercial (NC) district should not include multi-family residential uses.  (Mark Dyck:) Consider removing residential uses, or write a definition of accessory residential use that would allow for a small apartment to be attached. The ability to put multifamily in this zone undermines the public trust that it will be used for the intended purpose.	Staff concurs that multi-family should not be a permitted standalone use in this district.  However, staff recommends that residential uses should be permitted above retail uses.	In Appendix C, in the rows labeled "Multi-Family" and "Townhouse", change the designation for the NC district to " <u>NP</u> " (i.e. not permitted).  In Section 5.11.C (Permitted Uses), add:  <u>3. A non-residential land use in this district may include residential uses on building levels located above the ground floor.</u>

#	Source	Section or Topic	Request	Comment	Staff Recommendation
9	Mike Cassell	5.11, Neighborhood Commercial (NC)	NC uses should be more consistent with purpose statement (i.e. be more compatible with neighborhoods) – especially group homes, vocational training centers, multi-family dwellings, country inns, heliport, building maintenance, nursing homes, bars nightclubs, campgrounds	<p>Staff concurs that “Not Permitted” would be the more appropriate land use status for a heliport in the NC District.</p> <p>Group Residential Facility/Home – required by West Virginia Chapter 17 to be permitted.</p> <p>Vocational and/or Training Facility for Adults – this land use is currently permitted in the Rural District; as such, it should be permitted in the NC district.</p> <p>Country Inns – This land use is intended to be Rural in character. Staff finds this use to be appropriate in the NC district.</p> <p>Heliport, Building Maintenance Services, Nursing Home, Bar/Nightclub, Campground – these are all conditional land uses that would require a Compatibility Assessment Meeting and approval by the Board of Zoning Appeals (following public hearing) in order to establish.</p>	In Appendix C, in the row labeled “Heliport”, change the designation for the NC district to “ <u>NP</u> ” (i.e. not permitted).
10	Brian Goodman	5.11, Neighborhood Commercial (NC)	Address alcohol sales; hours of operation (should not be 24-hour)	The land use Convenience Store, Limited is a permitted use in the NC district. However, by definition, this store is limited to 1,500 square feet. Staff concurs that a Convenience Store, Limited should have limited hours of operation.	Amend definition of “Convenience Store, Limited” as follows:  “A <u>convenience food</u> store not exceeding 1500 square feet of retail floor space, <u>with hours of operation limited to the period between 6:00 AM and 11:00 PM.</u> ”
11	Maral P. Strathearn	5.11, Neighborhood Commercial (NC)	Concern regarding permitted or conditional uses such as heliports, taverns, shooting ranges, campgrounds, convenience stores	<p>Shooting Ranges are not permitted in the NC district. Outdoor shooting ranges are not proposed to be permitted outright in any districts; this land use would be a conditional use in industrial districts only.</p> <p>See above responses regarding Heliport, Bar/Nightclub, Campground, and Convenience Store, Limited.</p>	See above responses regarding Heliport, Bar/Nightclub, Campground, and Convenience Store, Limited.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
12	Mark Dyck	5.11, Neighborhood Commercial (NC)	A gas station is a critical community business and should be permitted within the NC district as a PC use. The limited gas station definition is too small to be commercially viable.	The Neighborhood Commercial District is intended for a limited set of commercial uses that may be appropriate in locations where more intensive development is not appropriate. Staff recommends that a Gas Station and a Gas Station, Large not be included as a permitted or conditional use in this district. (Property owners would continue to have the option of a Conditional Use Permit.)	No change recommended. Continue to show Gas Station, Limited as a permitted use in this category.
13	Bernard Simmons (letter)	5.11, Neighborhood Commercial (NC)	Concern that the NC district does not require setbacks.	Setbacks are required in the NC district, with the exception of side yard setbacks when a non-residential NC development is adjacent to a commercial or industrial use.  Staff concurs that this allowance should be clarified in Appendix C.	Add a footnote to Appendix B to the side yard setback for the NC and Office/Commercial Mixed Use districts, stating: <u>"For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation."</u>  In Appendix B, amend rear yard setback for the NC and Office/Commercial Mixed Use districts to 25' and add a footnote stating: <u>"A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line."</u>
14	Mike Cassell	5.11, Neighborhood Commercial (NC)	NC limit of 3,500 square feet per building footprint is too permissive for "small commercial" development.	It should be noted that no Jefferson County commercial zoning categories currently have a building footprint limit. As such, the NC district would be the County's most restrictive commercial district. Other stakeholders have stated that this footprint size is too small.	No change recommended.
15	Mark Dyck, Fred Blackmer	5.11, Neighborhood Commercial District	The maximum building footprint of 3,500 square feet is restrictive. (Mark Dyck:) A 7,500 square foot limitation would be appropriate and would limit oversized commercial development.	The Neighborhood Commercial District is intended for limited-scale development that may be appropriate in locations where more intensive development is not appropriate.  The original staff recommendation was to limit total square footage (per building) to 3,000 square feet. Based on Gordon & Associates previous comment (increase square footage to allow for a multi-level building) staff changed the recommendation to a building footprint of 3,500 square feet.	No change recommended.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
16	Mark Dyck	5.11.E.3, Neighborhood Commercial District	<p>The requirement of a 10' landscape buffer in front of the commercial buildings seems out of context. A buffer would visually screen the proposed building from the right-of-way. A 10' landscape area is a good idea but not a screen along the frontage.</p> <p>Existing language:</p> <p>For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way...</p>	Staff concurs. The landscaping requirement is not intended to establish an opaque screen but is intended to create a walkable streetscape area.	Amend Section 5.11.E.3 to add: <u>"The landscaped buffer yard may consist of shrubs, ornamental plants, and vegetative ground cover, and need not screen the view of the development from the adjacent street(s)."</u>
17	Mark Dyck	Section 5.13 Highway Commercial (HC)	This district is essentially the same as the GC district for permitted uses.	The HC district is distinct from the GC district in that it permits large gas stations and large retail stores.	No change recommended.
18	Mark Dyck	Section 5.14 Light Industrial	If this is to be an employment based zone the majority of retail uses should not be permitted in this zone. The elimination of these uses would allow for a full public expectation of what would occur in this zone.	As currently proposed, the Light Industrial District is intended for employment-oriented land uses but would also allow a variety of retail uses. The intent was that a property owner would be able to substitute a retail use during periods in which a lease space was unoccupied by an employment-oriented tenant.	This is a policy decision for the County Commission. The benefit of restricting retail uses is that a Light Industrial development would be more likely to have a higher percentage of uses that are employment-oriented. The disadvantage of restricting retail uses is that units may be more likely to be unoccupied when employment tenants are not available.
19	Mark Dyck	Section 5.14 Light Industrial	This zone should be re-titled and modified to become a flex commercial and R&D zone. This category would include the light industrial as noted but provide a much broader economic base... This zone would specifically address the Summit Point Advanced Training Center and would allow for auto related research and light manufacturing. Typically these businesses would include a building with a front office area, a back area that would support light manufacturing or research and minimal outdoor storage. These businesses... have very little impact on the community other than being excellent employment centers. We know that these businesses want to come here today and that our ordinance	Establishing an additional new zoning district may not be feasible at this stage of the ordinance amendments. However, this district could be incorporated into future amendments.	Consider as part of future amendments.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
			<p>does not permit it.</p> <p>Alternatively a zone could be written specifically for flex commercial and R&amp;D.</p> <ol style="list-style-type: none"> <li>1. Purpose should be modified to reflect a broader employment based zone. This would include revising the requirements for water and sewer as well as the four lane road distance. Proximity to existing employment centers and research facilities is important.</li> <li>2. The location requirement should be revised to include planned parks located adjacent to the Summit Point Advanced Training Center.</li> <li>3. A focus should be on employment based development, not retail.</li> </ol>		
20	Mark Dyck	Section 5.15, Major Industrial District	Similar to the comment in the light industrial district, uses should only permit those associated with major industrial. If other uses are desired a separate zone should be applied.	As currently proposed, the Major Industrial District is intended for employment-oriented land uses but would also allow a variety of retail uses. The intent was that a property owner would be able to substitute a retail use during periods in which a lease space was unoccupied by an employment-oriented tenant.	This is a policy decision for the County Commission. The benefit of restricting retail uses is that a Major Industrial development would be more likely to have a higher percentage of uses that are employment-oriented. The disadvantage of restricting retail uses is that units may be more likely to be unoccupied when employment tenants are not available.
21	Ted Schiltz	5.16 Planned Neighborhood Development (PND)	PND district - Size of 3 acres or more is required in PND district – this is too small a parcel size to incorporate all required land uses such as med/high density residential, roads, commercial activities, etc.	<p>It is anticipated that on a small site, some land uses may be integrated vertically – i.e. residential units built over shops. Also, low density residential units are not required.</p> <p>While some development proposals may not be accommodated on a 3-acre site, it may be advisable to allow property owners the option to design a development with a layout sufficiently compact to be developed on a 3-acre site.</p> <p>No other zoning district has a minimum acreage requirement, although some land uses have minimum lot sizes.</p>	No change recommended; however, staff recommends monitoring the performance of proposed PND developments to determine if the area limit should be adjusted.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
22	Dr. and Mrs. James Gibson (letter)	5.16 Planned Neighborhood Development (PND)	The proposed PND District allows the County Commission to approve a PND Rezoning Plan including any modifications (and variances) to the existing subdivision and land development regulations... Since it is so early in the development process, the public may not even be aware that deviations from the ordinances are being authorized at the rezoning approval.	Staff concurs that any proposed modifications of development requirements should be part of the public notice for both the Planning Commission and County Commission public hearings for a PND zoning case.  Staff also finds that the section of the ordinance describing the required site development standards in a PND District should be clarified.	Amend Sections 5.16F.3.b and 5.16F.3.d to add, " <a href="#">In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements.</a> "  Amend Section 5.16D.1 to add the following text:  1. <a href="#">If not otherwise addressed in the Preliminary PND Plan, setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. However, setbacks and other site development standards may be modified as part of the approval of a PND zoning map amendment request, as described in this article.</a>  Amend Appendix C to replace the site development standards information (with the exception of MLA) with the following text: " <a href="#">See General Commercial. Note: the Planning Commission may amend the site development standards for a development in the PND District pursuant to Article 5 of this ordinance.</a> "
23	Mark Dyck	5.16 Planned Neighborhood Development (PND)	A.8 - what are critical natural environmental and scenic features defined as.  Existing, proposed language (does not appear in currently adopted ordinance):  A. Purpose. The purpose of the PND District is to:  8. Preserve critical natural environmental and scenic features of the site;	While the language in Section 5.16A is a purpose statement and is non-regulatory, staff agrees that "critical natural environmental and scenic features" should be described in the ordinance.	Amend 5.16A.8 to read, "critical natural environmental <a href="#">features (including but not limited to wetlands, steep slopes, floodplains, woodlands, watercourse, and karst topography)</a> and scenic features <a href="#">(including but not limited to historic resources, mature trees, open spaces, and agricultural landscapes)</a> ."

#	Source	Section or Topic	Request	Comment	Staff Recommendation
24	Charles M. Ervin (email)	5.16 Planned Neighborhood Development (PND)	Any future large residential communities should be required to develop using PND district.	This is a broader policy issue that the County Commission may want to consider during the development of the Comprehensive Plan.	Recommend considering during development of 2014 Comprehensive Plan.
25	Mark Dyck	5.16 Planned Neighborhood Development (PND)	E.2.b – preservation of 20% of the existing tree canopy may be very difficult for sites with limited tree canopy. The final canopy should be the goal, how this is accomplished should be left to the developer.	To clarify, the requirement is for preservation of a percentage of existing tree canopy, rather than a requirement that a percentage of the site be forested. As such, a site with limited tree canopy will only be required to preserve 20% of its canopy area.	No change recommended.
26	Mark Dyck	5.16 Planned Neighborhood Development (PND)	E.3 – requirement should be reworded. If the proposed PND is next to a townhouse development is access to each townhouse lot required?  Existing, proposed language (does not appear in currently adopted ordinance):  Connectivity Requirements. The development shall provide pedestrian and vehicular connections to each adjacent property. If a connection to an adjacent property cannot be made at the time that the Preliminary PND Plan for the development is submitted, the plan shall include a cross-access easement in a logical location to allow for future connection when the conditions on the adjacent property will allow for connection.	Staff concurs that this section should be clarified.  To each adjacent undeveloped property and/or property containing a non-residential or multi-family use, or to one or more streets in an adjacent residential subdivision.	Amend Section 5.16E.3 to read:  The development shall provide pedestrian and vehicular connections to each adjacent <u>undeveloped property and/or property containing a non-residential or multi-family use, or to one or more streets in an adjacent residential subdivision</u> . If a connection to an adjacent property cannot be made at the time that the Preliminary PND Plan for the development is submitted, the plan shall include a cross-access easement in a logical location to allow for future connection when the conditions on the adjacent property will allow for connection.
27	Lyn Widmyer	5.16 Planned Neighborhood Development (PND)	A Comprehensive Plan should outline compatibility standards for PND areas, including specific land use mixes in different PND areas.	The County Commission may want to consider establishing PND standards associated with the County's different geographic areas. While this effort is beyond the scope of the current amendments, establishing a variety of PND sub-areas could be considered during the 2014 Comprehensive Plan process.	Recommend considering during development of 2014 Comprehensive Plan.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
28	Lyn Widmyer	5.16 Planned Neighborhood Development (PND)	The ordinance should state how the land use mix requirements in the PND district are measured (e.g. gross floor area) and should define high, medium, and low densities.	Staff concurs.	<p>Amend Section 5.16E.1 to read:</p> <ol style="list-style-type: none"> <li>1. A PND development shall include the following mix of uses, <u>as measured in gross floor area</u>: <ol style="list-style-type: none"> <li>a. 10-30% commercial</li> <li>b. 10-30% high density residential (<u>7+ units per acre</u>)</li> <li>c. 20-40% medium density residential (<u>4-6 units per acre</u>)</li> <li>d. 0-60% low density residential (<u>1-3 units/acre</u>)</li> </ol> </li> </ol> <p>Amend Section 2.2 to establish definition of <u>Gross Floor Area</u>:</p> <p><u>The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed as provided in the Jefferson County Subdivision and Land Development Regulations.</u></p>
29	Lyn Widmyer	5.16 Planned Neighborhood Development (PND)	PND developments can be of great benefit to developers; as such, the developments must be required to provide significant community benefits such as open space.	<p>While the ordinance would already require provision of significant public benefits for a PND development, staff concurs that the ordinance should require provision of a trail easement if an adopted plan identifies a trail intersecting the property.</p> <p>It should be noted that the draft ordinance requires a minimum of 20% of the total tract area of a PND development to be composed of common and open space. The review process for a PND development will also provide the Planning Commission and the County Commission with the opportunity to discuss other possible benefits (such as additional landscaping) with the applicant.</p>	<p>Add new subsection 5.16E.6: <u>For a PND development proposed to be located on a lot where a trail is shown on a plan adopted by Jefferson County, establishment of a trail easement shall be required prior to site plan approval.</u></p> <p>Additionally, staff recommends further clarifying the open space requirement as follows:</p> <p>Acres within the 100-year floodplain, as designated by the ... (FEMA) Flood Insurance Rate Maps (FIRM) <u>or acreage of critical natural environmental features (as defined in this article)</u>, may constitute up to <u>50% <del>25%</del></u> of the required common and open space area.</p>

#	Source	Section or Topic	Request	Comment	Staff Recommendation
30	Lyn Widmyer / Mark Dyck	5.17, Office/Commercial Mixed Use	The Office/Commercial Mixed Use district should include a maximum percentage of retail so that employment is the primary land use, and retail secondary.  (Mark Dyck:) Uses should be limited to those that would support the key objectives of this zone.	As currently proposed, the Office/Commercial Mixed Use district is intended for employment-oriented land uses but would also allow a variety of retail uses. The intent was that a property owner would be able to substitute a retail use during periods in which a lease space was unoccupied by an employment-oriented tenant.	Amend Section 5.17E.1 as follows:  Additional Requirements <u>At least 75% Of</u> the gross floor area of land uses in a development in this district, <u>at least 75%</u> shall be non-residential uses, <u>and at least 50% shall be office uses.</u>
31	Mark Dyck	Section 5.17 Office Commercial Mixed Use	Existing language: "At least 75% of the gross floor area of land uses in a development in this district shall be non-residential uses."  E.1 – consider revising this ratio... the residential is such a small component as to be inconsequential, it should be increased or removed.	The intent is for this district to be a primarily non-residential district, predominantly for employment. As such, only a moderate percentage of the gross floor area is proposed to be devoted to residential uses.	No change recommended.
32	Board of Zoning Appeals	Appendix A	Language in Appendix A that would allow reduced setbacks for decks on small townhouse lots in the Residential - Light Industrial - Commercial District should be more specific, and should apply only to situations in which the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a residential lot.	Staff concurs.	Amend footnote marked φ in Appendix A to read, "... the rear setback of a deck for a townhouse may be reduced to <u>10'</u> <u>if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.</u> "
33	Mark Dyck	Appendix C Permitted Uses	The initial sentence under Appendix C would appear to supersede Sections 4.3 and 4.4 which permit the Hollywood Casino and the Summit Point Advanced Training Center. It needs to be revised to defer to these sections.	SPARC is permitted in the Rural District under the "Vocational and Training Facilities for Adults" land use, and is shown as permitted in Appendix C.  The Summit Point racetrack is a nonconforming use identified in Section 4.3. Because Appendix C does not address the expansion of a nonconforming use, Section 4.3 will continue to govern the expansion of SPARC.  Regarding casinos, please see response to Phyllis LeTart (below).	See proposed changes in response to Phyllis LeTart's comments regarding casinos.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
34	Phyllis LeTart (email) / Mark Dyck	Appendix C Permitted Uses	<p>PNGI Charles Town Gaming Limited Liability Company... is concerned about the language changes in the proposed ordinance as it pertains to gaming being an existing permitted use in the Residential/Light Industrial/Commercial District as stated under Section 4.4. versus what is proposed in Appendix C. Our concern is that the proposed change would have a negative impact on any proposed development by HCCTR of its property.</p> <p>Existing language:</p> <p>No gambling or casino type game of chance (video or mechanical) that provides any type of payoff or remuneration shall be permitted anywhere in Jefferson County unless expressly and explicitly permitted and authorized by the West Virginia Code as amended. Provided, however, that such use shall only be permitted in the Industrial-Commercial <del>Zone District and the Major Industrial District</del> and shall be processed through the Development Review System (Article 6 and 7).</p> <p>This prohibition does not apply to betting on horses or pari-mutuel betting on horses. Furthermore, this prohibition does not apply to such uses that existed at the time of the adoption of this ordinance. The Development Review System shall not supersede this prohibition <u>in any zoning district other than the Industrial - Commercial District or the Major Industrial District.</u> <del>the Residential Growth Zone, the Rural Agricultural Zone, the Village Zone, or the Residential/Light Industrial/Commercial Zone.</del></p>	<p>Please note that casinos are currently permitted only in the Industrial - Commercial District, and not in the Residential - Light Industrial – Commercial District (RLIC). As such, the proposed amendments will not change the nonconforming status of an existing casino in the RLIC district.</p> <p>However, staff agrees that the Appendix C should be more specific as to the statement in Section 4.4G regarding “betting on horses or pari-mutuel betting on horses.”</p> <p>Staff also notes that, to be consistent with current status, “Gambling Facilities” should be shown as a conditional use in the Industrial - Commercial District in Appendix C; this change should also be reflected in the Major Industrial District. This land use should be not permitted in the Light Industrial District.</p>	<p>Amend Appendix C to add a new land use name, <u>“Horse Racing Facility”</u> and to show this land use as permitted in the Residential - Light Industrial - Commercial District, the Industrial - Commercial District, and the Major Industrial District.</p> <p>Amend Section 2.2 to establish definition of <u>“Horse Racing Facility”</u>:</p> <p><u>A facility licensed by the State of West Virginia to offer, for public viewing and amusement, on-site horse racing events with on-site related wagering thereupon. This use can also include the conduct of other occasional special events. In addition to the race course and spectator areas, this use also includes accessory uses (including but not limited to eateries, off-street parking structures, public, community or private utilities, exhibits, and shops). This use may also include the provision of resident employee and guest lodging services for both humans and animals incidental to the visit or stay on the site. This use may also include veterinary care for animals kept or visiting the site.</u></p> <p>Amend Appendix C to show the land use “Gambling Facilities” as <u>“C”</u> (a conditional use) in the Industrial - Commercial District and the Major Industrial District, and <u>“NP”</u> (not permitted) in the Light Industrial District.</p>
35	Matt Knott, Dr. and Mrs. James Gibson	Appendix C	Ask that the phrase 'commercial uses' be reinstated as a permitted use in the Residential - Light Industrial - Commercial District and the Industrial - Commercial District.	Staff concurs.	In Appendix C, continue to show the use “Commercial Uses” as a permitted use in the Residential - Light Industrial – Commercial district and the Industrial -

#	Source	Section or Topic	Request	Comment	Staff Recommendation
					Commercial District.
36	Staff	Appendix C	One of the new land uses, Heavy Equipment Repair, is currently shown as conditional in the Industrial - Commercial District. Staff finds that this use is a standard industrial use and should be permitted.		In Appendix C, amend permitted status of Heavy Equipment Repair in the Industrial - Commercial District from PC to <u>P</u>
37	Staff	Appendix C	Clarify permitted use status of colleges and universities.		<p>In Appendix C, amend list of land uses to add land use "<u>School, College or University</u>" and show as a permitted use in the following districts:</p> <p>Residential - Light Industrial – Commercial, General Commercial, Highway Commercial, Light Industrial, Planned Neighborhood Development, Office/Commercial Mixed Use.</p>
38	Staff	Appendix C, Section 2.2	Clarify permitted status of vocational schools.		<p>In Appendix C, amend list of land uses to add land use "<u>School, Vocational or Professional</u>" and show as a permitted use in the following districts:</p> <p>Residential - Light Industrial – Commercial, General Commercial, Highway Commercial, Light Industrial, Industrial – Commercial, Planned Neighborhood Development, Office/Commercial Mixed Use.</p> <p>In Section 2.2, add the following definition:</p> <p><u>School, Vocational or Professional. A specialized or accredited instructional establishment that provides on-site training or education in business, commercial, and/or trade skills. This use includes a community college that primarily provides daytime services to commuter students.</u></p> <p>In Section 2.2, add the following sentence to the definition of School, University or College:</p> <p><u>The land use School, Vocational or Professional is not</u></p>

#	Source	Section or Topic	Request	Comment	Staff Recommendation
					<a href="#">included within this definition.</a>
39	Staff	Section 2.2	Change name of Retail Food Store, Limited to Convenience Store, Limited.	The purpose of this change is so that the land use name in the Definitions section matches the land use name in Appendix C.	In Section 2.2, change name of Retail Food Store, Limited to <a href="#">Convenience Store, Limited</a> .
40	Staff	Section 2.2	Revisit definition of Retail Store, Large  Existing, proposed language (does not appear in currently adopted ordinance):  A retail sales establishment located within one building with a gross floor area exceeding 50,000 square feet.	Based on market research, the threshold for the square footage of a large retail store should be increased.	In Section 2.2, amend the definition of Retail Store, Large to:  <a href="#">A retail establishment with any commercial retail uses or a combination of such commercial retail uses comprised of greater than 100,000 square feet of gross floor area. In calculating gross floor area, ancillary outdoor storage or merchandise display areas are included. For the purpose of determining the applicability of the 100,000 square feet of floor area, the aggregate square footage is included for all adjacent buildings operated by one company. A large retail store that sells to members only or that also offers merchandise at wholesale is included in this definition. Stores connected by common walls as part of a shopping center with shared parking facilities are not included in this definition.</a>  Amend the General Commercial purpose statement to include the following text:  The uses in this district may be characterized by medium-to-large buildings (up to <del>50,000</del> <a href="#">100,000</a> ) square feet of gross floor area ...
41	Mark Dyck	4.6	Consider deleting Section 4.6; redundant and confusing.	Elimination of all distance requirements is beyond the scope of the current amendments but could be considered as part of future amendments.	No change recommended.
42	Mark Dyck	4.6A	There is no reason for a 200' setback if the use does not have an adverse impact. Setbacks generally waste valuable land when visual and acoustical buffers are more effectively done in another manner.	Elimination of the existing requirement for a 200' buffer is beyond the scope of the current amendments but could be considered as part of future amendments.	No change recommended.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
43	Mark Dyck	4.6A	Provide additional guidance as to whether the rural district is considered a residential district.	Staff concurs that additional clarity is needed regarding the term "residential district."  Based on the use of "Residential Growth District" in Section 4.6B, staff finds that a "residential district" means the Residential Growth District.	Amend Section 4.6A.1 to read:  "Any lot in <del>a</del> <u>the Residential Growth</u> district;"
44	Mark Dyck	4.6A	Is parking considered a use that falls under the 200' setback requirement.	Staff concurs that additional clarity is needed regarding parking in the 200' setback.	Amend Section 4.6A to read:  "Any uses <u>(not including parking)</u> or buildings subject to compliance with this section"  Amend Section 4.6B to read:  "Adjacent uses <u>(not including parking)</u> or buildings subject to compliance with this section"
45	Mark Dyck	4.11.B.2	If a screened buffer yard is provided, what is the purpose of the additional 185' buffer.	The Zoning Ordinance currently requires a 200' buffer for industrial uses. The purpose of the buffer is not only for visual screening but also to address potential issues of noise and odors associated with an industrial use.	No change recommended.
46	Staff	Section 6.3	Revisit proposed change to calculation of LESA points for sites with some existing development or ground disturbance.  <b>Existing, proposed language (does not appear in currently adopted ordinance):</b> A. The Soils Assessment of a proposed development is not applied when:  1. the development is proposed to be located in an existing building, on an existing paved or disturbed area, or entails an expansion of less than 1,000 square feet total of an existing building and/or an existing paved area.	The intent of this proposed amendment is that the re-use (or modest expansion) of a developed site would not require soils evaluation as part of the LESA process for a Conditional Use Permit. However, this proposed amendment should be made more specific, so that it will be clear that the land use is limited to an existing building or paved area, or a modest expansion.	The Soils Assessment of a proposed development is not applied when:  2. the <u>land use development</u> is proposed to be <u>completely contained located</u> in an existing building, <u>or</u> on an existing paved <del>or disturbed</del> area, or entails an expansion of <u>an existing building and/or an existing paved area by the lesser of either (1) than up to 1,000 square feet total of an existing building and/or an existing paved area, or (2) up to 50% of an existing building and/or an existing paved area</u>

#	Source	Section or Topic	Request	Comment	Staff Recommendation
47	Dale Manuel	N/A	The amendments should include standards for shooting ranges.	<p>The proposed amendments would establish a definition of "Shooting Range, Indoor" and "Shooting Range, Outdoor". This definition clarifies that a shooting range must meet NRA standards.</p> <p>The definition could be further clarified to state that an outdoor shooting range must also meet the 150-yard setback and 150-acre minimum lot area standards of a Hunting, Shooting, and Fishing Club.</p>	<p>Amend Section 2.2. proposed definition of "Shooting Range, Outdoor" to add:</p> <p>"The operations and design of an outdoor shooting range meet National Rifle Association standards, <u>and the range must meet the setback and minimum acreage standards for Hunting, Shooting, and Fishing Clubs as established in this ordinance.</u>"</p>
48	Dr. and Mrs. James Gibson (letter)	N/A	County should continue to pursue recreational use and tourism amendments.	There are a number of various types of ordinance amendments (such as sign regulations, residential accessory structures, and rural site plan standards) that have been identified as priorities. As time permits, staff may work on additional amendments during the Comprehensive Plan process; however, staff time will be limited until the plan is adopted.	Staff will continue to seek the guidance of County Commission and Planning Commission regarding the Department's annual work plan.
49	Lyn Widmyer	N/A	For all proposed districts, a traffic study submittal should be required for a zoning map amendment application.	<p>The Zoning Ordinance currently requires an application for a zoning map amendment to include "Discussion on . . . Any change of transportation characteristics and neighborhood from when the original ordinance was adopted."</p> <p>A traffic study, typically prepared by a transportation engineering firm, is a study that assesses the impact of a proposed development on the existing and future transportation network.</p> <p>Some communities require this type of assessment only at the development phase (e.g. submittal of site plan or subdivision). The Jefferson County Subdivision and Land Development Regulations require a traffic study if a development would traffic of more than 100 peak hour trips.</p>	<p>This is a policy decision for the County Commission.</p> <p>Such a study would require an up-front cost by the applicant but could provide the County Commission with additional information regarding potential traffic impacts.</p> <p>An additional option is to change the submittal requirements for a zoning map amendment to require some additional information regarding potential transportation impacts, such as roadway capacity, anticipated trip generation, etc. These elements would not require a traffic study by an engineering firm but would provide the Planning Commission and County Commission with additional traffic impact information.</p>

#	Source	Section or Topic	Request	Comment	Staff Recommendation
50	Corporation of Harpers Ferry, Joe Anderson	N/A	Consider traffic impact of development. This depends on the intensity of the proposed development and the characteristics of traffic conditions in the immediate vicinity. Consideration should be given to establishing some requirements that traffic analysis be completed and evaluated before approving more intensive zones. The Comprehensive Plan may be an appropriate forum to develop guidance for these requirements.	<p>The Zoning Ordinance currently requires an application for a zoning map amendment to include "Discussion on . . . Any change of transportation characteristics and neighborhood from when the original ordinance was adopted."</p> <p>A traffic study, typically prepared by a transportation engineering firm, is a study that assesses the impact of a proposed development on the existing and future transportation network.</p> <p>Some communities require this type of assessment only at the development phase (e.g. submittal of site plan or subdivision). The Jefferson County Subdivision and Land Development Regulations require a traffic study if a development would traffic of more than 100 peak hour trips.</p>	<p>This is a policy decision for the County Commission.</p> <p>Such a study would require an up-front cost by the applicant but could provide the County Commission with additional information regarding potential traffic impacts.</p> <p>An additional option is to change the submittal requirements for a zoning map amendment to require some additional information regarding potential transportation impacts, such as roadway capacity, anticipated trip generation, etc. These elements would not require a traffic study by an engineering firm but would provide the Planning Commission and County Commission with additional traffic impact information.</p>
51	National Parks Service, Rebecca L. Harriet	N/A	Rather than creating new commercial zones in addition to the existing zones, the NPS prefers to see all properties currently zoned "Residential-Light Industrial-Commercial" re-designated into one of the newly proposed zones.	Rezoning properties with existing commercial zoning is beyond the scope of the currently proposed amendments. This is a broader policy issue that the County Commission may want to consider at a later time.	The County Commission may want to consider following development of 2014 Comprehensive Plan.
52	National Parks Service, Rebecca L. Harriet	N/A	It may also be useful to consider design standards that could accompany some of the new zoning categories. This would be especially useful for assigning categories for properties at key intersections and other high visibility areas. More specifics might best be developed during the forthcoming Comprehensive Planning process.		Recommend considering during development of 2014 Comprehensive Plan.
53	Charles Ervin	N/A	Developers should bear all costs associated with whatever upgrades are required by the State/County, such as: supplemental road development, traffic control, etc.	This is a broader policy issue.	This issue could be considered during the 2014 Comprehensive Plan process.
54	Bernard Simmons (letter)	N/A	No more development and no more sprawl; need for additional water treatment plants.	This is a broader policy issue.	This issue could be considered during the 2014 Comprehensive Plan process.



## Corporation of Harpers Ferry

1000 WASHINGTON STREET • P.O. BOX 217

Harpers Ferry, West Virginia 25425

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**Joe Anderson**

MAYOR • CELL 304-582-2877

**RECORDER**  
KEVIN GARDEN

**TREASURER**  
KATHRYN PAYNE

**WATER CLERK**  
CAITYLN DELASHMUTT

### COUNCIL MEMBERS

BETSY BAINBRIDGE  
JERRY HUTTON  
DAN RISS  
CHARLOTTE THOMPSON  
GREG VAUGHN

September 20<sup>th</sup>, 2012

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

Re: Draft Zoning Ordinance Amendments

Dear Ms. Noland,

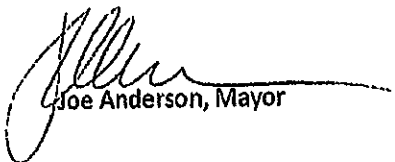
I am writing to comment on the Draft Zoning Ordinance Amendments for the seven zones as described in the Planning Commission staff report memo dated August 9<sup>th</sup>, 2012.

Considering that there are only two current commercial and industrial zoning categories allowing for a very wide range of development uses, I support these efforts. Identifying additional zoning categories provides a better opportunity to tailor what is appropriate for a given location. Current categories are simply too broad and leave too much to question as to what type of development might be implemented. This is of particular concern for highly visible locations.

While it is indeed helpful to have these additional choices for commercial and mixed use zones, it is equally important to have more predictability as to where these zones are appropriate and where they will be granted. The proposed ordinance's locational criteria appear to support a very wide range of locational suitability for many of the zones. This could have the unintended consequence of justifying growth where it is not desired. Some additional or more restrictive locational criteria or guidance would be useful. Perhaps pending work on the Comprehensive Plan could address and include the needed guidance.

It would also be useful to consider the traffic impact of development. This depends upon the intensity of the proposed development and the characteristics of traffic conditions in the immediate vicinity. Consideration should be given to establishing some requirements that traffic analysis be completed and evaluated before approving more intensive zones. Again, the impending work on the Comprehensive Plan might be an appropriate place to develop and consider such guidance for these requirements.

Sincerely,

  
Joe Anderson, Mayor

September 12, 2012

To the members of  
The Jefferson County Commission

Points and priorities to be considered  
in regard to new zoning proposals:

What is happening to wild, wonderful  
West Virginia if we turn Jefferson  
County into urban sprawl? I have lived  
here since the 1950's because it is  
rural. It's not getting any cleaner  
and I don't want it overdeveloped.  
No setback is fine in the city, but  
what about in a rural location? The  
way that it is worded, it could be  
anywhere someone wants to put  
a business and no setbacks anywhere.  
Where does the revenue from the  
Casino go? What about all the new people  
moving in and more kids turning 16  
and driving. What we need are more  
water treatment plants not new businesses.  
What I really want is no more development  
or sprawl. I know that this is not  
very realistic. But what about the  
environment? Good progress for this  
county means taking care of what we  
have to keep it nice for everyone, no  
runaway development.

P.S. I'm also a person who cleans up the  
neighborhood to make it nice for everyone.

Bernard M. Simmons

**B. Lee Snyder**  
**279 Lone Oak Road**  
**Ranson, WV 25438**

September 5, 2012

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

Re: Proposed Zoning Ordinance Amendments

Dear Commissioners:

Please accept these comments regarding the proposed zoning ordinance amendments that are pending at public hearing on September 6, 2012. Until recently, I was unaware that these amendments were so comprehensive. These amendments appear to be a major text revision that may be premature since the kick-off for the new Comprehensive Plan is taking place now.

When I looked at the amendments, I searched for the proposed zoning map to see where these new zones were going to be located. After some study, I realized that these new zones will be based on the new Comprehensive Plan. Since I haven't been following the process closely, I don't really know the logic behind making a significant change to the zoning ordinance in anticipation of a new comprehensive plan being adopted by the County. It seems that the more advisable course would be to study this new zoning approach during the new Comprehensive Plan process. Otherwise, it gives the impression that the public process for the Comprehensive Plan is a charade for decisions that have already been made by the County in advance of the plan. It would seem more appropriate to wait until the Comprehensive Plan is finished before completing a major overhaul of the zoning ordinance.

These are the types of things that happened during the 2008 Zoning Ordinance rewrite that made that process seem less than transparent. The 2004 Comprehensive Plan is a document that is over ten years old if you count the data collection period before the plan was actually adopted. There have been significant policy shifts on the County Commission and the Planning Commission since that plan was written. Some of the latest planning initiatives appear to be left over from policies of previous administrations.

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Jefferson County Commission

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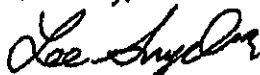
Therefore, I think that it is time for this County Commission to give direction on land use policy in the new Comprehensive Plan before approving a complete overhaul of the zoning ordinance. There are some good ideas in the proposal, but the ideas need to be refined in the Comprehensive Plan before they are advanced any further. Along those lines, I urge the County Commission to hold off in approving these major text amendments. Additionally, I ask that the County Commission take an early and active role in the development of the process for the new Comprehensive Plan. Otherwise, the document will go in the same direction as the Route 340 Corridor Study. It is important that the new Comprehensive Plan recognizes the importance of economic development and existing land uses in Jefferson County.

I wrote a letter to the County Commission in February about this matter and I still believe in this excerpt from that letter:

'However, prior to initiating the rewrite of the Comprehensive Plan the County Commission must set the parameters to avoid what has happened with the 340 East Study. This would include the recognition of the existing uses in Jefferson County, as well as, the decisions made by property owners based on the existing zoning ordinance and Comprehensive Plan. Otherwise, it would affect the credibility of any new Comprehensive Plan. From a landowner's perspective, what is the sense of having a Comprehensive Plan if it can't be relied on to make financial decisions regarding property?'

Thank you for taking my comments into consideration when addressing the proposed ordinance amendments and in any discussion concerning the Comprehensive Plan.

Sincerely,

  
Lee Snyder

## MARAL P. STRATHEARN

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4838 Bakerton Road  
Harpers Ferry WV 25425

September 5, 2012

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

Dear President and Members of the Commission:

I am writing to state my opposition to the Jefferson County Planning and Zoning Department's latest attempt to dismantle the existing zoning regime of Jefferson County. The proposal to allow a seemingly limitless variety of uses for land presently zoned rural residential will simply open the door to the hodgepodge development we see in Berkeley County.

Department of Planning Director Brockman reportedly justified the proposed changes by expressing dismay at having to drive five miles to get a loaf of bread.. Can she explain how she managed to purchase or rent a home in such an isolated part of the county? Was she not aware of this situation before she elected to reside there? What percentage of the county is so remote from "civilization"? Will a zoning change that permits, taverns, campgrounds and heliports guarantee the availability of bread? I recently drove through the River Riders campground "grandfathered" into existence and saw four semi trailers, a Ken Kesey-like bus that has blown its last head gasket, several porta-potties, a dumpster and a number of trailers, including an apparently permanent residence for the campground security guard. But no bread. How convenient is that? Only a couple miles from a campground and zipline but no bread!

If one looks around Jefferson County it is not hard to find the abandoned hulks of old mom and pop "general" stores. The few that remain open seem to be struggling, not the thriving engines of economic growth Ms Brockman envisages. In 21<sup>st</sup> century America the convenience store is king. Located in high traffic areas, profiting from high margins and sales of gasoline, tobacco, alcohol, lottery tickets and junk food. You may find a loaf of bread, but it won't be easy. Most remain open 24 hours per day with a wreath of high intensity lighting visible for miles, not to mention the shady activity that often occurs in the dead of night. Is this what Ms Brockman wants next to her house?

Campgrounds. How in the world will the neighborhoods of Jefferson County benefit from campgrounds? We live here, we don't camp here. Upon returning home from camping trips, the first thing most people do is shower to get rid of the acrid stench of the campfire. A smell so iconic is great to a point, but you don't want it in your hair, your clothes, your home, forever. Perhaps Ms Brockman is different, let's move the River Rider's eyesore to her neighborhood. What's to prevent these new "campgrounds" from evolving into trailer parks? Despite the total lack of sanitary facilities at the River Riders campground some of the "guests" seem to be settling in for the long haul.

Heliports, taverns, shooting ranges. Get serious! As long as you are on a road, one quarter mile from a development of 20 homes you have the perfect setting for one of these most desirable establishments?

RECEIVED  
SEP 07 2012

Jefferson County Commission

I have lived in Jefferson County long enough to have witnessed a rundown horse track morph into a full blown gambling casino, a "federal management training center" evolve into a commercial hotel and now a useless piece of railroad property grandfathered into a zipline and campground! I think marketing folks call it "bait and switch." Let's not let Ms Brockman's hunger for bread prove the stalking horse for Knotts Berry Farm East.

Sincerely,

A handwritten signature in cursive script that reads "Maral P Strathearn". The signature is written in black ink and is positioned below the word "Sincerely,".

Maral P. Strathearn

Dr. and Mrs. James G. Gibson  
201 Needwood Farm Road  
Harpers Ferry, WV 25425

RECEIVED

SEP 07 2012

August 31, 2012

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

Jefferson County Commission

Dear Commissioners,

This letter is with regard to the major zoning ordinance amendments that are being proposed for public hearing on September 6, 2012. These amendments propose significant changes to the zoning ordinance that are reminiscent of the major changes that were rejected by the voters in 2009. We have been very active participants in the planning and zoning initiatives that have been undertaken in Jefferson County, specifically with regard to the Route 340 Corridor. In particular, we have had many concerns regarding the Route 340 Corridor Study. However, when it comes to substantial changes to the text of the zoning ordinance, we believe that they should wait until the entire Comprehensive Plan is rewritten and approved by the County Commission. With respect to the newest proposed amendments, we believe that they are being streamlined in an effort to guide the Comprehensive Plan rewrite that has already been started. We believe that it should be the other way around. The pending Comprehensive Plan should be used to guide the next series of ordinance amendments, as opposed to these proposed amendments being used to guide the Plan.

At the time that these amendments were announced, the County was also working on amendments to enhance tourism and other recreational opportunities in Jefferson County. At that time, we were hopeful that needed small changes could be made to the ordinance that would make it easier to do things like agri-tourism, ecotourism and history related tourism. We were so hopeful that we wrote a letter with many suggestions to enhance these opportunities in Jefferson County. However, after the original series of meetings, it appears that the County decided to continue to pursue the task of these much larger traditional zoning amendments and the recreational and tourism aspect of it was lost. We are not really sure what happened to the tourism and recreation effort. Attached, please find a copy of the letter that we submitted on the recreational use and tourism effort when it was being discussed. We are still hopeful that the County will continue to look into the recreational use and tourism aspect of zoning.

Be that as it may, the existing proposal has gotten so large that we strongly believe that the proposed amendments should get a much closer look by the County Commission. We believe that with the change to the mixed-use zone and the addition of seven new zones, it should now wait until either the public gets to vote on these major changes, or the new comprehensive plan is approved by the County Commission. This change more than doubles the number of zones (five to twelve) that are currently in the zoning ordinance. That is certainly not a minor change. Commissioner Manuel recognized that the last major rewrite of the zoning ordinance should have been put on the ballot. We are hopeful that the entire County Commission will share that position this time.

We have consistently taken the position that zoning text amendments and the Route 340 Corridor Study should wait until the new Comprehensive Plan is adopted by the County Commission. Many

people have testified that the cart is being placed before the horse. However, in this case, it is so evident, that the amendment proposal itself relies on the yet to be written Comprehensive Plan. In most of the text for the proposed new zones, the proposal refers to items that are non-existent in the current Comprehensive Plan. It is found several times in the new proposal, but here is one example found under the proposed Section 5.17 Office/Commercial Mixed-Use District:

“B. Location. This zoning category is intended for use in the following location(s):

1. Properties designated by the Comprehensive Plan as appropriate for Office/Commercial development.”

Language like this is also found in the other proposed new zones. The 2004 Comprehensive Plan does not designate the areas for these proposed new zones. Therefore, how can the new zones be consistent with the Comprehensive Plan, if they aren't even designated or mentioned in the existing comprehensive plan?

Furthermore, how can the County Commission adopt zones with standards, without designating the locations of the zones? It would appear to be common sense that if the County Commission was inclined to adopt zones that aren't listed in the Comprehensive Plan, the public should at least know where these zones are contemplated. In addition to predictability for the public, it is vitally important to property owners, like us, to know where these zones are located or contemplated. However, common sense aside, the West Virginia State Code, as amended, requires that boundaries of all zones be placed on the zoning map. This is found in §8A-7-3 (g):

“The boundaries of each zone and the designated classifications must be shown on a zoning district map.”

Please note that this section doesn't state, 'IF there are boundaries, they must be shown on a zoning district map.'

Also, one of the new zones is called the Planned Neighborhood Development (PND) District. This district appears to be a 'floating zone' or a conditional rezoning district. These types of districts are usually only permitted in States that particularly authorize them in their state enabling legislation. There are several reasons that floating zones don't appear to be authorized in West Virginia. The first problem is that all boundaries must be shown on the zoning map. The second problem is that effectively these types of rezonings appear to be conditional uses that, according to the West Virginia State Code, can only be approved by the Board of Zoning Appeals. Finally, floating zones don't appear to be mentioned in the State Code at all. The State Code requires specific standards for all uses in all districts. The proposed PND District allows the County Commission to approve a PND Rezoning Plan including any modifications (and variances) to the existing subdivision and land development regulations. Essentially, the County Commission approves the conditional use plan and any variance to the existing regulations during this rezoning process. Since it is so early in the development process, the public may not even be aware that deviations from the ordinances are being authorized at the rezoning approval. Again, predictability takes a back seat, especially if the plan doesn't come to fruition. In that case, the rezoning 'disappears' and the public has to watch for the next PND rezoning application (and new plan) on the same property.

Finally, we believe there is a major procedural problem associated with this large group of amendments. The Residential/Light Industrial/Commercial District is being modified to no longer allow all 'commercial uses' in the zone. Commercial uses are proposed to be replaced with a list of permitted uses. This is a major change in the district that essentially can be considered a downzoning to all property owners that have land in this mixed-use district. We feel that all property owners in this district should have received notice of this change to their designated zoning district. These are the type of notification problems that were of major concern during the zoning effort in 2008. We would hope that before the Commission consider these changes, that you require certified notices be sent to these property owners.

These text amendments are major amendments that should wait until the Comprehensive Plan is rewritten and the County residents have an opportunity to discuss whether or not it is time for the County to adopt a traditional zoning ordinance with non-traditional methods mixed into the regulations. We don't believe that this type of major policy change should be made as a simple text amendment as it is currently being proposed.

If you have any questions, please give me a call. Thank you.

Sincerely,

Handwritten signatures of Jim and Barbara Gibson. The signature for Jim is written above the signature for Barbara.

Jim and Barbara Gibson  
304-279-2688 (Jim's cell)  
304-725-2688 (Home)  
304-267-7646 (Office private line)

**Speaking Points  
Recreational Uses Roundtable Discussion  
October 21, 2011**

**Campgrounds and Tourist Cabins/Cottages should be permitted in Rural Districts, Commercial Districts and Low Density Residential Districts.**

- 1. Alternative Water and Wastewater Facilities should be as permitted by the Health Department.**
- 2. A mix of units should be permitted including: tents; RVs; cabins; and, cottages.**
- 3. A limited amount of mixed uses such as: general stores, country markets, farmers' markets and other tourist related commercial uses should be permitted.**
- 4. Minimum size of qualifying property should be at least 100 acres.**
- 5. Maximum size of the area dedicated to the campground should be no more than 50% of the qualifying property.**
- 6. Permitted number of RV and tent units should not exceed one per three acres of qualifying property.**
- 7. Cabins and cottages should not exceed one per 15 acres of qualifying property and cannot be rented out to the same party for more than three months in a calendar year.**
- 8. The dedicated area of the property should be setback at least 1,000 feet from a State road and at least 500 feet from adjacent property not a part of the qualifying area.**
- 9. The standards should be modified from what is currently required under the Mobile Home/Campground regulations.**
  - a. Sidewalks, paved roads, curb and gutter and full stormwater management should be replaced with trails, gravel roads and low impact stormwater management.**
  - b. Dedicated area should be located away from neighboring residential uses and be appropriately buffered and screen.**
  - c. Property should be encouraged to remain in natural condition.**

**James G. Gibson  
201 Needwood Farm Lane  
Harpers Ferry, WV 25425**



IN REPLY REFER TO:

## United States Department of the Interior

NATIONAL PARK SERVICE  
Harpers Ferry National Historical Park  
P.O. Box 65  
Harpers Ferry, West Virginia 25425

September 20, 2012

L1425 (HAFE)

VIA HAND DELIVERY

Ms. Patsy Noland, President  
Jefferson County Commission  
P.O. Box 250  
124 E. Washington St.  
Charles Town, WV 25414

Dear Ms. Noland:

I am writing in regards to the Draft Zoning Ordinance Amendments that are currently under consideration. Although federal lands are not subject to local zoning and therefore would not be directly affected by the amendments, changes to the zoning of adjacent properties could affect Harpers Ferry National Historical Park.

The National Park Service (NPS) supports efforts to create new commercial and industrial zones. The current zoning category "Residential-Light Industrial-Commercial" is overly broad. The uses allowed under this catch-all category are so varied that it is practically rendered useless. Adjacent landowners and the public at large cannot predict what type of development might occur. It stands to reason that creating more specific categories will allow for greater predictability and a better understanding of what one might expect to see on a particular property. Rather than creating new commercial zones in addition to the existing zones, the NPS prefers to see all properties currently zoned "Residential-Light Industrial-Commercial" re-designated into one of the newly proposed zones.

While the NPS supports the current effort to provide greater clarity in commercial zoning, more work needs to be done in determining where these new zones would be appropriate. For example, the locational criteria given for the proposed "Neighborhood Commercial" zone is overbroad. It may also be useful to consider design standards that could accompany some of the new zoning categories. This would be especially useful for assigning categories for properties at key intersections and other high visibility areas. More specifics might best be developed during the forthcoming Comprehensive Planning process.

Thank you for the opportunity to comment on this important matter.

Sincerely,

*for*   
Rebecca L. Harriett  
Superintendent

## Steve Barney

---

**From:** jbrockman@jeffersoncountywv.org  
**Sent:** Saturday, September 08, 2012 1:14 PM  
**To:** Steve Barney; Seth Rivard  
**Subject:** Fw: Fwd: Written Comments based on the 06Sep12 public hearing

Sent on the Sprint® Now Network from my BlackBerry®

---

**From:** "Patsy Noland" <[pnoland@jeffersoncountywv.org](mailto:pnoland@jeffersoncountywv.org)>  
**Date:** Sat, 08 Sep 2012 13:00:33 -0400  
**To:** jbrockman<[jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org)>  
**Subject:** Fwd: Written Comments based on the 06Sep12 public hearing

Jennie,

As you can see, I sent a copy of Mr. Ervin's comments to Debbie, but forgot to include you in that e-mail. Here's your copy.

Thanks,  
Patsy

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

**From:** "Patsy Noland" <[pnoland@jeffersoncountywv.org](mailto:pnoland@jeffersoncountywv.org)>  
**Sent:** 9/8/2012 12:58:51 PM  
**To:** [dkeyser@jeffersoncountywv.org](mailto:dkeyser@jeffersoncountywv.org)  
**Subject:** Fwd: Written Comments based on the 06Sep12 public hearing

Debbie,

Would you please see that Mr. Ervin's comments are included in the record from the public hearing last Thursday?

Thanks,  
Patsy

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

**From:** [pandmervin@comcast.net](mailto:pandmervin@comcast.net)  
**Sent:** 9/6/2012 10:43:23 PM  
**To:** [pnoland@jeffersoncountywv.org](mailto:pnoland@jeffersoncountywv.org)  
**Subject:** Written Comments based on the 06Sep12 public hearing

body {height: 100%; color:#000000; font-size:12pt; font-family:Arial;}

Charles M. Ervin  
599 Avon Bend Road  
Charles Town, WV 25414

Patricia Noland, Commissioner  
Jefferson County Commission

Charles Town, WV

Re: Proposed New Zoning Districts

Dear Ms. Noland,

The vocal comments presented on September 6<sup>th</sup>, minus the verbal outburst, I think aptly demonstrated the general populace's concern for growth (change). We all want what we had! Notice the past tense.

I first want to thank you for the opportunity in allowing me to present my views. I consider myself a realistic conservative so my views are progressive but reserved. Being a practical man, I don't necessarily want what I had but it's what I don't want. As expressed by my initial comments, I don't want to pay for something someone else wants. Taxation is what I referring to. The way I see it, if a business wants to develop within the county, that's great! However, if the general public is then taxed to make up for deficiencies after-the-fact, why would we have allowed that had we anticipated it beforehand.

An example of this could be any of the existing zoning ordinances to include the proposed new classifications. Let's take for instance a business we'll call "Company A". And let's just assume that, and although I may speak specifically insofar as road names and locations, the reference(s) are to be taken in a general sense. If Company A were to develop any property at the intersection of current (old) Rt. 9 and Kabletown Road whereby that portion of Kabletown Road affected becomes reclassified as Primary, or let's just say "used well beyond current usage", I strongly believe the developer should bear all costs associated with whatever upgrades are required by the State/County, such as: supplemental road development, traffic control, etc. Furthermore, as is generally hoped, Company A may well draw future residential growth within the Kabletown District. All costs associated with that residential growth should be borne by that specific residential developer which, in turn, is passed on to the eventual residential property owner(s) in purchase price.

As was expressed by the first speaker of the night, you're being forced to close the barn door after the horse got out. The residential growth map (light purple) aptly supports the issues at hand. Personally, I don't see the proposed NC zoning as an affective tool. Over time, all the county will get is an unoccupied building. We have one of those in Kabletown already. However, I do see merit in the PND zoning idea. You currently see these working models in many planned communities in VA and MD. Any future large residential communities should be required to develop using such zoning models.

Respectfully,

/s/ Charles M. Ervin

## Steve Barney

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**From:** Jennifer Brockman <jbrockman@jeffersoncountywv.org>  
**Sent:** Friday, September 21, 2012 8:24 AM  
**To:** 'Phyllis LeTart'  
**Cc:** 'Al Britton'; Steve Barney  
**Subject:** RE: Proposed Modificatins - Zoning Ordinance

Ms. LeTart

Thank you for your comments on the new zoning categories. We will be compiling all the comments on behalf of the County Commission and providing them with a written response in a few weeks. If we need clarification of your concerns, we may be in touch in the next few weeks. Thank you for your interest in and participation in our local planning process.

Jennifer M. Brockman, AICP  
Director, Planning and Zoning  
116 E. Washington St. PO Box 338  
Charles Town, WV 25414  
304-728-3228

---

**From:** Phyllis LeTart [<mailto:Phyllis.LeTart@pngaming.com>]  
**Sent:** Thursday, September 20, 2012 3:58 PM  
**To:** [jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org)  
**Cc:** Al Britton  
**Subject:** Proposed Modificatins - Zoning Ordinance

Ms. Brockman:

PNGI Charles Town Gaming Limited Liability Company, t/a "Hollywood Casino at Charles Town Races" ("HCCTR") is concerned about the language changes in the proposed ordinance as it pertains to gaming being an existing permitted use in the Residential/Light Industrial/Commercial District as stated under Section 4.4. versus what is proposed in Appendix C. Our concern is that the proposed change would have a negative impact on any proposed development by HCCTR of its property. Thank you.

Phyllis LeTart  
Vice President Legal & Business Affairs  
Hollywood Casino at Charles Town Races  
[phyllis.letart@pngaming.com](mailto:phyllis.letart@pngaming.com)  
304-724-4223  
[hollywoodcasinocharlestown.com](http://hollywoodcasinocharlestown.com)

**Steve Barney**

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**From:** jbrockman@jeffersoncountywv.org  
**Sent:** Thursday, September 20, 2012 11:30 AM  
**To:** dstellato@jeffersoncountywv.org; dkeyser@jeffersoncountywv.org  
**Cc:** Steve Barney  
**Subject:** Fw: Zoning Ordinance Comments.docx  
**Attachments:** Zoning Ordinance Comments.docx

FYI - for public comments due to CC today.  
Jennie

Sent on the Sprint® Now Network from my BlackBerry®

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**From:** "Mark Dyck" <[MDyck@whga.com](mailto:MDyck@whga.com)>  
**Date:** Thu, 20 Sep 2012 11:08:03 -0400  
**To:** Jennifer Brockman<[jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org)>; Seth Rivard<[srivard@jeffersoncountywv.org](mailto:srivard@jeffersoncountywv.org)>  
**Subject:** Zoning Ordinance Comments.docx

Sorry to submit my comment so late. I think with a few changes we will have made significant progress.

The only point of significant concern is the first sentence in Appendix C. This would appear to override 4.3 and 4.4 which are the basis of two major employers in the County. We need to support SPARC and the casino as much as we can.

Please call with any questions.

Mark A. Dyck, C.L.A., LEED AP  
Principal & Director, Charles Town Office

**G o r d o n**

Civil Engineering | Landscape Architecture | Site Security Consulting | Land Planning | Surveying

301 North Mildred Street, Suite 1, Charles Town, WV 25414  
office: 304-725-8456 | fax: 304-728-0117  
DCJS License #11-7158

GORDON

## **Zoning Ordinance Comments**

Mark Dyck  
9/20/2012

The Zoning Ordinance needs to be improved to allow for targeted development in those areas of the County which are highly sought after for economic growth or those areas in which county residents are underserved.

In general these areas are;

1. **Neighborhood Commercial Developments** - they provide amenities to isolated communities. These developments usually take the form of a small grocery store that also sells gas with connected service businesses. The ability to serve neighborhoods in this fashion would reduce vehicle traffic going to centralized commercial and allow for pedestrian access to commercial areas.
2. **The Route 340 Corridor** - is highly sought after for commercial development and growth due to the traffic volumes found on this corridor. All land within this corridor is zoned for intense development currently. These zones would reduce the amount of residential growth and allow for targeted commercial development.
3. **Burr/Bardane Business Park** -- the existing zone generally works well for this area, no changes are needed.
4. **Summit Point Advanced Training Center** -- this hub of activity could be a core development area if the County chooses to embrace it. The zoning ordinance should be amended to allow for training, research and development and flex commercial growth.
5. **Eco and River Based Tourism** -- people want to come to Jefferson County to enjoy our rivers and experience nature. Our ordinances do not have a category to permit this type of use and we are losing out economically because of this. Our rivers belong to everyone and we should use them as an asset for economic growth. The proposed ordinance changes only allow this type of use under general commercial which would likely not be acceptable to the public.

With the exception of the above categories very little commercial development will likely happen in Jefferson County in the near future. This is especially true if the County does not address the overly broad categories as they currently exist.

### **Section 4.6**

1. Consider deleting this section, it is redundant and confusing.

### **Section 4.6.A**

1. There is no reason for a 200' setback if the use does not have an adverse impact. Setbacks generally waste valuable land when visual and acoustical buffers are more effectively done in another manner.
2. Provide additional guidance as to whether the rural district is considered a residential district.
3. Is parking considered a use that falls under the 200' setback requirement.

#### Section 4.11.B.2

1. If a screened buffer yard is provided, what is the purpose of the additional 185' buffer.

#### Section 5.11 Neighborhood Commercial

1. The maximum building footprint of 3,500sf is restrictive. A 7,500sf limitation would be appropriate and would limit oversize commercial development. We want to encourage business development in the County not be over restrictive.
2. The requirement of a 10' landscape buffer in front of the commercial buildings seems out of context. A buffer would visually screen the proposed building from the right-of-way. A 10' landscape area is a good idea but not a screen along the frontage.
3. This is a good zone and can accomplish low intensity commercial development that is greatly needed in the County. This zone will get people out of their cars and activate pedestrian movement.

#### Section 5.12 General Commercial

1. A good zone, this is a nice transition from Section 5.11

#### Section 5.13 Highway Commercial

1. I would suggest the location to specify properties that have signaled or interchange access to four lane primary roads. This will cure the debate on what a major intersection is.
2. This zone would not be activated until a new comprehensive plan is passed, as the existing plan has no reference to Highway Commercial uses. This will potentially force large parcels within the 340 corridor to annex if development is sought in the next 2 years.

#### Section 5.14 Light Industrial

This zone should be re-titled and modified to become a flex commercial and R&D zone. This category would include the light industrial as noted but provide a much broader economic base for future development in Jefferson County. This zone would specifically address the Summit Point Advanced Training Center and would allow for auto related research and light manufacturing. Typically these businesses would include a building with a front office area, a back area that would support light manufacturing or research and minimal outdoor storage. These business are low impact and have very little impact on the community other than being excellent employment centers. We know that these businesses want to come here today and that our ordinance does not permit it.

Alternatively a zone could be written specifically for flex commercial and R&D.

1. Purpose should be modified to reflect a broader employment based zone. This would include revising the requirements for water and sewer as well as the four lane road distance. Proximity to existing employment centers and research facilities is important.
2. The location requirement should be revised to include planned parks located adjacent to the Summit Point Advanced Training Center.
3. A focus should be on employment based development, not retail.

### Section 5.15 Major Industrial

1. It is likely that there are no significant parcels within Jefferson County that are not within 1,000 feet from a property with a dwelling.
2. This zone is very restrictive and may be of limited functionality.

### Section 5.16 Planned Neighborhood Development

1. A.8 - what are critical natural environmental and scenic features defined as.
2. B.1 - zone will not be used until the new comprehensive plan is adopted.
3. E.2.b - preservation of 20% of the existing tree canopy may be very difficult for sites with limited tree canopy. The final canopy should be the goal, how this is accomplished should be left to the developer.
4. E.3 - requirement should be reworded. If the proposed PND is next to a townhouse development is access to each townhouse lot required?

### Section 5.17 Office Commercial Mixed Use

1. E.1 - consider revising this ratio.

Unit Type	Gross Area	Total Area	Required Non-Res
100 apartments units	1,000sf	100,000sf	400,000sf
50 Townhouse Units	1,800sf	180,000sf	540,000sf

As shown the residential is such a small component as to be inconsequential, it should be increased or removed.

### Appendix C Permitted Uses

**The initial sentence under Appendix C would appear to supersede Sections 4.3 and 4.4 which permit the Hollywood Casino and the Summit Point Advanced Training Center. It needs to be revised to defer to these sections. THIS IS A CRITICAL CHANGE THAT NEEDS TO BE MADE!!!**

#### NC District

1. Consider removing residential uses, or write a definition of accessory residential use that would allow for a small apartment to be attached. The ability to put multifamily in this zone undermines the public trust that it will be used for the intended purpose.
2. A gas station is a critical community business and should be permitted within the NC district as a PC use. The limited gas station definition is too small to be commercially viable.

#### HC District

1. This district is essentially the same as the GC district for permitted uses.

**Light Industrial.**

1. If this is to be an employment based zone the majority of retail uses should not be permitted in this zone. The elimination of these uses would allow for a full public expectation of what would occur in this zone.

**Major Industrial**

1. Similar to the comment in the light industrial district, uses should only permit those associated with major industrial. If other uses are desired a separate zone should be applied.

**Office Commercial**

1. Uses should be limited to those that would support the key objectives of this zone.

**Overall this ordinance is moving in the right direction, with a few changes it will greatly improve the business environment in Jefferson County and build public trust. I would encourage the adoption of these changes as quickly as possible.**

## Steve Barney

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**From:** Edwin Kelly <EKelly@mcecorp.com>  
**Sent:** Monday, September 17, 2012 2:26 PM  
**To:** Steve Barney  
**Cc:** 'Jennie Brockman'  
**Subject:** RE: Revised draft language re: deck setbacks (Windmill Crossing)

You mean like this, revised language enclosed...

I like it.

Regards,

Edwin T. Kelly, II  
Executive Vice President  
Meyer Consulting Engineers

---

**From:** Steve Barney [<mailto:sbarney@jeffersoncountywv.org>]  
**Sent:** Monday, September 17, 2012 2:05 PM  
**To:** 'Kay & Jeff Bresee'; Edwin Kelly; [jtyquynn@gmail.com](mailto:jtyquynn@gmail.com); 'Christy Huddle'  
**Cc:** Jennie Brockman  
**Subject:** Revised draft language re: deck setbacks (Windmill Crossing)

All,

As you will recall, at the most recent Board of Zoning Appeals meeting we discussed the draft Zoning Ordinance amendment language regarding setbacks for decks in the Windmill Crossing subdivision. The Board had asked for some revisions to the draft language in order to be more specific to Windmill Crossing.

Based on the Board's feedback, the revised language I would recommend is as follows:

"In the Residential - Light Industrial - Commercial District, on townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse may be reduced to 10' if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence."

This language is proposed for inclusion in Appendix A, Residential Site Development Standards Table.

Because the public comment period for the draft ordinance amendments is open until this Thursday, September 20<sup>th</sup>, what would be helpful to me is if Jeff or another member of the Board could email this suggested language (or a revised version, if more edits are needed) to myself or Jennie. This would allow us to provide the revised language as a comment to the County Commission when the Commission reviews the amendments in October.

Please let me know if you have any questions. Looking forward to seeing everyone this Thursday.

Thanks,  
Steve B.

*Steve Barney*  
Zoning Administrator  
Jefferson County Departments of Planning & Zoning  
(304) 728-3228

## Steve Barney

---

**From:** Matt Knott <matt@riverriders.com>  
**Sent:** Wednesday, September 05, 2012 10:08 PM  
**To:** info@jeffersoncountywv.org  
**Cc:** sbarney@jeffersoncountywv.org; jbrockman@jeffersoncountywv.org; 'John Reisenweber'  
**Subject:** proposed zoning amendments

Dear Commissioners,

Please accept these comments with regard to the proposed zoning ordinance amendments that are the subject of a public hearing on September 6. When these amendments were originally discussed, the public was assured that the amendments would not affect properties within the existing zoning districts. However, when I reviewed the amendments, I found that there were several significant changes proposed for the Commercial/Industrial and Residential/Light Industrial/Commercial Districts originally proposed in a draft on August 9<sup>th</sup>, 2012. Specifically, the permitted any 'commercial uses' category in these two zones were removed and replaced with a specific list of commercial uses allowed. The change also made large retail stores in both of these districts conditional uses as opposed to permitted uses. As you can imagine, the proposed list of uses do not take into consideration all commercial uses that are currently permitted in these districts. Accordingly, this is a major change to the commercial and mixed-use zones. As you are aware, my property that contains River Riders, and the adjacent property that I purchased for expansion of River Rivers, are zoned Residential/Light Industrial/Commercial. Not only was the commercial use category removed from these zones, but the uses that exist on my property aren't even listed in the uses that replaced the any 'commercial uses' category. Therefore, I respectfully ask that the phrase 'commercial uses' be reinstated as a permitted use in these two commercial districts.

I have already talked to Jennie Brockman and Steve Barney about this matter and they have indicated that that was not intended when the amendments were written. They also stated that I should write this email and appear before you to request that the any 'commercial uses' category be added back to the mixed-use zone and the commercial/industrial zone if you are inclined to adopt the amendments. Mr. Barney indicated that the Staff would support this request.

If you have any questions, please contact me.

Thank you,

Matt Knott  
River Riders, Inc  
408 Alstadts Hill Rd  
Harpers Ferry, WV 25425  
304 535 2663  
800 326 7238  
[www.riverriders.com](http://www.riverriders.com)  
[www.harpersferryadventurepark.com](http://www.harpersferryadventurepark.com) NEW for 2012!  
[www.outdooradventurecamp.com](http://www.outdooradventurecamp.com)  
[www.teambuildingbynature.com](http://www.teambuildingbynature.com)  
[www.campingharpersferry.com](http://www.campingharpersferry.com)

Submit as written  
 Comments  
 Lyn Widmyer

Comments from County Commission Members

8/16/12 & 9/6/12 Work Session on Proposed Commercial and Industrial Zoning Districts and Related Uses

Who	District or Section	Comment	Date
Lyn Widmyer	Neighborhood Commercial	Submittal of a development plan should be required for a zoning map amendment request for the NC district.	8/16/12
Lyn Widmyer	Neighborhood Commercial	In the NC district, the location criteria are too broad and should be narrowed to protect existing neighborhoods.	8/16/12
Lyn Widmyer	Neighborhood Commercial	The NC district should not include multi-family residential uses.	8/16/12
Lyn Widmyer	General Commercial	In the GC district, the location criteria should state that the district is only appropriate at intersections on four-lane primary roads.	8/16/12
Lyn Widmyer	All proposed districts	Traffic study submittal should be required for a zoning map amendment application.	8/16/12
Dale Manuel	Article 8	The amendments should include standards for shooting ranges.	8/16/12
Dale Manuel	Various	Clarify whether references to "growth area" would also include a future land use map.	9/6/12
Lyn Widmyer	PND	A Comprehensive Plan should outline compatibility standards for PND areas, including specific land use mixes in different PND areas.	9/6/12
Lyn Widmyer	PND	The ordinance should state how the land use mix requirements in the PND district are measured (e.g. gross floor area) and should define high, medium, and low densities.	9/6/12
Lyn Widmyer	PND	PND developments can be of great benefit to developers; as such, the developments must be required to provide significant community benefits such as open space.	9/6/12
Lyn Widmyer	All proposed districts	Language should be added to each new district, stating that the district is intended for use on "properties designated by the Comprehensive Plan as appropriate" for the given district (similar to Office/Commercial Mixed Use).	9/6/12
Lyn Widmyer	Office/Commercial Mixed Use	The Office/Commercial Mixed Use district should include a maximum percentage of retail so that employment is the primary land use, and retail secondary.	9/6/12

# FINANCIAL DIRECTOR REPORTS

Jefferson County, West Virginia  
Budget Analysis for the General County Fund  
For the Month Ending  
September 30, 2012  
For the Fiscal Year Ending  
June 30, 2013

**Attachments**

1. Data and Graphic presentation of expenditures
2. Narrative of budget categories
3. Spreadsheet presentation of budget financial data
4. Listing of other Fund Balances

**Jefferson County Commission**  
**Budget Analysis Narrative-July 2012**

**Overall Budget Revenues**

Overall, current revenues for the General County Fund are projected to be under budgeted revenues by approximately \$615,007.

**Individual Revenue Items Expected to Exceed Budget**

Revenue items are projected to exceed budgeted estimates by \$15,000 or more are as follow:

		<u>Positive Variance</u>
Line #14	Property Transfer Taxes	\$94,303.
Line #18	Hotel-Motel Occupancy Tax	\$118,683
Line #22	Federal Grants	\$19,637
Line #25	Sheriff' Service of Process	\$18,062
Line #27	County Clerk's Earnings	\$52,011
Line #35	E-911 Fees	\$164,182
Line #53	Reimbursements, Local	\$241,509

**Individual Revenue Items Expected to be under Budget**

Revenues items projected to be under budget estimates by \$15,000 or more are as follow:

		<u>Negative Variance</u>
Line #13	Ad Valorem Taxes	(\$809,766)
Line #20	Building Permits	(\$25,673)
Line #49	Tables Games	(\$200,892)
Line #51	Video Lottery	(\$285,280)

**Overall Budget Expenditures**

Overall estimated expenditures are expected to be under budget by \$3,921,813 on a Cash Basis. The ending "Cash Balance" on June 30, 2013 is estimated to be \$3,306,806.

**Estimated Cost verses Estimated Revenues or reimbursements**

Operating cost of the following departments are projected to exceed estimated revenues or reimbursement to off set department operating cost.

	<u>Estimated Income</u>	<u>Estimated Expense</u>	<u>Shortfall</u>
E-911 Center	\$1,547,891	\$2,034,831	(\$486,940)
Regional Jail	\$411,094	\$1,110,917	(\$699,823)

Jefferson County, West Virginia  
Aug 2012 Budget Analysis for the Fiscal Year Ending June 2013

Current Budget		Totals	Estimated totals for the FYE June 30, 2013				
Budgeted Revenues		\$25,952,016	Project revenues including carryover		25,337,009		
Budgeted Expenditures		(25,952,016)	Less: Estimated expenditures		(22,030,203)		
Budgeted surplus/(shortfall)		\$0	Estimated Fund Balance 6/30/2012 (CASH BASIS)		3,306,806		
			Less: Estimated end of year accounts payable, Outstanding encumbrances.		(300,000)		
			Estimated ending fund balance-Accrual Accounting Basis for Audit Purposes		3,006,806		
Current Year Budget & Estimated Revenues							
Col (a)	Column (a)	Column (b)	Column (c)	Column (d)	Col. (e)	Column (g)	Column (h)
Line No.	Accts	Revenue Classification	Budgeted revenues-FY Ending 6/30/2013	Actual CY YTD revenues-Aug 2012	C/Y YTD Revenues as a % of total budget	Estimated revenues-FYE 6/30/2013	Estimate over or (under) Budget
<b>Equity and Fund Balance Accounts</b>							
	299	Unrestricted fund balance June 30, 2012	4,224,497.00				
1	301-000	Public Utility Taxes	514,372.00	14,252.52	2.77%	462,934.80	(51,437.20)
2	301-001	Ad Valorem Taxes-Current	9,817,610.00	5,166,919.93	52.63%	9,217,610.00	(600,000.00)
3	301-002	Ad Valorem Taxes-1st Prior Year	650,000.00	277,236.51	42.65%	663,429.49	13,429.49
4	301-003	Ad Valorem Taxes-2nd Prior Year	115,356.00	3,191.49	2.77%	122,957.00	7,601.00
5	301-004	Ad Valorem Taxes-3rd Prior Year	28,000.00	276.99	0.99%	8,341.68	(19,658.32)
6	301-005	Ad Valorem Taxes-4th & Other PY	1,300.00	45.50	3.50%	69.74	(1,230.26)
7	301-006	Supplimental taxes	173,000.00	58,929.86	34.06%	210,494.47	37,494.47
8	301-007	Land Sale Surplus	2,000.00	0.00	0.00%	2,000.00	0.00
9	301-008	Delinquent & Nonentered Land	39,000.00	15,179.10	38.92%	105,390.20	66,390.20
10	301-009	Redemptions-State Auditor	0.00			0.00	0.00
11	301-099	Tax Discounts	0.00	(127,283.56)		(214,514.65)	(214,514.65)
12	302	Interest and Publication Fees on Taxes	344,000.00	79,814.19	23.20%	296,159.47	(47,840.53)
13		<b>Total all tax years, interest, publication fees minus discounts</b>	<b>11,684,638.00</b>	<b>5,488,562.53</b>	<b>46.97%</b>	<b>10,874,872.21</b>	<b>(809,765.79)</b>
14	304	Property Transfer Taxes	335,000.00	124,591.50	37.19%	429,303.00	94,303.00
15	306	Oil and Gas Severance Tax	20,000.00	0.00	0.00%	0.00	(20,000.00)
16	307	Horse Racing	18,000.00	4,611.70	25.62%	17,917.87	(82.13)
17	308	Wine and Liquor Tax	12,000.00	11,940.51	99.50%	12,000.00	0.00
18	309	Hotel Occupancy Tax	500,000.00	172,952.10	34.59%	616,682.79	116,682.79
19	317	License Decal Fee	100.00	14.00	14.00%	100.00	0.00
20	318	Permits-Building	169,000.00	20,401.51	12.07%	143,327.32	(25,672.68)
21	319	Permits-Misc	0.00	100.00			0.00
22	322	Federal Grants	60,000.00	32,092.57	53.49%	79,636.84	19,636.84
23	323	State Grants	0.00	6,196.57			0.00
24	325	Federal Payment in Lieu of Taxes	16,000.00		0.00%	16,023.00	23.00
25	329	Sheriff's Service of Pcess	18,000.00	5,200.00	28.89%	36,061.88	18,061.88
26	330-000	Sheriff's Earnings	11,000.00	3,414.00	31.04%	11,994.88	994.88
27	330-001	Sheriff's Earnings-Arrest Fees	12,500.00	2,639.80	21.12%	16,062.68	3,562.68
28	331	County Clerks Earnings	170,000.00	50,761.25	29.86%	227,010.77	57,010.77
29	331-002	County Clerks Earnings-Preservation Fund	1,200.00	409.40	34.12%	1,798.35	598.35
30	332	Circuit Clerks Earnings	83,000.00	18,689.00	22.52%	80,136.79	(2,863.21)
31	333	Prosecuting Attorney Earnings	1,000.00	160.00	16.00%	417.23	(582.77)
32	334	Accidents Reports	3,000.00	940.00	31.33%	3,730.00	730.00
33	336	Map Sales	4,500.00	2,140.00	47.56%	10,174.42	5,674.42
34	340	Rents, Magistrate Court	45,000.00	11,450.00	25.44%	45,800.00	800.00
35	340-001	Rents, County Farm House	1,200.00	200.00	16.67%	600.00	(600.00)
36	340-002	Rent-County Farm	700.00	0.00	0.00%	0.00	(700.00)
37	346-000	E-911 Fees	1,310,000.00	107,570.26	8.21%	1,474,182.00	164,182.00

38	346-001	EMG Comm-Signs	500.00	451.00	90.20%	3,946.25	3,446.25
39	348	Franchise Fees	350,000.00	90,738.30	25.93%	347,676.09	(2,323.91)
40	350	IRP Fees	8,000.00	5,135.38	64.19%	12,300.20	4,300.20
41	362	Jail Cost Reimb-RJA & Gen School Fund	100,000.00	100,594.35	100.59%	100,594.35	594.35
42	365-000	Interest-GCF	16,000.00	2,075.86	12.97%	10,979.25	(5,020.75)
43	365-001	Interest-County Clerk	800.00	107.75	13.47%	430.39	(369.61)
44	365-002	Interest-Circuit Clerk	1,200.00	220.53	18.38%	675.79	(524.21)
45	365-004	Interest-State Fees	1,400.00	37.21	2.66%	273.06	(1,126.94)
46	365-005	Interest-Racing Fees	240.00	3.01	1.25%	7.82	(232.18)
47	365-006	Interest-Video Lottery	2,500.00	1,127.96	45.12%	5,176.20	2,676.20
48	366	Miscellaneous Revenue	20.00	8.82	44.10%	39.59	19.59
49	367	Sheriff's Commission	12,000.00	11,915.42	99.30%	11,915.42	(84.58)
50	370	Table Games	1,800,000.00	401,582.77	22.31%	1,599,107.31	(200,892.69)
51	373-000	Video Lottery	4,000,000.00	1,320,098.40	33.00%	3,714,720.05	(285,279.95)
52	373-001	Video Lottery-Local	100,000.00	25,712.81	25.71%	105,808.01	5,808.01
53	382-000	Reimbursements-Local	147,242.00	145,864.01	99.06%	388,751.18	241,509.18
54	382-001	Reimbursements-Circuit Clerk	18,000.00	4,353.16	24.18%	18,000.00	0.00
55	394-000	Reimbursements-General School	310,000.00	174,723.00	56.36%	310,500.00	500.00
56	399	Transfers-AVF	383,779.00	72,172.77	18.81%	383,779.00	0.00
58	Budgeted & Estimated Revenues		21,727,519.00	8,421,959.21	38.76%	21,112,512.01	
59	Prior Year Unrestricted Carryover		4,224,497.00			4,224,497.00	
60	Estimated Funds Available-Total		25,952,016.00			25,337,009.01	(615,006.99)
<b>Current Year Budget &amp; Estimated Expenditures</b>							
62							
63	Column (a)	Column (b)	Column (c)	Column (d)	Column (e)	Column (g)	
64							
65	Dept.	Expenditure Classification	Budgeted Expenditures Current FY	CY actual expenditures Aug 2012	YTD Expenditures as a % of total budget	Estimated Total expenditures- FYE 6/2013	Under Budget or (over) Budget
66	401	County Commission	2,614,551.29	900,232.11	34.43%	2,314,551.29	300,000.00
67	402	County Clerk	927,137.52	237,936.36	25.66%	899,980.38	27,157.14
68	403	Circuit Clerk	658,186.30	172,011.20	26.13%	580,322.32	77,863.98
69	404	Sheriff-Treasurer	598,124.75	154,870.93	25.89%	530,801.31	67,323.44
70	405	Prosecuting Attny	1,791,854.55	462,891.27	25.83%	1,577,266.63	214,587.92
71	406	Assessor	629,223.67	158,573.11	25.20%	629,223.67	0.00
72	407	Assessor-AVF	383,779.44	101,840.32	26.54%	383,779.44	0.00
73	408	Assessor-AVF	47,772.00	14,427.14	30.20%	47,772.00	0.00
74	408	Statewide Computer Network	138,211.03	37,031.56	26.79%	129,534.47	8,676.56
75	412	Agricultural Agent	272,147.37	28,617.85	10.52%	272,147.37	0.00
76	413	County Election, Employees	4,100.00	230.26	5.62%	3,500.00	600.00
77	415	Magistrate Court, Other cost					
78	422	Capital Planning					
79	424	Courthouse	1,301,635.35	331,016.15	25.43%	1,301,635.35	0.00
80	424	Courthouse	753,000.00	156,081.25	20.73%	655,678.01	97,321.99
81	425	Other Buildings	94,500.00	19,355.99	20.48%	3,964.60	90,535.40
82	428	Data Processing, Employee Wages	19,854.00	19,794.26	99.70%	19,734.70	119.30
83	429	Regional Development Authority	464,324.93	119,901.61	25.82%	388,246.95	76,077.98
84	431	Economic Development	312,562.02	61,658.90	19.73%	233,252.17	79,309.85
85	433	GIS Addressing Dept	419,599.71	102,530.54	24.44%	401,944.73	17,654.98
86	439	Planning & Zoning, Employee Salaries	770,611.06	194,536.57	25.24%	806,287.17	(35,676.11)
87	440	Engineering, Employee Salaries		25,000.00			
88	442	Federal Grants		21,333.00			
89	443	State Grants					
90	451	Zoning	163,372.34	39,887.31	24.41%	142,602.65	20,769.69
91	700	Law Enforcement, Employee Salaries	3,201,318.33	828,960.43	25.89%	2,964,378.50	236,939.83
92	701	Service of Process, Employee Salaries	18,000.00	150.00	0.83%	252.82	17,747.18
93	704	Charges by other Gov't-Regional Jail Cost	1,200,000.00	310,026.40	25.84%	1,110,916.98	89,083.02
94	711	Emergency Services, Employee Salaries	259,579.01	50,084.29	19.29%	191,968.77	67,610.24
95	712	Communication Center	2,034,831.89	466,250.13	22.91%	1,863,692.11	171,139.78
96	715	Emergency Services Agency	2,187,500.00	867,125.00	39.64%	1,858,564.21	328,935.79
97	716	Animal Control, Salary Supplement	325,953.91	66,698.61	20.46%	253,960.50	71,993.41

			318,082.93	90,213.25	28.36%	318,083.92	0.00
94	717	Central Garage					
			10,000.00	2,500.00	25.00%	19,999.85	(9,999.85)
95	800	Local Health Department-Contributions		1,266.68			
	801	Mental Health Transport					
			35,000.00	35,000.00	100.00%	35,000.00	0.00
96	808	Solid Waste Authority					
			488,040.60	143,038.30	29.31%	488,040.60	0.00
97	900	Parks & Recreation					
			25,000.00	6,816.97	27.27%	25,000.00	0.00
98	903	Arts & Humanities Contributions					
			25,000.00	6,816.97	27.27%	25,000.00	0.00
99	909	Historical Commission					
			250,000.00	85,212.09	34.08%	250,000.00	0.00
100	911	Other Gov't -Contrib to Visitors Center					
			240,000.00	60,000.00	25.00%	240,000.00	0.00
101	916	Other Gov't-Contrib to Libraries					
			13,823.00	3,455.75	25.00%	13,823.00	0.00
102	953	Other Gov't-Contrib to Public Transit					
			29,300.00	7,324.23	25.00%	29,296.92	3.08
103	975	Capital Outlay-County Clerk					
			20,000.00	5,000.00	25.00%	20,000.00	0.00
104	976	Capital Outlay-Circuit Clerk					
			2,906,039.00	0.00	0.00%	1,000,000.00	1,906,039.00
105	986	Co Comm-Capital Outlay and Depreciation					
		Total estimated expenditures and uses	25,952,016.00	6,395,696.79		22,030,203	3,921,813

Listing of all County and Agency Bank Accounts

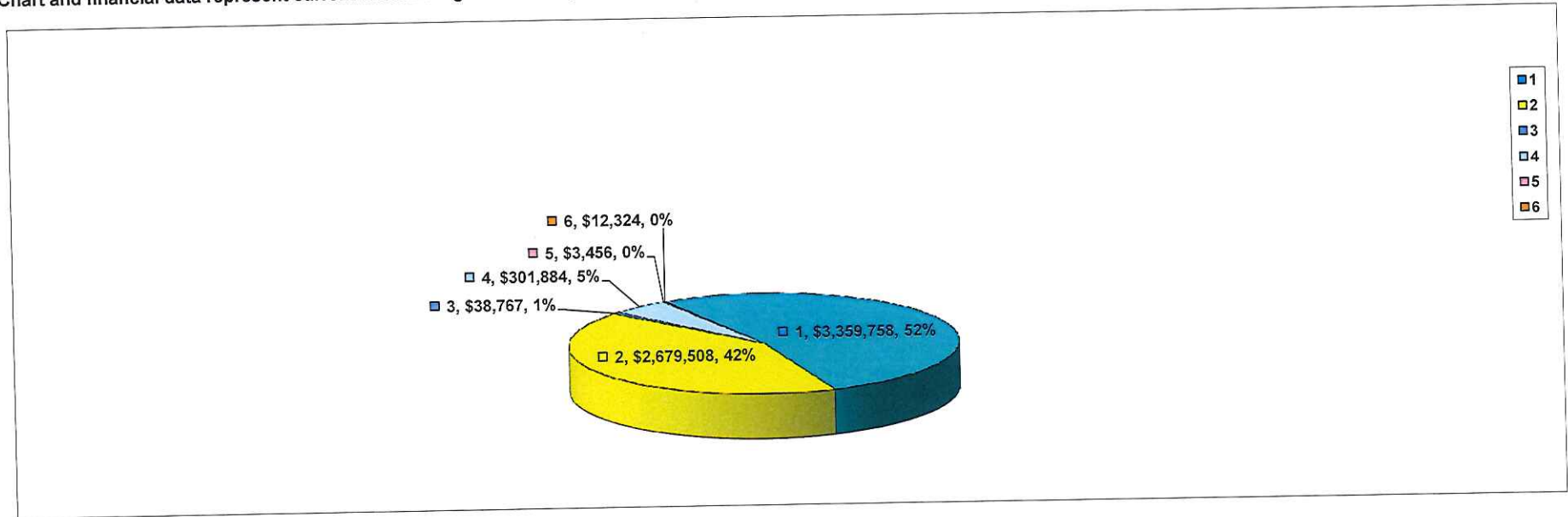
<u>Fund Name</u>	<u>Fund Number</u>	<u>Ending Cash Balance</u>
General County Fund	001	6,106,547.05
Coal Severance	002	\$ 304,980.71
Dog & Kennel	003	17,616.10
General School	004	0.00
Magistrate Court	005	2,277.20
Worthless Check	006	22,164.33
Home Confinement	008	23,023.94
Federal Grants	009	(51,042.19)
State Grants	010	42,469.33
Flood Mitigation	023	34,958.62
Assessor Valuation	056	\$ 380,133.88
Farmland Protection	057	0.70
Sheriff's Concealed Weapons	059	40,781.22
Votes Registration	063	0.09
Unemployment Compensation	068	17,139.34
Jury & Witness	071	31,019.88
Law Enforcement Forfeiture	073	27,503.18
Pros Attny Forfeiture	074	6,858.36
Sub Division Bond Forfeiture	075	172.22
Teen Court	077	823.95
Bardane Public Health Center	244	150,346.18
Emergency Services Cap Out	245	1,722.64
County Capital Outlay	246	5,612,320.76
Parks & Recreation	247	580,385.39
Shepherdstown Battlefeild	248	91,144.14
Impact Fees	249	<u>810,847.20</u>
 Total governmental and special revenue funds		 \$ <u><u>14,254,194.22</u></u>

**Listing of Other State and Agency Funds held by Sheriff**

<u>Fund Name</u>	<u>Fund Number</u>	<u>Ending Cash Balance</u>
DMV	311.00 \$	5.00
Criminal Charges	312.00	103.86
Court Reporter	313.00	573.00
State Fines	314.00	200.00
State Police	315.00	60.00
State Current-Taxes	316.00	0.00
Tax Lien	364.00	98,806.88
Delinquent and Nonentered Lan	365.00	3,068.35
Board of Health	366.00	1,450,341.95
WVDeputy Sheriff's Retirement	369.00	1.00
School Current-Taxes	373.00	0.00
School Excess Levy-Taxes	374.00	0.00
School Debt Service-Taxes	376.00	0.00
Bolivar Current-Taxes	378.00	0.00
Charles Town Current-Taxes	379.00	0.00
Harpers Ferry Current-Taxes	380.00	0.00
Ranson Current-Taxes	381.00	0.00
Shepherdstown Current-Taxes	382.00	0.00
		<hr/>
Total agency funds		<u>1,553,160.04</u>
		<hr/>
Net Balances of all Bank Accounts held by the Sheriff as Treasurer		<u>15,807,354.26</u>

Jefferson County, WV  
 FYE June 30, 2013  
 Financial Statement Chart-General County Fund  
 Expenditure by Government Activity-September 2012

The Chart and financial data represent current month budget data of expenditures from the General County Fund for the month of August 2012.



Section #1, General Government  
 Section #2, Public Safety  
 Section #3, Health & Sanitation  
 Section #4, Culture & Recreation  
 Section #5, Social Services  
 Section #6, Capital Outlay

General County Fund-Expenditure Summary by Government Activity-Year to date totals							
	General Government	Public Safety	Health & Sanitation	Culture & Recreation	Social Services	Capital Outlay	
Color Coding	Section #1	Section #2	Section #3	Section #4	Section #5	Section #6	
Grand total YTD	6,395,696.79	\$3,359,758	\$2,679,508	\$38,767	\$301,884	\$3,456	\$12,324

	Percentage of gross expenditures >>	52.53%	41.90%	0.61%	4.72%	0.05%	0.19%
401	County Commission	900,232.11					
402	County Clerk	237,936.36					
403	Circuit Clerk	172,011.20					
404	Sheriff-Treasurer	154,870.93					
405	Prosecuting Attny	462,891.27					
406	Assessor	158,573.11					
407	Assessor-AVF	101,840.32					
408	Statewide Computer Network	14,427.14					
412	Agricultural Agent	37,031.56					
413	County Election, Employees	28,617.85					
413	Magistrate Court, Other cost	230.26					
415	Magistrate Court, Other cost	331,016.15					
424	Courthouse	156,081.25					
425	Other Buildings	19,355.99					
428	Data Processing, Employee Wages	19,794.26					
429	Regional Development Authority	119,901.61					
431	Economic Development	61,658.90					
433	GIS Addressing Dept	102,530.54					
439	Planning & Zoning, Employee Salaries	194,536.57					
440	Engineering, Employee Salaries	25,000.00					
442	Federal Grants	21,333.00					
443	State Grants	39,887.31					
451	Zoning		828,960.43				
700	Law Enforcement, Employee Salaries		150.00				
701	Service of Process, Employee Salaries		310,026.40				
704	Charges by other Gov't-Regional Jail Cost		50,084.29				
711	Emergency Services, Employee Salaries		466,250.13				
712	Communication Center		867,125.00				
715	Emergency Services Agency		66,698.61				
716	Animal Control, Salary Supplement		90,213.25				
717	Central Garage			2,500.00			
800	Local Health Department-Contributions			1,266.68			
801	Mental health			35,000.00			
808	Solid Waste Authority				143,038.30		
900	Parks & Recreation				6,816.97		
903	Arts & Humanities Contributions				6,816.97		
909	Historical Commission				85,212.09		
911	Other Gov't -Contrib to Visitors Center				60,000.00		
916	Other Gov't-Contrib to Libraries					3,455.75	
953	Other Gov't-Contrib to Public Transit						7,324.23
975	Capital Outlay-County Clerk						5,000.00
976	Capital Outlay-Circuit Clerk						0.00

# COUNTY ADMINISTRATOR REPORTS

In-Progress ; Completed

### Commissioner's Top Project Listing

Project	Team Leader/Members	Deadline	Comm Mtg
<b>GIS Content Management System:</b> --Presentation to Commission to present project, costs, and benefit analysis in preparation for next year's budget.	Leader: Todd Fagan	May 30, 2012	Completed presentation. Applied for grants. Pending RFP presentation 2-2012.
<b>Hire a County Administrator:</b>	Leader: Patsy Noland Member: Commission Members, Keyser and McDonald	June 30, 2012	On-going
<b>IT Needs:</b> Determine IT needs within the County. Provide recommendation for in-house or contract services, associated costs and plan of action.	Leader: Keyser and Shroyer	June 30, 2012	Sept. 2012
<b>Impact Fees – Affordable Housing</b>	Leader: Roger Goodwin	June 30, 2012	July 1, 2012
<b>OPEB Actuarial Study:</b> RFP to be completed and bids returned for Commission consideration.	Leader: Paul Shroyer	July 30, 2012	Sept., 2012
<b>Impact Fees:</b> --Ensure a long term plan is in place to protect Impact Fees --Determine how to collect --How to charge --Potential income --Proposal due to Commission Oct, 2012	Leader: Roger Goodwin and Stephanie Grove	Sept. 30, 2012	Oct., 2012
<b>CIP Presentation – Ensure it includes all potential capital projects.</b>	Leader: Paul Shroyer	June 30, 2012	July, 2012
<b>Income Replacement:</b> Review County's options to provide employees with short term disability and long term disability options, the costs, vendor comparison and date to implement, if approved.	Leader: Debbie Keyser Team Members: Sally Gran	Sept. 30, 2012	Oct., 2012

Project	Team Leader/Members	Deadline	Comm Mtg
<p><b>Move AS400:</b> Move AS400 from Hunter Building to Mason Building to protect equipment</p>	<p>Team Leader: Bill Polk Members: Charlotte Hernandez and Paul Shroyer</p>	<p>Sept. 30, 2012</p>	<p>Oct, 2012 AS400 is not being moved until a determination is made with building acquisition. \$138k AS400 upgrade was completed.</p>
<p><b>CAD System:</b> Develop RFP for a Computer Aided Dispatch System to provide complete data to those responding to 911 calls. RFP should include estimated costs for budget planning.</p>	<p>Leader: Jeff Polczynski</p>	<p>Oct. 30, 2012</p>	<p>8-16; RFP ready to distribute; Approval by Commission RFPs due 12-2012</p>
<p><b>Space Needs Study:</b> Provide inventory of all square footage of office space owned/leased/occupied by County gov't and affiliated agencies; Include: --Purchase of the Briel Building --Renovation of Animal Control --Cost Estimates for Judicial Center for Circuit Clerk; Bond or No Bond? --Court House space needs --Tax Office Work Stations &amp; Storage --Utilize other outside resources as needed --Allow for privacy of citizens to discuss personal issues --Central heat and air condition unit for Hunter bldg. --Meeting Hall for citizens/Commission --Avoid damage to historical buildings Provide a 3 year plan for the use, renovation, sale and upkeep of all buildings to ensure the County is fully utilizing its spaces and dollars for County employment.</p>	<p>Leader: Paul Shroyer and Bill Polk</p>	<p>Oct. 30, 2012</p>	<p>Presentation completed. Pending decision on Briel Building by Commission</p>
<p><b>Grant Policy:</b> Develop a policy to establish a standard process to ensure each grant is documented, checks are applied to the</p>	<p>Team Leader: Vivian Fields Members: Teresa Hendricks, Sandy</p>		

appropriate fund, expenditures go to the proper fund, and the County is currently meeting or can meet the Grant requirements.	McDonald	Oct. 30, 2012	Nov., 2012
<b>Polling Assignment/Budget:</b> Determine needs and costs of machines to show polling assignment	Leader: Jennifer Maghan	July 30, 2012	Aug. 2012 Determined a trial would be completed 11/2012.
Research, determine needs analysis, costs and make recommendation for new telephone system for the County	Leader: Bill Polk		Hired Consultant to assist with RFP - Dec., 2012

<b>Pending Approval</b>			
Add Animal Control to Capital Projects	Leader:		
Add \$4m for Natural Gas Line	Leader:		

<b>Commissioner Projects:</b>	<b>Team Leader/Members</b>	<b>Deadline</b>	<b>Comm Mtg</b>
Tennis Bubble	TBD	TBD	TBD
Public Indoor Swimming Facility	TBD	TBD	TBD
Public Transportation for Community to get to work without cars; MARC Train, etc	TBD	TBD	TBD
Local Drug Treatment Center	TBD	TBD	TBD

Debbie Keyser responsible for meeting with each team member to review their assignment and be the liaison between the team leader and the Commission to establish dates for the presentation to the Commissioners.

## IT Summary of Presentation

What is the current status of our IT function?

What is our vision?

What is the right solution to obtain our vision?

Contractor?

Hiring of an employee?

Combination of both?

Determine next action steps based on outcome of meeting decision.

NOTICE OF PUBLIC HEARING

COUNTY COMMISSION OF JEFFERSON COUNTY

The County Commission of Jefferson County will hold a Public Hearing on October 25, 2012, at 7:00 p.m. in the County Commission meeting room located at the Old Charles Town Library Meeting Room on the ground floor, 200 East Washington Street, Charles Town, WV 25414.

The purpose of the hearing is for public input for the following amendments to the impact fee ordinance:

- An amendment providing for an affordable housing discount to the impact fee schedule as required by W.Va. Code § 7-20-7a.

A copy of the request being considered can be found on the Jefferson County Commission's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org).

If you have any questions, please call the Department of Engineering Office at (304) 728-3331

A decision may be made on this date

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

**New Definitions:**

- 1) Residential Housing Index: The single dwelling residential housing index created by the Tax Commissioner in accordance with the provisions of W.Va. Code § 11-1-2b.
- 2) Average Market Value: The value of a home as determined by the average cost data listed in the Residential Housing Index created pursuant to the provisions of W.Va. Code § 11-1-2b

**New Section: 2(F) Affordable Housing Discount**

(1) In accordance with the provisions of W.Va. Code § 7-20-7a, the County Commission shall provide a discounted fee schedule for new dwelling units valued at 60 percent (60%) or below of the average market value for single dwelling residential housing in the county as determined by the most recent residential housing index. The discounted fee schedule will be based on a lineal scale of the normal impact fee. Dwelling units valued at greater than 60% of the average market value shall pay the full amount of the normal impact fee.

(2) A new dwelling unit's market value shall be determined by the Assessor, using the same methods and calculations to determine market values for purposes of taxation and shall include both the dwelling and land value. The Assessor's estimate of value shall be based upon information supplied by the homeowner about the new dwelling unit during the affordable housing discount application process. The Assessor's estimate of market value is not subject to appeal and shall not be used at a later date to contest valuation for purposes of taxation.

(3) The affordable housing discount shall be available by application only. A qualifying applicant shall be required to pay a percentage of the normal impact fee, which percentage shall be equal to the dwelling unit's estimated value as compared to the residential housing index. For example an applicant whose dwelling unit is estimated to be 60% of the average market value will pay 60% of the impact fee.

(4) An applicant for an affordable housing discount shall:

- a. Complete the Affordable Housing Discount Application Form available from the Engineering Department, and pay any applicable application processing fee, as set by the Jefferson County Commission
- b. Provide all documentation requested on the Affordable Housing Discount Application Form

- c. Be entitled to an affordable housing discount if the new dwelling unit's value is estimated to be equal to or less than 60% of the average market value as determined by the residential housing index.

(5) If the value of the dwelling unit, as determined by the Assessor for taxation purposes, far exceeds the estimated market value, as determined by the Assessor for impact fee purposes, and the difference in value is a result of inaccurate information provided by the applicant at the time of applying for the affordable housing discount; then the applicant shall be required to pay the difference between the normal impact fee and the affordable housing impact fee that was actually paid by the applicant. The additional impact fees due shall be paid within 30 days of written notification.

# INFORMATION/CORRESPONDANCE

## **Results of CCAWV Jail Costs Summit held October 14-15, 2012, Hilton Gardens Inn, Harrison County, WV.**

Thirty-eight County Commissioners and staff from 22 counties came together with CCAWV Staff and RJA Executive Director Joe DeLong to discuss county concerns and suggested solutions to the increasing cost to counties for incarcerating inmates in regional jails, CCAWV's top legislative priority for 2013.

The group spent Sunday afternoon brainstorming and came up with over 30 concerns. Before recessing for dinner, the group agreed to a methodology for prioritizing the multitude of topics, the following morning. Through much discussion and lively debate, 5 top priority issues emerged and are listed below.

To assist CCAWV in solving these issues, the group then established a new association standing committee, ***the CCAWV Regional Jail Steering Committee*** and the following members were appointed: Chris Tatum, Cabell County Administrator, Chairman; Patsy Noland, Jefferson County Commissioner; Matt Wender, Faye County Commissioner; Donnie Tenney, Upshur County Commissioner; Butch Tennant, Marion County Commissioner; Megan Pomeroy, Upshur County Assistant Administrator; Ron Watson, Harrison County Commissioner; Deborah Hammond, Berkeley County Administrator; Gordon Lambert, McDowell County Commissioner; and Tim McCormick, Ohio County Commissioner.

The charge of this committee is to monitor and study the issues as laid out below, beginning with the 5 top priorities, bring forth recommendations to the CCAWV Board as needed, and to provide an ongoing forum for the continued pursuit of solutions to county concerns with regional jail issues. The newly formed committee set **November 19, 2012**, for their first conference call meeting.

### **Priority Issues (Green)**

#### **1. Method for collecting outstanding court costs:**

Checking for nonpayment at the time of vehicle registration/license renewals  
Withholding income tax refunds for outstanding court costs in magistrate and circuit courts (copied from municipal statute 2005)

#### **2. Sharing of Jail costs among all arresting entities**

At least require "Skin-in-the-Game" ...arresting officers' entity pays first day's per diem

#### **3. Support Regional Jail Authority's proposed changes to statute regarding personnel budgeting requirements and limited latitude in formula for calculating per diem.**

#### **4. P B & J (Probation Before Judgment) a pre-trial diversion program used in Baltimore MD**

#### **5. Encouraging County public education awareness programs regarding jail costs and the resulting effect on other county services.**

--design talking points / white paper/to be personalized for each county  
--Press Release

## CCAWV Regional Training Efforts to Share Jail Cost Containment “Best Practices” Among Membership

- Counties hiring/appointing someone at county level to audit entire regional jail process
- Counties using old jails as holding facilities
- Under performing or non-existent day report centers
- Meetings planned regionally after legislative session (spring 2013)
- CCAWV Regional Jail Steering Committee to Present at Basic Training Nov 28-30, 2012
- CCAWV to share report from Summit at CCAWV Regional Roundtables – Nov – Dec 2012

## On-going Committee Study Issues /goals (Blue)

Meetings with Supreme Court to discuss following issues:

- Uniform Bail Bond Schedule
- Uniform fines for non-violent crimes (example traffic violations)
- More Judges allowing inmates to continue working thru work release program and capturing percentage of inmate salary to off-set regional jail cost.
- Return rule for 24-hour magistrate coverage. Supreme Court changed rules in 1994. Only exceptions are for domestic/search warrants.
- Delay in Judicial process (convictions that would transfer to state’s obligation)
- Delay in paperwork (from date of sentence to transfer to state)
- Weekend Jail sentencing vs home confinement

Explore the possibility for County Commissions to contract with 3<sup>rd</sup> party collection agencies to collect unpaid court costs.

Tax on Beer, Wine, and Liquor sales of on-site consumption dedicated to Regional Jail Operation Costs.

Allowing the use of the P-Card for regional jail bill payment

Work release programs for community work – liability problem for counties

Law enforcement discretion for issuing citation at the street level (2011 SB 342)

Sentencing re-structuring – making punishments more closely fit the crime

Bad-Boy pays cost of incarceration automatically, unless can prove inability to pay

Support keeping all transfer taxes in counties to be used to off-set regional jail costs

Increase drug possession weight limits

Prosecutors initiated complaints vs law enforcement initiated complaints

**Issues discussed, but removed from study list at this time (Red)**

Increase Troopers in counties

County commission authority to go bond (old bill)

Establish payment plan authority for day report



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*City of*  
*Charles*  
*Town*

[www.charlestownwv.us](http://www.charlestownwv.us)  
[www.facebook.com/charlestownwv](https://www.facebook.com/charlestownwv)

(304) 725-2311  
101 East Washington Street  
Charles Town, WV 25414



Presorted Std.  
US Postage  
**PAID**  
Martinsburg, WV  
25404  
Permit #125

**Current Resident**  
**Local**

**Fall Clean-Up**  
**WEEK OF**  
**OCTOBER 22-26**

Visit the "Around Town" tab on our website for more information!

**HALLOWEEN EVENTS**

**Downtown Trick-Or-Treat**  
 Friday, October 26, 4-6 pm

---

**Charles Town Trick-Or-Treat**  
 Wednesday, October 31, 6 - 8pm  
 \*Porch Lights ON!

*Christmas in Charles Town*

- Christmas Tree Lighting**  
 Friday, November 23  
 7:00 p.m. Courthouse Lawn
- Christmas Parade**  
 Saturday, December 1  
 2:00 p.m.

**[www.charlestownwv.us](http://www.charlestownwv.us)**

Visit our website for entry forms and additional information



**Animal Welfare Society of Jefferson  
County**

PO Box 147 • Charles Town, WV 25414

**Annie Roina  
President**

October 12, 2012

Sandy Slusher McDonald  
Deputy County Administrator  
PO Box 250  
Charles Town, WV 25414

Dear Ms. McDonald:

On behalf of the Board of Directors of the Animal Welfare Society, I would like to thank the Jefferson County Commission for the funding assistance in the amount of \$10,000 approved for our non-profit organization for FY 2013. This letter serves as our request to you to release these funds to AWS.

We depend on the generosity of our loyal supports to keep our doors open and avoid euthanizing hundreds of animals neglected and abused in Jefferson County. We know that you continue to face increasing costs, limited revenues, and an uncertain economy, yet you were able to provide us with help.

Thank you for your continued support of AWS which enables us to serve the County's neglected, abused and homeless animals.

Respectfully,

A handwritten signature in black ink, appearing to read "Annie Roina".

Annie Roina  
President

**RECEIVED**

OCT 15 2012

**Jefferson County Commission**

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

Week Ending Date	Week Ending October 6, 2012
<b>To be Deposited on:</b>	October 15, 2012
Amount Played	69,637,469.63
Amount Won	62,869,092.83
Amount Promo	231,126.00
MWAP Contribution	<u>4,417.00</u>
<b>Adjusted Gross Terminal Revenue</b>	<b><u>6,532,833.80</u></b>
Administrative Costs @ 4%	261,313.36
Excess Lottery Fund @ 4%	<u>0.00</u>
<b>Net Terminal Revenue</b>	<b><u>6,271,520.44</u></b>
Surcharge @ 10%	0.00
State Share Excess @ 58%	0.00
Track Share of Capital Reinvestment @ 42%	<u>0.00</u>
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	0.00
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	0.00
<b>Adjusted Net Terminal Revenue</b>	<b><u>6,271,520.44</u></b>
Racetrack @ 46.50% / 42%	2,916,257.00
Lottery Fund @ 30% / 0%	1,881,456.17
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	878,012.86
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	62,715.20
Greyhound Development @ .75%	47,036.40
Thoroughbred Development @ .75%	47,036.40
Racing Commission @ 1%	62,715.20
County/Municipality @ 2%	125,430.40
<b>3% Funds:</b>	
Tourism Promotion Fund @ 1.375%	86,233.41
Development Office Promotion Fund @ .375%	23,518.20
Research Challenge Fund @ .5%	31,357.60
Capitol Renovation and Improvement Fund @ .6875%	43,116.70
2004 Capitol Complex Parking Garage Fund @ .0625%	3,919.70
<b>1% Funds:</b>	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	31,357.60
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>31,357.60</u>
	<b><u>6,271,520.44</u></b>

WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
 County / City Split  
 Fiscal Year 2013

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

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 8.19%	CHARLES TOWN 41.20%	HARPERS FERRY 2.24%	RANSON 34.78%	SHEPHERDS TOWN 13.59%
Week Ending:								
07/07/12	\$ 161,637.92	\$ 161,637.92	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/14/12	\$ 129,458.04	\$ 129,458.04	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/21/12	\$ 130,037.00	\$ 130,037.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/28/12	\$ 137,164.44	\$ 137,164.44	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/04/12	\$ 132,931.16	\$ 132,931.16	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/11/12	\$ 134,212.88	\$ 134,212.88	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/18/12	\$ 133,861.76	\$ 110,241.90	\$ 23,619.86	\$ 1,934.47	\$ 9,731.38	\$ 529.08	\$ 8,214.99	\$ 3,209.94
08/25/12	\$ 132,419.80	\$ 66,209.90	\$ 66,209.90	\$ 5,422.59	\$ 27,278.48	\$ 1,483.10	\$ 23,027.80	\$ 8,997.93
09/01/12	\$ 134,266.84	\$ 67,133.42	\$ 67,133.42	\$ 5,498.23	\$ 27,658.97	\$ 1,503.79	\$ 23,349.00	\$ 9,123.43
09/08/12	\$ 148,058.80	\$ 74,029.40	\$ 74,029.40	\$ 6,063.01	\$ 30,500.11	\$ 1,658.26	\$ 25,747.42	\$ 10,060.60
09/15/12	\$ 123,676.08	\$ 61,838.04	\$ 61,838.04	\$ 5,064.54	\$ 25,477.27	\$ 1,385.17	\$ 21,507.27	\$ 8,403.79
09/22/12	\$ 113,993.80	\$ 56,996.90	\$ 56,996.90	\$ 4,668.05	\$ 23,482.72	\$ 1,276.73	\$ 19,823.52	\$ 7,745.88
09/29/12	\$ 123,222.80	\$ 61,611.40	\$ 61,611.40	\$ 5,045.97	\$ 25,383.90	\$ 1,380.10	\$ 21,428.44	\$ 8,372.99
10/06/12	\$ 125,430.40	\$ 62,715.20	\$ 62,715.20	\$ 5,136.37	\$ 25,838.66	\$ 1,404.82	\$ 21,812.35	\$ 8,523.00
Subtotal	\$ 1,860,371.72	\$ 1,386,217.60	\$ 474,154.12	\$ 38,833.23	\$ 195,351.49	\$ 10,621.05	\$ 164,910.79	\$ 64,437.56

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

VIDEO LOTTERY REPORT  
FY 2009

FY 2009		FY 2010		FY 2011		FY 2012		FY 2013	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
7/5/2008 *	169,912.56	7/4/2009 *	128,262.42	07/03/2010	115,402.58	7/1-2/2011	69,824.12	07/07/2012	161,637.92
07/12/2008	176,592.38	07/11/2009	168,815.08	07/10/2010	205,731.64	07/09/2011	171,717.28	07/14/2012	129,458.04
07/19/2008	160,344.08	07/18/2009	160,652.98	07/17/2010	161,386.76	07/16/2011	143,019.52	07/21/2012	130,037.00
07/26/2008	162,982.74	07/25/2009	158,869.08	07/24/2010	160,368.28	07/23/2011	146,508.00	07/28/2012	137,164.44
08/02/2008	178,171.04	08/01/2009	174,493.08	07/31/2010	157,802.08	07/30/2011	144,510.28	08/04/2012	132,931.16
08/09/2008	123,538.04	08/08/2009	138,408.80	08/07/2010	136,494.98	08/06/2011	151,495.28	08/11/2012	134,212.88
08/16/2008	82,482.89	08/15/2009	81,222.14	08/14/2010	78,376.68	08/13/2011	117,350.38	08/18/2012	110,241.90
08/23/2008	76,426.18	08/22/2009	76,260.31	08/21/2010	76,199.02	08/20/2011	71,614.12	08/25/2012	66,209.90
08/30/2008	89,459.86	08/29/2009	80,472.92	08/28/2010	72,460.03	08/27/2011	63,432.14	09/01/2012	67,133.42
09/06/2008	91,644.46	09/05/2009	80,798.15	09/04/2010	76,362.84	09/03/2011	80,837.76	09/08/2012	74,029.40
09/13/2008	79,729.93	09/12/2009	86,286.92	09/11/2010	82,969.36	09/10/2011	84,845.80	09/15/2012	61,838.04
09/20/2008	71,269.36	09/19/2009	70,010.15	09/18/2010	67,638.78	09/17/2011	66,748.62	09/22/2012	56,996.90
09/27/2008	79,735.73	09/26/2009	69,316.87	09/25/2010	70,435.06	09/24/2011	68,929.80	09/29/2012	61,611.40
10/04/2008	75,186.22	10/03/2009	72,286.04	10/02/2010	71,013.86	10/01/2011	68,871.64	10/06/2012	62,715.20
10/11/2008	77,139.04	10/10/2009	69,650.63	10/09/2010	69,311.50	10/08/2011	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		
11/01/2008	68,352.42	10/31/2009	64,528.30	10/30/2010	65,615.04	10/29/2011	60,507.98		
11/08/2008	70,823.02	11/07/2009	63,741.59	11/06/2010	61,337.62	11/05/2011	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		
12/06/2008	55,696.68	12/05/2009	51,006.51	12/04/2010	53,215.08	12/03/2011	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		
01/03/2009	96,504.65	01/02/2010	92,980.40	01/01/2011	85,152.12	12/31/2011	94,661.00		
01/10/2009	53,286.62	01/09/2010	55,020.46	01/08/2011	54,301.30	01/07/2012	74,863.40		

01/17/2009	56,068.87	01/16/2010	60,551.28	01/15/2011	54,005.90	01/14/2012	58,901.92
01/24/2009	71,474.63	01/23/2010	69,943.53	01/22/2011	60,924.74	01/21/2012	61,819.92
01/31/2009	61,089.80	01/30/2010	48,527.75	01/29/2011	48,036.94	01/28/2012	62,898.78
02/07/2009	83,539.63	02/06/2010	37,155.14	02/05/2011	60,777.44	02/04/2012	72,154.66
02/14/2009	76,054.44	02/13/2010	44,334.00	02/12/2011	67,471.84	02/11/2012	66,429.04
02/21/2009	91,838.41	02/20/2010	76,946.12	02/19/2011	72,018.54	02/18/2012	77,455.88
02/28/2009	80,806.88	02/27/2010	72,024.40	02/26/2011	75,544.02	02/25/2012	77,611.78
03/07/2009	48,837.13	03/06/2010	76,936.85	03/05/2011	74,535.34	03/03/2012	75,963.86
03/14/2009	96,025.39	03/13/2010	71,007.37	03/12/2011	66,979.48	03/10/2012	76,808.62
03/21/2009	79,002.82	03/20/2010	74,335.38	03/19/2011	73,113.26	03/17/2012	76,883.92
03/28/2009	79,250.83	03/27/2010	69,941.88	03/26/2011	68,490.80	03/24/2012	72,108.36
04/04/2009	75,968.30	04/03/2010	70,636.28	04/02/2011	70,846.58	03/31/2012	74,244.22
04/11/2009	75,964.94	04/10/2010	69,692.79	04/09/2011	67,076.78	04/07/2012	75,382.98
04/18/2009	80,598.22	04/17/2010	69,335.92	04/16/2011	64,698.56	04/14/2012	71,065.34
04/25/2009	75,571.46	04/24/2010	68,714.11	04/23/2011	67,674.14	04/21/2012	68,055.08
05/02/2009	73,957.05	05/01/2010	68,799.06	04/30/2011	66,807.50	04/28/2012	72,880.66
05/09/2009	76,697.22	05/08/2010	67,403.54	05/07/2011	66,379.74	05/05/2012	71,582.30
05/16/2009	71,925.70	05/15/2010	70,186.32	05/14/2011	66,699.76	05/12/2012	63,357.92
05/23/2009	81,395.43	05/22/2010	64,695.71	05/21/2011	63,210.44	05/19/2012	78,984.36
05/30/2009	82,161.55	05/29/2010	67,157.40	05/28/2011	64,724.06	05/26/2012	67,396.24
06/06/2009	74,895.74	06/05/2010	77,371.80	06/04/2011	74,952.34	06/02/2012	76,959.44
06/13/2009	67,327.23	06/12/2010	66,106.29	06/11/2011	62,203.12	06/09/2012	63,584.86
06/20/2009	75,500.53	06/19/2010	64,888.48	06/18/2011	61,200.76	06/16/2012	59,436.12
06/27/2009	67,354.10	06/26/2010	63,950.29	06/25/2011	65,470.44	06/23/2012	55,921.30
6/30/2009 ***	32,059.58	06/30/2010	29,667.19	06/30/2011	34,351.16	06/30/2012	58,207.40

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TOTALS **4403564.04**

**4041141.56**

**4016541.01**

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**4124906.8**

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**1386217.6**

Table Game Revenue

<b>Date</b>	<b>Amount</b>	<b>Date</b>	<b>Amount</b>	<b>Date</b>	<b>Amount</b>
July/August, 2010	154,185.68	July, 2011	141,718.01	July, 2012	138,663.64
September, 2010	94,247.84	August, 2011	137,473.92	August, 2012	133,245.83
October, 2010	105,903.60	September, 2011	110,375.25	September, 2012	127,532.40
November, 2010	108,717.67	October, 2011	124,273.94		
December, 2010	118,721.11	November, 2011	121,118.87		
January, 2011	106,189.21	December, 2011	140,509.93		
February, 2011	105,776.45	January, 2012	137,812.68		
March, 2011	120,927.10	February, 2012	142,770.01		
April, 2011	130,654.61	March, 2012	151,845.46		
May, 2011	130,492.02	April, 2012	127,862.26		
June, 2011	121,576.41	May, 2012	137,905.13		
		June, 2012	129,235.38		
<b>Total 2010-2011</b>	<b>1297391.7</b>	<b>Total 2011-2012</b>	<b>1602900.84</b>	<b>Total 2011-2012</b>	<b>399441.87</b>

**Table Game Revenue Distribution - Jefferson County School Board**

<u>Date</u>	<u>Amount</u>
July, 2011	425,154.03
August, 2011	412,421.76
September, 2011	331,125.75
October, 2011	372,821.82
November, 2011	363,356.61
December, 2011	421,529.79
January, 2012	413,438.04
February, 2012	428,310.03
March, 2012	455,536.38
April, 2012	383,586.78
May, 2012	413,715.39
June, 2012	387,706.12
<u>Total 2011-2012</u>	<u>4,808,702.50</u>

<u>Date</u>	<u>Amount</u>
July, 2012	415,990.92
August, 2012	399,737.49
September, 2012	382,597.20
<u>Total 2011-2012</u>	<u>1,198,325.61</u>



October 8, 2012

Jefferson County Commission  
Attn: Patsy Noland, Pres.  
P.O. Box 250  
Charles Town, WV 25414

Dear Patsy and Commissioners,

On behalf of the staff, patients, families and volunteers of Hospice of the Panhandle, allow me to thank you for the gift of \$10,000.00 made to our "Building the Dream" capital campaign. We have made tremendous progress over the past two years in fundraising and planning for the future.

We have made tremendous progress in our campaign. To date, with your support, we have raised more than \$3.35 million. We broke ground in June 2012 and road construction began in earnest in August. We estimate that construction on both buildings, which will occur at the same time, will be complete near the end of 2013 or in the early part of 2014, after which we will move from our current facilities.

These continue to be exciting times for Hospice of the Panhandle. Thank you for your commitment to our agency and to this project in particular – and for recognizing how important end-of-life care is.

Gratefully,

Margaret Cogswell, RN, CHPCA  
Chief Executive Officer

*We are so grateful!*

P.S. We recognize your gift is given without any goods or services being provided to you in consideration of this contribution. We ask that you keep this letter as receipt of the required substantiation for your charitable contribution.

**RECEIVED**

OCT 13 2012

Jefferson County Commission

David C. Tabb  
107 Tabb Lane  
Harpers Ferry, WV 25425

October 11, 2012

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

Dear Jefferson County Commission;

Over the last several months I have tried numerous times and in different ways to receive information dealing with several different issues with little to no success. Since you, the Jefferson County Commission, are in charge of the information, I am hereby requesting the following:

1. All information pertaining to, 201 North George Street (the Briel / Liberty Building). This is to include:
  - All information compiled that shows a need for the building.
  - What was paid to get the building ready and who paid for it.
  - Lease information
  - Records of any hearings or public meeting involved.

Ms. Keyser said she was not in the position at that time to know about this, but would look into it. This information should be ready available regardless of who is in charge of the County Offices. I request immediate release of all documents pertaining to the 201 North George Street Building.

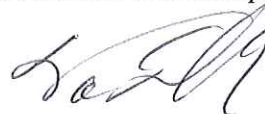
2. The Release of all documents from Homeland Security and Jefferson County Emergency Services that pertain to the June 29, 2012 Storm. This is to include:
  - Inventory prior to the storm
  - What services were utilized?
  - Inventory remaining after the "State of Emergency" was lifted.
  - What was asked for from other Departments and/or Agencies and what was actually received from them and/or not received from them.
  - What strategies worked and what failed.
  - How was communication effected?
    - What was done to get it back up?
    - When and how long did it take to get it restored?

Again, this information should be readily available to the public. Ms. Keyser was there, so there should be no problem?

**RECEIVED**

Awaiting the immediate release of the requested information,

OCT 15 2012



David C. Tabb

**Jefferson County Commission**

David C. Tabb  
107 Tabb Lane  
Harpers Ferry, WV 25425

October 11, 2012

Debbie Keyser, County Administrator  
124 East Washington Street  
PO Box 250  
Charles Town, WV 25414

Dear Ms. Keyser;

I received your letter of October 9, 2012 on October 10, 2012, following our telephone conversation on October 9, 2012.

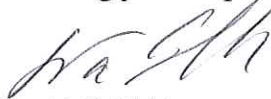
You expressed that you would like to meet with me before being put on the "Agenda". This is acceptable to me, but I have still not received the requested information. The reason for me asking to be put on the "Agenda" was to voice my concerns about why I did not get the information I requested. So, if you can get me the information I requested from the Jefferson County Commission, we can set down and talk (see attached letter addressed to the Jefferson County Commission).

The papers you sent from Ms. Miller is the "Agenda Request Form" not the information she submitted. Even the "Agenda Request" states "this request is to update the Jefferson County Commission", WHERE IS THAT UPDATE?

The "Mystery Building" at 201 North George Street is required by Code to be in file, even though you were not there at that time, the files should be. Ms. Grove was also requested by Mr. Lorenzetti to assist you in this matter. It would be appreciated if all the Government Agencies would work together in this matter.

As far as not releasing the Appraisal, I believe there should be no purchase of a building when there is a question of whether there is a need for the building. The Jefferson County Commission only approved looking into the purchase of the building, not to actually buy the building.

Awaiting your response,



David C. Tabb

**RECEIVED**

OCT 15 2012

**Jefferson County Commission**

David C. Tabb  
107 Tabb Lane  
Harpers Ferry, WV 25425

October 11, 2012

Jefferson County Prosecuting Attorney  
Ralph Lorenzetti  
P O Box 729  
Charles Town, WV 25414

Dear Mr. Lorenzetti;

Last Week I ask you about some issues concerning the 201 North George Street building of which you are primarily located. You told me to refer all questions dealing with this matter to Ms. Grove, which I did. To this day nothing has occurred. It seems Ms. Keyser of the Jefferson County Commission office is having trouble getting the information I requested.

Since you are the elected Prosecuting Attorney and Ms. Grove works at your pleasure, I am hereby requesting that you help Ms. Keyser to retrieve the information I need on the 201 North George Street building.

Awaiting your Assistance,



David C. Tabb

**RECEIVED**

OCT 15 2012

**Jefferson County Commission**

David C. Tabb  
107 Tabb Lane  
Harpers Ferry, WV 25425

October 11, 2012

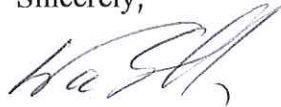
Jefferson County Prosecuting Attorneys  
Stephanie Grove  
P O Box 729  
Charles Town, WV 25414

Dear Ms. Grove;

Mr. Lorenzetti told me that you would help with any issues dealing with the "Mystery Building" at 201 North George Street. It is apparent Ms. Keyser is having trouble locating the records required to lease or purchase this building.

Since you have been involved throughout these proceedings it would be appreciated if you would show Ms. Keyser where the records are kept.

Sincerely,



David C. Tabb

**RECEIVED**

OCT 15 2012

**Jefferson County Commission**



**State of West Virginia**  
**OFFICE OF THE STATE TREASURER**  
**CHARLESTON, WV 25305**

**John D. Perdue**  
State Treasurer

1-800-422-7498  
304-558-5000  
[www.wvsto.com](http://www.wvsto.com)

**Danny Ellis**  
Assistant State Treasurer

**MEMORANDUM**

**To:** All Coal-Producing County Commissions

**From:** John D. Perdue  
State Treasurer

**Date:** October 15, 2012

**Subject:** Coal County Reallocation Severance Tax to Coal-Producing Counties

The West Virginia Legislature enacted Senate Bill 1002 on August 5, 2011. The legislation allocates a percentage of coal severance taxes to coal-producing counties for economic development and infrastructure projects. As you are no doubt aware, there are various restrictions on where these moneys may be deposited, how they may be used and the reporting required.

A copy of Senate Bill 1002 is attached for your convenience. Here are some brief highlights of the legislation:

- The bill created a new W. Va. Code §11-13A-6a, allocating up to \$20 million each year.
- The allocation is determined by dividing the moneys available by the number of tons of coal mined in the state during the preceding quarter and then multiplying that amount by the number of tons of coal removed from the ground in the county during the preceding quarter.
- The moneys are not permitted to be deposited into a county's general revenue fund. The County Commission must establish a special account titled "(Name of County) Coal County Reallocated Severance Tax Fund" for the deposit of these distributions.
- Beginning December 31, 2013 and on December 1 of each year thereafter, a written report must be made to the Joint Committee on Government and Finance listing the projects for which moneys were expended and detailing the expenditures.

Congratulations on being a recipient of these distributions.

The initial distribution will be paid by check sometime in October 2012. We will be in contact with you to explore the possibility of making all future coal county reallocation severance tax distributions through direct deposit.

If you have further questions, please feel free to contact Sherri Sullivan ([sherri.sullivan@wvsto.com](mailto:sherri.sullivan@wvsto.com)) or Bryan Archer ([bryan.archer@wvsto.com](mailto:bryan.archer@wvsto.com)) of my Office via email or at 1-800-422-7498 or 304-558-5000.

Enclosure: 1

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 1002**

(BY SENATORS KESSLER (ACTING PRESIDENT) AND HALL,

BY REQUEST OF THE EXECUTIVE)

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[Passed August 5, 2011; in effect ninety days from passage.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-13A-6a, relating to reallocating and dedicating five percent of coal severance tax revenues up to \$20 million annually to the coal-producing counties of origin to be phased in over a five-year period after accounting for the revenues dedicated to other funds; establishing state and local coal county reallocated severance tax funds and providing for distribution of the moneys to the county commissions by the State Treasurer; establishing amounts

each coal-producing county to receive; requiring the creation of local funds into which moneys to be deposited; requiring moneys be expended solely for economic development projects and infrastructure projects; providing definitions; providing restrictions on the expenditure of moneys; providing duties of State Tax Commissioner; requiring report of expenditures to Joint Committee on Government and Finance; providing audits of distributed funds when authorized by the Joint Committee on Government and Finance; and authorizing legislative and emergency rules.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §11-13A-6a, to read as follows:

**ARTICLE 13A. SEVERANCE AND BUSINESS PRIVILEGE TAX ACT.**

**§11-13A-6a. Reallocation and dedication of percentage of severance tax for benefit of coal-producing counties; phase-in period; permissible uses of distributed revenues; duties of State Treasurer and State Tax Commissioner; audits; rulemaking.**

(a) The purpose of this section is to provide for the reallocation and dedication of a portion of the tax attributable to the severance

of coal imposed by section three of this article for the use and benefit of the various counties of this state in which the coal upon which that tax is imposed was located at the time it was severed from the ground. Those counties are referred to in this section as the coal-producing counties or, in the singular, as a coal-producing county.

(b)(1) Effective July 1, 2012, one percent of the tax attributable to the severance of coal imposed by section three of this article is dedicated and shall be distributed for the use and benefit of the coal-producing counties as provided in this section. Effective July 1, 2013, two percent of the tax attributable to the severance of coal imposed by section three of this article is dedicated and shall be distributed for the use and benefit of the coal-producing counties as provided in this section. Effective July 1, 2014, three percent of the tax attributable to the severance of coal imposed by section three of this article is dedicated and shall be distributed for the use and benefit of the coal-producing counties as provided in this section. Effective July 1, 2015, four percent of the tax attributable to the severance of coal imposed by section three of this article is dedicated and shall be distributed for the use and benefit of the coal-producing counties as provided in this section. Effective July 1, 2016, and thereafter, five percent of the tax attributable to the

severance of coal imposed by section three of this article is dedicated and shall be distributed for the use and benefit of the coal-producing counties as provided in this section.

(2) In no fiscal year may the proceeds dedicated in subdivision (1) of this subsection exceed the sum of \$20 million.

(3) For purposes of this subsection, the tax attributable to the severance of coal imposed by section three of this article does not include the thirty-five one hundredths of one percent additional severance tax on coal imposed by the state for the benefit of counties and municipalities as provided in section six of this article.

(c) The amounts of the tax dedicated in subsection (b) of this section shall be deposited, from time to time, into a special fund known as the Coal County Reallocated Severance Tax Fund, which is hereby established in the State Treasury, as the proceeds are received by the State Tax Commissioner.

(d) The net proceeds of the deposits made into the Coal County Reallocated Severance Tax Fund shall be allocated among and distributed quarterly to the coal-producing counties by the State Treasurer in the manner specified in this section. On or before each distribution date, the State Treasurer shall determine the total amount of moneys that will be available for distribution to the respective counties entitled to the moneys on that distribution date.

The amount to which a coal-producing county is entitled from the Coal County Reallocated Severance Tax Fund shall be determined in accordance with subsection (e) of this section. After determining as set forth in subsection (e) of this section the amount each coal-producing county is entitled to receive from the fund, a warrant of the State Auditor for the sum due to each coal-producing county shall be issued and a check drawn thereon making payment of that amount shall thereafter be distributed to each such coal-producing county by hand, mail commercial delivery or electronic transmission.

(e) The amount to which a coal-producing county is entitled from the Coal County Reallocated Severance Tax Fund shall be determined by:

(1) Dividing the total amount of moneys in the fund then available for distribution by the total number of tons of coal mined in this state during the preceding quarter; and

(2) Multiplying the quotient thus obtained by the number of tons of coal removed from the ground in the county during the preceding quarter.

(f) (1) No distribution made to a county under this section may be deposited into the county's general revenue fund. The county commission of each county receiving a distribution under this section shall establish a special account to be known as the "(Name of County) Coal County Reallocated Severance Tax Fund" into which all

distributions made to that county under this section shall be deposited.

(2) Moneys in the county's coal county reallocated severance tax fund shall be expended by the county commission solely for economic development projects and infrastructure projects.

(3) For purposes of this section:

(A) "Economic development project" means a project in the state which is likely to foster economic growth and development in the area in which the project is developed for commercial, industrial, community improvement or preservation or other proper purposes.

(B) "Infrastructure project" means a project in the state which is likely to foster infrastructure improvements including, but not limited to, post-mining land use, any water or wastewater facilities or any part thereof, storm water systems, steam, gas, telephone and telecommunications, broadband development, electric lines and installations, roads, bridges, railroad spurs, drainage and flood control facilities, industrial park development or buildings that promote job creation and retention.

(4) A county commission may not expend any of the funds available in its coal county reallocated severance tax fund for personal services, for the costs of issuing bonds, or for the payment of bond debt service, and shall direct the total funds available in its coal

county reallocated severance tax fund to project development, which may include the costs of architectural and engineering plans, site assessments, site remediation, specifications and surveys, and any other expenses necessary or incidental to determining the feasibility or practicability of any economic development project or infrastructure project.

(g) On or before December 31, 2013, and December 1 of each year thereafter, the county commission of each county receiving a distribution of funds under this section shall deliver to the Joint Committee on Government and Finance a written report setting forth the specific projects for which those funds were expended during the next preceding fiscal year, a detailed account of those expenditures, and a showing that the expenditures were made for the purposes required by this section.

(h) An audit of any funds distributed under this section may be authorized at any time by the Joint Committee on Government and Finance to be conducted by the Legislative Auditor at no cost to the county commission or county commissions audited.

(i) The State Tax Commissioner shall propose for promulgation legislative rules pursuant to article three, chapter twenty-nine-a of this code for the administration of the provisions of this section, and is authorized to promulgate emergency rules for those purposes

pursuant to that article.

**TO: COUNTY COMMISSIONERS**

**FROM: The Vintage Lady Shop  
Cindi and Billy Ray Dunn**

**RE: HELP**

**We urge you to PLEASE vote NO on the sale of the land at the corner of Washington Street and Rt. 340.**

**The future of the business district in lower town Harpers Ferry depends on your vote.**

**The proposed use of this land would devastate the small shops in Harpers Ferry. Only three have survived the past ten years that we have had our shop.**

**We have struggled for ten years to build up an income that allows us to live here. We have worked day and night to promote "SHOP LOCAL" and to find ways to attract customers from the D.C. and Baltimore area.**

**Anything that takes away from our small shops will result in closures and empty buildings.**

**As our elected representatives, we depend on you to help us survive and grow in the face of pressures from big businesses that already have a healthy income.**

**RECEIVED**

**OCT 19 2012**

**Jefferson County Commission**

*Billy Ray + Cindi  
Dunn*

Pamela Parziale  
5210 Paynes Ford Road  
Kearneysville West Virginia 25430  
304-725-425  
Email: [pamoren@frontiernet.net](mailto:pamoren@frontiernet.net)

October 6, 2012

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

Dear County Commissioners,  
Ms. Patsy Noland  
Mr. Dale Manuel  
Ms. Lyn Widmyer  
Ms. Frances Morgan  
Mr. Walter Pellish

I have been working on the Certified Arts Community (CAC) project going on three years now. It is a collaborative process and involves local governments, business, education, historical, and cultural organizations.

The cost of the grant application for the CAC came, in part, from funds from the Jefferson County Commission (JCC), the funding through the "Hotel-Motel Tax," and the WV Division of Culture & History in a matching grant. With financial support and as the primary applicant, the Jefferson County Commission agreed to be a full partner. This is your project.

The research and writing of the Jefferson County Cultural Plan was a necessary precedent for the application for the CAC as required by the WV Division of Culture & History. The Jefferson County Commission gave their full financial support to this endeavor dating back to 2007.

With the Arts & Humanities Alliance of Jefferson County (AHA) as the non-profit 501-C3 acting on behalf of the County Commission, the WV Division of Culture & History awarded our county the CAC designation with a three-year proviso. Jefferson County has three years to demonstrate that our community leaders understand and have a grasp of knowledge of the economic impact the arts and culture bring to Jefferson County.

The CAC working group, led by Lois Turco and myself, has acted as the lead organizers to promote and educate others about the economic impact of our county's rich cultural activities.

RECEIVED

OCT 15 2012

Jefferson County Commission

Our efforts have been severely undermined and disrupted by your recent actions. At the regular meeting of the JCC on September 6<sup>th</sup>, a motion was made to fund the CAC from unencumbered funds in the amount of \$1000. The original request was made, as required by the JCC, on January 15, 2012 and was for \$5000. (These funds are separate from the Hotel-Motel tax revenue received by AHA). Please take the time to read the original funding request.

Prior to the vote taken, there had been a power point presented to the JCC by the Jefferson County Convention & Visitors Bureau (CVB). It is clear about the \$20K that was to be used to provide marketing dollars to the county arts and heritage groups.

During the discussion before the vote, Commissioner Widmyer had stated that the CAC receives its funding from the CVB as part of the \$150,000. funding allocated to the CVB for reorganization and hiring of personnel.

The motion for the \$1000. funding for the CAC was defeated on a 3 to 2 vote with the comment made by Commissioner Widmyer going unchallenged; the funds would be coming from the CVB.

This is a gross misunderstanding of the CAC's mission and it's relationship to our county. The CVB has no intention and no plans to fund the CAC. In the discussion prior to the vote to deny funding, Commissioner Widmyer made an incorrect assumption that the CAC was to be funded by the CVB \$150,000. funding.

This vote is a result of misrepresentation of the funding request. The CVB has only recently hired a new administrator, and received \$150,000. (without going through the required processes by the JCC for all other county non-profits). In order to get any funding, the CAC has to apply, present a marketing plan, and compete with many other non-profit groups in the county.

I respectfully request that this request for CAC funding be reviewed and another vote taken.

For your information, I no longer serve on the board of AHA. I am making this request on my own behalf.

  
Pam Parziale