

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, NOVEMBER 8, 2012
9:30 A.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. Roger Goodwin, Chief County Engineer
 - Complete release of the Construction Bond security for THZ Enterprises, LLC Maddex Farm Subdivision, Phase III (PC File #05-05) - Letter of Credit #1236-4401 with United Bank, Martinsburg, WV - Discussion/Action
 - Complete release of the Construction Bond security for THZ Enterprises, LLC Maddex Farm Subdivision, Phase IV (PC File #06-07) - Letter fo Credit #1200 with United Bank, Martinsburg, WV - Discussion/Action

2. 10:00 a.m. Planning and Zoning Steering Committee
 - What County Commission expects from the Committee - Discussion

3. 10:15 a.m. Jennifer Brockman, Director of Planning and Zoning
 - Recommendation of the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for a 34.27 acre property owned by the Jefferson Asphalt Products, Inc. Designated as Tax District: Charles Town, Map: 13, Parcel:7, located on the south side of Route 51 near the Tuscowilla Hills entrance approximately 2 miles west of Charles Town, for the purpose of setting a public hearing to be held by the County Commission on January 10th, 2013 at 7:00 p.m. - Discussion/Action

- Recommendation of the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for a 8.07acre property owned by John D. Lowe, III, designated as Tax District: Shepherdstown, Map: 8, Parcel part of 5, located on the south side of Route 45 and east side of Route 45 and the east side of the Potomac Farms Road, for the purpose of setting a public hearing to be held by the County Commission on January 10th, 2013 at 7:30 p.m. - Discussion/Action

4. 10:30 a.m. **Break**

NEW BUSINESS:

5. Approval of Grant Contract and Resolution for the Friends of Blackwater in the amount of \$2,000 - Discussion/Action
6. Approval of Grant Contract and Resolution for the Blue Ridge Watershed Coalition in the amount of \$10,000 - Discussion/Action
7. Approval of Grant Contract and Resolution for the Jefferson County Convention and Visitors Bureau for the Harpers Ferry Welcome Center in the amount of \$5,000 - Discussion/Action
8. Approval of Grant Contract and Resolution for the Good Shepherd Interfaith Volunteer Caregivers in the amount of \$2,000 - Discussion/Action
9. Approval of Grant Contract and Resolution for the Historic Locke House in the amount of \$2,000 - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- Approve the Security Key License Agreement between Jefferson County and Washington County Emergency Responders and to authorize the President of the Commission to affix her signature, subject to review by legal counsel - Discussion/Action
- Presentation - Space Needs/Property - Briel/Campbell/ 201 N. George Street - Discussion/Action

COUNTY COMMISSION REPORTS

10. **Break for Lunch**

***** AFTERNOON SESSION *****

11. 1:30 p.m. Public Hearing - Petition for closing unused road, street and travel ways - Martin and Brenda Lookingbill - Discussion

12. **ADJOURN**

CORRESPONDENCE:

Reminder County Commission meeting schedule changes from every week to the 1st and 3rd Thursday of every month to take effect beginning December 1st, 2012.

Notice County Commission Offices will be closed for Veteran's Day on Monday, November 12, 2012.

Weekly Settlement for Hollywood Casinos at Charles Town Races and Slot received for weeks ending October 13th & 20th, 2012 received from the West Virginia Lottery.

Notice of Public Hearing scheduled Thursday, November 29th, 2012 at 7:00 p.m. on Zoning Map Amendment (Rezoning) for property designated as Tax District: Harpers Ferry, Map: 7, Parcels: 24 and 26. These properties are located on the north side of Route 340 (William L. Wilson Freeway) and to the south side of Route 340/15 (Washington Court) and are a total of 2.39 acres. This property is currently zoned Rural and a request has been made by the owner, the Bank of Charles Town, to change the zoning to Residential/Light Industrial Commercial.

Letter of support received from the Jefferson County Historic Landmarks Commission in regards to the efforts to obtain a Historic Preservation Development Grant.

Invitation to Hero Haven Homeless Veterans Stand Down on Saturday, November 10th, 2012 beginning at 9:00 a.m.

Letter received from the West Virginia Department of Transportation Division of Highways concerning the Statewide Transportation Improvement Program.

Article concerning Regional Jail cost received from West Virginia Association of Counties.

Press released received from County Commissioners' Association of West Virginia concerning the Region Cost Summit.

Letter received from Kleinschmidt Associates concerning the pre-application document for relicensing of the Millville Hydroelectric Project, FERC No. 2343.

Letter received from Community Alternatives to Violence in appreciation of funding received from the County Commission.

Memorandums received from Jefferson County Engineering Department regarding Automated Merchandising Systems, Inc. and McLucky, LLC.

Thank you note received from Ryan's Glen US-340 Committee in appreciation for requesting a meeting with the Division of Highways.

Invitation to Finances after the Election on Saturday, November 10th, 2012 at 11:00 a.m., held at Blue Ridge Technical College.

Invitation to a holiday social on Friday, November 30th, 2012 starting at 5:30 p.m. at Blue Ridge Technical College Headquarters Campus.

Fall issue of Skill Builder received from Volunteer West Virginia.

Fall issue of The Property Connection received.

November 2012 issue of The Valley News received from the Potomac Valley Audubon Society.

Letter received from The Eastern Panhandle Transportation Authority concerning completion of the Route 340 South.

Letter received from West Virginia Department of Transportation Division of Highways concerning the Commission's request for a meeting to discuss Route 340.

Letter received from the Public Service District concerning the Petition for Closing Unused Road, Streets & Travel Ways - Martin and Brenda Lookingbill.

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

Minutes
Jefferson County Commission
Thursday, November 1, 2012

A meeting of the Jefferson County Commission was held on Thursday, November 1, 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, Jimmy Eddie, Bailiff, Cynthia Schott, Temporary Administrative Assistant. (An audio tape of the November 1, 2012 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Widmyer led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the minutes of the October 18, 2012 regular meeting as presented. Motion seconded by Ms. Widmyer and unanimously approved.

Motion by Ms. Morgan to approve the minutes of the October 25, 2012 regular meeting as amended. Motion seconded by Mr. Manuel and unanimously approved as amended.

Motion by Mr. Manuel to approve the minutes of the October 25, 2012 Public Hearing as presented. Motion seconded by Ms. Morgan and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$20,420.59 being P. O. Nos. 49854, 50186, 49884, 50884, 49894, 49985, 49986, 49987, 50188, 50220, 50184, 50187, 50190, 50191, 50192, 50049, and 50048. Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Mr. Pellish to approve the accounts payable for November 1, 2012 in the amount of \$228, 791.67. Motion seconded by Mr. Manuel and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
068521	428	ACS GOVERNMENT SYSTEMS		\$ -	\$ 2,750.00	\$ 2,750.00
068522	440	ASCE/AMERICAN SOCIET OF	51038	\$ 235.00	\$ -	\$ 235.00
068523	425	ABH SERVICES, INC.	50185	\$ 90.00	\$ -	\$ 90.00
068523	425	ABH SERVICES, INC.		\$ -	\$ 14,175.00	\$ 14,175.00
068524	700	ALL STAR AUTO GLASS	50182	\$ 175.00	\$ -	\$ 175.00
068525	412	BARDANE PUBLIC HEALTH CT		\$ -	\$ 383.00	\$ 383.00
068526	425	B-K OFFICE SUPPLY INC	50183	\$ 628.50	\$ -	\$ 628.50

068527	425	CITY OF CHARLES TOWN	50189	\$ 20.00	\$ -	\$ 20.00
068528	425	OLD CHARLES TOWN LIBRARY		\$ -	\$ 1,500.00	\$ 1,500.00
068529	PAYROLL	DELTA DENTAL OF WV		\$ -	\$ 5,716.92	\$ 5,716.92
068530	401	EMBASSY SUITES		\$ -	\$ 161.00	\$ 161.00
068531	ALLOC	EASTERN PANHANDLE		\$ -	\$ 4,000.00	\$ 4,000.00
068532	425	FIRE SAFETY EQUIP	50181	\$ 1,033.00	\$ -	\$ 1,033.00
068533	PAYROLL	GUARDIAN - APPLETON		\$ -	\$ 1,690.31	\$ 1,690.31
068533	PAYROLL	GUARDIAN - APPLETON		\$ -	\$ 1,953.46	\$ 1,953.46
068534	425	GRAINGER, INC	50180	\$ 338.95	\$ -	\$ 338.95
068535	424	GRIFFITH ENERGY SERVICE		\$ -	\$ 1,590.84	\$ 1,590.84
068535	425	GRIFFITH ENERGY SERVICE		\$ -	\$ 9,213.99	\$ 9,213.99
068536	401	JEFFERSON PUBLISH CO INC		\$ -	\$ 4,058.82	\$ 4,058.82
068536	439	JEFFERSON PUBLISH CO INC		\$ -	\$ 13.30	\$ 13.30
068537	401	DEBBIE KEYSER		\$ -	\$ 299.04	\$ 299.04
068538	433	MSAG DATA CONSULTANTS IN	50859	\$ 3,600.00	\$ -	\$ 3,600.00
068539	PAYROLL	HIGHMARK WV		\$ -	\$ 170,753.34	\$ 170,753.34
068540	404	HELEN MILBOURNE	52084	\$ 600.00	\$ -	\$ 600.00
068541	401	PATRICIA A NOLAND		\$ -	\$ 12.38	\$ 12.38
068542	712	NAEMD	49815	\$ 50.00	\$ -	\$ 50.00
068543	425	NEOPOST-MID ATLANTIC		\$ -	\$ 78.00	\$ 78.00
068544	402	PIFER OFFICE SUPPLY, INC	49983	\$ 68.08	\$ -	\$ 68.08
068544	404	PIFER OFFICE SUPPLY, INC	52083	\$ 220.77	\$ -	\$ 220.77
068545	401	QUILL CORPORATION		\$ -	\$ 9.79	\$ 9.79
068546	425	RCS SECURITY		\$ -	\$ 402.00	\$ 402.00
068547	405	BRANDON C.H. SIMS		\$ -	\$ 53.77	\$ 53.77
068548	975	SUMMIT COMMUNITY BANK		\$ -	\$ 2,441.41	\$ 2,441.41
068549	700	BENJAMIN S. WILLIAMS		\$ -	\$ 276.00	\$ 276.00
068550	440	WV STATE FIRE COMMISSION	51037	\$ 200.00	\$ -	\$ 200.00
TOTAL						\$ 228,791.67
TOTAL				\$ 7,259.30	\$ 221,532.37	\$ 228,791.67

PUBLIC COMMENT:

- Laura Storm, Circuit Clerk, introduced Weston Goodell. In working towards his Eagle Scout Award, Mr. Goodell made cushions for all the chairs and benches in the County Court Room. The Firm of Skinner & Skinner underwrote the entire cost of the project. Mr. Manuel asked that Mr. Goodell receive a Resolution from the Commission, signed by the entire Commission.
- Mr. David Tabb shared with the Commissioners his concern about various issues in the county.

PRESENTATIONS:

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

NOTICE OF EXONERTION:

Angela Banks, County Assessor, requested exonerations for Huntfield Community Association, in the amount of \$70.74 for ticket No. 8480.

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
Huntfield Community Association	Charles Town	Real Estate	8480	\$70.74

- **Motion by Ms. Morgan to approve exonerations for Huntfield Community Association in the amount of \$70.74, being Ticket No. 8480. Motion seconded by Mr. Pellish and unanimously approved.**

NOTICE OF EXONERTION:

Angela Banks, County Assessor, requested exonerations for Huntfield Community Association, in the amount of \$435.26 for ticket No. 8481.

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
Huntfield Community Association	Charles Town	Real Estate	8481	\$435.26

- **Motion by Ms. Widmyer to approve exonerations for Huntfield Community Association in the amount of \$ 435.26, being Ticket No. 8481. Motion seconded by Ms. Morgan and unanimously approved.**

NEW BUSINESS:

2. Duty Chief Program. Ms. Keyser, County Administrator, requested ratification of the purchase of ten (10) pagers for the Deputy Chief's Program at a cost of \$393.22 per pager for a total cost of \$3,942.20.
 - **Motion by Mr. Manuel to approve the pagers for the Deputy Chief Program and allocate the \$3,942.20 for the needed pagers. Motion seconded by Ms. Widmyer and unanimously approved**

PRESENTATIONS – (contuined)

3. Barbara Miller, Director of Homeland Security and Emergency Management. New Hire Approval.
 - **Motion by Ms. Widmyer to hire Jessica Owens for the position of Public Information Officer at the rate of \$35,152.00 annually with benefits, pending the outcome of the background check. Motion seconded by Ms. Morgan and unanimously approved.**

Barbara Miller spoke about the preparations her office and the County implemented as a result of the impact of Hurricane Sandy.

4. The Commission took a short break at 9:55 a.m.

The Commission reconvened at 10:15 a.m.

5. William Madert, Jefferson County Solid Waste Authority, Upcoming Public Service Commission Hearing.

Mr. Madert, Recycling Coordinator with the Jefferson County Solid Waste Authority, updated the Commission regarding the proposed waste recycling facility to be built in Berkeley County. Jefferson County Solid Waste Authority has filed a petition with the Public Service Commission to intervene. The Commission was asked to consider providing support for the Jefferson County Solid Waste Authority by speaking on their behalf at the Public Hearing before the Public Service Commission.

6. Debbie Keyser, County Administrator, IT Proposal

Ms. Keyser went over the four (4) options in the IT Proposal with the Commissioners. After discussion the Commissioners reached a consensus that option 3-C, a “temp to hire” an IT Director, would best serve the challenges of dealing with technology issues in the County.

COUNTY ADMINISTRATOR REPORTS:

- Discussion on Briel Building Contract – Ms. Keyser stated that the agenda item should read that Keller Williams Reality has asked if the County would like a realtor to represent the County at no charge. Ms. Keyser will put on the next agenda, if desired by the Commissioners.
- Ms. Keyser passed out a sample (first draft) of a user friendly budget.
- Requested opinions regarding Public Hearings for December.
- Ms. Keyser developed a Jefferson County Thank You Note.

COUNTY COMMISSIONER REPORTS:

Commissioner Widmyer:

- Attended the Special Session on Affordable Housing.
- Attended the preview of the American Conservation Film Festival.
- Attended the Harpers Ferry Walk in the Park.

Commissioner Morgan:

- Attended the Special Session on Affordable Housing.
- Attended Harpers Ferry Walk in the Park.
- Attended the celebration of the Rain Garden at the Mountain Community Center.

Commissioner Noland:

- Attended the Special Session on Affordable Housing
- Attended the EOC to sign the Declaration of Emergency

Commissioner Pellish:

- Attended the Special Session on Affordable Housing.

Commissioner Manuel:

- Attended the Special Session on Affordable Housing.
- Shared that the Hite Road and Route 9 Ribbon Cutting scheduled for November 2, 2012 has been suspended.

PRESENTATIONS (continued)

7. Stephanie Grove, Assistant Prosecuting Attorney, Settlement Agreement with Deputy Windle
- **Motion by Ms. Widmyer to enter into an Executive Session with regard to pending litigation, pursuant to WV Code §6-9A-4. Motion seconded by Ms. Morgan and unanimously approved.)**
 - **Motion by Ms. Morgan to come out of executive session and come back into regular session. Motion seconded by Mr. Manual and unanimously approved.**
 - **Motion by Ms. Widmyer to approve the settlement of the Windel case and to pay the amount of \$20,000 in back wages, plus expenses. Motion seconded by Mr. Manual and unanimously approved.**

There being no further business, the meeting was adjourned at 11:42 on a motion by Mr. Manuel and seconded by Mr. Pellish. Motion unanimously approved.

PATRICIA A. NOLAND, PRESIDENT

PURCHASE ORDERS TO BE APPROVED

Nov. 8, 2012

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
CENTRAL GARAGE	50195	\$ 200.04	Guy's Buick	Materials/supplies
COUNTY CLERK	49988	\$ 375.24	Spirit of Jefferson	Notice of Administration
	49990	\$ 151.08	Pifer Office Supply	Gold seals/staples
ENGINEERING	50221	\$ 1,266.43	BK Office Supply	Ink, calendar refills, pop ups ect.
	50222	\$ 150.00	WV Code Officials Association	Winter meeting registration
OTHER BUILDINGS	50096	\$ 2,434.10	Capital Tristate	Electrical supplies
	50194	\$ 325.00	BK OFFICE SUPPLY	Computer paper
	50196	\$ 2,751.18	Trinary Service Co.	Service call hvac Hunter House
	50197	\$ 160.00	Snyder Environmental	Forklift to unload baler
	50198	\$ 767.25	BK OFFICE SUPPLY	Copy Paper
	50199	\$ 280.00	City of Charles Town	Alarm calls Judicial Bldg
GRAND TOTAL		\$ 8,860.32	Printed at 11:09a.m. on 11/5/12	

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

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: November 8, 2012

Date Requested – 2nd Choice: _____

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

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of the Construction Bond security for THZ Enterprises, LLC – Maddex Farm Subdivision, Phase III (PC File #05-05) - Letter of Credit #1236-4401 with United Bank, Martinsburg, West Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of the remaining \$145,573.00 construction bond amount for THZ Enterprises, LLC – Maddex Farm Subdivision, Phase III (PC File #05-05).

Attachments: Bond Release Letter
Bond Release Request Report
Site Map

Attachments: Bond Release Letter



JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT
Patsy Noland

November 8, 2012

VICE PRESIDENT
Dale Manuel

Mr. Timothy T. Pownell

COMMISSIONER
Frances Morgan

Vice President

COMMISSIONER
Walt Pellish

United Bank

450 Foxcroft Avenue

Martinsburg, West Virginia 25401

COMMISSIONER
Lyn Widmyer

RE: Irrevocable Letter of Credit #1236-4401 dated July 13, 2012 Construction Bond
Surety for THZ Enterprises, LLC - Maddex Farm Subdivision, Phase III
(File #05-05).

Dear Mr. Pownell:

The Jefferson County Commission authorizes a complete release of the remaining \$145,573.00 from the construction bond for THZ Enterprises, LLC - Maddex Farm Subdivision, Phase III (PC File #05-05). This project is located on the north side of Martinsburg Pike (Route 45) adjacent to the Maddex Square Shopping Center. The work appears to be 100% complete.

In summary you are hereby authorized to fully release the remaining amount of the above referenced Letter of Credit, originally issued in the amount of 400,662.00.

Please contact the Engineering Department at 304-728-3257 if you have any questions.

Sincerely,

Patricia A. Noland, President
Jefferson County Commission

PAT:rfb

cc: Mr. John J. Thomas, Jr., Manager
THZ, Enterprises, LLC
P. O. Box 131
Charles Town, WV 25414
Department of Engineering

County Administrator
Debbie Keyser

Deputy County Administrator
Sandy Slusher McDonald

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

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

Email: engineering@jeffersoncountywv.org

BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received: 10 / 19 / 2012

J.C.P.C. File No. 05 - 05

Consultant/Engineer/Firm Name: Dewberry

Mailing Address: _____

City: _____ State: _____ Zip: _____

Contact Person: Lisa McCauley PE Phone: _____

Project/Subdivision Name: Maddox Farm

Section/Phase: Phase 3 Lots: _____

Review Comments:

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

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

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

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

Comments: _____

Approved for:

Bond Release 10.00

By John Baker 10/19/2012

County Engineer Date

Original Bond Amt. \$ 348,402 + 15% Cont. \$ 52,260 = Total Original Bond Amt. \$ 400,662

Total Current Bond Amount \$ 145,573.00

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

= Approved for Revised Bond Amount \$ 0.00

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

Signature: [Signature] Date: 10 / 19 / 2012

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

AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: November 8, 2012

Date Requested – 2nd Choice: _____

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

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of the Construction Bond security for THZ Enterprises, LLC – Maddex Farm Subdivision, Phase IV (PC File #06-07) - Letter of Credit #1200 with United Bank, Martinsburg, West Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of the remaining \$103,621.00 construction bond amount for THZ Enterprises, LLC – Maddex Farm Subdivision, Phase IV (PC File #06-07).

Attachments: Bond Release Letter
Bond Release Request Report
Site Map



JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT
Patsy Noland

VICE PRESIDENT
Dale Manuel November 8, 2012

COMMISSIONER
Frances Morgan Mr. Timothy T. Pownell
Vice President

COMMISSIONER
Walt Pellish United Bank
450 Foxcroft Avenue
Martinsburg, West Virginia 25401

COMMISSIONER
Lyn Widmyer

RE: Irrevocable Letter of Credit #1200 dated October 25, 2006, Construction Bond Surety for THZ Enterprises, LLC - Maddex Farm Subdivision, Phase IV, Lots 15-24, 28-52 & 120-135 & Residue (File #06-07).

Dear Mr. Pownell:

The Jefferson County Commission authorizes a complete release of the remaining \$103,621.00 from the construction bond for THZ Enterprises, LLC – Maddex Farm Subdivision, Phase IV, Lots 15-24, 28-52 & 120-135 & Residue (File #06-07). The property is located on the north side of Martinsburg, Pike (Route 45) adjacent to the Maddex Square Shopping Center. The work appears to be 100% complete.

In summary you are hereby authorized to fully release the remaining amount of the above referenced Irrevocable Letter of Credit, originally issued in the amount of \$547,991.00.

Please contact the Engineering Department at (304)-728-3257 if you have any questions.

Sincerely,

Patricia A. Noland, President
Jefferson County Commission

PAN:rfb

cc: Mr. John J. Thomas, Jr., Manager
THZ Enterprises, LLC
P. O. Box 131
Charles Town, WV 25414
Department of Engineering

County Administrator
Debbie Keyser

Deputy County Administrator
Sandy Slusher McDonald

Email: engineering@jeffersoncountywv.org

BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received: 10 / 19 / 2012 J.C.P.C. File No. 06 - 07

Consultant/Engineer/Firm Name: Newberry

Mailing Address: _____

City: _____ State: _____ Zip: _____

Contact Person: Lisa McCawley Phone: _____

Project/Subdivision Name: Maddex Farm

Section/Phase: Section 4 Lots: _____

Review Comments:

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

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

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

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

Comments: _____

Approved for:
Bond Release 10.00
By Jethro 10/19/2012
County Engineer Date

Original Bond Amt. \$ 476,514 + 15% Cont. \$ 71,477 = Total Original Bond Amt. \$ 547,991

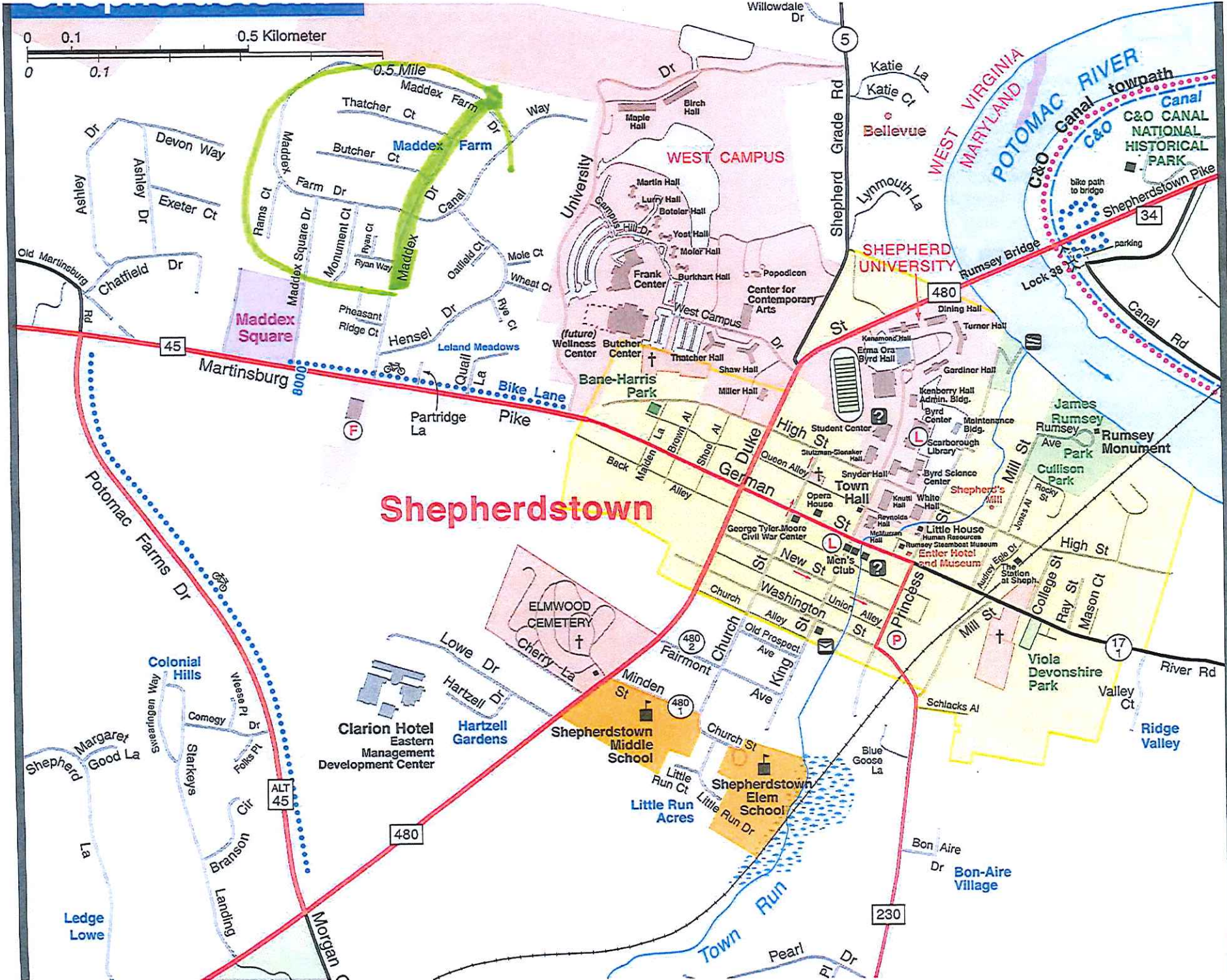
Total Current Bond Amount \$ 103,021.00

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

= Approved for Revised Bond Amount \$ 0.00

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

Signature: Jethro Date: 10 / 19 / 2012



5

4
3

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2

3

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: County Commissioners

Department or Organization: Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: 11/8/12

Date Requested – 2nd Choice: _____

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

Subject(Wording to be placed on agenda): Expectations of the Jefferson County Planning and Zoning Steering Committee

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

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

Are documents attachments? Yes _____ No _____

If not, explain:

Is a projector needed? Yes _____ No _____

Contact information:

Email address: _____

Phone number: _____

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 – 1st Choice: November 8, 2012

Date Requested – 2nd Choice: November 15, 2012

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

Subject: **Recommendation of the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for a 34.27 acre property owned by Jefferson Asphalt Products, Inc., designated as Tax District: Charles Town, Map: 13, Parcel: 7, located on the south side of Route 51 near the Tuscowilla Hills entrance approximately 2 miles west of Charles Town, for the purpose of setting a public hearing to be held by the County Commission**

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

On October 23, 2012, the Jefferson County Planning Commission held a Public Hearing for the purpose of receiving public input regarding a landowner-initiated petition to amend the County Zoning Map Public Hearing for a 34.27 acre property owned by Jefferson Asphalt Products, Inc., designated as Tax District: Charles Town, Map: 13, Parcel: 7, located on the south side of Route 51 near the Tuscowilla Hills entrance approximately 2 miles west of Charles Town. The property is currently occupied by Jefferson Asphalt production and office facilities, which is a non-conforming use. The rezoning request is from the Rural zoning classification to the Residential-Light Industrial-Commercial zoning classification. Pursuant to state law, WV Code 8A-7-9(c), the County Commission must receive the advice of the Planning Commission regarding whether such a request is consistent with the County's adopted Comprehensive Plan.

To this end, the Planning Commission held a Public Hearing, reviewed the applicant's application and presentation (attached), the staff's report on the consistency with the Comprehensive Plan (attached), and made a determination regarding consistency with the Comprehensive Plan. While staff did not find the request to be in conformance with the Comprehensive Plan, based on their own review of the 2004 Comprehensive Plan and consideration of the facts and opinions presented, the Planning Commission moved to forward the petition to the County Commission with a finding that the application was consistent with the Comprehensive Plan. This motion passed with a vote of 5-2.

In accordance with Section 12.2(C) of the Jefferson County Zoning Ordinance, subsequent to the recommendation received from the Planning Commission, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

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

I move to schedule a Public Hearing on the Proposed Zoning Map Amendment for 34.27 acre property owned by Jefferson Asphalt Products, Inc., designated as Tax District: Charles Town, Map: 13, Parcel: 7, located on the south side of Route 51 near the Tuscowilla Hills entrance approximately 2 miles west of Charles Town, on Jan 10th, 2013 at 7 pm.

Attachments:

- **Motion by the Planning Commission dated 10/23/12**
- **Zoning Map Amendment Application**
- **Power Point presentation by the applicant at the 10/23/12 PC Meeting**
- **Staff Report regarding the BCT Rezoning Application to Planning Commission/County Commission (by Seth Rivard dated October 23, 2012, as amended)**

**A Motion Recommending Approval of a
Rezoning for Jefferson Asphalt Property
October 23, 2012**

Whereas, Jefferson Asphalt has requested rezoning; and

Whereas, The property is identified as Parcel 7 as shown on Tax Map 13 of the Charles Town District, cumulatively consisting of 34.27 acres; and

Whereas, The applicant is requesting the parcel to be rezoned from Rural to Residential-Light Industrial-Commercial; and

Whereas, The requested rezoning process complies with the requirements in accordance with the provisions of Article 12 of the Jefferson County Zoning and Land Development Ordinance, effective July 7, 1988, as amended and West Virginia State Code Section 8A-7-9; and

Whereas, The Planning Commission finds that the requested rezoning is in conformance with the adopted 2004 Comprehensive Plan as outlined in the staff report; and

Now therefore be it moved, that the Jefferson County Planning Commission recommends approval of the request for rezoning from Rural to Residential-Light Industrial-Commercial for property identified in the Jefferson County Tax Map as Parcel 7 as shown on Tax Map 13 of the Charles Town District.

The portion of the record of the Planning Commission meeting pertaining to this application and the official minutes thereof are incorporated herein by reference as if set forth in full herein.

Recommended approval this 23th day of October
By vote of the Jefferson County Planning Commission
By a vote of 5 Yes 2 No

**To be signed at the next meeting*

Planning Commission President



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

Application Number: #712-04

Date Application Received: 8.03.12

Staff Initials: CJC

Application Fee: #2750.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Zoning Map Amendment (Rezoning)

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code. All Amendments to the Zoning Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

Property Owner Information

Name of Property Owner: Jefferson Asphalt Products, Inc.
Mailing Address: 9390 Middleway Pike
City: Charles Town State: WV Zip Code: 25414
Phone Number: 304/725-2539 Email: _____

Applicant Contact Information

Applicant Name: John and Mike Thomas
Mailing Address: 9390 Middleway Pike
City: Charles Town State: WV Zip Code: 25414
Phone Number: 304/725-2539 Email: _____

Applicant Representative

Name of Representative: Annette van Hilst, R.A., The Crossroads Group
Address of Representative: 22 Van Clevesville Road
City: Kearneysville State: WV Zip Code: 25430
Phone Number: 540/336-8494 Email: agvh@frontiernet.net

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Physical property details

Physical Property Address: 9390 Middleway Pike

City: Charles Town State: WV Zip Code: 25414

Tax District: Charles Town Map #: 13 Parcel #: 7

Parcel Size: 34.27 Deed Book: 313 Deed Book Page #: 435

Current Zoning District

Rural (R-A)	Residential Growth (R-G)	Industrial Commerical (I-C)	Residential-Light Industrial-Commercial (R-L-C)	Village (V)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Proposed Zoning District

Rural (R-A)	Residential Growth (R-G)	Industrial Commerical (I-C)	Residential-Light Industrial-Commercial (R-L-C)	Village (V)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For a Zoning Map Amendment request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.

See Attached.

Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.

See Attached.

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.

See Attached.

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?

- Yes, I request that the Planning and Zoning Staff present the petition
- No, I prefer to present the petition

Plat or Sketch Plan (provide as an attachment to this application)

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

Is Plat or Sketch Plan attached?

- Yes
- No

Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).

[Signature] 8/2/12
Signature of Property Owner Date

[Signature] 8/2/12
Signature of Property Owner Date

Received By Date

Received By Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____ (Year)

- Recommended
- Not Recommended

The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____ (Year)

- Approved
- Disapproved

Final Determination/Other Comments

712-04

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AUG 03 2012

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

PETITION FOR MAP AMENDMENT
PERSUANT TO §8-7-9 OF THE WEST VIRGINIA STATE CODE, AS AMENDED
Jefferson Asphalt Products, Inc.
August 1, 2012

Owner/Applicant:

Jefferson Asphalt Products, Inc.

Substantiation for the Request:

1. The property is currently classified as Rural on the Jefferson County Zoning Map and the Applicant is seeking a map amendment for the Residential/Light Industrial/Commercial Classification. The requested district is known as the Mixed-Use Zone. The Applicant believes that this change is consistent with the 2004 Jefferson County Comprehensive Plan, as evidenced in this application;
2. Jefferson Asphalt believes that the Rural Zoning Classification is inconsistent with the historic use of the property and is therefore an error in the original zoning map that was adopted in 1988;
3. With the development of Locust Hill, there has been a change in the neighborhood, since the Jefferson County Zoning Ordinance was adopted in 1988; and,
4. Charles Town and Jefferson County have approved the Charles Town Urban Growth Boundary and this property is located within that boundary.

Tax District, Map and Parcel Number:

Charles Town Tax District, Map 13, Parcel 7

Deed Book Reference:

Deed Book 315 at Page 435

Plat:

Attached

Tract Size:

34.27 Acres

Discussion on:

Comprehensive Plan compatibility of the proposed change: See Below.

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

Background:

Jefferson Asphalt has been operating on the subject property since 1968. Prior to Jefferson Asphalt, the property was operated as a commercial/industrial quarry operation. When zoning went into effect in 1988, the property was used industrially with the asphalt batch plant on the property; and, commercially with offices and shops related to the asphalt plant and offices for the development and contracting businesses that were operated by the principals of Jefferson Asphalt. Currently, the property is used for offices, a portion of the asphalt production and shops for maintenance and repair associated with all of the businesses. Jefferson Asphalt has operated commercially and industrially on this property for over 43 years. Prior to that, the property was used commercially and industrially as a quarry since the mid-20th century.

Jefferson Asphalt also has an asphalt batch plant located on another property in Jefferson County. A portion of the production has moved to the other batch plant. However, under §8-7-10 of the West Virginia State Code and Article 4, Sections 4.f and 4.g, Jefferson Asphalt does retain the right to operate the industrial batch plant used in the manufacturing of asphalt. This is true regardless of the zoning classification. Furthermore, there is a portion of the property that is in the FEMA 100 Year Floodplain. A study is underway to determine the exact limits of the floodplain. The Applicant believes that the floodplain area will be reduced by FEMA as a result of that study. Please note that the Applicant will comply with the Jefferson County Floodplain Management Ordinance during the development of the property.

Jefferson Asphalt recently went through the Jefferson County Site Plan Process for additional offices and shops associated with the property. During that process, the Staff suggested that the Applicant seek a rezoning for the property. The Applicant stated that they would start the rezoning process after the site plan was approved because of urgency of the site plan at that time.

1. Comprehensive Plan Compatibility

The Applicant believes that the following recommendations support the map amendment:

Recommendation 3.02 on page 24 states: "The County Commission should study the impact of current development trends and issues, and the issue of municipal annexation and attempt to gain the cooperation of the municipalities to create a long term annexation strategy acceptable to all jurisdictions."

Comment: This recommendation was implemented, in part, by the adoption of Charles Town's Urban Growth Boundary. Recommendation 3.02 was written in an effort to facilitate cooperation between Jefferson County and the municipalities during a time period in the early 2000's when annexations were prevalent. These boundaries are an attempt to identify areas in the County (outside of municipalities) that both jurisdictions recognized were available for growth. The Charles Town Urban Growth Boundary was adopted by both Charles Town and Jefferson County and includes the Applicant's property. This demonstrates that the future development of this parcel has been recognized by Charles Town and Jefferson County. As such, the rezoning of this property to the mixed-use zone is very much consistent with Recommendation 3.02.

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

Comment: This 'existing land use map' would show that the subject property would be commercial and industrial. It would also show the property is surrounded by the railroad track to the north and by two large mixed use communities along the other borders. Locust Hill Subdivision and Tusawilla Hills Subdivision contain commercial uses, as well as a mix of single family detached units, duplex units and townhouse units. In addition, Tusawilla Hills has numerous apartment units. These communities demonstrate that the area has long been a 'mixed-use' neighborhood. As such, the rezoning of the Jefferson Asphalt property would fit ideally within this area of residential and commercial uses. Jefferson Asphalt's property has a long history of commercial and industrial use and the addition of a residential component, especially along the Locust Hill and Tusawilla Hills' property lines would be very compatible with the neighborhood. Therefore, when considering this amendment to the Zoning Map, Recommendation 3.03 appears to support the request based on the existing uses in the neighborhood.

Recommendation 3.12 on Page 54 states: "The County should investigate mechanisms to foster the maintenance of land in farm uses and stem the erosion in the availability of the non-renewable resource of farmland."

Comment: In this case, the Applicant's property is already a long established developed site. The property is also located within Charles Town's Urban Growth Boundary. Therefore, the complete development of this property would not negatively affect the farmland inventory in Jefferson County. As a property within the Urban Growth Boundary, it is a site that is recognized in an area for the comprehensive future growth of the County.

Recommendation 3.18 on Page 64 states: "The County should continue to pursue new industrial and commercial development in order to diversify its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities to its workforce."

Again, this property is already an established commercial and industrial site. However, its ability to fully develop commercially is limited because of its Rural Zoning Classification. This property is certainly not rural with the existing commercial and industrial uses on the property. The map amendment would allow the property to maximize its potential for commercial expansion in accordance with this recommendation. Accordingly, the map amendment would be consistent with Recommendation 3.18.

Recommendation 3.23 on Page 72 states: "In order to accommodate additional traffic demand anticipated through the enlargement of Charles Town and Ranson, The County should promote the design and construction of an at-grade western arterial road west of Charles Town – Ranson, which incorporates the Huntfield spine road as the southern third of this new road."

Comment: This recommendation demonstrates that the Comprehensive Plan anticipates growth on the western fringes of Charles Town and Ranson. This is the Plan's recommendation for a western 'bypass' around Charles Town and Ranson. Although in recent past, the County has concentrated its attention on the eastern side of the metropolitan area, the plan does recognize that the western and southern areas of Charles Town and Ranson should also be targeted for growth and expansion. Therefore, the rezoning of this property would be compatible with this Recommendation (3.23).

Two of the Plan's policies also appear to support this request:

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

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

Regarding these policies, the property is already being used for commercial operations and the Applicant would like the ability to further develop the property commercially without being considered a nonconforming use. Again, this property was used as such for many years prior to the adoption of the Zoning Ordinance. The Applicant would also like the opportunity to provide housing units in the area of the property that is surrounded by Locust Hill and Tusawilla Hills.

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

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

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

Regarding these goals, the property is already being operated as a commercial and industrial site. It would only make sense to make these uses conforming with the Zoning Ordinance by rezoning it to mixed-use. The Applicant does not want to seek a rezoning to Commercial and Heavy Industrial, because they have no desire to locate other heavy industrial uses or adult uses on the property. Also, the property is already recognized as an Urban Growth Area on the Zoning Map.

With regard to the availability of sewer and water facilities, these services are already available to the site. Charles Town obtained the water and wastewater treatment facilities in Tusawilla Hills in the mid-2000s. These facilities are currently undergoing a substantial upgrade and are now a part of the Charles Town utility system.

Based on these aspects of the Comprehensive Plan, the requested rezoning is both consistent and compatible with the Jefferson County 2004 Comprehensive Plan.

2. Change of Neighborhood

Availability of Central/Public Water and Wastewater Treatment Facilities:

Although public utilities were available in Tuscawilla Hills when the original zoning ordinance was adopted, these services are now owned by the City of Charles Town. As stated earlier, a goal of the Comprehensive Plan is to encourage growth and development where public sewer and water services are available. This property will continue to be served by Charles Town's facilities when the property is further developed.

Adjacent and Surrounding Commercial and Residential Subdivision Approval and Intensity of Use have changed:

Although Tuscawilla Hills existed at the time of the adoption of the Zoning Ordinance, the subdivision was not as developed. The townhouse and duplex sections adjacent to this property were sections that were developed near the end of the completion of Tuscawilla Hills. Also, the tenants of the commercial shops have change hands several times over the years.

The entire Locust Hill development also was approved after zoning went into effect. This development included the commercial golf course and clubhouse. Locust Hill is a mixed-use development that borders the Applicant's property on the southern and western boundaries.

Both of these mixed-use developments contain high density residential and commercial uses. These developments nearly surround the Applicant's property. As such, the rezoning of this property to Residential/Light Industrial/Commercial would be entirely compatible with the existing mixed-use neighborhood.

Creation of the Charles Town Urban Growth Boundary

The Applicant's property is now located within the Charles Town Urban Growth Boundary. This boundary did not exist when the zoning ordinance was originally adopted. As stated previously, this boundary was, in part, created for the County and City to recognize this area as an Urban Growth Area. This area should be zoned to take advantage of this designation. As the Comprehensive Plan suggests, this boundary was created to reduce the competitive edge between the County and Charles Town as it relates to land use. Accordingly, this area should be rezoned to mixed-use in order to realize the purpose of an Urban Growth Boundary.

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

There have not been many changes in the transportation characteristics and road network; however the changes that were made were beneficial to the site. Locust Hill added an additional entrance onto Route 13 (Summit Point Road), which provided an additional route for traffic to travel into Charles Town or points south of Tuscowilla Hills.

The most significant change to the road system was the major hill that was taken out in front of Tuscowilla Hills on Route 51. This enhancement removed a major vertical hump, as well as widened the shoulder area. Other changes to this area included the reduction of the speed limit along Route 51 and improvements to Route 51 on both sides of the railroad tracks in front of the Applicant's property.

These transportation and road improvements were significant and certainly should support the map amendment requested in this petition.

4. *Error in the Zoning Map:*

The Applicant's property had well-established commercial and industrial businesses on the property when the original Zoning Ordinance was adopted. The property is also located next to a railroad and along a major east-west thorough fare in Jefferson County. As such, the property should always have been included in one of the commercial zones. Furthermore, Tuscowilla Hills, which is adjacent to the Applicant's property, was already a well-established mixed-use residential and commercial development. This further illustrates that the property should have been zoned to be compatible with Tuscowilla Hills.

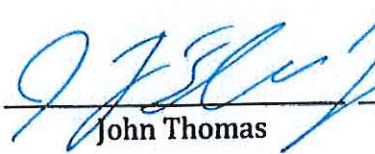
The mixed-used nature of the neighborhood when the ordinance was adopted combined with the addition of the Locust Hill mixed-use development after the zoning ordinance was adopted makes this an ideal location for the Residential/Light Industrial/Commercial District.

The fact that this property is located within the Charles Town Urban Growth Boundary is further evidence that this property is zoned incorrectly. As mentioned earlier, the Charles Town Urban Growth Boundary was approved by both Charles Town and Jefferson County and has been added to the official Jefferson County Zoning Map. All of the property within this designated growth boundary should be permitted to develop to its fullest extent to take advantage of the growth designation.


The rezoning of the Applicant's property would be appropriate based on the fact that the property has continued to operate commercially and industrially for over 40 years and is surrounded by two mixed-use communities.

5. Conclusion:

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



John Thomas 8/2/12
Date



Mike Thomas 8/2/12
Date

Rezoning Request
by
Jefferson Asphalt Products Inc.

**For Parcel 7, Map 13
Charles Town District**

Request

Change Zoning Classification

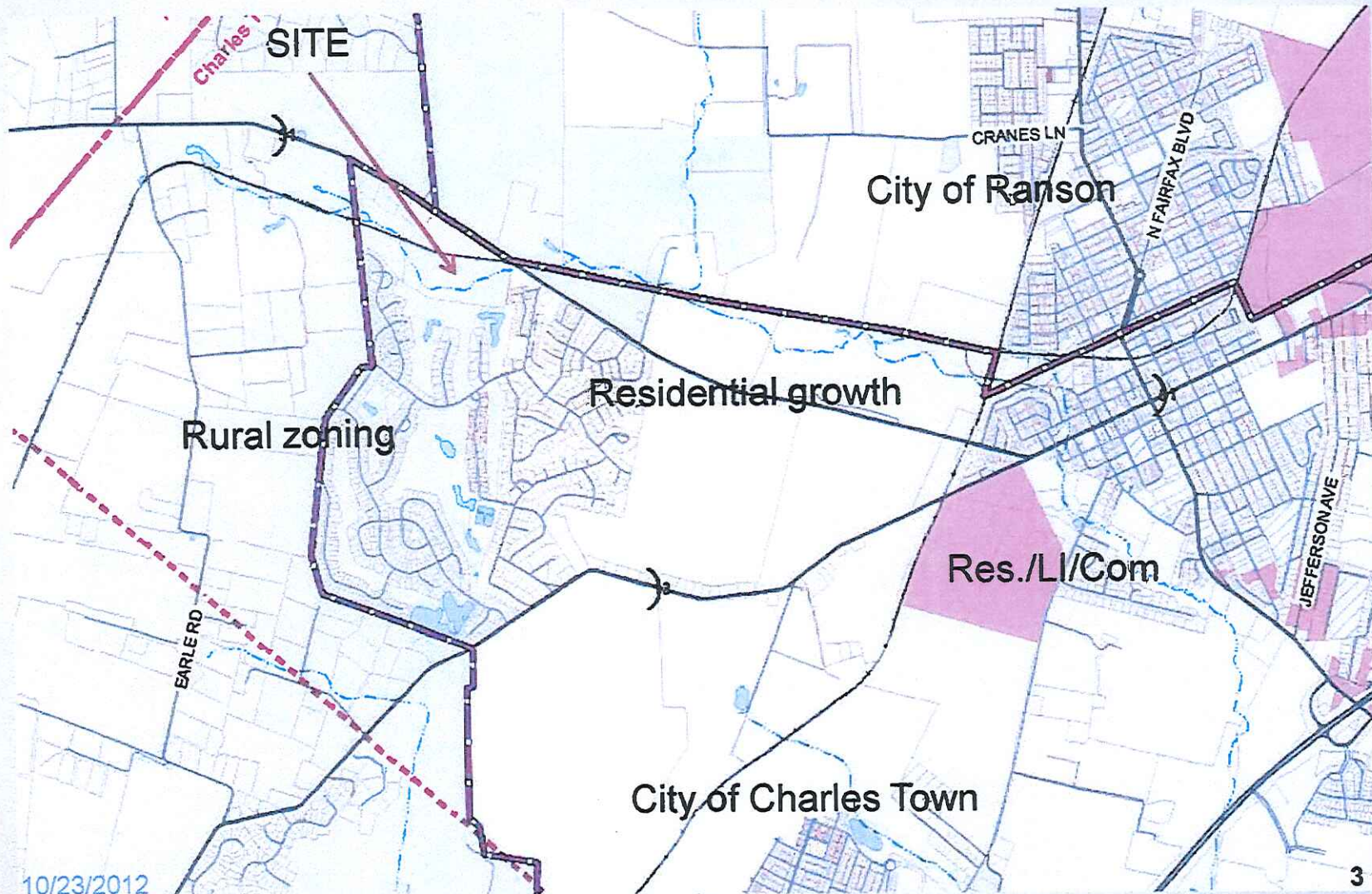
From

Rural Zoning

to

**Residential / Light Industrial /
Commercial Zoning**

Current Zoning



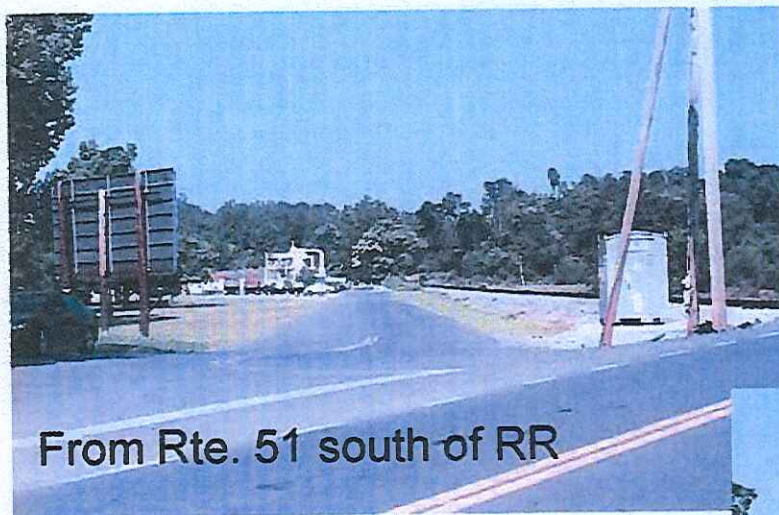
Property Location



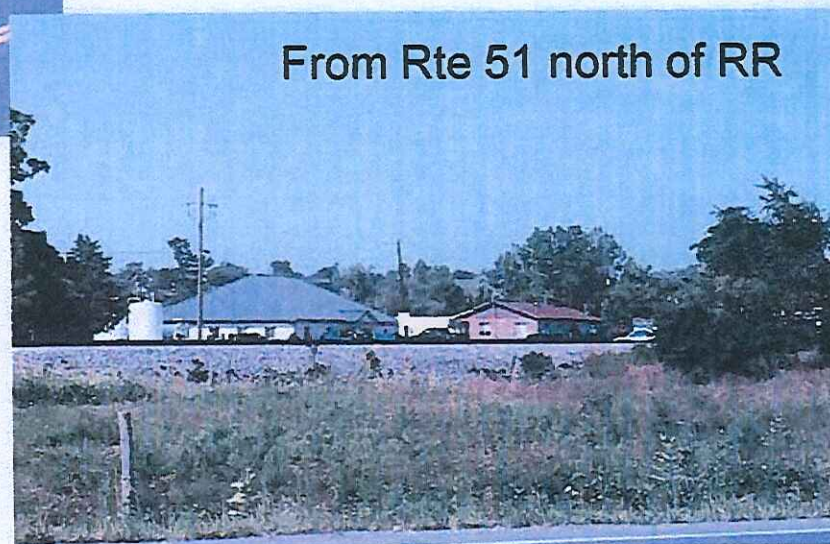
Why Rezone?

- Jefferson Asphalt, a family owned company, has been in operations at this site since 1968, prior to the current zoning ordinance & the existing use predates the zoning ordinance
- The property is within the Charles Town Urban Growth Area adopted by both the County & the City of Charles Town
- The property is surrounded by mixed residential & commercial uses on three sides (Locust Hills & Tuscawilla Hills, both containing mixed uses including commercial, residential including detached, duplex, townhouse & apartment units)

The property



From Rte. 51 south of RR

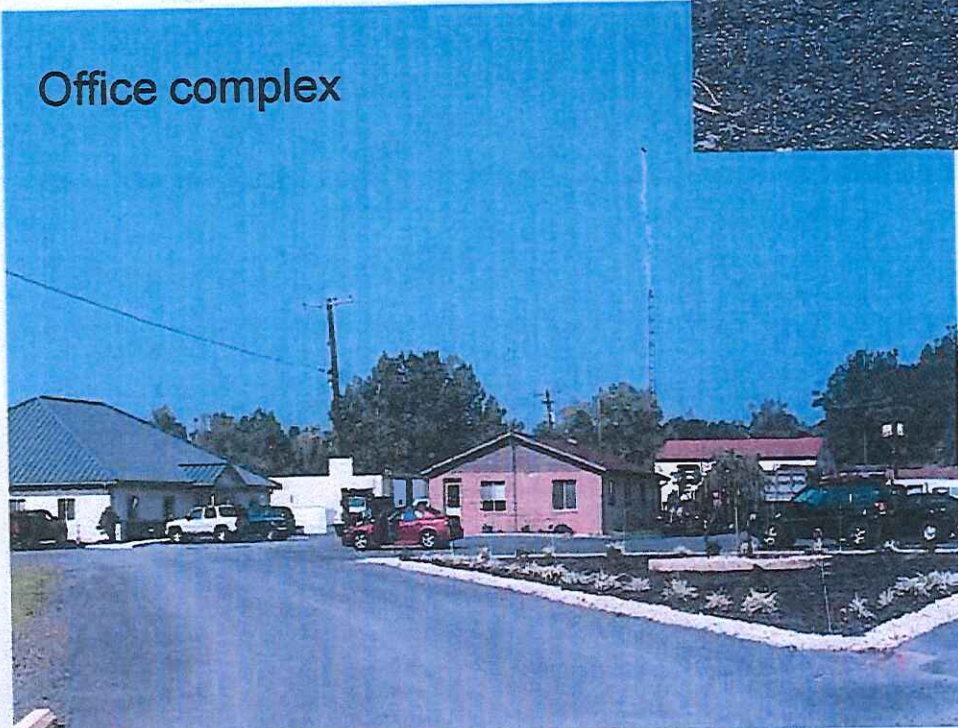


From Rte 51 north of RR

Looking towards Rte 51

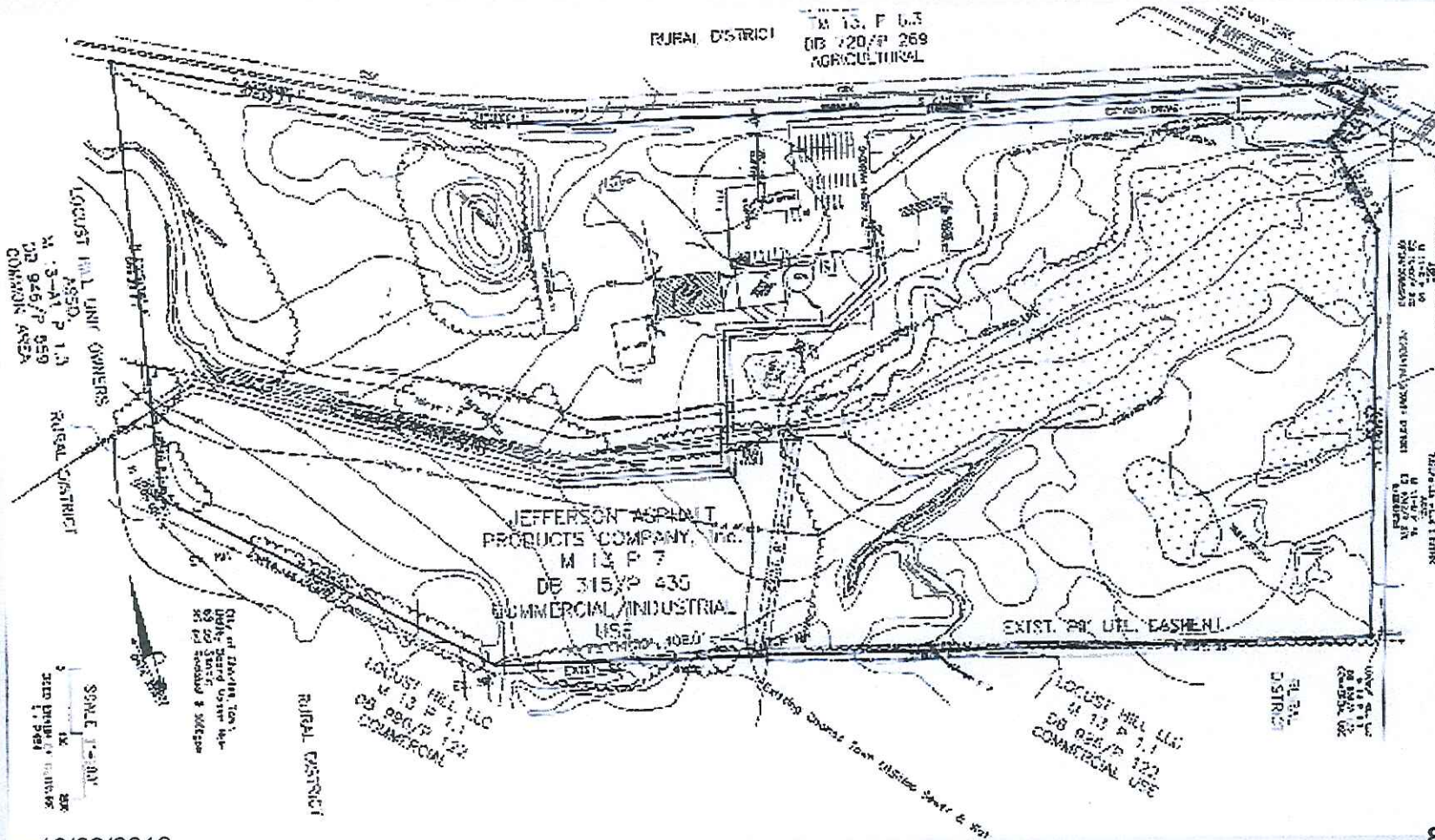


Office complex



10/23/2012

Sketch of Property

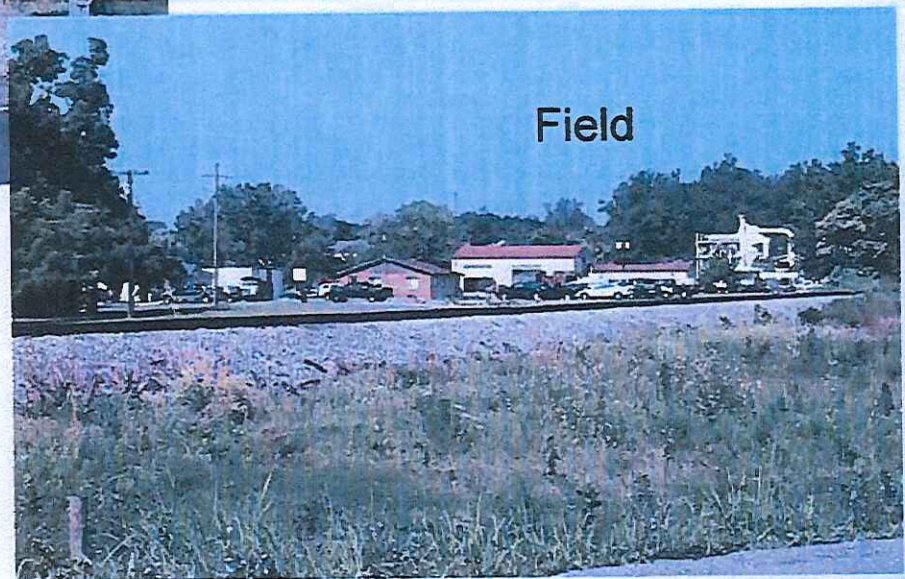
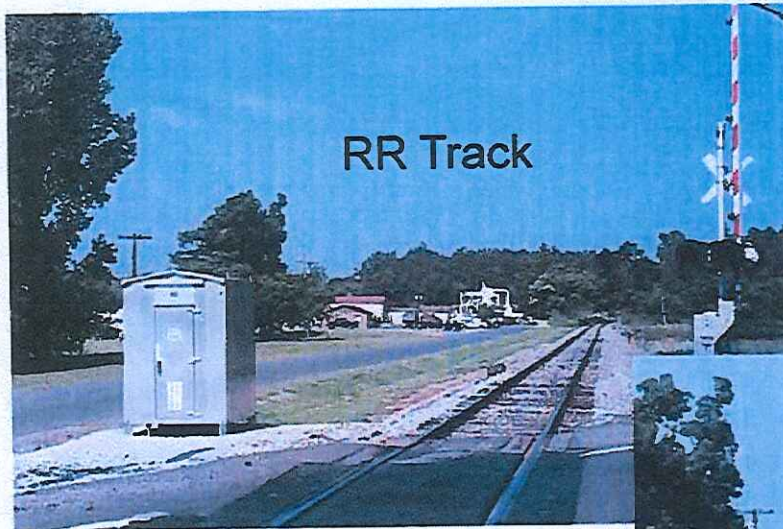


Surrounding Uses

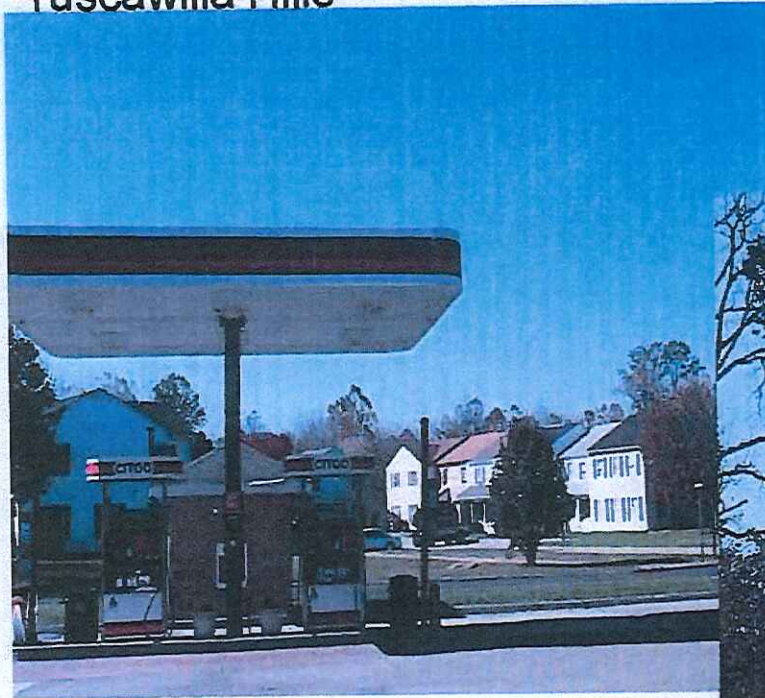


10/23/2012

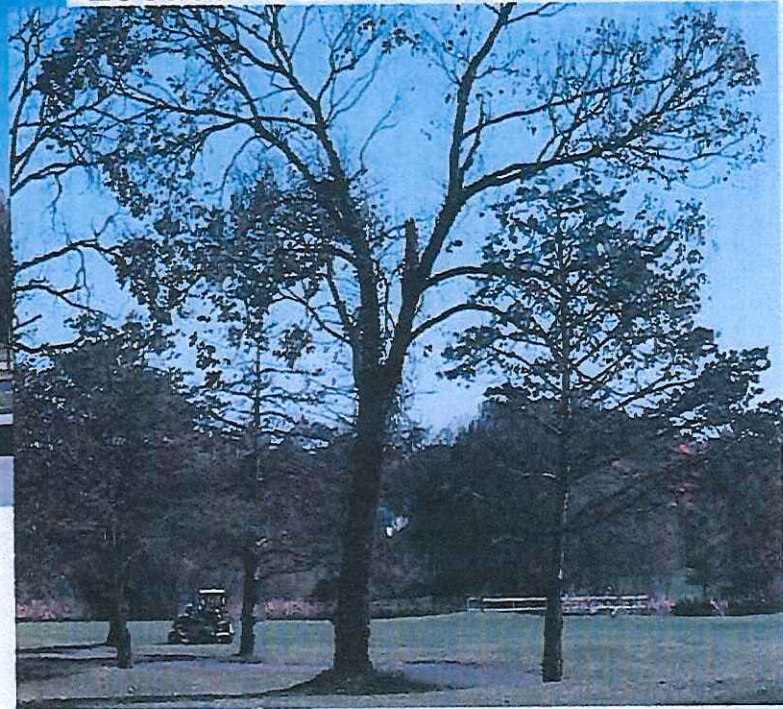
Photos



Tuscawilla Hills

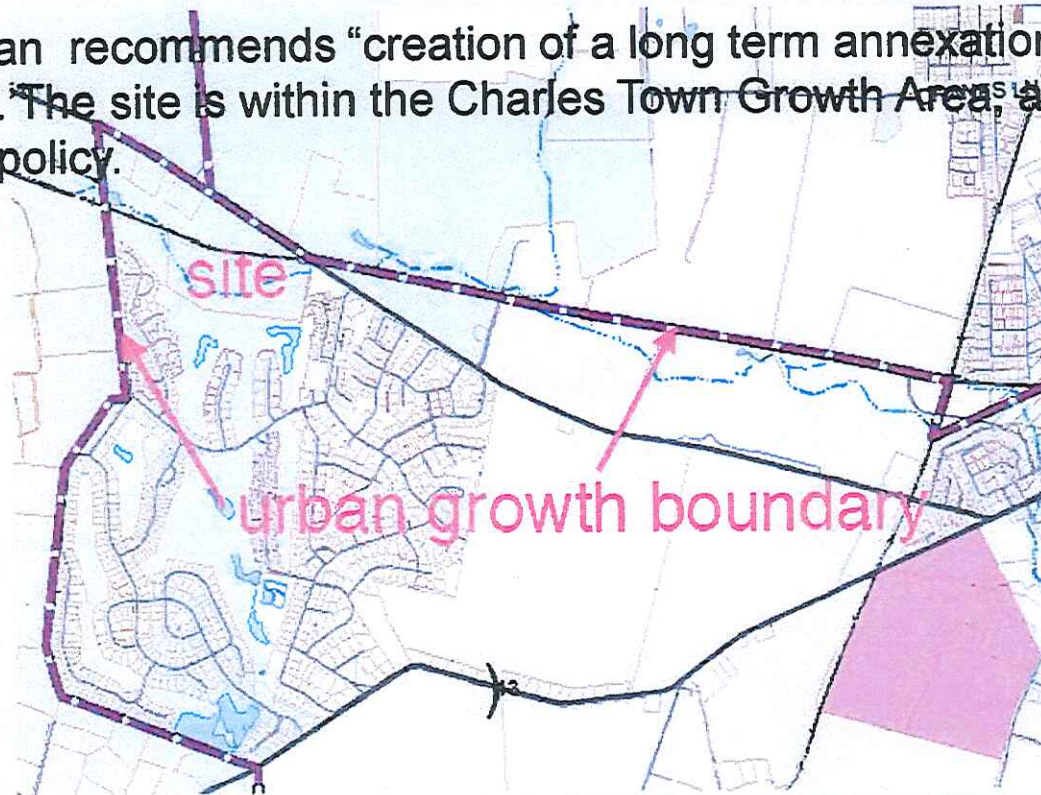


Locust Hills Golf Course



Compatibility with the Comprehensive Plan

The Plan recommends “creation of a long term annexation policy”. The site is within the Charles Town Growth Area, a result of this policy.



The Plan recommends that amendments to Zoning Map should address “comprehensive existing land use map”. Existing land use is office & industrial, not rural, so a zoning change would agree with this recommendation.

Plan Policies encourage mixed use & economic development.

The property is currently mixed use, office/industrial. Rezoning will allow the property to no longer be non-conforming, allowing other mixed uses on the site, including residential where the property adjoins Locust Hills & Tuscowilla Hills, thus creating eventual development that will be compatible with its neighbors.

Plan Goals includes encouraging growth where water & sewer are available & encouraging a diversified & sound economy. Water & sewer are available on site. New development or redevelopment of portions of the property into mixed uses will create new economic opportunities & a diversified & compatible community.

Change in the neighborhood

Jefferson Asphalt predates any surrounding development in the area. Utilities owned by the City of Charles Town are now on site. Adjacent uses have changed & intensified since adoption of the Zoning Ordinance (town houses & duplexes at Tuscawilla Hills), along with new tenants in small shopping center. Locust Hills has been approved & built out, including the golf course with the clubhouse, snack bar & pro shop.

Change in transportation

Several changes made:

Removal of major hill in front of Tuscawilla Hills on Route 51; Additional entrance provided for Locust Hills unto Summit Point Road; Reduction in speed limit & improvements at the RR grade crossing.

Error in Zoning Map

- ❖ Existing use on site predates the zoning ordinance & development of surrounding area. It should have been included in a commercial or industrial zone.
- ❖ Tuscawilla Hills adjacent to the site was already in existence & is a mixed use commercial/residential development.
- ❖ Property should have been zoned according to its existing use when zoning was put in place.

Response to staff report

Property not located in growth area

The property is not in growth area per the 2004 Comprehensive Plan, however it's eastern boundary abuts the growth area boundary.

The Growth area was a generalized area while the Urban Growth Boundary is a refinement agreed to by the municipalities & the County & anticipated in the Comprehensive Plan

The Urban Growth Boundary adopted after approval of the 2004 Plan by both the City of Charles Town & the County is designed to determine areas with growth potential as agreed to by both the City & the County.

The intent of the Urban Growth Boundary was to supersede the Growth Area as shown in the Comprehensive Plan.

Concerns with regards to increased Traffic

Staff is concerned about the narrow frontage the property has on Rte 51 and the impact of a new use on traffic on Route 51. Currently approximately 75 to 100 trips a day including heavy trucks use this entrance. In the past 20 years **only one accident** has occurred at this location & **none** has occurred since the road improvements.

Whether traffic will increase or decrease if a new use occurs on the property is **a site plan issue** & whether mitigation measures need to be taken is a question to be addressed at that time.

Error in zoning

Staff asserts that the original zoning category is correct while acknowledging that the **current use under state law can continue no matter what the zoning**. Staff also acknowledges that in **no way is this site a rural use or even that the site has rural characteristics**.

Shouldn't the original zoning have indicated actual use instead of the rural designation?

Applicant is requesting a less intense use than the industrial use the property has by right.

No change in physical characteristics

The staff uses the 2004 plan as the basis for looking at change. The application process for a rezoning states that **change is based on when zoning was first implemented.**

At that time **Locust Hills did not exist**, the mixed residential at Tuscawilla Hills did not exist. The property with its existing use was **surrounded by rural uses**. Now these two **developments abut three sides of the property** creating a major change in the area.

Conclusion

Property should be rezoned because

- ❖ Error in original zoning, property is **not rural** or agricultural.
- ❖ Property **within the Urban Growth Area** agreed to by Charles Town & the County
- ❖ Area has **changed with new mixed uses** adjacent to the site at Tuscawilla Hills & the **creation & build out of Locust Hills, the golf course & related facilities.**
- ❖ Rezoning would allow the property to **become a conforming use** & allow for eventual **compatible redevelopment** of portions of the site in conformance with the new zoning classification.

Jefferson Asphalt Rezoning Request
Comments on the Staff Report
October 23, 2012

1. Regarding Transportation Issues, Route 51 in this area has been upgraded several times since the adoption of the Zoning Ordinance and the Comprehensive Plan. Furthermore, the entrance to Jefferson Asphalt is utilized by heavy truck traffic. If the rezoning were approved, the addition of commercial or residential will actually reduce the amount of heavy truck traffic as the site develops into a mixed use community.
2. The Report does not focus enough on the fact that this property is now within the Charles Town Urban Growth Boundary. This boundary was added specifically for high growth potential around Charles Town. The Comprehensive Plan's Study Area Map was provided as a general guide for urban growth; however, the specific area was mapped by both the City and the County when the Urban Growth Boundary was approved. The Jefferson Asphalt parcel is directly within this Urban Growth Boundary. This area was mapped to avoid the potential of land owners from choosing to develop in the County or annexing into Charles Town depending on which regulations favored their development. Accordingly, the City and the County agreed upon a boundary to allow urban development to avoid this conflict. The addition of the Urban Growth Boundary is very much a change since the 2004 Comprehensive Plan was adopted and should be utilized in zoning and land use decisions.

Since Jefferson Asphalt has existed for many years before the ordinances were developed and then continued to expand under the County regulations, they would like to continue future development under the County's jurisdiction. Past County Commissions have strived to keep their authority on properties on the outskirts of the towns and it seems odd that the Report now seems to endorse that the owner to annex into Charles Town. Jefferson Asphalt hopes to have the ability to continue to expand under the County's jurisdiction.

3. The Report acknowledges that "there is little about this property that is 'rural' in nature..." This is justification that there is an injustice with the current zoning classification. The property is currently zoned Rural. Article 5, Section 5.7 outlines the purpose of the Rural Zone:

"The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not intended to be served with public water or sewer facilities, although in situations where the Development Review System is utilized, it may be. A primary function of the low density residential development within this section is to preserve the rural character of the County and the agricultural community."

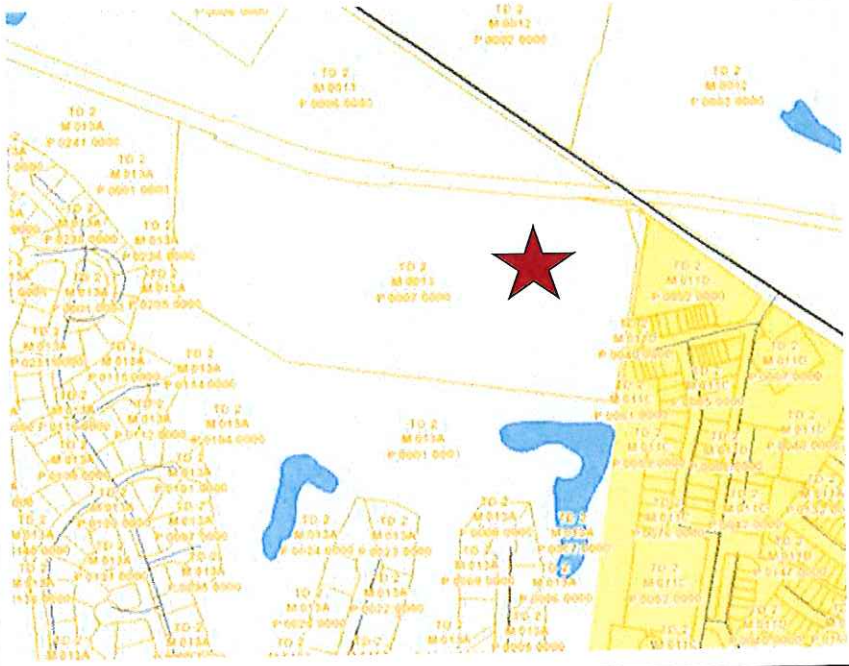
A simple visit to the site or a review of the pictures will show that there is nothing about this property that fits this description.

4. There has indeed been a change in this neighborhood. Jefferson Asphalt has existed for many years. Since the 1960s, the property has slowly been surrounded by two large mixed use communities. These communities (Locust Hills and Tuscowilla Hills) have a mixture of low and high density housing and commercial businesses. Jefferson Asphalt is merely asking for the zoning designation that would support the same type of development that exists in the area that has surrounded their property.

Staff Report
 Jefferson County Planning Commission Meeting
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Jefferson Asphalt Rezoning PC File # Z12-04

Item #5: Request by Jefferson Asphalt Products, Inc. for a zoning map amendment for property designated as Tax District Charles Town, Map: 13, Parcel: 7.

APPLICANT:	Jefferson Asphalt Products, Inc.
OWNER:	Same
DEVELOPER:	Same
APPLICANT REPRESENTATIVE:	Annette van Hilst
PROPERTY LOCATION:	9390 Middleway Pike on WV Route 51 near Tuscawilla Hills.
LEGAL DESCRIPTION:	District: Charles Town; Map: 13; Parcel: 7
	
ZONING DISTRICT:	2011 Zoning Map: Rural
SURROUNDING PROPERTIES:	2011 Zoning Map North: Rural South: Rural East: RG West: Rural
LOT AREA:	34.27 acres
PROPOSED ACTIVITY:	To rezone this Rural property to a designation of Residential/Light Industrial/Commercial.

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APPROVALS:	
Concept Plan:	October 11, 2011 - Approved by the Planning Commission. Concept Plan consisted of proposed 350.50 sq. ft. shop & 529 sq. ft. office / SP for 4200 sq. ft. building.
Site Plan:	<ul style="list-style-type: none"> • November 10, 1998 - Approved by the Planning Commission for land altering activity within a floodplain. • July 22, 2003 – Approved by the Planning Commission for a 2400 square foot addition. • November 4, 2011 - Approved by the Planning Commission for 4200 sq. ft. building.
Planning Commission Responsibility:	To advise the County Commission as to whether the requested Zoning Map Amendment is consistent with the 2004 Comprehensive Plan.
Staff Findings:	In this report Staff presents the various factors related to this property based on the Comprehensive Plan. Staff does not find the plan to be consistent with the 2004 Comprehensive Plan.

Background

The Jefferson Asphalt Company property is a 34.27 acre lot located on Route 51 (Middleway Pike). The existing use is non-conforming and predates zoning. The site is used for vehicle storage, repair, asphalt production, and company offices. As can be seen in the history above, there are structures on the property, with the most recent site plan processed in November 4, 2011.

Introduction and Purpose

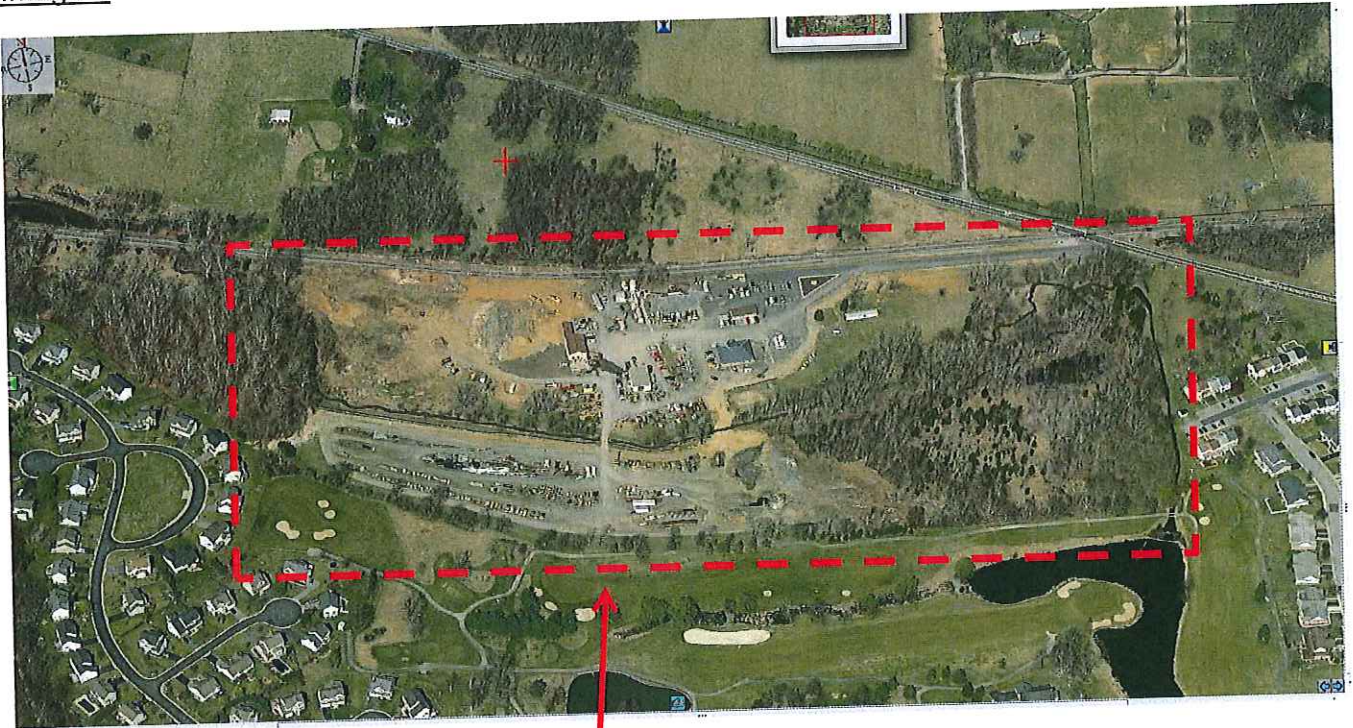
The subject property is identified as Parcel 7 on Tax Map 13 in the Charles Town District and is directly adjacent to the residential developments of Tusawilla Hills and Locust Hills. (Image 1).

The parcel is currently zoned Rural. The properties to the north are zoned Rural with large residential lots; properties to the south and west are zoned Rural and consist of the Locust Hill residential development and golf course; and properties to the east are

Staff Report
Jefferson County Planning Commission Meeting
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zoned Residential Growth and consist of the Tuscawilla townhomes development (Image 2). The applicant has requested rezoning the 34.27 acres from Rural to Residential-Light Industrial-Commercial. The following report has been prepared to assist the efforts of the Jefferson County Planning Commission and Jefferson County Commission to make findings regarding the consistency of the proposed rezoning with the Jefferson County 2004 Comprehensive Plan, in accordance with West Virginia State Code requirements.

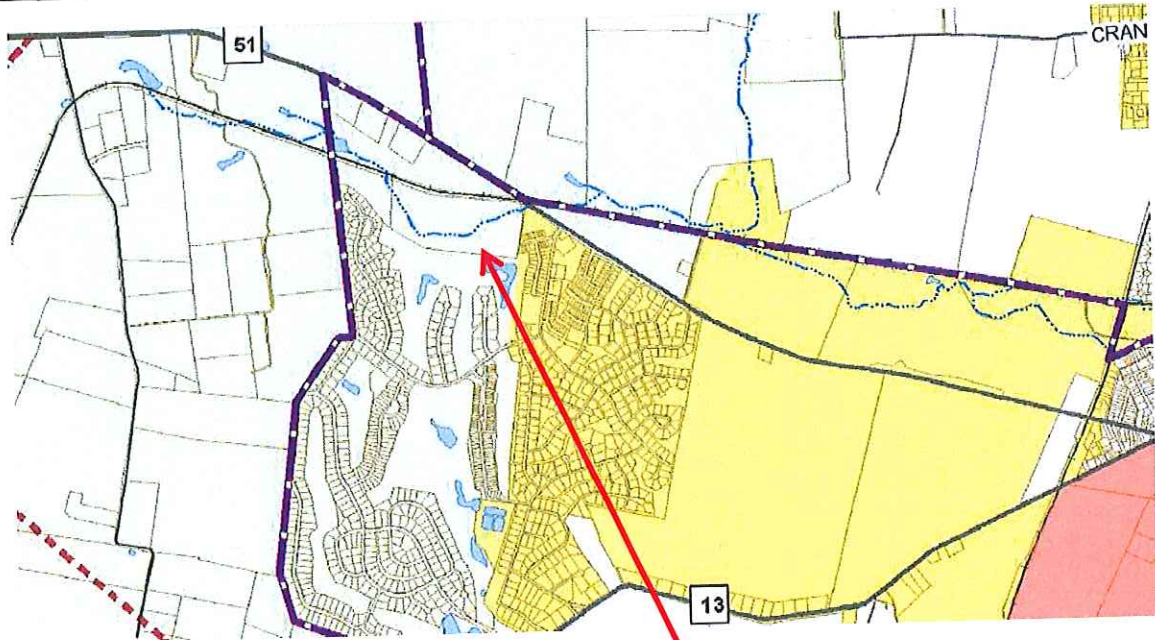
Image 1



General Location of Subject Property

Staff Report
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Image 2









Subject Property

Legend

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

Zoning District

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

Statutory Authority and Requirements

The West Virginia State Code, Section 12.1(a) provides that the boundaries of zoning districts may be amended by the County Commission with the advice of the Planning Commission. The County Zoning Ordinance also requires that the *“procedure for amendment [by petition] shall be as dictated in Section 8A-1-1 et. Seq. of the West Virginia State Code as amended.”* Concerning amendments by petition, State statute provides that, *“Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan.”* [See **WVC 8A-7-9(c)**] This subsection of the State Code also states that, *“If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.”*

Scope of this Assessment

This report focuses on whether or not the rezoning application is consistent with the Comprehensive Plan. Based upon the assessment, this report concludes that the aforementioned request is not consistent with Comprehensive Plan. Any assumptions and findings contained in this report are limited to the aforementioned proposal to rezone the subject site.

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

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

Staff Report
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which various plan provisions are of greater or less importance, in establishing their respective findings regarding the application.

Finally, this report provides an account concerning the proposed rezoning based on review of the various plan sections and elements. The recommendations should be considered the professional opinion of staff; no more and no less. Since the Planning and Zoning Staff has no statutory authority to make decisions in this regard, we defer to the Planning Commission and subsequently the County Commission for any final recommendation or decision that may be forthcoming with respect to the subject application.

Relevant Comprehensive Plan Elements and Commentary

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

When the Comprehensive Plan is silent, the directive found in state law that "...the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan...." is difficult to observe. It is reasonable to speculate that if the plan does not address certain areas or locations of the County, that the Plan anticipated that those areas would not fundamentally change from their 2004 condition or that it expected that any change in use in those areas would seek a Conditional Use Permit (CUP).

Staff does not believe that there have been major changes of an economic, physical or social nature within the area that were not anticipated when the current Comprehensive Plan was written in 2004, which would justify the request. The zoning districts in that area have not changed since the adoption of zoning in 1988, and as such, any build out of adjoining parcels was anticipated. This report focuses on conformance to the Comprehensive Plan.

Existing Zoning District:

The Comprehensive Plan notes that *"The Rural District contains two predominant uses: agriculture and low density residential development (pg 67)."* In recent years, value added agricultural processes have been added as permitted uses in the Rural District. The Rural District also provides *"...a process that allowed property owners to propose many other types of uses on particular properties if they received a "conditional use" permit from the Planning Commission (now the Board of Zoning Appeals). This process*

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also included a development review system in which higher density subdivisions may be permitted in the Rural District, provided that the site and the proposed development passed a weighted point-system... (pg 67)"

Proposed Zoning District:

The Comprehensive Plan provides the following perspective on the Residential-Light Industrial-Commercial zoning district, which the applicant is requesting:

- *"...commonly referred to as the "mixed use" zone, permits uses of a light industrial and commercial nature, as well as a spectrum of residential and institutional uses ranging from single-family dwelling units to multi-family apartments and group homes. Residential uses must conform to the standards set forth in the Residential Growth District, but industrial and commercial uses are required to conform to a set of specific performance criteria, which include numerical measurements of several factors for uses that may have nuisance effects on adjacent uses (pg 71).*
- *There are two issues regarding this district that should be studied as part of planned amendments to the Zoning Ordinance. First, most ordinances that have "mixed use" zones require certain minimum percentages of land usage in residential, commercial and dedicated open space. Jefferson County's Ordinance doesn't. Land in this district can be developed entirely for commercial or residential use or any combination thereof (pg 71).*

The Plan does detail some of the potential benefits of the Residential-Light Industrial-Commercial District and a number of concerns with the district. While this district is defined as mixed used, it does not require any mixing of uses, it merely allows for the possibility. The district also allows two vaguely defined uses as permitted by right, "Commercial Uses" or "Uses of light industrial." "Uses of light industrial" is essentially defined by uses that are not defined as heavy industrial and commercial uses. There is wide latitude for the ability to interpret what qualifies as light industrial use. These two terms allow for some interpretation of what they mean and what is permitted. As such, there are a variety of uses that could be proposed on the subject property, each of which could have very different impacts.

It should be noted that the broadness of this zoning category often raises concerns and is one of the primary reasons that new commercial zoning categories are currently under consideration.

Existing Use:

The site is currently used by Jefferson Asphalt for production of asphalt and their operational offices. As noted by the applicant, since the current use is protected by West Virginia State Code, it is permitted to exist regardless of zoning. While the use is

Staff Report
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non-conforming, the applicant has the right to continue to use the property. Staff does acknowledge that there is little about this property that is "rural" in nature, however that criteria alone does not constitute a justification for a rezoning.

Growth Area:

The parcel is not located within the "growth area" as defined on page 75 of the Comprehensive Plan. The development of Tusawilla Hills to the east is within the growth area and this property is outside the growth area. Locust Hill subdivision and golf course located to the south of the Jefferson Asphalt property is also located outside the growth area and has been approved via the Conditional Use Permit process. Tusawilla Hills was developed in the Residential Growth District and that zoning has been in place since the adoption of zoning in 1988. Since the subject parcel is located outside the growth area identified in the 2004 Plan, the Plan does not support the request.

While it may be tempting to make a determination that since the subject property is adjacent to the growth area boundary line; that it could be considered for rezoning, if the growth area boundary is not respected, the value of the boundary doesn't hold any meaning.

It should be noted that while this property is not within the County's Comprehensive Plan Growth Area, it is now located with the Charles Town Urban Growth Boundary identified on the County Zoning Map which would allow it to pursue annexation into Charles Town if contiguity can be established.

Transportation Impacts:

The Comprehensive Plan discusses the critical role of the transportation routes, noting:

- *"With the increase in population in the last three decades, Jefferson County's roads have had to bear the combined burden of increased traffic volume and heavier commercial vehicles. As a result, the deficiencies of the highway and road systems have become more critical. Inadequate funding and increases in transportation demand are conditions which probably will be facing the people of Jefferson County indefinitely (pg. 26)."*

The Plan Policies state:

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

Staff Report
Jefferson County Planning Commission Meeting
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As many people are aware, the fact that inadequate funding and increased transportation demands are conditions the County is likely to continue to face indefinitely is ominous.

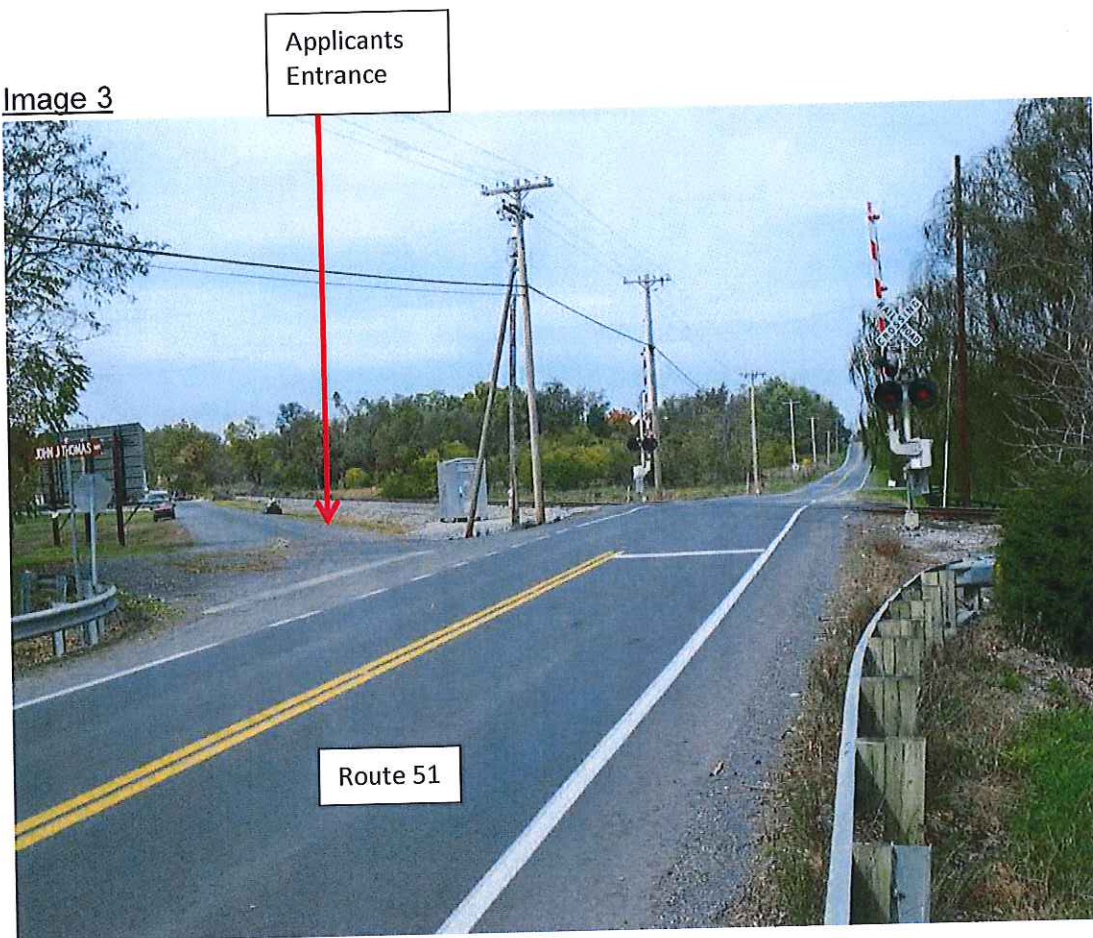
As required in Article 12 of the Zoning Ordinance, one of the requirements for considering a rezoning is addressing the transportation characteristics. This analysis should not be taken lightly, as there are real implications of traffic impacts when considering a rezoning. It would not be in the interest of surrounding residents to downplay the importance of the need to address transportation impacts related to the requested rezoning.

This property has only one small area of entry on to Route 51 and that access point is hampered by railroad tracks bisecting the entrance at an angle. (Image 3) This makes for an unsafe access point and also complicates future improvements for access to this site. While the Department of Highways may have made improvements to Route 51 in this area, those improvements did not anticipate any potential increase in the traffic related to this site.

The requested land designation, Residential-Light Industrial-Commercial, is a robust district with many uses that could increase the transportation characteristics beyond the current use. This area along Rt. 51 is already hampered by long existing transportation conditions. Nearly any change in use will result in increased activity that will cause a negative decline in safe and convenient travel in this area. The application for rezoning states that a portion of the property may be considered in the future for possible residential uses.

Staff Report
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Image 3



Assertion that there is an Error in the Zoning Map

The applicant contends that this site should have been zoned Residential-Light Industrial-Commercial since 1988. Their basis for this statement is that this business was on the property when zoning was adopted. It is true that this business was in operation at the time zoning was adopted. It is not always inevitable that when zoning is adopted that all existing uses are granted zoning designations that are tailored to that use. It would probably be unlikely that the district currently being requested by the applicant would be the district of choice for their operation. This operation would still have been a non-conforming use in the Residential-Light Industrial-Commercial District.

Staff Recommendation

Staff does not recommend approval of the requested rezoning from Rural to Residential-Light Industrial-Commercial. While staff respects the applicant's strong local business operation, the Comprehensive Plan does not support the request.

Staff Report
Jefferson County Planning Commission Meeting
October 23, 2012

The property is located outside the growth area as defined in the Comprehensive Plan. The transportation infrastructure at this location is inadequate for additional traffic without significant improvements and the requested district intensifies those inadequacies.

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

Considering the existing business operation and use of the property, Staff believes that the Conditional Use Permit (CUP) for their operation would be more appropriate than a rezoning. A Conditional Use Permit could be crafted for the particular use proposed and allow the flexibility that fits the needs of the applicant.

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 – 1st Choice: November 8, 2012

Date Requested – 2nd Choice: November 15, 2012

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

Subject: **Recommendation of the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for a 8.07 acre property owned by John D. Lowe, III, designated as Tax District: Shepherdstown, Map: 8, Parcel: part of 5, located on the south side of Route 45 and the east side of Potomac Farms Road, for the purpose of setting a public hearing to be held by the County Commission**

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

On October 23, 2012, the Jefferson County Planning Commission held a Public Hearing for the purpose of receiving public input regarding a landowner-initiated petition to amend the County Zoning Map Public Hearing for a 8.07 acre property owned by John D. Lowe, III, designated as Tax District: Shepherdstown, Map: 8, Parcel: part of 5, located on the south side of Route 45 and the east side of Potomac Farms Road. The property is currently vacant. The rezoning request is from the Residential Growth zoning classification to the Residential-Light Industrial-Commercial zoning classification. Pursuant to state law, WV Code 8A-7-9(c), the County Commission must receive the advice of the Planning Commission regarding whether such a request is consistent with the County's adopted Comprehensive Plan.

To this end, the Planning Commission held a Public Hearing, reviewed the applicant's application (attached), the staff's report on the consistency with the Comprehensive Plan (attached), received public input, and made a determination regarding consistency with the Comprehensive Plan. Based on a review of the 2004 Comprehensive Plan and consideration of the facts and opinions presented, the Planning Commission moved to forward the petition to the County Commission with a finding that the application was consistent with the Comprehensive Plan. This motion passed with a vote of 7-0.

In accordance with Section 12.2(C) of the Jefferson County Zoning Ordinance, subsequent to the recommendation received from the Planning Commission, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

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

I move to schedule a Public Hearing on the Proposed Zoning Map Amendment for a 8.07 acre property owned by John D. Lowe, III, designated as Tax District: Shepherdstown, Map: 8, Parcel: part of 5, located on the south side of Route 45 and the east side of Potomac Farms Road, on Jan. 10th, 2012 at 7:30 pm.

Attachments:

- **Motion by the Planning Commission dated 10/23/12**
- **Zoning Map Amendment Application**
- **Staff Report regarding the BCT Rezoning Application to Planning Commission/County Commission (by Seth Rivard dated October 23, 2012)**
- **Written comments received by the Planning Office**

**A Motion Recommending Approval of a
Rezoning for Lowe Property
October 23, 2012**

Whereas, John D. Lowe III has requested a rezoning of part of a parcel; and

Whereas, The applicant has requested that 8.07 acres, a part of Parcel 5 as shown on Tax Map 8 of the Shepherdstown District, cumulatively consisting of 41.14 acres, be subject to the rezoning; and

Whereas, The part of Parcel 5 subject to rezoning is generally defined as being the section north of Potomac Farms Drive.

Whereas, The applicant is requesting both parcels, be rezoned from Residential Growth to Residential-Light Industrial-Commercial; and

Whereas, The requested rezoning process complies with the requirements in accordance with the provisions of Article 12 of the Jefferson County Zoning and Land Development Ordinance, effective July 7, 1988, as amended and West Virginia State Code Section 8A-7-9; and

Whereas, The Planning Commission finds that the requested rezoning is conformance with the adopted 2004 Comprehensive Plan as outlined in the staff report; and

Whereas, The Planning Commission further finds that there have not been major changes of an economic, physical or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted; and

Whereas, Staff recommends approval of the requested rezoning based on the conditions outlined in the staff report as attached; and

Now therefore be it moved, that the Jefferson County Planning Commission recommends approval of the request for rezoning from Residential Growth to Residential-Light Industrial-Commercial for property identified in the Jefferson County Tax Map as Part of Parcel 5 as shown on Tax Map 8 of the Shepherdstown District.

The portion of the record of the Planning Commission meeting pertaining to this application and the official minutes thereof are incorporated herein by reference as if set forth in full herein.

Recommended approval this 23th day of October
By vote of the Jefferson County Planning Commission
By a vote of 7 Yes 0 No

**To be signed at the next meeting*
Planning Commission President



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

Application Number: 712-03

Date Application Received: 7.24.12

Staff Initials: ABC

Application Fee: #1450.00

CK# 57171

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Zoning Map Amendment (Rezoning)

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code. All Amendments to the Zoning Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

Property Owner Information

Name of Property Owner: John D. Lowe, III, et. al.
Mailing Address: P.O. Box S
City: Shepherdstown State: WV Zip Code: 25443
Phone Number: 304/876-2546 Email: _____

Applicant Contact Information

Applicant Name: John D. Lowe, III
Mailing Address: P.O. Box S
City: Shepherdstown State: WV Zip Code: 25443
Phone Number: 304/876-2546 Email: _____

Applicant Representative

Name of Representative: Richard Klein, P.E., Alpha Associates, Inc.
Address of Representative: 535 W. King Street
City: Martinsburg State: WV Zip Code: 25401
Phone Number: 304/264-0051 Email: _____

RECEIVED

JUL 27 2012

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Physical property details

Physical Property Address: 777 Potomac Farms Drive

City: Shepherdstown State: WV Zip Code: 25443

Tax District: Shepherdstown Map #: 8 Parcel #: p/o 5

Parcel Size: 8.07 Acres Deed Book: 1021 Deed Book Page #: 626

Current Zoning District

Rural (R-A)	Residential Growth (R-G)	Industrial Commerical (I-C)	Residential-Light Industrial-Commercial (R-L-C)	Village (V)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Proposed Zoning District

Rural (R-A)	Residential Growth (R-G)	Industrial Commerical (I-C)	Residential-Light Industrial-Commercial (R-L-C)	Village (V)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

For a Zoning Map Amendment request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.

See Attached Petition

Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.

See Attached Petition

Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.

See Attached Petition

Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?

- Yes, I request that the Planning and Zoning Staff present the petition
- No, I prefer to present the petition

Plat or Sketch Plan (provide as an attachment to this application)

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

Is Plat or Sketch Plan attached?

- Yes
- No

Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).

[Signature] 7/24/12
 Signature of Property Owner Date

 Signature of Property Owner Date

Christine Chalmers July 24, 2012
 Received By Date

 Received By Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of ____ for and ____ against, this day of ____, ____ (Year)

- Recommended
- Not Recommended

The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of ____ for and ____ against, this day of ____, ____ (Year)

- Approved
- Disapproved

Final Determination/Other Comments



712-03

July 20, 2012

Ms. Jennifer Brockman
Director
Jefferson County Planning and Zoning
PO Box 338
Charles Town, WV 25414

RECEIVED

JUL 20 2012

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Re: Petition for Map Amendment
Lowe Products, Inc.
Rezoning 10 Acre Property
Shepherdstown District, Map 8, Parcel 5

Dear Ms. Brockman,

On behalf of our client, Lowe Products, Inc., we are submitting a Petition for Map Amendment for the referenced property. The property is currently zoned Residential Growth and the Applicant is seeking a map amendment for the Residential/Light Industrial/Commercial District. Lowe Products, Inc. is located in Shepherdstown and proposes to develop a commercial subdivision on approximately 8.07 acres of land that fronts Potomac Farms Drive.

A check in the amount of \$1,450.00 is enclosed to cover the application fee. Please place this petition on the next available Planning Commission meeting agenda.

Please contact us if you have any questions or require additional information at this time. Thank you.

Sincerely,
Alpha Associates, Incorporated

A handwritten signature in blue ink that reads "Richard W. Klein".

Richard W. Klein, PE
Chief Executive Officer

Attachment: Petition for Map Amendment w/Exhibits

**§8A-7-9 PETITION
REQUEST FOR MAP AMENDMENT
John D Lowe, III, ET. AL.
July 18, 2012**

Property Owner and Applicant:

John D. Lowe, III, ET. AL.
P.O. Box S
Shepherdstown, WV 25443

Request: The Lowe family owns a 41.14 acre parcel of land near Shepherdstown that was split into two parcels when the Route 45 Connector Road (which is now called Potomac Farms Drive (Alternate Route 45)) was built between Route 45 and Route 480 in 2000/2001. Prior to the Potomac Farms Drive's construction, the property was utilized as a part of the Lowe's Wood Product and Mulch Facility. The portion of the property to be considered for the map amendment is the approximate 8.07 acre portion of the parcel that is on the Northeast side of Potomac Farms Drive. Although the entire parcel shares the same Tax Identification, the property is now two separate parcels due to the DOH Right of Way that was purchased for Potomac Farms Drive. The property is currently zoned Residential Growth and was so designated in 1988 when the original zoning ordinance was adopted in Jefferson County. This petition is a request for a map amendment and rezoning of the property from the Residential Growth District to the Residential/Light Industrial/Commercial District.

Section of Ordinance:

Article 12 of the Jefferson County Zoning and Development Review Ordinance, as amended.

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

Substantiation for the Request:

1. The request is consistent and very much compatible with the 2004 Jefferson County Comprehensive Plan. The plan's applicable recommendations are explained in the Petition.
2. Since the Zoning Ordinance was adopted in 1988, there have been several significant changes in the neighborhood. The most significant change was the construction of the Connector Road which functions as a bypass around Shepherdstown. This road bisected the Applicant's property. Other changes in the neighborhood include the development of the Maddex Commercial Area (Food Lion, etc.); the construction of the Clarion Conference Hotel and National Training Center; the enhancement to the entrance to the western campus of Shepherd University; and, the development of the Colonial Hills Subdivision. These and other changes are described in the Petition.
3. The Petition will also try to demonstrate that there was an error in the original zoning map. This property should have been given a commercial classification since the property was part of the Potomac Farms Nursery and Lowe Wood Product operations and was located behind a commercial area along Route 45. Lowe Products, Inc. has been in operation for over 40 years.

Tax Information:

Shepherdstown Tax District, Map 8, P/O Parcel 5

Deed Book Reference:

Deed Book 1021 at Page 626

Sketch Plat:

Attached

Tract Size:

Approximately 8.07 Acres

Petition Includes a Discussion on:

The compatibility of the proposed change with the Jefferson County Comprehensive Plan.

The change of transportation characteristics and neighborhood from when the original zoning ordinance was adopted in 1988.

A. Comprehensive Plan Compatibility

Among the many recommendations in the 2004 Jefferson County Comprehensive Plan, the following recommendations address items pertinent to this map amendment:

Recommendation 3.18 on Page 64:

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

Response: This property is currently zoned Residential Growth. As such, it can develop into a very dense housing development which can include apartments and townhouses. The requested Residential/Light Industrial/Commercial designation will essentially cut down the amount of land that can be used for residential purposes. In this case, there are already multiple residential developments in the area (Maddex Subdivision, Kensington Townhouse development, Tollhouse Woods and Colonial Hills Subdivision), so the ideal development would be a commercial business park that will allow businesses to service these housing developments. The map amendment would take land from the high density residential growth zone and allow it to develop into a commercial business park that would increase the tax base, provide employment opportunities and provide commodities to the surrounding residential growth.

On Page 71 of the Comprehensive Plan, it states that only 5% of Jefferson County is zoned for commercial and industrial development. It goes on to state that there is a need to maximize the potential for commercial development to offset the demands of residential development. In this case, this map amendment will allow the addition of this needed commercial development. The plan also states, that every mixed use property that develops entirely for residential use is a lost opportunity for ‘much needed commercial development’.

Recommendation 4.01 on Page 78:

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

Response:

The area of the requested map amendment is located directly within the Shepherdstown's Growth Area as depicted on page 75 of the Comprehensive Plan. The map is attached to this petition. There are only two areas that are shown as Growth Areas on this map: the one around Shepherdstown; and, the one along the Route 340 Corridor. These areas are the only areas that are expressly earmarked for growth in the Plan. This fact makes the property uniquely qualified for commercial development. Also, since the property is already zoned for residential growth, it would only make sense to allow the property to develop commercially. Very little land has been added to the commercial districts since the ordinance was adopted in 1988. New land should be added to the commercial districts in order to keep pace with the lands that have developed residentially within the growth areas.

These recommendations reinforce the fact that this rezoning is consistent and compatible with the Comprehensive Plan.

B. Change of Neighborhood

The neighborhood as undergone significant changes since the zoning ordinance was adopted. In 1988, the Shepherdstown Wastewater Treatment Plant was nearing capacity and that is probably one of the reasons that more land wasn't zoned for mixed uses at that time. That Shepherdstown Treatment Facility is now nearing the completion of a major upgrade and can now support additional growth. Another huge change in the neighborhood very specific to the subject property is that the Route 45 Connector Road (Potomac Farms Drive) bisected the property in 2000/2001. This change will be further discussed in the Change of Transportation Characteristics' part of the petition. Finally, the neighborhood has added a significant amount of residential units in several subdivisions including Maddex, Kensington, Tollhouse Woods and Colonial Hills. Along with this residential growth, other commercial areas have also developed since 1988, leaving a deficit of available commercial land in and around the growth areas of the County.

The following are changes in the neighborhood that would specifically support the requested change from Residential Growth to the Residential/Light Industrial/Commercial District:

1. Availability of Public Utilities:

Public Water is already in this neighborhood and Wastewater facilities can be extended to this neighborhood now that the Shepherdstown Wastewater Treatment Plant has expanded its capacity. It has long been the goal of Shepherdstown to extend its sewer services along Route 45. This map amendment would allow the applicant to participate in that extension. One of the Comprehensive Plan's primary objectives is to:

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

In this case, the water is already available in the area and sewer is obtainable at the applicant's cost. There would be no unreasonable costs to the community, since the additional utility customers would allow the Town to keep the rates stabilized.

Regarding schools, the property is already zoned for high density residential growth. Therefore, the map amendment could only provide for a lessened impact on the schools, since the addition of the commercial component would reduce the number of residential units permitted.

2. Growth in the Area:

Several large residential projects have been developed in this area that would certainly benefit from the additional commercial growth that would be permitted with this map amendment. Four of these, Colonial Hills, Tollhouse Woods, Kensington Townhouses and Maddex Subdivision, are residential developments that are approved with a significant number of residential units. Although the Maddex development has a limited amount of commercial services available to the residents in the Maddex Subdivision, Colonial Hills, Tollhouse Woods and Kensington Townhouses are approved mostly as a residential developments. When built out, these developments would most certainly need nearby commercial services available to their residents. Due to the limited area of Shepherdstown and the traffic congestion and parking problems within the town, it is imperative that commercial services be made available to the residents outside of town. Otherwise, the town would be overwhelmed. Furthermore, these new commercial services should not have a negative impact on the businesses within the Central Business District of Shepherdstown, because of the unique collection of eclectic shops that are already in town. As exhibited in other growth areas, such as Arlington and Alexandria, Virginia, these types of shops continue to thrive in their downtowns.

The other significant development in the area that was built after the zoning ordinance was adopted is the Clarion Conference Hotel and National Training Center. This hotel and conference center hosts major federal government training programs and conferences. The people attending these functions would also benefit from the availability of commercial services in the area. A participant at the facility would have the ability to walk to both this property and downtown Shepherdstown for commercial services.

The primary area that is zoned for commercial uses in the Shepherdstown Growth area is essentially developed. There was very little area in the Shepherdstown Growth Area that was zoned mixed use when the zoning ordinance was adopted. Most of that area was the Maddex Farm area that is now either fully developed commercially or already platted into residential lots. From this standpoint, it is vital to change some of the residential land into a commercial zone. Otherwise, commercial growth in the Shepherdstown Growth Area will not be able to meet the demands of the residentially zoned and/or developed properties in that growth area. This map amendment is a perfect opportunity to take some property slated for residential use and allow it to develop commercially. This map amendment would provide a balance of land available for both residential and commercial development.

C. Change of Transportation Characteristics:

Please note that this property is already zoned Residential Growth. As such, there should be little significant difference in traffic from this property if it is rezoned to mixed-use. A mixed-use development would have a more favorable outcome regarding traffic since some of the local residents could utilize the commercial services available if the property is rezoned. The major change to this area from a transportation standpoint was when Potomac Farms Drive (Alternate Route 45) was constructed through the Applicant's property. The State even built two commercial grade entrances into the Applicant's property. This would allow the property to develop into a commercial center without direct access points to the Connector Road. This scenario would not be conducive to the development of a 'strip mall'. In fact it would provide an opportunity to develop into a comprehensive interconnected commercial neighborhood.

The addition of this road, along with the expanded entrance into the western campus of Shepherd University, has considerably changed the transportation characteristics of the neighborhood. These two improvements have allowed traffic to bypass Shepherdstown to keep pass through traffic away from the more congested areas of town. The addition of commercial services in the western suburb of Shepherdstown should further reduce commercial traffic in the downtown area of Shepherdstown, without negatively affecting the unique collection of shops in town.

D. Error in the Original Zoning Map

When the Zoning Ordinance was adopted, this property was part of the land owned by the Lowe family that was being used for the Lowe Wood Products and mulching operation and the Potomac Farms Nursery. It is perplexing that the property wasn't given the commercial or industrial classification consistent with the existing use at the time of the ordinance adoption. The property is also directly behind the property that housed the Potomac Supermarket and adjacent to a large electric substation. Accordingly, the entire area should have been zoned either commercial or mixed-use. The Potomac Supermarket property is now utilized as a collection of commercial and retail space including a Subway and a Dollar General. Once the property was bisected by Alternate Route 45, this portion of the property became even more suited for commercial development, since it was separated from the main portion of the Lowe Products' operation.

E. Current Permitted Uses on the Subject Property

The property can currently be subdivided or developed into a dense residential development by virtue of its Residential Growth designation. Furthermore, under Article 4, Sections 4.3(f) and 4.3(g); and, §8A-7-10(c) of the West Virginia State Code, as amended, the property can also be used for the expansion or continued development of the Lowe Products, Inc. operation. These provisions allow for the expansion and continued development of agricultural, industrial and manufacturing operations that existed in Jefferson County when the original zoning ordinance was adopted.

Accordingly, the subject property can currently be used for the Lowe Products operation and/or for a residential development. As such, the requested mixed-use district would only allow the added commercial component to the possibilities of land development on this parcel. The Applicant is requesting the change, because the commercial aspect seems to be the most desirable use in this area. Furthermore, it appears that the County Commission has been very supportive of enhanced business opportunities in Jefferson County that this map amendment would allow.

F. General Policy of the Comprehensive Plan

There is a lot of narrative in the Comprehensive Plan that is outside of specific recommendations that supports this map amendment. The most important sections are some of the general policies of the Plan, which include:

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

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

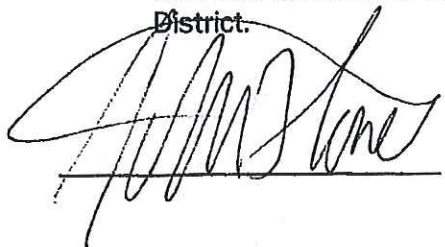
The County should 'Encourage growth and development in areas where sewer, water, schools, and other public facilities are available or can be provided without unreasonable costs to the community'; and,

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

Finally, the Plan contains a land use policy map that includes this land in one of two Growth Areas in Jefferson County. This Growth Area Map is the only land use policy map in the Plan. As such, the map should be a vital piece of evidence to support the requested map amendment.

G. Summary:

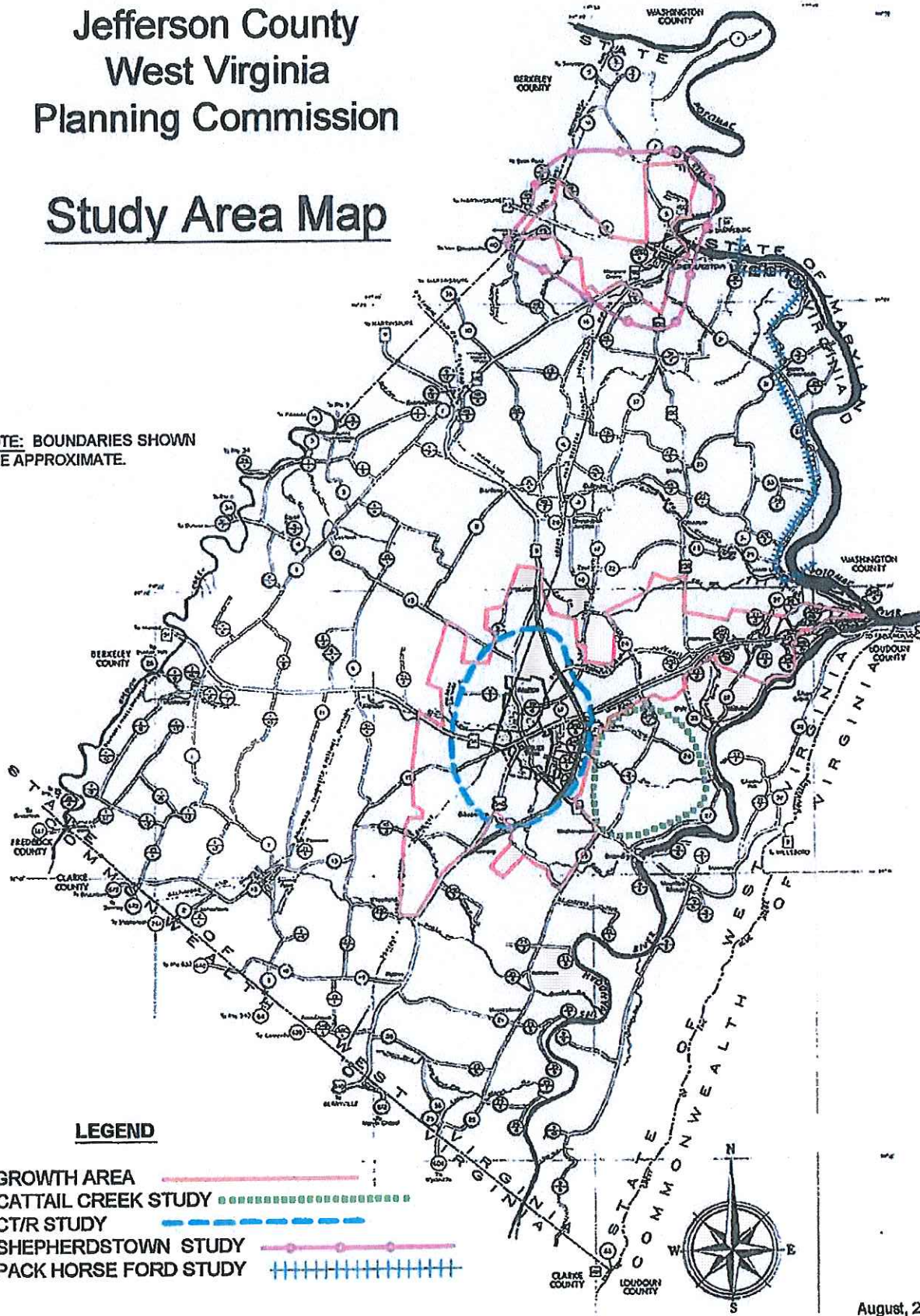
The Applicant is requesting a map amendment for this 8.07 acre parcel for the benefit of economic development in Jefferson County. As such, this Petition is requesting a map amendment by the County Commission. The Applicant believes that: the 2004 Comprehensive Plan; the general philosophy of the County Commission regarding business enhancement in Jefferson County; the apparent error in the original zoning classification; and, the changes in the neighborhood from when the original zoning ordinance was adopted, all support the requested map amendment. The requested rezoning will change this property's zoning designation from the Residential Growth District to the Residential/Light Industrial/Commercial District.








7/19/12
Date

Jefferson County West Virginia Planning Commission Study Area Map

NOTE: BOUNDARIES SHOWN
ARE APPROXIMATE.

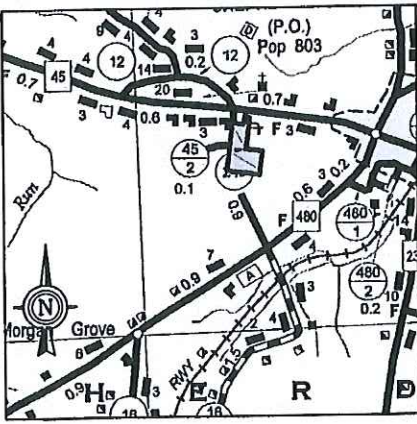


LEGEND

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



August, 2003
NOT TO SCALE



SCALE: 1" - 1 MILE

N/F
ROY F. AND PATRICIA
DICK
DB: 358 PG. 591
TM: 8 PARCEL 5.2

N 41°58'00" W
145.40'

WV RT. 45

OLD WV RT 45

N/F
S&T GROUP LLC
TM: 8 PARCEL 5.4
DB: 1000 PG. 103

N 75°10'00" W
57.10'

N/F
POTOMAC EDISON
DB: 493 PG. 633
TM: 8 PARCEL 10.8

N/F
JOHN D. LOWE III ET AL
DB: 1021 PG. 626
TM: 8 PARCEL 6 & 6.2

N 72°43'50" W
475.70'

S 19°15'37" W
383.85'

N 15°05'00" E
1308.20'

N/F
JESSE RYNIER VAN EVERA, JAMES W. VAN
EVERA, LINDA HEANEY, LIVING TRUST.
DB: 817 PG. 375
DB: 545 PG. 104

2000.00'
S 15°13'00" W

POTOMAC FARMS DRIVE
(ALT. RT. 45)

N 73°57'00" W
675.10'

N/F
JOHN D. LOWE III ET AL
TM: 8 PARCEL 5
DB: 1021 PG. 626

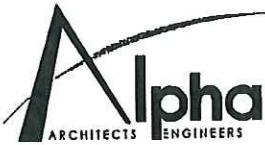
N/F
MARK-COLONIAL LLC
TM: 8 PARCEL 10
DB: 989 PG. 175

S 73°24'00" E
1313.90'

N 16°39'00" E
1005.00'

N/F
MARK-COLONIAL LLC
COLONIAL HILLS PHASE 1 & 2
P.B. 20 SLIDE 4

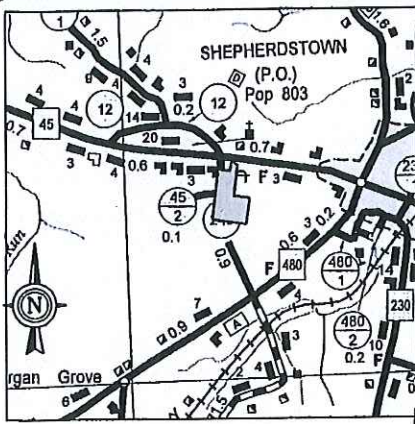
NOTE:
1. BEARING AND DISTANCES FOR THE PROPERTY LINES WERE TAKEN FROM
THE WVDOH RIGHT-OF-WAY PLANS FOR THE SHEPHERDSTOWN CONNECTOR
DATED 1999.



ALPHA ASSOCIATES, INC.
535 WEST KING STREET
MARTINSBURG, WV 25401
PHONE: 304-264-0051
FAX: 304-264-0707
TOLL FREE: 877-264-0051
www.thinkALPHAfirst.com



LOWE PRODUCTS PROPERTY MAP
PRIOR TO 1988



SCALE: 1" = 1 MILE

N/F
ROY F. AND PATRICIA
DICK
DB: 358 PG. 591
TM: 8 PARCEL 5.2

WV RT 45

N/F
S&T GROUP LLC
TM: 8 PARCEL 5.4
DB: 1000 PG. 103

OLD WV RT 45

N 72°43'50" W
475.70'

N/F
JOHN D. LOWE III ET AL
DB: 933 PG. 643
TM: 8 PARCEL 6 & 6.2

N 75°10'00" W
57.10'

S 19°15'37" W
383.85'

ENTRANCE CONSTRUCTED
BY WVDOT

ROCK OUT
CROP

APPROXIMATE
ACREAGE 8.07 ACRES

N/F
POTOMAC EDISON
DB: 493 PG. 633
TM: 8 PARCEL 10.8

ROCK OUT
CROP

EXISTING TREE
LINES

POTOMAC FARMS DRIVE
(ALT. RT. 45)

N/F
JOHN D. LOWE III ET AL
DB: 933 PG. 643
TM: 8 PARCEL 6 & 6.2

N/F
JESSE RYNIER VAN EVERA, JAMES W. VAN
EVERA, LINDA HEANEY, LIVING TRUST.
DB: 817 PG. 375
DB: 545 PG. 104

N/F
JOHN D. LOWE III ET AL
TM: 8 PARCEL 5
DB: 1021 PG. 628

ENTRANCE CONSTRUCTED
BY WVDOT

NOTE:

1. BEARING AND DISTANCES FOR THE PROPERTY LINES WERE TAKEN FROM THE WVDOT RIGHT-OF-WAY PLANS FOR THE SHEPHERDSTOWN CONNECTOR DATED 1999.
2. THE PROPERTY TO BE REZONED IS APPROXIMATELY 8.07 ACRES.
3. THERE ARE NO STREAMS, WETLANDS, CAVES, OR SINKHOLES ON THE PROPERTY.
4. THERE ARE NO MANMADE FEATURES ON THE PROPERTY.
5. THERE ARE NO KNOWN GRAVE SITES OR OTHER HISTORICAL SITES ON THE PROPERTY.
6. THE PROPERTY IS SERVED BY TWO COMMERCIAL ACCESS DRIVES CONSTRUCTED BY THE STATE HIGHWAY DEPARTMENT ON POTOMAC FARMS DRIVE.
7. THE RIGHT-OF-WAY WAS TAKEN BY CONDEMNATION ORDER DATED JULY 7, 2002.

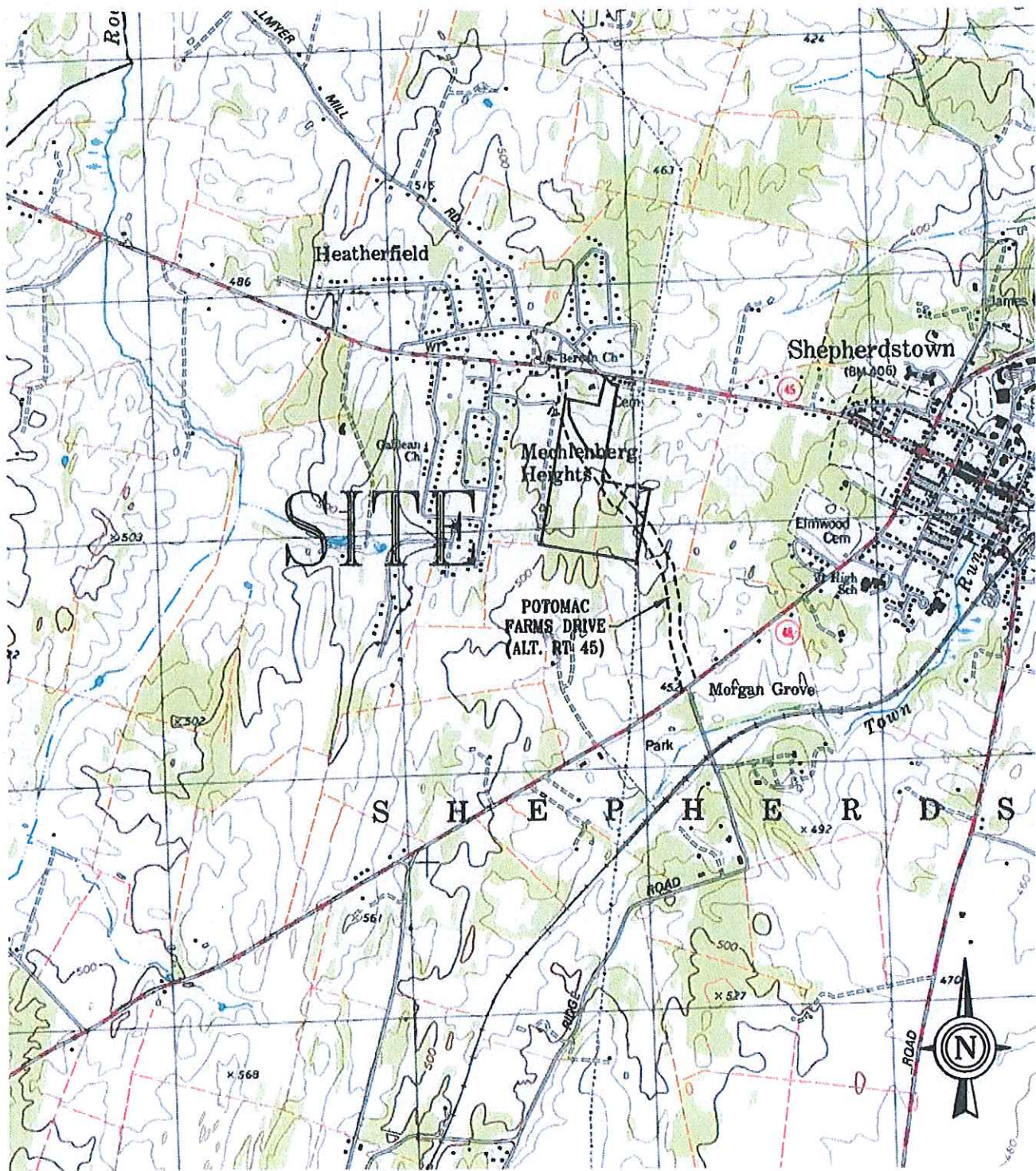


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LOWE PRODUCTS PROPERTY MAP
PRESENT DAY

SCALE:





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 TOLL FREE: 877-264-0051
 www.thinkALPHAfirst.com

SCALE - 1" = 2,000'

U.S.G.S. MAP OF PROPERTY



WV 45

SITE

Potomac Farms Dr

Comedy Dr

Image © 2012 GeoEye

Image U.S. Geological Survey

Image USDA Farm Service Agency
© 2012 Google



SCALE:

LOWE PRODUCTS AERIAL PHOTO MAP

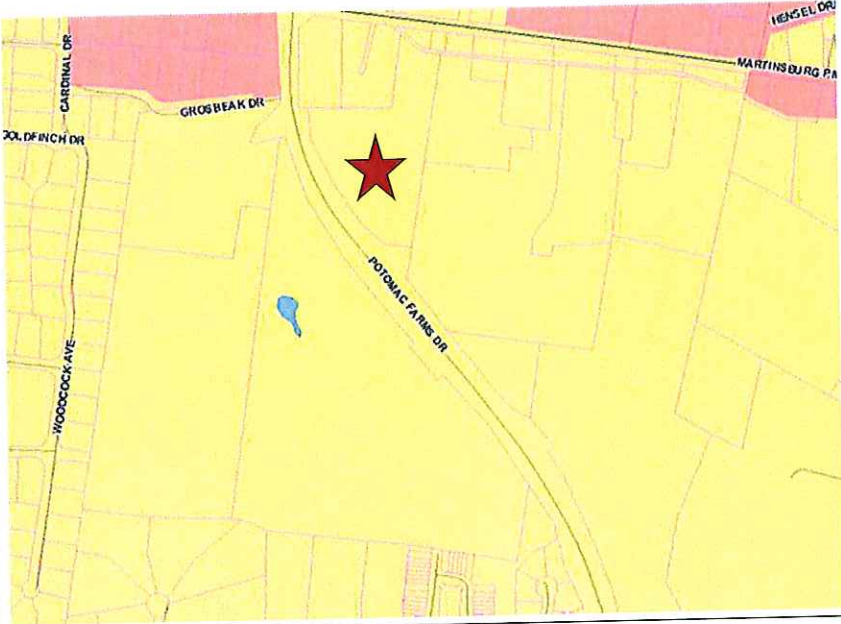


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Staff Report
 Jefferson County Planning Commission Meeting
 October 23, 2012

John D. Lowe, III et al (#Z12-03)

Item #4: Request by John D. Lowe, III for a zoning map amendment for property designated as Tax District Shepherdstown, Map: 8, Parcel: Part of 5.

APPLICANT:	John D. Lowe, III
OWNER:	Same as above
DEVELOPER:	Same as above
APPLICANT REPRESENTATIVE:	Richard Klein, P.E. of Alpha Associates, Inc.
PROPERTY LOCATION:	This property is located on Potomac Farms Drive near its intersection with Martinsburg Pike.
LEGAL DESCRIPTION:	District: Shepherdstown; Map: 8; Parcel: part of 5 
ZONING DISTRICT:	2011 Zoning Map: Rural
SURROUNDING PROPERTIES:	2011 Zoning Map North: Residential Growth South: Residential Growth East: Residential Growth West: Residential Growth
LOT AREA:	Site area: 41.14 acres
PROPOSED ACTIVITY:	To rezone this Rural property to a designation of Residential-Light Industrial-Commercial
PLANNING COMMISSION RESPONSIBILITY:	To advise the County Commission as to whether the requested Zoning Map Amendment is consistent with the 2004 Comprehensive Plan.
STAFF FINDING:	In this report Staff presents the various factors related to this property based on the Comprehensive Plan. Staff does find

Staff Report
Jefferson County Planning Commission Meeting
October 23, 2012

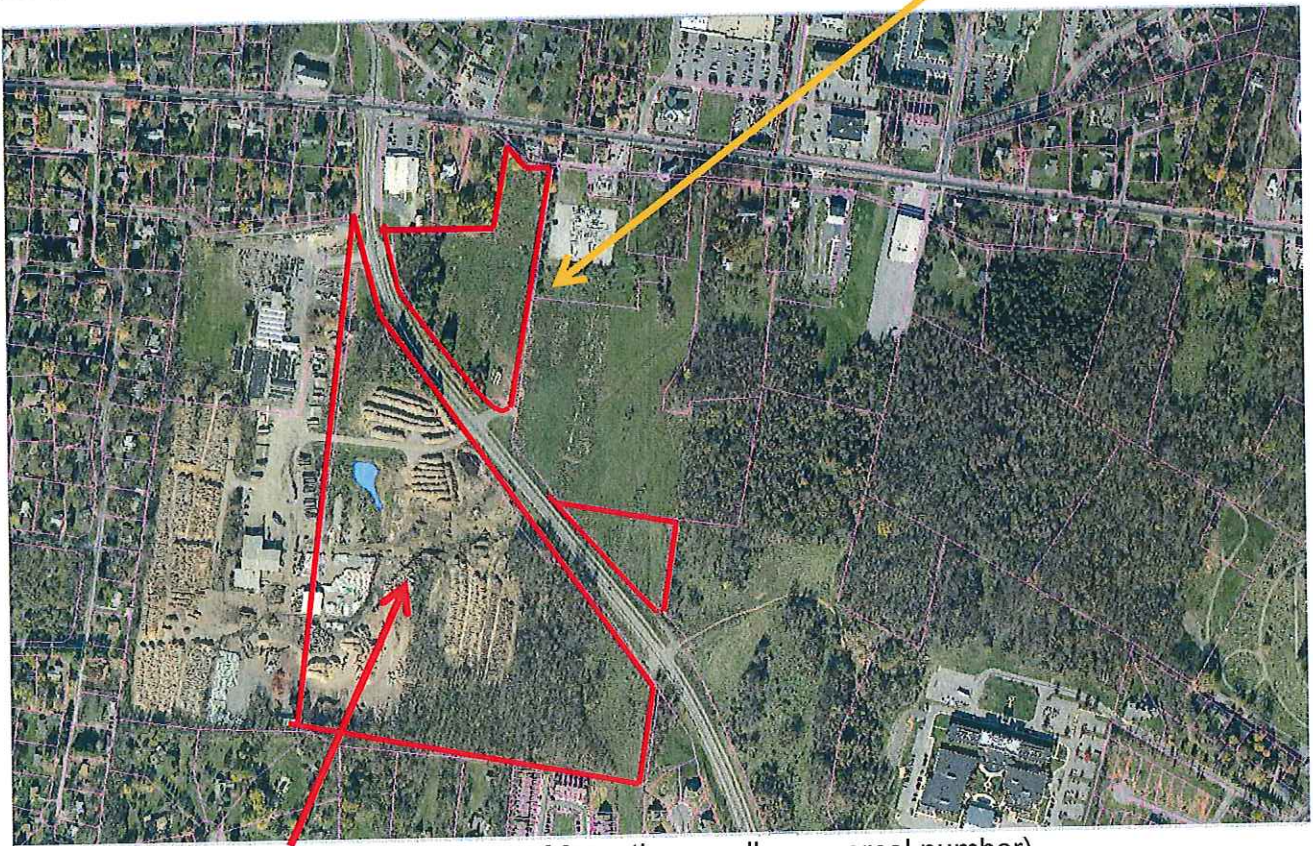
	the plan to be consistent with the 2004 Comprehensive Plan
--	--

Background

The property is currently a 41.14 acre lot that contains the Lowe's Wood Product and Mulch Facility. The existing use is non-conforming and predates zoning. This parcel is divided by Potomac Farms Drive (Alternative Route 45). The Lowe's Wood Product and Mulch Facility is on the south side of Potomac Farms Drive covers approximately 33.07 acres of the 41.14 acre lot and the remaining unused 8.07 acres is north of Potomac Farms Drive. The applicant is only requesting that the approximate 8.07 acres north of Potomac Farms Drive be rezoned, as shown in Image 1 below.

Image 1

Part of Parcel Requested for Rezoning



Subject Parcel (composed of 3 sections – all one parcel number)

Staff Report
Jefferson County Planning Commission Meeting
October 23, 2012

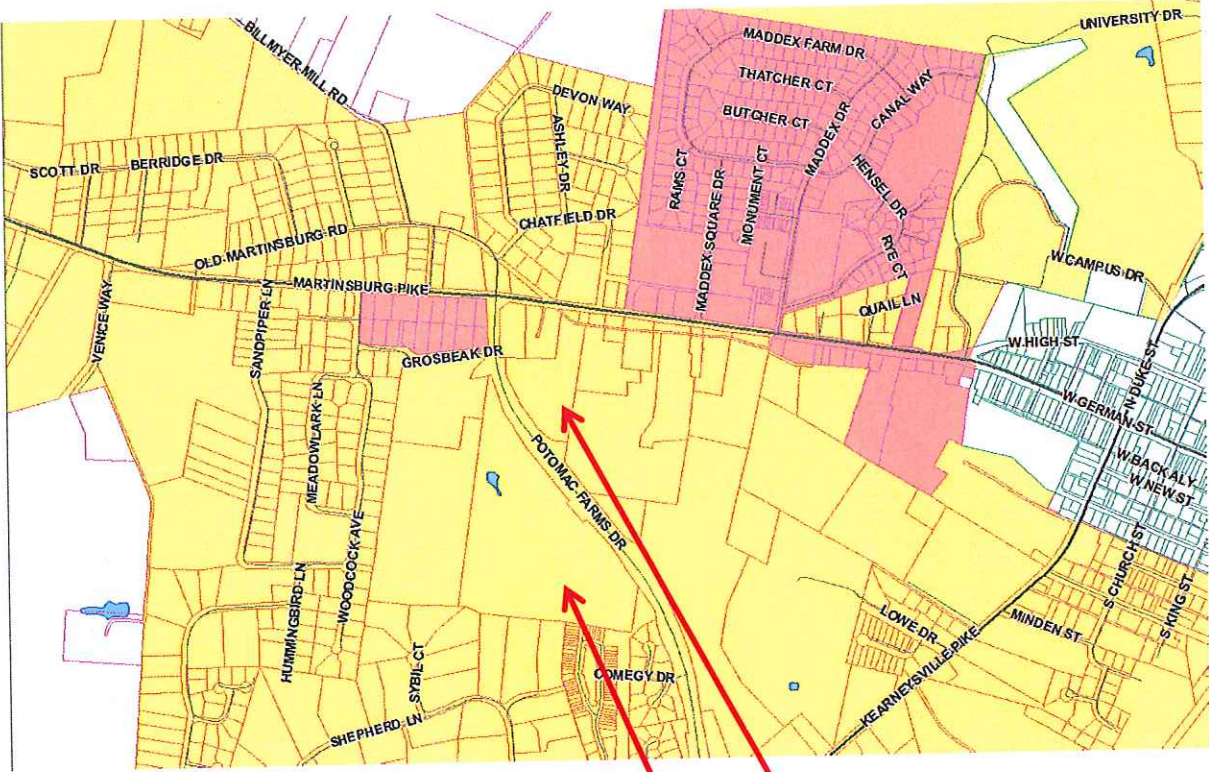
Introduction and Purpose

The portion of Parcel 5, Tax Map 8 of the Shepherdstown District which the subject of the rezoning case is currently vacant.







The parcel is currently zoned Residential Growth. As shown in Image 2 below, the surrounding properties are all zoned Residential Growth. The applicant has requested rezoning of the 8.07 acres from Residential Growth to Residential-Light Industrial-Commercial. The following report has been prepared to assist the efforts of the Jefferson County Planning Commission and Jefferson County Commission to make findings regarding the consistency of the proposed rezoning with the Jefferson County Comprehensive Plan, in accordance with West Virginia State Code requirements.

Staff Report
 Jefferson County Planning Commission Meeting
 October 23, 2012

Image 2 – Only the portion north of Potomac Farms Drive has been requested in the rezoning application.



Legend

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

Subject Parcel

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Statutory Authority and Requirements

The West Virginia State Code, Section 12.1(a) provides that the boundaries of zoning districts may be amended by the County Commission with the advice of the Planning Commission. The County Zoning Ordinance also requires that the *“procedure for amendment [by petition] shall be as dictated in Section 8A-1-1 et. Seq. of the West Virginia State Code as amended.”* Concerning amendments by petition, State statute provides that, *“Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan.”* [See **WVC 8A-7-9(c)**] This subsection of the State Code also states that, *“If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.”*

Scope of this Assessment

This report focuses on whether or not the rezoning application is consistent with the Comprehensive Plan. Based upon the assessment, this report concludes that the aforementioned request is consistent with Comprehensive Plan. Any assumptions and findings contained in this report are limited to the aforementioned proposal to rezone the subject site.

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

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

Staff Report
Jefferson County Planning Commission Meeting
October 23, 2012

which various plan provisions are of greater or less importance, in establishing their respective findings regarding the application.

Finally, this report provides an account concerning the proposed rezoning based on review of the various plan sections and elements. The recommendations should be considered the professional opinion of staff; no more and no less. Since the Planning and Zoning Staff has no statutory authority to make decisions in this regard, we defer to the Planning Commission and subsequently the County Commission for any final recommendation or decision that may be forthcoming with respect to the subject application.

Relevant Comprehensive Plan Elements and Commentary

Existing Zoning District:

The Comprehensive Plan notes that, *"This district (Residential Growth) and the 'Residential-Light-Industrial-Commercial' Zoning District, are co-mingled and comprise a strong majority of the 'Designated Growth Area (pg. 71)."* This statement acknowledges that the Residential Growth district is a growth oriented district. In addition to a broad range of urban density residential uses, the district permits day care centers, hospitals, nursing homes, and churches. This zoning district should not be considered a limited use district.

Proposed Zoning District:

The Comprehensive Plan provides the following perspective on the Residential-Light Industrial-Commercial zoning district, which the applicant is requesting:

- *"...commonly referred to as the "mixed use" zone, permits uses of a light industrial and commercial nature, as well as a spectrum of residential and institutional uses ranging from single-family dwelling units to multi-family apartments and group homes. Residential uses must conform to the standards set forth in the Residential Growth District, but industrial and commercial uses are required to conform to a set of specific performance criteria, which include numerical measurements of several factors for uses that may have nuisance effects on adjacent uses (pg 71)."*
- *"There are two issues regarding this district that should be studied as part of planned amendments to the Zoning Ordinance. First, most ordinances that have "mixed use" zones require certain minimum percentages of land usage in residential, commercial and dedicated open space. Jefferson County's Ordinance doesn't. Land in this district can be developed entirely for commercial or residential use or any combination thereof (pg 71)."*

Staff Report
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The Plan does detail some of the potential benefits of the Residential-Light Industrial-Commercial District and a number of concerns with the district. While this district is defined as mixed used, it does not require any mixing of uses, it merely allows for the possibility. The district allows two vaguely defined uses as permitted by right, "Commercial Uses" or "Uses of light industrial." "Uses of light industrial" is essentially defined by uses that are not defined as heavy industrial and commercial uses. There is wide latitude for the ability to interpret what qualifies as light industrial use. These two terms allow for some interpretation of what they mean and what is permitted. As such, there are a variety of uses that could be proposed on the subject property, each of which could have very different impacts.

It should be noted that the broadness of this zoning category often raises concerns and is one of the primary reasons that new commercial zoning categories are currently under development and consideration.

Growth Area:

This parcel is located within the area defined by the Comprehensive Plan as the Shepherdstown "growth area," as found on page 75 of the Plan and Image 3 below. Since the subject parcels are located both in the growth area and near an existing urban area of Shepherdstown, the Plan supports the request.

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

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

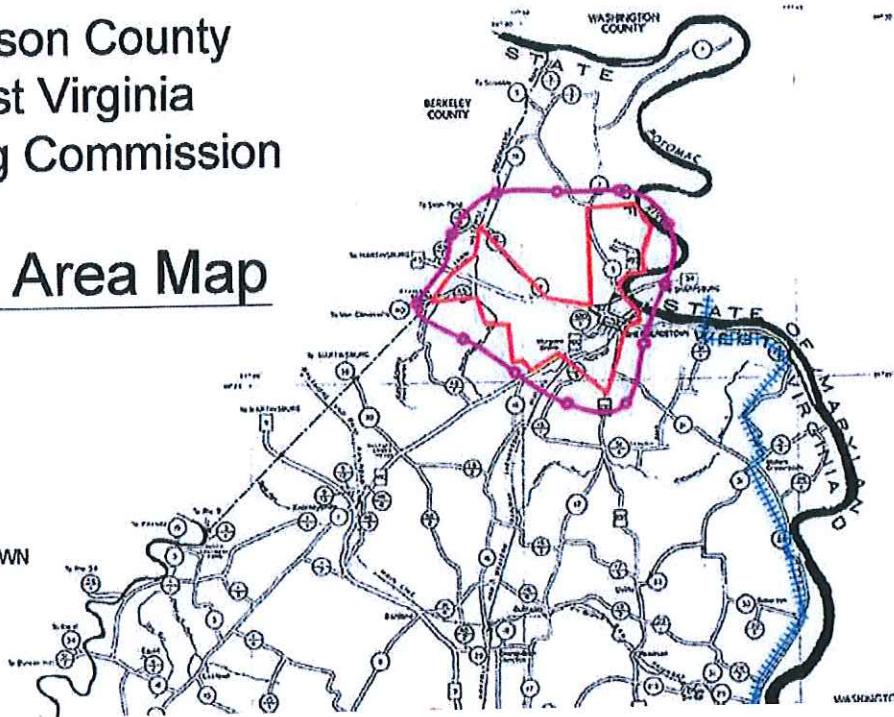
The Shepherdstown Area does note two elements that support the request. This property is currently zoned Residential Growth, which is a growth district and does allow a fair amount of development. However, the notion that area surrounding Shepherdstown should be developed in an appropriate fashion is pertinent to this rezoning request. While there is a concern regarding some uses in the Residential-Light Industrial-Commercial District, many of the uses are compatible with the surrounding area. Growth should occur where there is existing infrastructure and near urban cores. This request follows that principle.

Staff Report
Jefferson County Planning Commission Meeting
October 23, 2012

Image 3

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 + + + + +

Transportation Impacts:

Access to this property is from Potomac Farms Drive. There is no functional access to Route 45/Martinsburg Pike. Potomac Farms Drive has been designed to manage additional traffic loads.

Staff Report
Jefferson County Planning Commission Meeting
October 23, 2012

Water and Sewer Proximity:

This parcel can be served by Shepherdstown water and sewer. Water is available along Route 45 and sewer is at Maddox Farms. The Comprehensive Plan encourages urban level development to be on a central water and sewer system, whether public or privately owned. Therefore, the requested rezoning would conform to this aspect of the 2004 Comprehensive Plan and its growth plan. In the future, any development of this property shall be on the Shepherdstown public water and sewer system.

Staff Recommendation

Staff finds the aforementioned proposed rezoning to be consistent with the 2004 Comprehensive Plan. There is urban level development surrounding much of the property, and urban level water and sewer services are available for the property. There is existing transportation infrastructure designed to handle increased growth. As such, Staff finds the requested rezoning is reasonable. The subject parcels are within the identified growth areas as defined in the 2004 Plan.



Jefferson County
Development Authority

Board of Development
2012-2013

Mark Davis
President

Harvey Smith
Vice President

John L. Cook
Secretary/Treasurer

Walter Glassman
Paul Jackson
Harold Pittenger
Paul Spillars
Zandra Griffin
Cynthia A. Harshbarger

Joshua Houshopper
Mark Lee Hayward
J. David Mills
Walter Pollard
James A. Gilbert
Kathy Loveland

John K. Rowland
Executive Director

PO BOX 237
CHARLES TOWN
WV 25414

304.728.3255
304.725.3133 fax

www.JCDA.net

October 23, 2012

Mr. Paul Taylor
President, JC Planning Commission
PO Box 338
Charles Town, WV 25414

Dear Mr. Taylor:

On behalf of the Jefferson County Development Authority (JCDA), I am writing to express our support of the Zoning Map Amendment request for John D. Lowe, III and his family that will be discussed at the JC Planning Commission meeting on October 23, 2012. As you know, the property is located on the Route 45 Connector Road outside of Shepherdstown. The zoning request is to change the property from its current residential growth zoning to a residential/light industrial/commercial zoning.

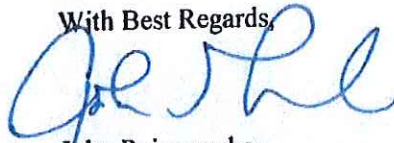
The JCDA believes that the Zoning Map Amendment request is reasonable and appropriate given its consistency with the 2004 Jefferson County Comprehensive Plan, its location within the growth boundary, and the need for additional commercial development to service the nearby residential housing that has developed in the vicinity over the last 10 years. We further believe that the rezoning will create jobs and increase tax revenue for Jefferson County.

As explained in the property owner's zoning request dated July 18, 2012, substantial changes have occurred in the vicinity of the property. In 2001, the subject property was originally part of a 41 acre site that was bisected with the construction of the Rt. 45 Connector Road, now called Potomac Farms Drive. The petition also details that an error occurred in the original zoning map of this property which this request will correct. The remaining 8 acres should have been classified as commercial since it was originally part of an existing commercial mulch and soil operation. We believe that this zoning map amendment will not only correct this problem, but will also create additional jobs, grow the county tax base, and provide an opportunity for additional services and amenities for the residents in the area.

In closing, I would like to add that the JCDA firmly believes that supporting local business development is crucial to the long term economic prosperity of Jefferson County. Therefore, we strongly encourage the Jefferson County Board of Zoning Appeals to look favorably upon this very reasonable request and grant the zoning map amendment.

Thank you very much for your consideration and please do not hesitate to contact me if you have any questions.

With Best Regards,



John Reisenweber
Executive Director

cc: Jefferson County Commission President Patsy Noland

Z12-03



CORPORATION OF SHEPHERDSTOWN

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

RECEIVED
OCT 17 2012
JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

October 15, 2012

Re: 777 Potomac Farms Drive -- Shepherdstown
Zoning Map Amendment (Rezoning)
Application #Z12-03
Water and Sewer Service for Future Development

Jefferson County Planning Commission
c/o Jefferson County Department of Planning and Zoning
116 E. Washington St,
P.O. Box 338
Charles Town, WV 25414

Dear Planning Commission Members:

The subject parcel is within the area the Shepherdstown Water and Wastewater Utilities would like to serve. Although the rezoning request may not give the County authority to set conditions for future development, there are some points related to water and sewer service that we would like to make you aware of.

- a. Both Utilities have capacity available to serve the parcel. (We are about to dedicate the expanded, new sewer plant, and we have begun a project to greatly improve the storage tank capacity of the water system.)
- b. Both Utilities have main service lines located nearby:
 - The Water Utility has main lines running out Rt. 45 adjacent to the parcel and serving customers beyond.
 - The Wastewater Utility collection system extends to the Maddex Farm shopping center not far to the east of the parcel.
- c. We question the long-term advisability of investing in private utilities (wells and septic systems included) if a way can be found to direct those

investments to improve community infrastructure. (For instance, there are numerous aging and failing septic systems in that area west of Town. Had investment in those systems been applied instead to extending the public systems, those past investments would have taken care of these current problems.)

- d. Our experience has been that private systems address the needs of one specific area when others nearby have problems also. (For instance, just west of the parcel, there are failing septic systems in Mechlenberg Heights within sight of a recently constructed private sewer system). Such investment patterns seem short-sighted to us, especially when this area and our region as a whole (the Chesapeake Bay watershed) face so many challenges.
- e. Shepherdstown has for quite some time tried to find ways to extend main sewer lines westward to address the needs of residents and property owners with septic system problems. We express our hope that future developers of this parcel will partner with us in getting closer to that goal.
- f. Shepherdstown is about to put our new wastewater treatment plant into operation – a plant designed to meet the stringent Chesapeake Bay standards imposed by the EPA. We have been advised that it is not feasible for small private wastewater plants and septic fields to meet those standards either in the short run or over time.

We would like to express our appreciation for your taking the above points into consideration as you make your decision regarding the requested rezoning. We hope that whatever happens on this parcel will have a long-term benefit for the community and will help to strengthen the public water and sewer infrastructure of the area.

Sincerely,



Arthur J. Auxer, Mayor
Chair of the Sewer Board
Member of the Water Board

5

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Sandy Slusher McDonald, Deputy County Administrator

Department or Organization: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: November 8, 2012

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda): approval of Grant Contract and Resolution for the Friends of Blackwater in the amount of \$2,000

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):
Motion to approve the Grant Contract and Resolution for the Friends of Blackwater and to authorize the President of the Commission to affix her signature to the appropriate documents

Are documents attachments? Yes No
If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: _____

Phone number: _____

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

The County Commission of Jefferson County, met on November 8th, 2012 with a quorum present and passed the following Resolution:

WHEREAS, The Jefferson County Commission has agreed to assist the Friends of Blackwater, A New Home for Liberty Project with the project to include consulting fees, printing costs and other materials as funds permit and to create educational materials with funds made available through the Governor's Community Participation Grant program in the amount of \$2,000.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission hereby authorizes the President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

Signed: _____
COUNTY CLERK

12LEDA0387

**GOVERNOR'S COMMUNITY PARTICIPATION
GRANT PROGRAM CONTRACT**

between the

WEST VIRGINIA DEVELOPMENT OFFICE

and the

JEFFERSON COUNTY COMMISSION

THIS AGREEMENT, entered into this 1st day of July, 2011, by the West Virginia Department of Finance and Administration on behalf of the West Virginia Development Office hereinafter called the "WVDEVO" and the Jefferson County Commission and its authorized officers, agents, and representatives, hereinafter called the "Grantee."

WITNESS THAT:

WHEREAS, the WVDEVO has promised and agreed to assist the Grantee to perform such tasks hereafter described in the scope of services, which is to be partially financed by funds made available through the Governor's Community Participation Grant program.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. **Assistance of the Grantee**. The WVDEVO hereby agrees to assist the Grantee including all authorized officers, agents, and representatives, to perform such tasks and functions as set forth below in the scope of services.
2. **Scope of Services**. The Grantee, or its designated agent, shall do, perform and carry out, in a satisfactory and proper manner as determined by the WVDEVO, and appropriate regulatory agencies, if required, all duties, tasks, and functions necessary to create educational materials for the Friends of Blackwater, A New Home for Liberty Project. The project will include consulting fees, printing costs and other materials as funds permit.
3. **Personnel**. The Grantee represents that it has, or will secure at its own expense, personnel with the necessary qualifications and experience required to perform the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with WVDEVO.
4. **Time Performance**. The Grantee will commence its duties under this Contract on July 1, 2011, and such duties shall be undertaken and completed in such sequences as to assure their expeditious completion in the light of the purpose of the Contract; but, in any event, all of the services required hereunder shall be completed by June 30, 2013. The completion date of this contract may only be extended by mutual written agreement of both parties dependent on the reappropriation of funds under the Governor's Community Participation Grant program. If no such agreement exists, the Grantee shall not receive payment for services rendered or work performed relative to this grant after June 30, 2013.

5. **Compensation.** In consideration of the services rendered by the Grantee, the WVDEVO agrees to pay the Grantee the sum of \$2,000. This amount constitutes complete compensation for all services rendered. In no instance shall the agreed upon compensation exceed \$2,000 without the written consent of the Governor of the State of West Virginia.

6. **Method of Payment.** In order to receive payments under the terms of this Agreement, the Grantee shall submit the following: (a) a Letter of Transmittal containing a progress report, and (b) a Request for Payment Financial Report. The final ten percent shall be made available upon submission of certification of completion and acceptance of the project by the Grantee. Upon receipt of said documents, the WVDEVO shall review the same for reasonableness and appropriateness.

7. **Changes.** The WVDEVO and the Grantee may, from time to time, require changes in the scope of the services of the work to be performed hereunder. Such changes, including any increase or decrease in the amount of the Grantee's compensation and work to be performed, which are mutually agreed upon by and between the WVDEVO and the Grantee, shall be incorporated in written amendments to this Contract.

8. **Sub-Grantees and Reversion of Property.** The Grantee may administer funds on behalf of sub-grantees, provided that such a sub-grantee is certified as a nonprofit organization by the United States Internal Revenue Service and the West Virginia Secretary of State's Office. Should such a sub-grantee cease to exist, all commodities or supplies purchased with funds provided under the auspices of this Contract by or for the sub-grantee shall become the property of the Grantee.

9. **Competitive Bid Procedures.** Competitive bidding shall be pursued in all instances. The Grantee must follow the more stringent of either state or local purchasing regulations. The West Virginia Purchasing Division requirements, at a minimum, are as follows: Commodities and services expected to cost \$2,500 or less require no bids, however, competition is encouraged. Purchases between \$2,500.01 and \$5,000 require three verbal bids to be documented on a verbal bid quotation summary. Purchases \$5,000.01 to \$25,000 require three written bids.

The Grantee shall solicit competitive, sealed bids for commodities and supplies related to this project which have an estimated value of over \$25,000. Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$25,000 shall be cause for termination of this agreement under the provisions of Paragraph 28. These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3. This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date.

The Grantee shall also, where feasible, solicit sealed bids by listing the project in the F. W. Dodge Reports, sending requests by mail to prospective suppliers or contractors, and by posting notice on a bulletin board in a public place. The Grantee shall have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance with these procedures.

10. **Project Wage Rates.** Every contract involving construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work which involves the employment of any contractor and/or subcontractor necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such contract, must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. **This law applies to all construction contracts, regardless of cost.**

The receipt and utilization of funds procured under this agreement mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code § 21-5A.

Such provisions shall include the payment of the Fair Minimum Wage Rates as determined by the West Virginia Commissioner of Labor for each craft or classification of all workmen needed to perform the contract in the locality in which the public work is performed. For projects involving federal funds which are covered by the provisions of the Davis Bacon Act (40 U.S.C. 276-a 276a-5), the Grantee shall cause the contractor and/or subcontractors to pay the higher wage rate, federal or state.

Further, the Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bid documents. The Grantee shall also have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance including copies of contractor's payrolls.

11. **Construction.** The Grantee shall procure construction contracts in accordance with West Virginia Code §5-22-1. **The state and its subdivisions shall, except as provided in this section, solicit competitive bids for every construction project exceeding \$25,000 in total cost.**

Further, the receipt and utilization of funds procured under this agreement mandate that ALL CONSTRUCTION CONTRACTS NECESSARY FOR THE UNDERTAKING AND COMPLETION OF THIS PROJECT, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code § 21-5A.

The term construction shall mean any construction, reconstruction, improvement, enlargement, painting, decorating, or repair of any public improvement let to contract. These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3. This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date.

Any contracts under this agreement must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. This law applies to all construction contracts, regardless of cost. The Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bidding blanks.

The Grantee shall designate the time and place for opening such construction bids in accordance with West Virginia Code §5-22-2.

12. **Bonding.** The Grantee shall secure bonding in accordance with West Virginia Code §5-22-1. All bids submitted pursuant to this chapter shall include a valid bid bond or other surety as approved by the state of West Virginia or its subdivisions. Following the solicitation of such bids, the construction contract shall be awarded to the lowest qualified responsible bidder, who shall furnish a sufficient performance and payment bond: provided, that the state and its subdivisions may reject all bids and solicit new bids.

In the procurement of contracts or subcontracts for construction of less than \$100,000, the Grantee shall follow local or State requirements relating to bid guarantees, performance bonds, and payment bonds, provided that the Grantee's and State's interests are adequately protected and that such contracts can be executed in a timely manner.

In the procurement of contracts or subcontracts for construction that exceed \$100,000, the Grantee shall obtain the following:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. This bid guarantee shall consist of a firm commitment such as bid bond, certified check, or other negotiable instrument accompanying a bid that the bidder will, upon acceptance of the bid, execute the contractual documents as may be required with the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. This performance bond shall be executed by the successful contractor in connection with the contract to secure fulfillment of the contractor's obligations under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. This payment bond shall be executed in connection with a contract to assure payment is required by law of all persons supplying labor and materials in the execution of the work provided for in the contract.

13. **Architecture and Engineering.** The Grantee shall procure architectural or engineering services in accordance with West Virginia Code §5G. In the procurement of architectural and engineering services for projects estimated to cost \$250,000 or more, the Grantee shall publish a Class II legal ad in compliance with West Virginia Code §59-3. In the procurement of services for projects estimated to cost less than \$250,000, the Grantee shall conduct discussions with three or more professional firms.

14. **Design-Build.** The Grantee shall procure design-build projects in accordance with West Virginia Code §5-22A-1. This applies solely to building projects. Highways, water, sewer, and all other public works projects are specifically prohibited from using the design-build method.

15. **Environmental and Historical Assessment.** The Grantee shall comply with all applicable federal, state and local environmental and historical preservation laws and regulations. The Grantee acknowledges this requirement and certifies that the project will be in compliance with such laws and regulations.

16. **Equal Employment Opportunity.** With respect to employment in carrying out the program objectives, the Grantee agrees that it will not discriminate against any employee or applicant for employment because of race, color, age, religion, sex, national origin, or physical handicap.

17. **Facilities Accessible to the Handicapped.** The Grantee shall require any facilities constructed under the auspices of this Contract to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117.1-1961, as modified (41CFR101-17.1703 and (13CFR309.14)). The Grantee shall be responsible for conducting inspections to ensure compliance with these specifications.

18. **Facilities Operation.** The Grantee shall operate and maintain all facilities constructed under the auspices of this Contract in accordance with minimum standards as may be required or prescribed by the applicable federal, state and local statute, law, ordinance or regulation as to actual construction procedures, as well as maintenance and operation of such facilities upon completion.

19. **Interest of Members of WVDEVO and Others.** No officer, member or employee of the WVDEVO or officer, member or employee of the Grantee who exercises any function or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly interested or has any personal or pecuniary interest, nor shall any officer, member of, or

employee of, the Grantee or any member of its governing body, or officer, member, or employee of the contractor have any interest, direct or indirect, in this Contract or the proceeds thereof.

20. **Officials Not To Benefit.** No member of the Legislature of the State of West Virginia, or individual performing a service for the Grantee in connection with this project, shall be admitted to any share thereof or to any benefit to arise from this Agreement.

21. **Inspections of Project Records.** At any time during normal business hours and as often as the WVDEVO or its designated representative may deem necessary, there shall be made available to the WVDEVO or its designated representative for examination, all of its records with respect to all matters covered by this Contract and permit the WVDEVO or its designated representative to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records and personnel, conditions of employment and other data relating to all matters covered by this Contract during the entire time period beginning with project approval and ending three years after the final disbursement of grant funds.

22. **Project Audits.** (a) The Grantee shall cause an audit of this program to be included in the audit of the Grantee performed by the West Virginia State Auditor's Office, Chief Inspection Division, or its designated representative in accordance with West Virginia Code §6-9-7. The audit shall be performed in conformance with generally acceptable accounting procedures.

(b) In accordance West Virginia Code §12-4-14, if the grantee is not audited by the West Virginia State Auditor's Office and the grantee received state funds or grants in the amount of fifteen thousand dollars or more, the grantee shall file an audit of the disbursement of funds with the legislative auditor's office. The audit shall be filed within two years of the disbursement of funds or grants by the grantee and shall be made by an independent certified public accountant at the cost of the corporation, association or other organization, and must show that the funds or grants were spent for the purposes intended when the grant was made. State funds or audits of state funds or grants under fifteen thousand dollars (\$15,000) may be authorized by the joint committee on government and finance to be conducted by the legislative auditor's office at no cost to the grantee.

23. **Reporting.** The Grantee shall submit any reports requested by the WVDEVO concerning financial status and program progress. Failure to provide such reports as required by WVDEVO in a timely manner shall be cause for termination of this Contract under the terms of Paragraph 7.

24. **Fiscal Management.** The Grantee shall be responsible for establishing and maintaining adequate procedures and internal financial controls governing the management and utilization of funds provided under this Contract, as well as funds provided as the Grantee's matching share.

25. **Political Activity.** No officer or employee of the Grantee whose principal employment is in connection with any activity which is financed in whole or in part pursuant to this agreement shall take part in any of the activities expressly prohibited by the Hatch Act.

26. **Repayment.** The Grantee shall refund to the State any expenditures determined to be made for an ineligible purpose for which State funds were received.

27. **Resolution of Disputes.** Resolution of disputes between the State and the Grantee concerning administrative and programmatic matters during the terms of this Agreement shall be initiated through consultation and discussion at the State's Administrative Offices with final decision on questions of policy or fact being determined by the Director of the Community Development Division or his/her designated representative. Nothing in this Agreement shall be construed as making the final decision on a question of law, or to limit in any

manner any remedies or recourses available under applicable laws. Citizen's complaints or disputes regarding Grantee performance or actions relative to the approved project are the responsibility of the Grantee.

28. **Termination of Contract for Cause**. If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner his obligations under this Contract, or if the Grantee shall violate any of the covenants, agreements, or stipulations of this Contract, the WVDEVO shall thereupon have the right to terminate this Contract by giving written notice to the Grantee of such termination and specifying the effective date thereof, at least fifteen days before the effective date of such termination. The Grantee shall be entitled to receive just and equitable compensation for any satisfactory work completed on the described project.

Notwithstanding the above, the Grantee shall not be relieved of liability to the WVDEVO for damages sustained by the WVDEVO by virtue of any breach of the Contract by the Grantee, and the WVDEVO may withhold any payments to the Grantee for the purpose of set-off until such time as the exact amount of damages due the WVDEVO from the Grantee is determined.

29. **Termination for Convenience of WVDEVO**. The WVDEVO may terminate this Contract at any time by giving written notice to the Grantee of such termination and specifying the effective date of termination. If the Contract is terminated by the WVDEVO as provided herein, the Grantee will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this Contract, less payments of compensation previously made.

30. **Termination by the Grantee**. The Grantee may unilaterally rescind this agreement at any time prior to the commencement of the project. After project commencement, this agreement may be rescinded, modified, or amended only by mutual agreement. A project shall be deemed commenced when the Grantee makes any expenditure or incurs any obligation with respect to the project.

31. **Signing**. This Contract shall be signed by the Executive Director of the West Virginia Development Office and by the President of the Jefferson County Commission upon authorization of the Jefferson County Commission by adoption and passage of a resolution, motion or similar official action.

IN WITNESS WHEREOF, the WVDEVO and the Grantee have executed this Agreement as of the date first above written.

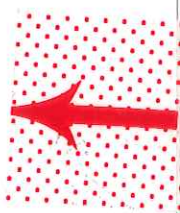
**STATE OF WEST VIRGINIA
WEST VIRGINIA DEVELOPMENT OFFICE**

J. Keith Burdette, Executive Director

JEFFERSON COUNTY COMMISSION

By: _____
Patricia Noland, President

Federal Employee Identification Number
55-6000333
F.E.I.N.



C101612



State of West Virginia
Earl Ray Tomblin
Governor

Office of the Governor
State Capitol
1900 Kanawha Boulevard, East
Charleston, WV 25305

Telephone: (304) 558-2000
Toll Free: 1-888-438-2731
FAX: (304) 342-7025
www.governor.wv.gov

September 6, 2012



The Honorable Patricia Noland
President
Jefferson County Commission
124 East Washington Street
Charlès Town, West Virginia 25414

2ND COPY

Dear Commissioner Noland:

Thank you for your application to the Governor's Community Participation Grant Program.

I, along with Delegate Doyle, am pleased to approve your request in the amount of \$2,000. These funds will enable you to create educational materials for the Friends of Blackwater, A New Home for Liberty Project. The project will include consulting fees, printing costs and other materials as funds permit.

To proceed with this project, please fax this letter to 304-558-2246, or mail a copy to: Community Participation Program, West Virginia Development Office, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305. Please note that funds should not be obligated prior to the full execution of a contract with the State of West Virginia.

We are pleased to work with you to make this improvement a reality for the citizens of Jefferson County.

Sincerely,

Earl Ray Tomblin
Governor

ERT:kf

Project Number: 12LEDA0387

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Sandy McDonald, Deputy County Administrator

Department or Organization: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: November 8, 2012

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda): Approval of Grant Contract and Resolution for the Blue Ridge Watershed Coalition in the amount of \$10,000

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

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

Motion to approve the grant contract and resolution for the Blue Ridge Watershed Coalition and to authorize the President of the Commission to affix her signature to the appropriate documents

Are documents attachments? Yes No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: _____

Phone number: _____

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

The County Commission of Jefferson County, met on November 8th, 2012 with a quorum present and passed the following Resolution:

WHEREAS, The Jefferson County Commission has agreed to assist the Blue Ridge Watershed Coalition to purchase and implementation of peak flow monitoring systems with funds made available through the Governor's Community Participation Grant program in the amount of \$10,000.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission hereby authorizes the President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

Signed: _____

COUNTY CLERK

12LEDA0078

**GOVERNOR'S COMMUNITY PARTICIPATION
GRANT PROGRAM CONTRACT**

between the

WEST VIRGINIA DEVELOPMENT OFFICE

and the

JEFFERSON COUNTY COMMISSION

THIS AGREEMENT, entered into this 1st day of July, 2011, by the West Virginia Department of Finance and Administration on behalf of the West Virginia Development Office hereinafter called the "WVDEVO" and the Jefferson County Commission and its authorized officers, agents, and representatives, hereinafter called the "Grantee."

WITNESS THAT:

WHEREAS, the WVDEVO has promised and agreed to assist the Grantee to perform such tasks hereafter described in the scope of services, which is to be partially financed by funds made available through the Governor's Community Participation Grant program.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. **Assistance of the Grantee.** The WVDEVO hereby agrees to assist the Grantee including all authorized officers, agents, and representatives, to perform such tasks and functions as set forth below in the scope of services.

2. **Scope of Services.** The Grantee, or its designated agent, shall do, perform and carry out, in a satisfactory and proper manner as determined by the WVDEVO, and appropriate regulatory agencies, if required, all duties, tasks, and functions necessary to assist the Blue Ridge Watershed Coalition with the purchase and implementation of peak flow monitoring systems.

3. **Personnel.** The Grantee represents that it has, or will secure at its own expense, personnel with the necessary qualifications and experience required to perform the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with WVDEVO.

4. **Time Performance.** The Grantee will commence its duties under this Contract on July 1, 2011, and such duties shall be undertaken and completed in such sequences as to assure their expeditious completion in the light of the purpose of the Contract; but, in any event, all of the services required hereunder shall be completed by June 30, 2013. The completion date of this contract may only be extended by mutual written agreement of both parties dependent on the reappropriation of funds under the Governor's Community Participation Grant program. If no such agreement exists, the Grantee shall not receive payment for services rendered or work performed relative to this grant after June 30, 2013.

5. **Compensation.** In consideration of the services rendered by the Grantee, the WVDEVO agrees to pay the Grantee the sum of \$10,000. This amount constitutes complete compensation for all services rendered. In no

instance shall the agreed upon compensation exceed \$10,000 without the written consent of the Governor of the State of West Virginia.

6. **Method of Payment.** In order to receive payments under the terms of this Agreement, the Grantee shall submit the following: (a) a Letter of Transmittal containing a progress report, and (b) a Request for Payment Financial Report. The final ten percent shall be made available upon submission of certification of completion and acceptance of the project by the Grantee. Upon receipt of said documents, the WVDEVO shall review the same for reasonableness and appropriateness.

7. **Changes.** The WVDEVO and the Grantee may, from time to time, require changes in the scope of the services of the work to be performed hereunder. Such changes, including any increase or decrease in the amount of the Grantee's compensation and work to be performed, which are mutually agreed upon by and between the WVDEVO and the Grantee, shall be incorporated in written amendments to this Contract.

8. **Sub-Grantees and Reversion of Property.** The Grantee may administer funds on behalf of sub-grantees, provided that such a sub-grantee is certified as a nonprofit organization by the United States Internal Revenue Service and the West Virginia Secretary of State's Office. Should such a sub-grantee cease to exist, all commodities or supplies purchased with funds provided under the auspices of this Contract by or for the sub-grantee shall become the property of the Grantee.

9. **Competitive Bid Procedures.** Competitive bidding shall be pursued in all instances. The Grantee must follow the more stringent of either state or local purchasing regulations. The West Virginia Purchasing Division requirements, at a minimum, are as follows: Commodities and services expected to cost \$2,500 or less require no bids, however, competition is encouraged. Purchases between \$2,500.01 and \$5,000 require three verbal bids to be documented on a verbal bid quotation summary. Purchases \$5,000.01 to \$25,000 require three written bids.

The Grantee shall solicit competitive, sealed bids for commodities and supplies related to this project which have an estimated value of over \$25,000. Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$25,000 shall be cause for termination of this agreement under the provisions of Paragraph 28. These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3. This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date.

The Grantee shall also, where feasible, solicit sealed bids by listing the project in the F. W. Dodge Reports, sending requests by mail to prospective suppliers or contractors, and by posting notice on a bulletin board in a public place. The Grantee shall have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance with these procedures.

10. **Project Wage Rates.** Every contract involving construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work which involves the employment of any contractor and/or subcontractor necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such contract, must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. **This law applies to all construction contracts, regardless of cost.**

The receipt and utilization of funds procured under this agreement mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code § 21-5A.

Such provisions shall include the payment of the Fair Minimum Wage Rates as determined by the West Virginia Commissioner of Labor for each craft or classification of all workmen needed to perform the contract in the locality in which the public work is performed. For projects involving federal funds which are covered by the provisions of the Davis Bacon Act (40 U.S.C. 276-a 276a-5), the Grantee shall cause the contractor and/or subcontractors to pay the higher wage rate, federal or state.

Further, the Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bid documents. The Grantee shall also have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance including copies of contractor's payrolls.

11. **Construction**. The Grantee shall procure construction contracts in accordance with West Virginia Code §5-22-1. **The state and its subdivisions shall, except as provided in this section, solicit competitive bids for every construction project exceeding \$25,000 in total cost.**

Further, the receipt and utilization of funds procured under this agreement mandate that ALL CONSTRUCTION CONTRACTS NECESSARY FOR THE UNDERTAKING AND COMPLETION OF THIS PROJECT, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code § 21-5A.

The term construction shall mean any construction, reconstruction, improvement, enlargement, painting, decorating, or repair of any public improvement let to contract. These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3. This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date.

Any contracts under this agreement must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. This law applies to all construction contracts, regardless of cost. The Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bidding blanks.

The Grantee shall designate the time and place for opening such construction bids in accordance with West Virginia Code §5-22-2.

12. **Bonding**. The Grantee shall secure bonding in accordance with West Virginia Code §5-22-1. All bids submitted pursuant to this chapter shall include a valid bid bond or other surety as approved by the state of West Virginia or its subdivisions. Following the solicitation of such bids, the construction contract shall be awarded to the lowest qualified responsible bidder, who shall furnish a sufficient performance and payment bond: provided, that the state and its subdivisions may reject all bids and solicit new bids.

In the procurement of contracts or subcontracts for construction of less than \$100,000, the Grantee shall follow local or State requirements relating to bid guarantees, performance bonds, and payment bonds, provided that the Grantee's and State's interests are adequately protected and that such contracts can be executed in a timely manner.

In the procurement of contracts or subcontracts for construction that exceed \$100,000, the Grantee shall obtain the following:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. This bid guarantee shall consist of a firm commitment such as bid bond, certified check, or other negotiable instrument accompanying a bid that the bidder will, upon acceptance of the bid, execute the contractual documents as may be required with the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. This performance bond shall be executed by the successful contractor in connection with the contract to secure fulfillment of the contractor's obligations under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. This payment bond shall be executed in connection with a contract to assure payment is required by law of all persons supplying labor and materials in the execution of the work provided for in the contract.

13. **Architecture and Engineering.** The Grantee shall procure architectural or engineering services in accordance with West Virginia Code §5G. In the procurement of architectural and engineering services for projects estimated to cost \$250,000 or more, the Grantee shall publish a Class II legal ad in compliance with West Virginia Code §59-3. In the procurement of services for projects estimated to cost less than \$250,000, the Grantee shall conduct discussions with three or more professional firms.

14. **Design-Build.** The Grantee shall procure design-build projects in accordance with West Virginia Code §5-22A-1. This applies solely to building projects. Highways, water, sewer, and all other public works projects are specifically prohibited from using the design-build method.

15. **Environmental and Historical Assessment.** The Grantee shall comply with all applicable federal, state and local environmental and historical preservation laws and regulations. The Grantee acknowledges this requirement and certifies that the project will be in compliance with such laws and regulations.

16. **Equal Employment Opportunity.** With respect to employment in carrying out the program objectives, the Grantee agrees that it will not discriminate against any employee or applicant for employment because of race, color, age, religion, sex, national origin, or physical handicap.

17. **Facilities Accessible to the Handicapped.** The Grantee shall require any facilities constructed under the auspices of this Contract to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A11/.1-1961, as modified (41CFR101-17.1703 and (13CFR309.14)). The Grantee shall be responsible for conducting inspections to ensure compliance with these specifications.

18. **Facilities Operation.** The Grantee shall operate and maintain all facilities constructed under the auspices of this Contract in accordance with minimum standards as may be required or prescribed by the applicable federal, state and local statute, law, ordinance or regulation as to actual construction procedures, as well as maintenance and operation of such facilities upon completion.

19. **Interest of Members of WVDEVO and Others.** No officer, member or employee of the WVDEVO or officer, member or employee of the Grantee who exercises any function or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly interested or has any personal or pecuniary interest, nor shall any officer, member of, or employee of, the Grantee or any member of its governing body, or officer, member, or employee of the contractor have any interest, direct or indirect, in this Contract or the proceeds thereof.

20. **Officials Not To Benefit.** No member of the Legislature of the State of West Virginia, or individual performing a service for the Grantee in connection with this project, shall be admitted to any share thereof or to any benefit to arise from this Agreement.

21. **Inspections of Project Records.** At any time during normal business hours and as often as the WVDEVO or its designated representative may deem necessary, there shall be made available to the WVDEVO or its

designated representative for examination, all of its records with respect to all matters covered by this Contract and permit the WVDEVO or its designated representative to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records and personnel, conditions of employment and other data relating to all matters covered by this Contract during the entire time period beginning with project approval and ending three years after the final disbursement of grant funds.

22. **Project Audits.** (a) The Grantee shall cause an audit of this program to be included in the audit of the Grantee performed by the West Virginia State Auditor's Office, Chief Inspection Division, or its designated representative in accordance with West Virginia Code §6-9-7. The audit shall be performed in conformance with generally acceptable accounting procedures.

(b) In accordance West Virginia Code §12-4-14, if the grantee is not audited by the West Virginia State Auditor's Office and the grantee received state funds or grants in the amount of fifteen thousand dollars or more, the grantee shall file an audit of the disbursement of funds with the legislative auditor's office. The audit shall be filed within two years of the disbursement of funds or grants by the grantee and shall be made by an independent certified public accountant at the cost of the corporation, association or other organization, and must show that the funds or grants were spent for the purposes intended when the grant was made. State funds or audits of state funds or grants under fifteen thousand dollars (\$15,000) may be authorized by the joint committee on government and finance to be conducted by the legislative auditor's office at no cost to the grantee.

23. **Reporting.** The Grantee shall submit any reports requested by the WVDEVO concerning financial status and program progress. Failure to provide such reports as required by WVDEVO in a timely manner shall be cause for termination of this Contract under the terms of Paragraph 7.

24. **Fiscal Management.** The Grantee shall be responsible for establishing and maintaining adequate procedures and internal financial controls governing the management and utilization of funds provided under this Contract, as well as funds provided as the Grantee's matching share.

25. **Political Activity.** No officer or employee of the Grantee whose principal employment is in connection with any activity which is financed in whole or in part pursuant to this agreement shall take part in any of the activities expressly prohibited by the Hatch Act.

26. **Repayment.** The Grantee shall refund to the State any expenditures determined to be made for an ineligible purpose for which State funds were received.

27. **Resolution of Disputes.** Resolution of disputes between the State and the Grantee concerning administrative and programmatic matters during the terms of this Agreement shall be initiated through consultation and discussion at the State's Administrative Offices with final decision on questions of policy or fact being determined by the Director of the Community Development Division or his/her designated representative. Nothing in this Agreement shall be construed as making the final decision on a question of law, or to limit in any manner any remedies or recourses available under applicable laws. Citizen's complaints or disputes regarding Grantee performance or actions relative to the approved project are the responsibility of the Grantee.

28. **Termination of Contract for Cause.** If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner his obligations under this Contract, or if the Grantee shall violate any of the covenants, agreements, or stipulations of this Contract, the WVDEVO shall thereupon have the right to terminate this Contract by giving written notice to the Grantee of such termination and specifying the effective date thereof, at least fifteen days before the effective date of such termination. The Grantee shall be entitled to receive just and equitable compensation for any satisfactory work completed on the described project.

Notwithstanding the above, the Grantee shall not be relieved of liability to the WVDEVO for damages sustained by the WVDEVO by virtue of any breach of the Contract by the Grantee, and the WVDEVO may withhold any payments to the Grantee for the purpose of set-off until such time as the exact amount of damages due the WVDEVO from the Grantee is determined.

29. **Termination for Convenience of WVDEVO.** The WVDEVO may terminate this Contract at any time by giving written notice to the Grantee of such termination and specifying the effective date of termination. If the Contract is terminated by the WVDEVO as provided herein, the Grantee will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this Contract, less payments of compensation previously made.

30. **Termination by the Grantee.** The Grantee may unilaterally rescind this agreement at any time prior to the commencement of the project. After project commencement, this agreement may be rescinded, modified, or amended only by mutual agreement. A project shall be deemed commenced when the Grantee makes any expenditure or incurs any obligation with respect to the project.

31. **Signing.** This Contract shall be signed by the Executive Director of the West Virginia Development Office and by the President of the Jefferson County Commission upon authorization of the Jefferson County Commission by adoption and passage of a resolution, motion or similar official action.

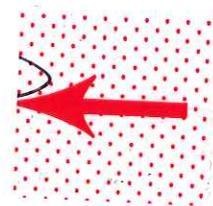
IN WITNESS WHEREOF, the WVDEVO and the Grantee have executed this Agreement as of the date first above written.

**STATE OF WEST VIRGINIA
WEST VIRGINIA DEVELOPMENT OFFICE**

J. Keith Burdette, Executive Director

JEFFERSON COUNTY COMMISSION

By: _____
Patricia Noland, President



Federal Employee Identification Number

55-6000333

F.E.I.N.

Project Number: 12LEDA0078

STATE OF WEST VIRGINIA

SECOND
COPY



GOVERNOR'S COMMUNITY PARTICIPATION GRANT AWARD

THIS IS TO CERTIFY THAT A GRANT OF \$10,000 HAS BEEN
AWARDED TO THE JEFFERSON COUNTY COMMISSION TO ASSIST THE BLUE RIDGE
WATERSHED COALITION WITH A FLOW MONITORING SYSTEM

Earl Ray Tomblin
EARL RAY TOMBLIN
GOVERNOR

PROJECT NUMBER: 12LEDA0078

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Sandy McDonald, Deputy County Administrator

Department or Organization: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: November 8, 2012

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda): Approval of Grant Contract and Resolution for the Jefferson County Convention and Visitors Bureau for the Harpers Ferry Welcome Center in the amount of \$5,000

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):
Motion to approve the grant contract and resolution for the Jefferson County Convention and Visitors Bureau for the Harpers Ferry Welcome Center and to authorize the President of the Commission to affix her signature to the appropriate documents

Are documents attachments? Yes No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: _____

Phone number: _____

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

The County Commission of Jefferson County, met on November 8th, 2012 with a quorum present and passed the following Resolution:

WHEREAS, The Jefferson County Commission has agreed to assist the Jefferson County Convention and Visitors Bureau in construction an addition to the Harpers Ferry Welcome Center with funds made available through the Governor's Community Participation Grant program in the amount of \$5,000.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission hereby authorizes the President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

Signed: _____
COUNTY CLERK

12LEDA0077

**GOVERNOR'S COMMUNITY PARTICIPATION
GRANT PROGRAM CONTRACT**

between the

WEST VIRGINIA DEVELOPMENT OFFICE

and the

JEFFERSON COUNTY COMMISSION

THIS AGREEMENT, entered into this 1st day of July, 2011, by the West Virginia Department of Finance and Administration on behalf of the West Virginia Development Office hereinafter called the "WVDEVO" and the Jefferson County Commission and its authorized officers, agents, and representatives, hereinafter called the "Grantee."

WITNESS THAT:

WHEREAS, the WVDEVO has promised and agreed to assist the Grantee to perform such tasks hereafter described in the scope of services, which is to be partially financed by funds made available through the Governor's Community Participation Grant program.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. **Assistance of the Grantee.** The WVDEVO hereby agrees to assist the Grantee including all authorized officers, agents, and representatives, to perform such tasks and functions as set forth below in the scope of services.
2. **Scope of Services.** The Grantee, or its designated agent, shall do, perform and carry out, in a satisfactory and proper manner as determined by the WVDEVO, and appropriate regulatory agencies, if required, all duties, tasks, and functions necessary to assist the Jefferson County Convention and Visitors Bureau in constructing an addition to the Harpers Ferry Welcome Center. The project will include the installation of flooring and other materials as funds permit.
3. **Personnel.** The Grantee represents that it has, or will secure at its own expense, personnel with the necessary qualifications and experience required to perform the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with WVDEVO.
4. **Time Performance.** The Grantee will commence its duties under this Contract on July 1, 2011, and such duties shall be undertaken and completed in such sequences as to assure their expeditious completion in the light of the purpose of the Contract; but, in any event, all of the services required hereunder shall be completed by June 30, 2013. The completion date of this contract may only be extended by mutual written agreement of both parties dependent on the reappropriation of funds under the Governor's Community Participation Grant program. If no such agreement exists, the Grantee shall not receive payment for services rendered or work performed relative to this grant after June 30, 2013.

5. **Compensation.** In consideration of the services rendered by the Grantee, the WVDEVO agrees to pay the Grantee the sum of \$5,000. This amount constitutes complete compensation for all services rendered. In no instance shall the agreed upon compensation exceed \$5,000 without the written consent of the Governor of the State of West Virginia.

6. **Method of Payment.** In order to receive payments under the terms of this Agreement, the Grantee shall submit the following: (a) a Letter of Transmittal containing a progress report, and (b) a Request for Payment Financial Report. The final ten percent shall be made available upon submission of certification of completion and acceptance of the project by the Grantee. Upon receipt of said documents, the WVDEVO shall review the same for reasonableness and appropriateness.

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The Grantee shall solicit competitive, sealed bids for commodities and supplies related to this project which have an estimated value of over \$25,000. Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$25,000 shall be cause for termination of this agreement under the provisions of Paragraph 28. These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3. This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date.

The Grantee shall also, where feasible, solicit sealed bids by listing the project in the F. W. Dodge Reports, sending requests by mail to prospective suppliers or contractors, and by posting notice on a bulletin board in a public place. The Grantee shall have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance with these procedures.

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The receipt and utilization of funds procured under this agreement mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code § 21-5A.

Such provisions shall include the payment of the Fair Minimum Wage Rates as determined by the West Virginia Commissioner of Labor for each craft or classification of all workmen needed to perform the contract in the locality in which the public work is performed. For projects involving federal funds which are covered by the provisions of the Davis Bacon Act (40 U.S.C. 276-a 276a-5), the Grantee shall cause the contractor and/or subcontractors to pay the higher wage rate, federal or state.

Further, the Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bid documents. The Grantee shall also have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance including copies of contractor's payrolls.

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(b) A performance bond on the part of the contractor for 100 percent of the contract price. This performance bond shall be executed by the successful contractor in connection with the contract to secure fulfillment of the contractor's obligations under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. This payment bond shall be executed in connection with a contract to assure payment is required by law of all persons supplying labor and materials in the execution of the work provided for in the contract.

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15. **Environmental and Historical Assessment.** The Grantee shall comply with all applicable federal, state and local environmental and historical preservation laws and regulations. The Grantee acknowledges this requirement and certifies that the project will be in compliance with such laws and regulations.

16. **Equal Employment Opportunity.** With respect to employment in carrying out the program objectives, the Grantee agrees that it will not discriminate against any employee or applicant for employment because of race, color, age, religion, sex, national origin, or physical handicap.

17. **Facilities Accessible to the Handicapped.** The Grantee shall require any facilities constructed under the auspices of this Contract to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A11/1-1961, as modified (41CFR101-17.1703 and (13CFR309.14)). The Grantee shall be responsible for conducting inspections to ensure compliance with these specifications.

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19. **Interest of Members of WVDEVO and Others.** No officer, member or employee of the WVDEVO or officer, member or employee of the Grantee who exercises any function or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly interested or has any personal or pecuniary interest, nor shall any officer, member of, or employee of, the Grantee or any member of its governing body, or officer, member, or employee of the contractor have any interest, direct or indirect, in this Contract or the proceeds thereof.

20. **Officials Not To Benefit.** No member of the Legislature of the State of West Virginia, or individual performing a service for the Grantee in connection with this project, shall be admitted to any share thereof or to any benefit to arise from this Agreement.

21. **Inspections of Project Records.** At any time during normal business hours and as often as the WVDEVO or its designated representative may deem necessary, there shall be made available to the WVDEVO or its designated representative for examination, all of its records with respect to all matters covered by this Contract and permit the WVDEVO or its designated representative to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records and personnel, conditions of employment and other data relating to all matters covered by this Contract during the entire time period beginning with project approval and ending three years after the final disbursement of grant funds.

22. **Project Audits.** (a) The Grantee shall cause an audit of this program to be included in the audit of the Grantee performed by the West Virginia State Auditor's Office, Chief Inspection Division, or its designated representative in accordance with West Virginia Code

§6-9-7. The audit shall be performed in conformance with generally acceptable accounting procedures.

(b) In accordance West Virginia Code §12-4-14, if the grantee is not audited by the West Virginia State Auditor's Office and the grantee received state funds or grants in the amount of fifteen thousand dollars or more, the grantee shall file an audit of the disbursement of funds with the legislative auditor's office. The audit shall be filed within two years of the disbursement of funds or grants by the grantee and shall be made by an independent certified public accountant at the cost of the corporation, association or other organization, and must show that the funds or grants were spent for the purposes intended when the grant was made. State funds or audits of state funds or grants under fifteen thousand dollars (\$15,000) may be authorized by the joint committee on government and finance to be conducted by the legislative auditor's office at no cost to the grantee.

23. **Reporting.** The Grantee shall submit any reports requested by the WVDEVO concerning financial status and program progress. Failure to provide such reports as required by WVDEVO in a timely manner shall be cause for termination of this Contract under the terms of Paragraph 7.

24. **Fiscal Management.** The Grantee shall be responsible for establishing and maintaining adequate procedures and internal financial controls governing the management and utilization of funds provided under this Contract, as well as funds provided as the Grantee's matching share.

25. **Political Activity.** No officer or employee of the Grantee whose principal employment is in connection with any activity which is financed in whole or in part pursuant to this agreement shall take part in any of the activities expressly prohibited by the Hatch Act.

26. **Repayment.** The Grantee shall refund to the State any expenditures determined to be made for an ineligible purpose for which State funds were received.

27. **Resolution of Disputes.** Resolution of disputes between the State and the Grantee concerning administrative and programmatic matters during the terms of this Agreement shall be initiated through consultation and discussion at the State's Administrative Offices with final decision on questions of policy or fact being determined by the Director of the Community Development Division or his/her designated representative. Nothing in this Agreement shall be construed as making the final decision on a question of law, or to limit in any manner any remedies or recourses available under applicable laws. Citizen's complaints or disputes regarding Grantee performance or actions relative to the approved project are the responsibility of the Grantee.

28. **Termination of Contract for Cause.** If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner his obligations under this Contract, or if the Grantee shall violate any of the covenants, agreements, or stipulations of this Contract, the WVDEVO shall thereupon have the right to terminate this Contract by giving written notice to the Grantee of such termination and specifying the effective date thereof, at least fifteen days before the effective date of such termination. The Grantee shall be entitled to receive just and equitable compensation for any satisfactory work completed on the described project.

Notwithstanding the above, the Grantee shall not be relieved of liability to the WVDEVO for damages sustained by the WVDEVO by virtue of any breach of the Contract by the Grantee, and the WVDEVO may withhold any payments to the Grantee for the purpose of set-off until such time as the exact amount of damages due the WVDEVO from the Grantee is determined.

29. **Termination for Convenience of WVDEVO.** The WVDEVO may terminate this Contract at any time by giving written notice to the Grantee of such termination and specifying the effective date of termination. If the Contract is terminated by the WVDEVO as provided herein, the Grantee will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this Contract, less payments of compensation previously made.

30. **Termination by the Grantee.** The Grantee may unilaterally rescind this agreement at any time prior to the commencement of the project. After project commencement, this agreement may be rescinded, modified, or amended only by mutual agreement. A project shall be deemed commenced when the Grantee makes any expenditure or incurs any obligation with respect to the project.

31. **Signing.** This Contract shall be signed by the Executive Director of the West Virginia Development Office and by the Mayor of the Jefferson County Commission upon authorization of the Jefferson County Commission by adoption and passage of a resolution, motion or similar official action.

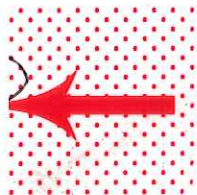
IN WITNESS WHEREOF, the WVDEVO and the Grantee have executed this Agreement as of the date first above written.

**STATE OF WEST VIRGINIA
WEST VIRGINIA DEVELOPMENT OFFICE**

J. Keith Burdette, Executive Director

JEFFERSON COUNTY COMMISSION

By: _____
Patricia Noland, Commissioner



Federal Employee Identification Number

55-6000333

F.E.I.N.

Project Number: 12LEDA0077

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Sandy McDonald, Deputy County Administrator

Department or Organization: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: November 8, 2012

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda): Approval of Grant Contract and Resolution for the Good Shepherd Interfaith Volunteer Caregivers in the amount of \$2,000

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

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

Motion to approve the grant contract and resolution for the Good Shepherd Interfaith Volunteer Caregivers and to authorize the President of the Commission to affix her signature to the appropriate documents

Are documents attachments? Yes No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: _____

Phone number: _____

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

The County Commission of Jefferson County, met on November 8th, 2012 with a quorum present and passed the following Resolution:

WHEREAS, The Jefferson County Commission has agreed to assist the Good Shepherd Interfaith Volunteer Caregivers in which the project will include software for laptop computers and wireless network as well as other technology upgrades with funds made available through the Governor's Community Participation Grant program in the amount of \$2,000.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission hereby authorizes the President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

Signed: _____
COUNTY CLERK

**GOVERNOR'S COMMUNITY PARTICIPATION
GRANT PROGRAM CONTRACT**

between the

WEST VIRGINIA DEVELOPMENT OFFICE

and the

JEFFERSON COUNTY COMMISSION

THIS AGREEMENT, entered into this 1st day of July, 2011, by the West Virginia Department of Finance and Administration on behalf of the West Virginia Development Office hereinafter called the "WVDEVO" and the Jefferson County Commission and its authorized officers, agents, and representatives, hereinafter called the "Grantee."

WITNESS THAT:

WHEREAS, the WVDEVO has promised and agreed to assist the Grantee to perform such tasks hereafter described in the scope of services, which is to be partially financed by funds made available through the Governor's Community Participation Grant program.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. **Assistance of the Grantee**. The WVDEVO hereby agrees to assist the Grantee including all authorized officers, agents, and representatives, to perform such tasks and functions as set forth below in the scope of services.

2. **Scope of Services**. The Grantee, or its designated agent, shall do, perform and carry out, in a satisfactory and proper manner as determined by the WVDEVO, and appropriate regulatory agencies, if required, all duties, tasks, and functions necessary to upgrade technology for the Good Shepherd Interfaith Volunteer Caregivers. The project will include software for laptop computers and wireless network as well as other technology upgrades as funds permit.

3. **Personnel**. The Grantee represents that it has, or will secure at its own expense, personnel with the necessary qualifications and experience required to perform the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with WVDEVO.

4. **Time Performance**. The Grantee will commence its duties under this Contract on July 1, 2011, and such duties shall be undertaken and completed in such sequences as to assure their expeditious completion in the light of the purpose of the Contract; but, in any event, all of the services required hereunder shall be completed by June 30, 2013. The completion date of this contract may only be extended by mutual written agreement of both parties dependent on the reappropriation of funds under the Governor's Community Participation Grant program. If no such agreement exists, the Grantee shall not receive payment for services rendered or work performed relative to this grant after June 30, 2013.

5. **Compensation.** In consideration of the services rendered by the Grantee, the WVDEVO agrees to pay the Grantee the sum of \$2,000. This amount constitutes complete compensation for all services rendered. In no instance shall the agreed upon compensation exceed \$2,000 without the written consent of the Governor of the State of West Virginia.

6. **Method of Payment.** In order to receive payments under the terms of this Agreement, the Grantee shall submit the following: (a) a Letter of Transmittal containing a progress report, and (b) a Request for Payment Financial Report. The final ten percent shall be made available upon submission of certification of completion and acceptance of the project by the Grantee. Upon receipt of said documents, the WVDEVO shall review the same for reasonableness and appropriateness.

7. **Changes.** The WVDEVO and the Grantee may, from time to time, require changes in the scope of the services of the work to be performed hereunder. Such changes, including any increase or decrease in the amount of the Grantee's compensation and work to be performed, which are mutually agreed upon by and between the WVDEVO and the Grantee, shall be incorporated in written amendments to this Contract.

8. **Sub-Grantees and Reversion of Property.** The Grantee may administer funds on behalf of sub-grantees, provided that such a sub-grantee is certified as a nonprofit organization by the United States Internal Revenue Service and the West Virginia Secretary of State's Office. Should such a sub-grantee cease to exist, all commodities or supplies purchased with funds provided under the auspices of this Contract by or for the sub-grantee shall become the property of the Grantee.

9. **Competitive Bid Procedures.** Competitive bidding shall be pursued in all instances. The Grantee must follow the more stringent of either state or local purchasing regulations. The West Virginia Purchasing Division requirements, at a minimum, are as follows: Commodities and services expected to cost \$2,500 or less require no bids, however, competition is encouraged. Purchases between \$2,500.01 and \$5,000 require three verbal bids to be documented on a verbal bid quotation summary. Purchases \$5,000.01 to \$25,000 require three written bids.

The Grantee shall solicit competitive, sealed bids for commodities and supplies related to this project which have an estimated value of over \$25,000. Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$25,000 shall be cause for termination of this agreement under the provisions of Paragraph 28. These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3. This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date.

The Grantee shall also, where feasible, solicit sealed bids by listing the project in the F. W. Dodge Reports, sending requests by mail to prospective suppliers or contractors, and by posting notice on a bulletin board in a public place. The Grantee shall have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance with these procedures.

10. **Project Wage Rates.** Every contract involving construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work which involves the employment of any contractor and/or subcontractor necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such contract, must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. **This law applies to all construction contracts, regardless of cost.**

The receipt and utilization of funds procured under this agreement mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code § 21-5A.

Such provisions shall include the payment of the Fair Minimum Wage Rates as determined by the West Virginia Commissioner of Labor for each craft or classification of all workmen needed to perform the contract in the locality in which the public work is performed. For projects involving federal funds which are covered by the provisions of the Davis Bacon Act (40 U.S.C. 276-a 276a-5), the Grantee shall cause the contractor and/or subcontractors to pay the higher wage rate, federal or state.

Further, the Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bid documents. The Grantee shall also have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance including copies of contractor's payrolls.

11. **Construction.** The Grantee shall procure construction contracts in accordance with West Virginia Code §5-22-1. **The state and its subdivisions shall, except as provided in this section, solicit competitive bids for every construction project exceeding \$25,000 in total cost.**

Further, the receipt and utilization of funds procured under this agreement mandate that ALL CONSTRUCTION CONTRACTS NECESSARY FOR THE UNDERTAKING AND COMPLETION OF THIS PROJECT, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code § 21-5A.

The term construction shall mean any construction, reconstruction, improvement, enlargement, painting, decorating, or repair of any public improvement let to contract. These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3. This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date.

Any contracts under this agreement must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. This law applies to all construction contracts, regardless of cost. The Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bidding blanks.

The Grantee shall designate the time and place for opening such construction bids in accordance with West Virginia Code §5-22-2.

12. **Bonding.** The Grantee shall secure bonding in accordance with West Virginia Code §5-22-1. All bids submitted pursuant to this chapter shall include a valid bid bond or other surety as approved by the state of West Virginia or its subdivisions. Following the solicitation of such bids, the construction contract shall be awarded to the lowest qualified responsible bidder, who shall furnish a sufficient performance and payment bond: provided, that the state and its subdivisions may reject all bids and solicit new bids.

In the procurement of contracts or subcontracts for construction of less than \$100,000, the Grantee shall follow local or State requirements relating to bid guarantees, performance bonds, and payment bonds, provided that the Grantee's and State's interests are adequately protected and that such contracts can be executed in a timely manner.

In the procurement of contracts or subcontracts for construction that exceed \$100,000, the Grantee shall obtain the following:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. This bid guarantee shall consist of a firm commitment such as bid bond, certified check, or other negotiable instrument accompanying a bid that the bidder will, upon acceptance of the bid, execute the contractual documents as may be required with the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. This performance bond shall be executed by the successful contractor in connection with the contract to secure fulfillment of the contractor's obligations under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. This payment bond shall be executed in connection with a contract to assure payment is required by law of all persons supplying labor and materials in the execution of the work provided for in the contract.

13. **Architecture and Engineering.** The Grantee shall procure architectural or engineering services in accordance with West Virginia Code §5G. In the procurement of architectural and engineering services for projects estimated to cost \$250,000 or more, the Grantee shall publish a Class II legal ad in compliance with West Virginia Code §59-3. In the procurement of services for projects estimated to cost less than \$250,000, the Grantee shall conduct discussions with three or more professional firms.

14. **Design-Build.** The Grantee shall procure design-build projects in accordance with West Virginia Code §5-22A-1. This applies solely to building projects. Highways, water, sewer, and all other public works projects are specifically prohibited from using the design-build method.

15. **Environmental and Historical Assessment.** The Grantee shall comply with all applicable federal, state and local environmental and historical preservation laws and regulations. The Grantee acknowledges this requirement and certifies that the project will be in compliance with such laws and regulations.

16. **Equal Employment Opportunity.** With respect to employment in carrying out the program objectives, the Grantee agrees that it will not discriminate against any employee or applicant for employment because of race, color, age, religion, sex, national origin, or physical handicap.

17. **Facilities Accessible to the Handicapped.** The Grantee shall require any facilities constructed under the auspices of this Contract to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A11/1-1961, as modified (41CFR101-17.1703 and (13CFR309.14)). The Grantee shall be responsible for conducting inspections to ensure compliance with these specifications.

18. **Facilities Operation.** The Grantee shall operate and maintain all facilities constructed under the auspices of this Contract in accordance with minimum standards as may be required or prescribed by the applicable federal, state and local statute, law, ordinance or regulation as to actual construction procedures, as well as maintenance and operation of such facilities upon completion.

19. **Interest of Members of WVDEVO and Others.** No officer, member or employee of the WVDEVO or officer, member or employee of the Grantee who exercises any function or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly interested or has any personal or pecuniary interest, nor shall any officer, member of, or

employee of, the Grantee or any member of its governing body, or officer, member, or employee of the contractor have any interest, direct or indirect, in this Contract or the proceeds thereof.

20. **Officials Not To Benefit.** No member of the Legislature of the State of West Virginia, or individual performing a service for the Grantee in connection with this project, shall be admitted to any share thereof or to any benefit to arise from this Agreement.

21. **Inspections of Project Records.** At any time during normal business hours and as often as the WVDEVO or its designated representative may deem necessary, there shall be made available to the WVDEVO or its designated representative for examination, all of its records with respect to all matters covered by this Contract and permit the WVDEVO or its designated representative to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records and personnel, conditions of employment and other data relating to all matters covered by this Contract during the entire time period beginning with project approval and ending three years after the final disbursement of grant funds.

22. **Project Audits.** (a) The Grantee shall cause an audit of this program to be included in the audit of the Grantee performed by the West Virginia State Auditor's Office, Chief Inspection Division, or its designated representative in accordance with West Virginia Code §6-9-7. The audit shall be performed in conformance with generally acceptable accounting procedures.

(b) In accordance West Virginia Code §12-4-14, if the grantee is not audited by the West Virginia State Auditor's Office and the grantee received state funds or grants in the amount of fifteen thousand dollars or more, the grantee shall file an audit of the disbursement of funds with the legislative auditor's office. The audit shall be filed within two years of the disbursement of funds or grants by the grantee and shall be made by an independent certified public accountant at the cost of the corporation, association or other organization, and must show that the funds or grants were spent for the purposes intended when the grant was made. State funds or audits of state funds or grants under fifteen thousand dollars (\$15,000) may be authorized by the joint committee on government and finance to be conducted by the legislative auditor's office at no cost to the grantee.

23. **Reporting.** The Grantee shall submit any reports requested by the WVDEVO concerning financial status and program progress. Failure to provide such reports as required by WVDEVO in a timely manner shall be cause for termination of this Contract under the terms of Paragraph 7.

24. **Fiscal Management.** The Grantee shall be responsible for establishing and maintaining adequate procedures and internal financial controls governing the management and utilization of funds provided under this Contract, as well as funds provided as the Grantee's matching share.

25. **Political Activity.** No officer or employee of the Grantee whose principal employment is in connection with any activity which is financed in whole or in part pursuant to this agreement shall take part in any of the activities expressly prohibited by the Hatch Act.

26. **Repayment.** The Grantee shall refund to the State any expenditures determined to be made for an ineligible purpose for which State funds were received.

27. **Resolution of Disputes.** Resolution of disputes between the State and the Grantee concerning administrative and programmatic matters during the terms of this Agreement shall be initiated through consultation and discussion at the State's Administrative Offices with final decision on questions of policy or fact being determined by the Director of the Community Development Division or his/her designated representative. Nothing in this Agreement shall be construed as making the final decision on a question of law, or to limit in any

manner any remedies or recourses available under applicable laws. Citizen's complaints or disputes regarding Grantee performance or actions relative to the approved project are the responsibility of the Grantee.

28. **Termination of Contract for Cause.** If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner his obligations under this Contract, or if the Grantee shall violate any of the covenants, agreements, or stipulations of this Contract, the WVDEVO shall thereupon have the right to terminate this Contract by giving written notice to the Grantee of such termination and specifying the effective date thereof, at least fifteen days before the effective date of such termination. The Grantee shall be entitled to receive just and equitable compensation for any satisfactory work completed on the described project.

Notwithstanding the above, the Grantee shall not be relieved of liability to the WVDEVO for damages sustained by the WVDEVO by virtue of any breach of the Contract by the Grantee, and the WVDEVO may withhold any payments to the Grantee for the purpose of set-off until such time as the exact amount of damages due the WVDEVO from the Grantee is determined.

29. **Termination for Convenience of WVDEVO.** The WVDEVO may terminate this Contract at any time by giving written notice to the Grantee of such termination and specifying the effective date of termination. If the Contract is terminated by the WVDEVO as provided herein, the Grantee will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this Contract, less payments of compensation previously made.

30. **Termination by the Grantee.** The Grantee may unilaterally rescind this agreement at any time prior to the commencement of the project. After project commencement, this agreement may be rescinded, modified, or amended only by mutual agreement. A project shall be deemed commenced when the Grantee makes any expenditure or incurs any obligation with respect to the project.

31. **Signing.** This Contract shall be signed by the Executive Director of the West Virginia Development Office and by the President of the Jefferson County Commission upon authorization of the Jefferson County Commission by adoption and passage of a resolution, motion or similar official action.

IN WITNESS WHEREOF, the WVDEVO and the Grantee have executed this Agreement as of the date first above written.

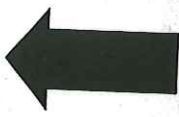
**STATE OF WEST VIRGINIA
WEST VIRGINIA DEVELOPMENT OFFICE**

J. Keith Burdette, Executive Director

JEFFERSON COUNTY COMMISSION

By: _____
Patricia Noland, President

Federal Employee Identification Number
55-6000333
F.E.I.N.



Project Number: 12LEDA0389



C101512

State of West Virginia
Earl Ray Tomblin
Governor

Office of the Governor
State Capitol
1900 Kanawha Boulevard, East
Charleston, WV 25305

Telephone: (304) 558-2000
Toll Free: (888) 438-2731
Fax: (304) 342-7025
www.governor.wv.gov

September 6, 2012

SEP 14 2012
2110 001

The Honorable Patricia Noland
President
Jefferson County Commission
P.O. Box 250
Charles Town, West Virginia 25414

Dear Commissioner Noland:

Thank you for your application to the Governor's Community Participation Grant Program.

I, along with Delegate Lawrence, am pleased to approve your request in the amount of \$2,000. These funds will enable you to upgrade technology for the Good Shepherd Interfaith Volunteer Caregivers. The project will include software for laptop computers and wireless network as well as other technology upgrades as funds permit.

To proceed with this project, please fax this letter to 304-558-2246, or mail a copy to: Community Participation Program, West Virginia Development Office, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305. Please note that funds should not be obligated prior to the full execution of a contract with the State of West Virginia.

We are pleased to work with you to make this improvement a reality for the citizens of Jefferson County.

Sincerely,

Earl Ray Tomblin
Earl Ray Tomblin
Governor

ERT:kf

Project Number: 12LEDA0389

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Sandy McDonald, Deputy County Administrator

Department or Organization: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: November 8, 2012

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda): Approval of Grant Contract and Resolution for the Historic Locke House in the amount of \$2,000

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):
Motion to approve the grant contract and resolution for the Historic Locke House and to authorize the President of the Commission to affix her signature to the appropriate documents

Are documents attachments? Yes No
If not, explain:

Is a projector needed? Yes No

Contact information:
Email address: _____
Phone number: _____

JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

RESOLUTION

The County Commission of Jefferson County, met on November 8th, 2012 with a quorum present and passed the following Resolution:

WHEREAS, The Jefferson County Commission has agreed to assist the Historic Locke House in which the project will include renovations to the attic and first floor with funds made available through the Governor's Community Participation Grant program in the amount of \$2,000.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission hereby authorizes the President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

Signed: _____
COUNTY CLERK

12LEDA0394

**GOVERNOR'S COMMUNITY PARTICIPATION
GRANT PROGRAM CONTRACT**

between the

WEST VIRGINIA DEVELOPMENT OFFICE

and the

JEFFERSON COUNTY COMMISSION

THIS AGREEMENT, entered into this 1st day of July, 2011, by the West Virginia Department of Finance and Administration on behalf of the West Virginia Development Office hereinafter called the "WVDEVO" and the Jefferson County Commission and its authorized officers, agents, and representatives, hereinafter called the "Grantee."

WITNESS THAT:

WHEREAS, the WVDEVO has promised and agreed to assist the Grantee to perform such tasks hereafter described in the scope of services, which is to be partially financed by funds made available through the Governor's Community Participation Grant program.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. **Assistance of the Grantee.** The WVDEVO hereby agrees to assist the Grantee including all authorized officers, agents, and representatives, to perform such tasks and functions as set forth below in the scope of services.
2. **Scope of Services.** The Grantee, or its designated agent, shall do, perform and carry out, in a satisfactory and proper manner as determined by the WVDEVO, and appropriate regulatory agencies, if required, all duties, tasks, and functions necessary to renovate the Historic Locke House. The project will include renovations to the attic and first floor.
3. **Personnel.** The Grantee represents that it has, or will secure at its own expense, personnel with the necessary qualifications and experience required to perform the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with WVDEVO.
4. **Time Performance.** The Grantee will commence its duties under this Contract on July 1, 2011, and such duties shall be undertaken and completed in such sequences as to assure their expeditious completion in the light of the purpose of the Contract; but, in any event, all of the services required hereunder shall be completed by June 30, 2013. The completion date of this contract may only be extended by mutual written agreement of both parties dependent on the reappropriation of funds under the Governor's Community Participation Grant program. If no such agreement exists, the Grantee shall not receive payment for services rendered or work performed relative to this grant after June 30, 2013.
5. **Compensation.** In consideration of the services rendered by the Grantee, the WVDEVO agrees to pay the Grantee the sum of \$2,000. This amount constitutes complete compensation for all services rendered. In

no instance shall the agreed upon compensation exceed \$2,000 without the written consent of the Governor of the State of West Virginia.

6. **Method of Payment.** In order to receive payments under the terms of this Agreement, the Grantee shall submit the following: (a) a Letter of Transmittal containing a progress report, and (b) a Request for Payment Financial Report. The final ten percent shall be made available upon submission of certification of completion and acceptance of the project by the Grantee. Upon receipt of said documents, the WVDEVO shall review the same for reasonableness and appropriateness.

7. **Changes.** The WVDEVO and the Grantee may, from time to time, require changes in the scope of the services of the work to be performed hereunder. Such changes, including any increase or decrease in the amount of the Grantee's compensation and work to be performed, which are mutually agreed upon by and between the WVDEVO and the Grantee, shall be incorporated in written amendments to this Contract.

8. **Sub-Grantees and Reversion of Property.** The Grantee may administer funds on behalf of sub-grantees, provided that such a sub-grantee is certified as a nonprofit organization by the United States Internal Revenue Service and the West Virginia Secretary of State's Office. Should such a sub-grantee cease to exist, all commodities or supplies purchased with funds provided under the auspices of this Contract by or for the sub-grantee shall become the property of the Grantee.

9. **Competitive Bid Procedures.** Competitive bidding shall be pursued in all instances. The Grantee must follow the more stringent of either state or local purchasing regulations. The West Virginia Purchasing Division requirements, at a minimum, are as follows: Commodities and services expected to cost \$2,500 or less require no bids, however, competition is encouraged. Purchases between \$2,500.01 and \$5,000 require three verbal bids to be documented on a verbal bid quotation summary. Purchases \$5,000.01 to \$25,000 require three written bids.

The Grantee shall solicit competitive, sealed bids for commodities and supplies related to this project which have an estimated value of over \$25,000. Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$25,000 shall be cause for termination of this agreement under the provisions of Paragraph 28. These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3. This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date.

The Grantee shall also, where feasible, solicit sealed bids by listing the project in the F. W. Dodge Reports, sending requests by mail to prospective suppliers or contractors, and by posting notice on a bulletin board in a public place. The Grantee shall have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance with these procedures.

10. **Project Wage Rates.** Every contract involving construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work which involves the employment of any contractor and/or subcontractor necessary for the undertaking and completion of this project, regardless of the source of funds utilized to pay such contract, must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. **This law applies to all construction contracts, regardless of cost.**

The receipt and utilization of funds procured under this agreement mandate that all construction contracts necessary for the undertaking and completion of this project, regardless of the source of funds

utilized to pay such construction contracts, must comply with the provisions of West Virginia Code § 21-5A.

Such provisions shall include the payment of the Fair Minimum Wage Rates as determined by the West Virginia Commissioner of Labor for each craft or classification of all workmen needed to perform the contract in the locality in which the public work is performed. For projects involving federal funds which are covered by the provisions of the Davis Bacon Act (40 U.S.C. 276-a 276a-5), the Grantee shall cause the contractor and/or subcontractors to pay the higher wage rate, federal or state.

Further, the Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bid documents. The Grantee shall also have available upon request for review by the WVDEVO or its designated representative, bid documents and other evidence of compliance including copies of contractor's payrolls.

11. **Construction.** The Grantee shall procure construction contracts in accordance with West Virginia Code §5-22-1. **The state and its subdivisions shall, except as provided in this section, solicit competitive bids for every construction project exceeding \$25,000 in total cost.**

Further, the receipt and utilization of funds procured under this agreement mandate that ALL CONSTRUCTION CONTRACTS NECESSARY FOR THE UNDERTAKING AND COMPLETION OF THIS PROJECT, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code § 21-5A.

The term construction shall mean any construction, reconstruction, improvement, enlargement, painting, decorating, or repair of any public improvement let to contract. These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions West Virginia Code §59-3. This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date.

Any contracts under this agreement must comply with the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. This law applies to all construction contracts, regardless of cost. The Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bidding blanks.

The Grantee shall designate the time and place for opening such construction bids in accordance with West Virginia Code §5-22-2.

12. **Bonding.** The Grantee shall secure bonding in accordance with West Virginia Code §5-22-1. All bids submitted pursuant to this chapter shall include a valid bid bond or other surety as approved by the state of West Virginia or its subdivisions. Following the solicitation of such bids, the construction contract shall be awarded to the lowest qualified responsible bidder, who shall furnish a sufficient performance and payment bond: provided, that the state and its subdivisions may reject all bids and solicit new bids.

In the procurement of contracts or subcontracts for construction of less than \$100,000, the Grantee shall follow local or State requirements relating to bid guarantees, performance bonds, and payment bonds, provided that the Grantee's and State's interests are adequately protected and that such contracts can be executed in a timely manner.

In the procurement of contracts or subcontracts for construction that exceed \$100,000, the Grantee shall obtain the following:

(a) A bid guarantee from each bidder equivalent to five percent of the bid price. This bid guarantee shall consist of a firm commitment such as bid bond, certified check, or other negotiable instrument accompanying a bid that the bidder will, upon acceptance of the bid, execute the contractual documents as may be required with the time specified.

(b) A performance bond on the part of the contractor for 100 percent of the contract price. This performance bond shall be executed by the successful contractor in connection with the contract to secure fulfillment of the contractor's obligations under such contract.

(c) A payment bond on the part of the contractor for 100 percent of the contract price. This payment bond shall be executed in connection with a contract to assure payment is required by law of all persons supplying labor and materials in the execution of the work provided for in the contract.

13. **Architecture and Engineering.** The Grantee shall procure architectural or engineering services in accordance with West Virginia Code §5G. In the procurement of architectural and engineering services for projects estimated to cost \$250,000 or more, the Grantee shall publish a Class II legal ad in compliance with West Virginia Code §59-3. In the procurement of services for projects estimated to cost less than \$250,000, the Grantee shall conduct discussions with three or more professional firms.

14. **Design-Build.** The Grantee shall procure design-build projects in accordance with West Virginia Code §5-22A-1. This applies solely to building projects. Highways, water, sewer, and all other public works projects are specifically prohibited from using the design-build method.

15. **Environmental and Historical Assessment.** The Grantee shall comply with all applicable federal, state and local environmental and historical preservation laws and regulations. The Grantee acknowledges this requirement and certifies that the project will be in compliance with such laws and regulations.

16. **Equal Employment Opportunity.** With respect to employment in carrying out the program objectives, the Grantee agrees that it will not discriminate against any employee or applicant for employment because of race, color, age, religion, sex, national origin, or physical handicap.

17. **Facilities Accessible to the Handicapped.** The Grantee shall require any facilities constructed under the auspices of this Contract to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A11/.1-1961, as modified (41CFR101-17.1703 and (13CFR309.14)). The Grantee shall be responsible for conducting inspections to ensure compliance with these specifications.

18. **Facilities Operation.** The Grantee shall operate and maintain all facilities constructed under the auspices of this Contract in accordance with minimum standards as may be required or prescribed by the applicable federal, state and local statute, law, ordinance or regulation as to actual construction procedures, as well as maintenance and operation of such facilities upon completion.

19. **Interest of Members of WVDEVO and Others.** No officer, member or employee of the WVDEVO or officer, member or employee of the Grantee who exercises any function or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly interested or has any personal or pecuniary interest, nor shall any officer, member of, or employee of, the Grantee or any member of its governing body, or officer, member, or employee of the contractor have any interest, direct or indirect, in this Contract or the proceeds thereof.

20. **Officials Not To Benefit.** No member of the Legislature of the State of West Virginia, or individual performing a service for the Grantee in connection with this project, shall be admitted to any share thereof or to any benefit to arise from this Agreement.

21. **Inspections of Project Records.** At any time during normal business hours and as often as the WVDEVO or its designated representative may deem necessary, there shall be made available to the WVDEVO or its designated representative for examination, all of its records with respect to all matters covered by this Contract and permit the WVDEVO or its designated representative to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records and personnel, conditions of employment and other data relating to all matters covered by this Contract during the entire time period beginning with project approval and ending three years after the final disbursement of grant funds.

22. **Project Audits.** (a) The Grantee shall cause an audit of this program to be included in the audit of the Grantee performed by the West Virginia State Auditor's Office, Chief Inspection Division, or its designated representative in accordance with West Virginia Code §6-9-7. The audit shall be performed in conformance with generally acceptable accounting procedures.

(b) In accordance West Virginia Code §12-4-14, if the grantee is not audited by the West Virginia State Auditor's Office and the grantee received state funds or grants in the amount of fifteen thousand dollars or more, the grantee shall file an audit of the disbursement of funds with the legislative auditor's office. The audit shall be filed within two years of the disbursement of funds or grants by the grantee and shall be made by an independent certified public accountant at the cost of the corporation, association or other organization, and must show that the funds or grants were spent for the purposes intended when the grant was made. State funds or audits of state funds or grants under fifteen thousand dollars (\$15,000) may be authorized by the joint committee on government and finance to be conducted by the legislative auditor's office at no cost to the grantee.

23. **Reporting.** The Grantee shall submit any reports requested by the WVDEVO concerning financial status and program progress. Failure to provide such reports as required by WVDEVO in a timely manner shall be cause for termination of this Contract under the terms of Paragraph 7.

24. **Fiscal Management.** The Grantee shall be responsible for establishing and maintaining adequate procedures and internal financial controls governing the management and utilization of funds provided under this Contract, as well as funds provided as the Grantee's matching share.

25. **Political Activity.** No officer or employee of the Grantee whose principal employment is in connection with any activity which is financed in whole or in part pursuant to this agreement shall take part in any of the activities expressly prohibited by the Hatch Act.

26. **Repayment.** The Grantee shall refund to the State any expenditures determined to be made for an ineligible purpose for which State funds were received.

27. **Resolution of Disputes.** Resolution of disputes between the State and the Grantee concerning administrative and programmatic matters during the terms of this Agreement shall be initiated through consultation and discussion at the State's Administrative Offices with final decision on questions of policy or fact being determined by the Director of the Community Development Division or his/her designated representative. Nothing in this Agreement shall be construed as making the final decision on a question of law, or to limit in any manner any remedies or recourses available under applicable laws. Citizen's complaints or disputes regarding Grantee performance or actions relative to the approved project are the responsibility of the Grantee.

28. **Termination of Contract for Cause.** If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner his obligations under this Contract, or if the Grantee shall violate any of the covenants, agreements, or stipulations of this Contract, the WVDEVO shall thereupon have the right to terminate this Contract by giving written notice to the Grantee of such termination and specifying the effective date thereof, at least fifteen days before the effective date of such termination. The Grantee shall be entitled to receive just and equitable compensation for any satisfactory work completed on the described project.

Notwithstanding the above, the Grantee shall not be relieved of liability to the WVDEVO for damages sustained by the WVDEVO by virtue of any breach of the Contract by the Grantee, and the WVDEVO may withhold any payments to the Grantee for the purpose of set-off until such time as the exact amount of damages due the WVDEVO from the Grantee is determined.

29. **Termination for Convenience of WVDEVO.** The WVDEVO may terminate this Contract at any time by giving written notice to the Grantee of such termination and specifying the effective date of termination. If the Contract is terminated by the WVDEVO as provided herein, the Grantee will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this Contract, less payments of compensation previously made.

30. **Termination by the Grantee.** The Grantee may unilaterally rescind this agreement at any time prior to the commencement of the project. After project commencement, this agreement may be rescinded, modified, or amended only by mutual agreement. A project shall be deemed commenced when the Grantee makes any expenditure or incurs any obligation with respect to the project.

31. **Signing.** This Contract shall be signed by the Executive Director of the West Virginia Development Office and by the President of the Jefferson County Commission upon authorization of the Jefferson County Commission by adoption and passage of a resolution, motion or similar official action.

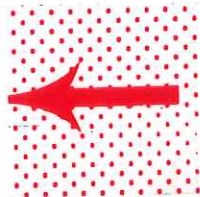
IN WITNESS WHEREOF, the WVDEVO and the Grantee have executed this Agreement as of the date first above written.

**STATE OF WEST VIRGINIA
WEST VIRGINIA DEVELOPMENT OFFICE**

J. Keith Burdette, Executive Director

JEFFERSON COUNTY COMMISSION

By: _____
Patricia Noland, President



Federal Employee Identification Number

55-6000333

F.E.I.N.

Project Number: 12LEDA0394

C101512



State of West Virginia
Earl Ray Tomblin
Governor

Office of the Governor
State Capitol
1900 Kanawha Boulevard, East
Charleston, WV 25305

Telephone: (304) 558-2000
Toll Free: 1-888-438-2731
FAX: (304) 342-7025
www.governor.wv.gov

September 6, 2012

SEP 14 2012

The Honorable Patricia Noland
President
Jefferson County Commission
P.O. Box 250
Charles Town, West Virginia 25414

2ND COPY

Dear Commissioner Noland:

Thank you for your application to the Governor's Community Participation Grant Program.

I, along with Delegate Doyle and Delegate Lawrence, am pleased to approve your request in the amount of \$2,000. These funds will enable you to renovate the Historic Locke House. The project will include renovations to the attic and first floor.

To proceed with this project, please fax this letter to 304-558-2246, or mail a copy to: Community Participation Program, West Virginia Development Office, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305. Please note that funds should not be obligated prior to the full execution of a contract with the State of West Virginia.

We are pleased to work with you to make this improvement a reality for the citizens of Jefferson County.

Sincerely,

Earl Ray Tomblin
Governor

ERT:kf

Project Number: 12LEDA0394

COUNTY ADMINISTRATOR REPORTS

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Debbie Keyser

Department or Organization: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: 11/8/12

Date Requested – 2nd Choice: _____

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

Subject(Wording to be placed on agenda): Approve the Security Key License Agreement between Jefferson County and Washington County Emergency Responders and to authorize the President of the Commission to affix her signature, subject to review by legal counsel

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

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

Are documents attachments? Yes ____ No

If not, explain:

Is a projector needed? Yes _____ No

Contact information:

Email address: _____

Phone number: _____

Nichelle Hosby

From: Debbie Keyser [dkeyser@jeffersoncountywv.org]
Sent: Friday, November 02, 2012 4:02 PM
To: 'Nichelle Hosby'
Cc: commissionerpnoland@gmail.com; 'Dale Manuel '; 'Lyn Widmyer'; fberrymorgan@aol.com; 'pellish walter'; 'Stephanie Grove'; lcrowther@jeffersoncountywv.org; 'Jeffrey A. Polczynski, ENP'
Subject: FW: Jefferson County System Key License Agreement
Attachments: Jefferson County System Key License Agreement.doc

Nichelle:

Paragraph for the County Administrator section of the Agenda book:

Jefferson Co. and Washington Co. need interoperability of emergency communication subscriber units (radios) to enhance emergency communications between emergency responders in both jurisdictions. The contract for review details the requirements of both parties to ensure the information provided for the programming of radios is protected and strictly confidential.

Agenda Request:

Motion: To approve the Security Key License Agreement for Patsy Noland's signature, subject to contract review by Stephanie Grove.

Commissioners:

Please review contract for approval at next week's meeting.

This contract is time sensitive and needs to be approved at this week's meeting.

Please call if you have questions. Thanks!

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Debbie Keyser

Department or Organization: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: 11/8/12

Date Requested – 2nd Choice: _____

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

Subject(Wording to be placed on agenda): Presentation - Space Needs/Property - Briel/Campbell/ 201 N. George Street - Discussion/Action

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

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

Are documents attachments? Yes No _____

If not, explain:

Is a projector needed? Yes _____ No

Contact information:

Email address: _____

Phone number: _____

Jefferson County, West Virginia

Space Needs Committee

Date: July 24, 2012

Email: Bpolk@jeffersoncountywv.org, Pshroyer@jeffersoncountywv.org

To: All Elected Officials and Department Heads

The Space Needs Committee is in the process of assessing current and future space needs for all county offices. Attached is worksheet showing the square footing of space currently occupied by each County Office or Department. In addition to the space shown, the committee needs to determine what additional space needs may be required in the next five years.

Please review the attached worksheet and provide us with your estimate of additional space needs for the next five years. Please provide us with your estimate not later than August 1, 2012, so those needs can be included our presentation to the County Commission on August 9, 2012. If we do not receive your information by August 1, we will assume you have no additional space needs within the next five years.

Please forward your information to Bill Polk via email at the email address listed above or provide any paper copies via county mail.

Thanks,

Paul Shroyer
Space Needs Committee Member
Director of Financial Management

Jefferson County Space Occupied and Future Needs Assessment

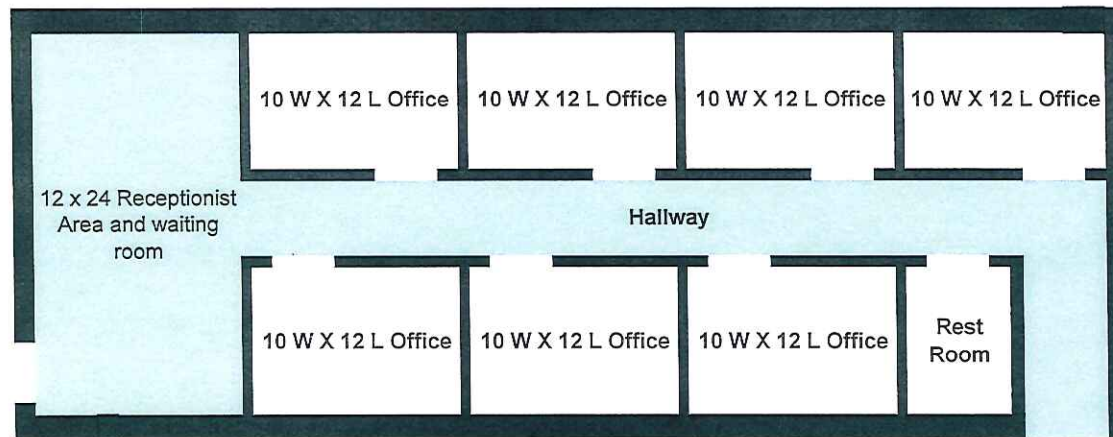
Space requirements							
Current Space Occupied							
Department Name	Dept Number	Number of Employees	Employee Work Area	Public Access	Public Records or Storage	Additional space needs (5) years	Please add any comments needed to clarify additional space needs
Circuit Judges	300	8	1235	3348	182		No reply
County Commission	401	4	1205	0	352	1000	Additional space need for staff and office space for County Commissioners.
IT-Computer Tech	401	1	437	0	94		No reply
Count Clerk-Public records	402	15	3011	0	2532	1400	Part of space currently occupied by Assessor's Office.
Circuit Clerk	403	11	1305	60	1439		No reply
Sheriff's Tax Office	404	8	943	186	474	1400	Currently need additional space and office reconfiguration to better serve the public.
Prosecuting Attorney	405	19	5049	487	1403	1390	Estimated 20% increase in space needs in the next (5) years
Assessor	406	14	2635	200	608	1000	Suite #100 and #101 at Briel if purchased
Co Extension Office	412	6	982	0	0		No reply
Maintenance Department	424	13	8527		6107		No reply
Development Authority	431	5	1115	0	116		No reply
GIS Addressing	433	4	729	0	108	0	No additional space needs anticipated in the next (5) years
Planning and Zoning	439	7	1407	0	252		No reply
Engineering	440	9	2541	0	743		No reply
Law Enforcement	700	36	6479	182	5222		No reply
Bailiff's Office		18	475	0	0		No reply
Emergency Services\Homeland Security	711	3	597	110	180		No reply
E-911 Center	712	35	2579	0	192		No reply
JCESA	715	26	5774	224	658		No reply
Animal Control	716	4	3114	80	272		No reply
Family Court		3	912	1355	34	0	Wish list would be for (2) more conference rooms.
Health Department	BOH	9	3902	351	541		No reply
Magistrate Court	Mag	10	2047	187	525		No reply
Community Center	Parks	5	640	17360	570		No reply
Probation			1643	471	72		No reply
Day Reporting Center			804	0	11		No reply
Juvenile Drug Court		2	391	0	0		No reply
Red Cross		3	748	0	177		No reply
State Lab		3	878	0	25	0	No additional space needs anticipated in the next (5) years
State District Office		5	1594	0	152		No reply

Jefferson County Commission

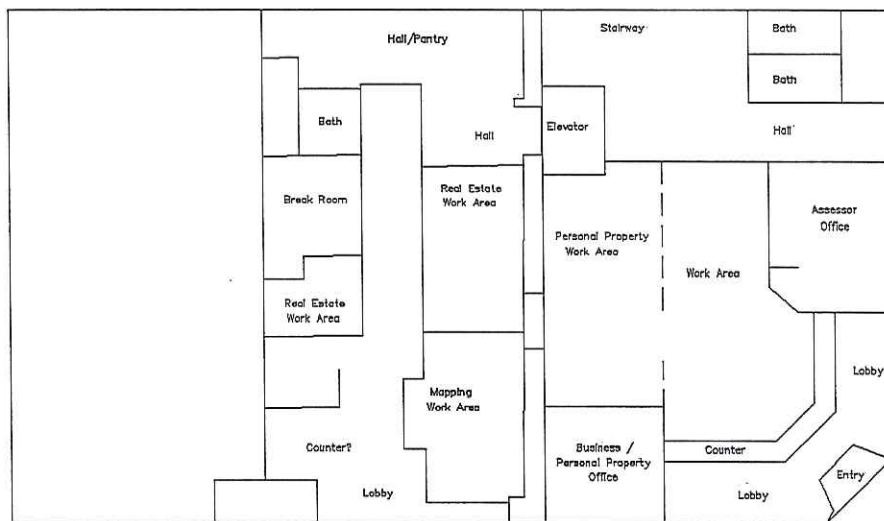
Proposed Capital Project List and Five Year Budget as of July 2012

		Estimated Cost FYE 2013	Estimated Cost FYE 2014	Estimated Cost FYE 2015	Estimated Cost FYE 2016	Estimated Cost FYE 2017
1	New Phone System	\$ 250,000	\$	\$	\$	\$
	This project has an estimated payback of (3) to (5) years. The anticipated phone system will be Voice over Internet Provider System (voice/IP)					
2	Move AS-400 Computer and other computer hardware to Mason Bldg	\$ 135,000	\$	\$	\$	\$
	Narrative: This project involves moving the AS-400 from the Hunter House Basement to the Basement of the Mason Building. This project cost also includes upgrades to the computer system that will upgrade the system to a "Series I Computer" which will be a more powerful computer. The upgrade will also upgrade the "Firewall" and other security software.					
3	Repairs on Old Courthouse	\$ 1,500,000	\$	\$	\$	\$
	Narrative: The project cost are for on going projects with the Courthouse. This is the amount budgeted for the FYE 2013					
4	GIS Mapping Software	\$ 150,000	\$	\$	\$	\$
	The purposed software will act as a Document Management System that will scan, classify, index and archive all existing and future public records into a data sharing system that incorporates linked workflow, searchable data bases and document retrieval among multiple departments and the public and potentially linking with a web-mapping tool.					
5	Purchase Briel Building	\$ 1,500,000	\$	\$	\$	\$
	Narrative: Purchase or complete leasing of the Briel Building would provide an additional 5,000 square foot of space for county offices. Having that amount of additional space is the only way to make plans for moving the the Assessor's Office to a new location and providing additional space for the Sheriff's Tax Office and the County Clerk's Office.					

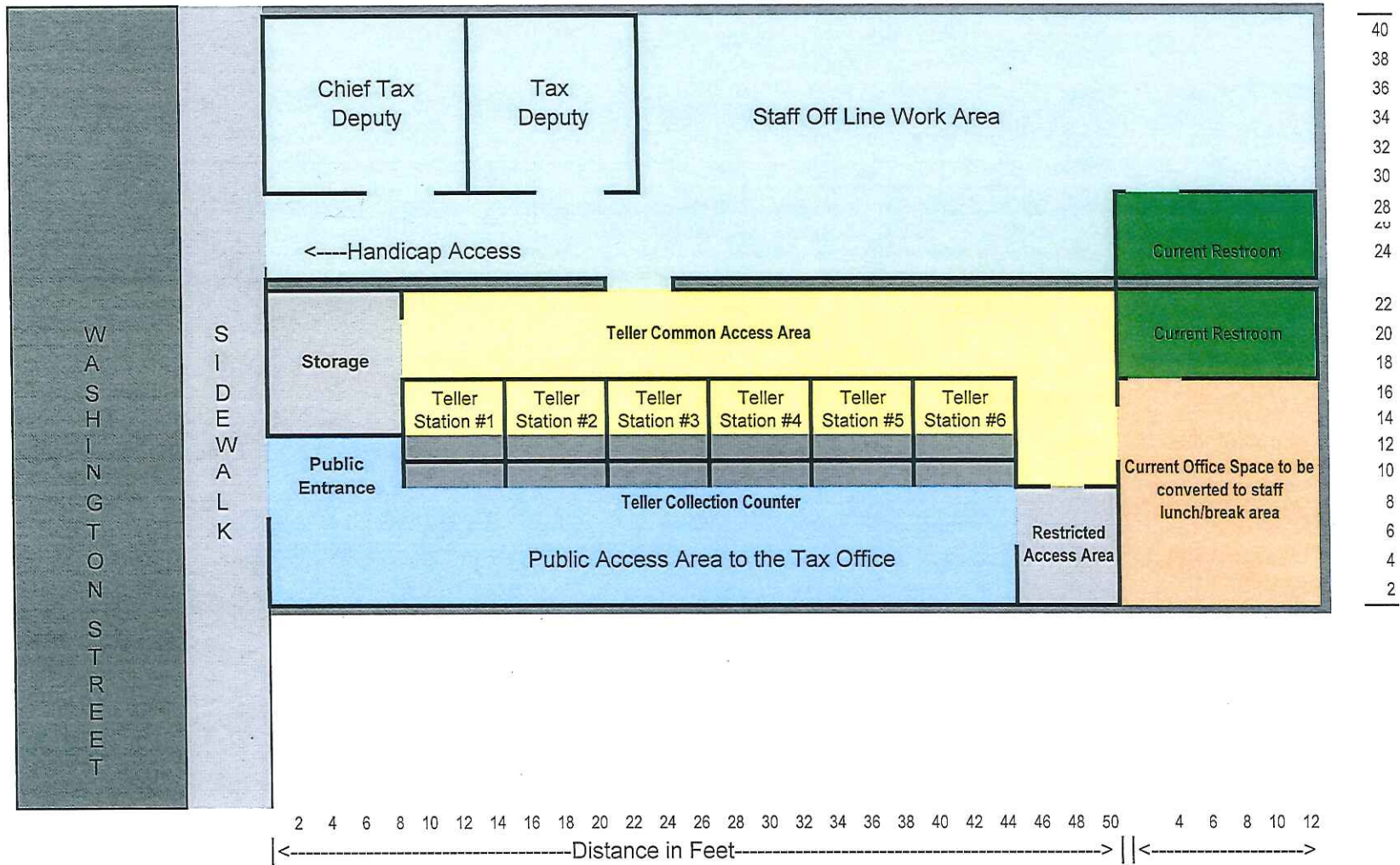
Proposed Office Layout-Briel Bldg Suite 102-Old Dr Office County Commission Offices



- 1 Each office would be 10' deep and 12' wide
- 2 Some office would be enclosed and some would be cubical
- 3

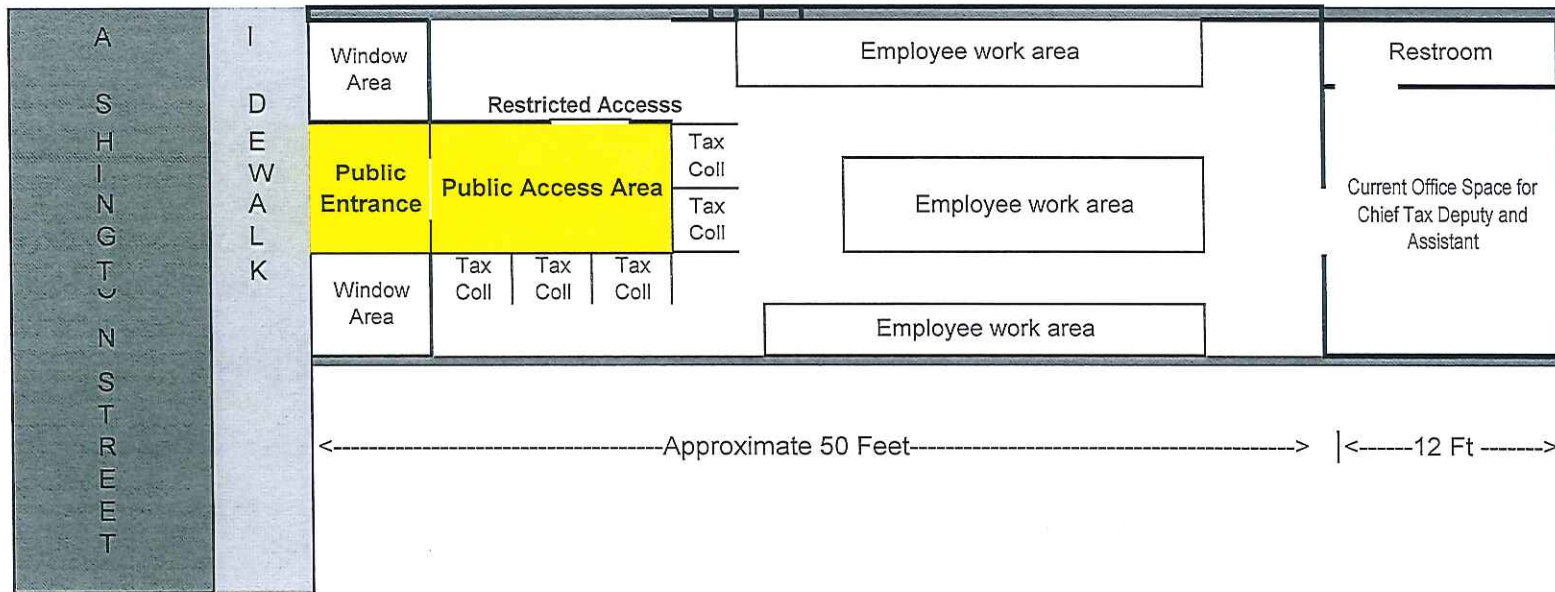


Proposed Layout for the Jefferson County Sheriff's Tax Office
Capital Improvement Plan
Fiscal Year Ending June 30, 2013



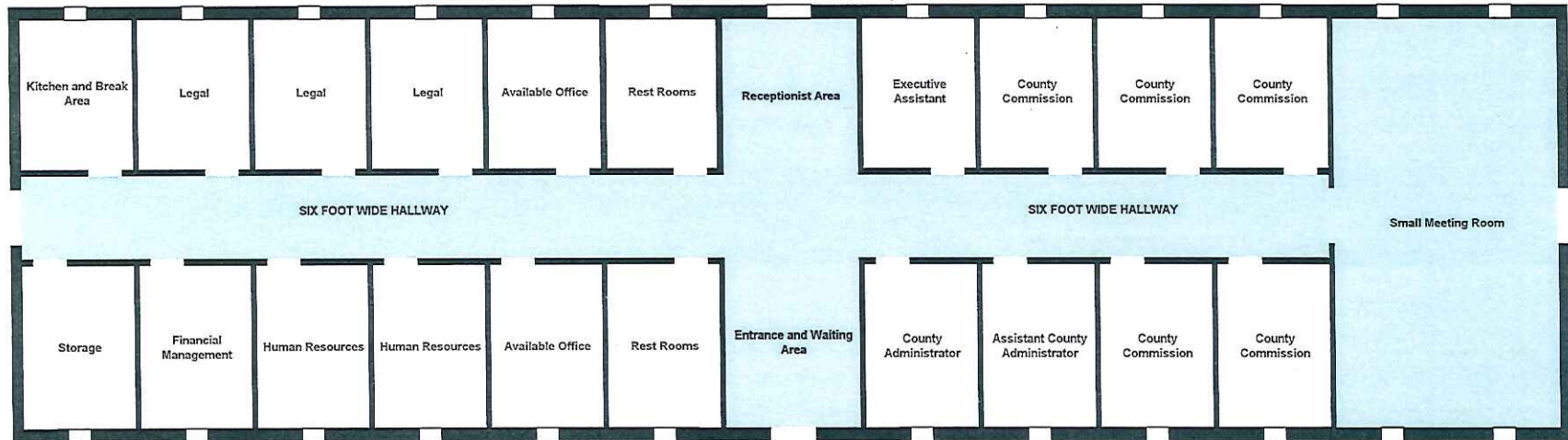
Current Layout of the Jefferson County Sheriff's Tax Office

As of July 2012



At

Proposed Office Building-Commission Offices
139.5 by 33 feet with total squares footage of 4,604
Estimated cost @ \$175 per square foot of floor space-\$805,600



- 1 Each office would be 10' wide and 12' deep.
- 2 20 X 33 Conference Room
- 3 Partial Funding for this building could come the sale of Hunter Hc

71

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

AGENDA REQUEST FORM

Name: David Camilletti, Esq.

Department or Entity: _____

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1st Choice: 10/4/12

Date Requested – 2nd Choice: _____

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

Subject: Petition for Closing Unused Road, Streets & Travel Ways - Martin and Brenda Lookingbill

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

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

Attachments:

BEFORE THE COUNTY COURT OF JEFFERSON COUNTY, WEST VIRGINIA

IN THE MATTER OF: MARTIN WAYNE LOOKINGBILL and
BRENDA DIANE LOOKINGBILL

CASE NO: _____

ORDER SETTING HEARING

This day came the Petitioners, by counsel, David A. Camilletti, Esquire, having previously filed a duly verified Petition of Martin Wayne Lookingbill and Brenda Diane Lookingbill for Closing Unused Roads, Streets and Travel Ways. It appears to the Court by said Petition that the Petitioners are entitled to a hearing on this matter.

It is therefore ORDERED that the Petition of Martin Wayne Lookingbill and Brenda Diane Lookingbill for Closing Unused Roads, Streets and Travel Ways shall be set down for hearing before the County Commission of Jefferson County, West Virginia on the ____ day of _____, 2012 at _____ o'clock a.m./p.m., or as soon thereafter as Counsel may be heard.

It is further ORDERED that the Petitioner shall cause a duly attested copy of this Order and the Petition of Martin Wayne Lookingbill and Brenda Diane Lookingbill for Closing Unused Roads, Streets and Travel Ways be served upon Southland Corporation, P.O. Box 711, Dallas, TX 75221; Nancy Gray, 1578 Flowing Springs Road, Charles Town, WV 25414; Francis and Jeanette Duncan, P.O. Box 29, Shenandoah Jct, WV 25442; Mary V. Pierce, c/o Mary Bordier, 358 Jefferson Avenue, Charles Town, WV 25414; Debra Pittinger, 425 Euclid Avenue, Charles Town, WV 25414; and Susanne Lawton, General Manager, Jefferson County Public Service District, 340 Edmond Road, Suite A, Kearneysville, WV 25430; and cause Notice of said Hearing to be published as a Class 1

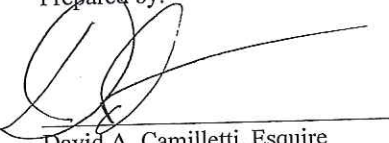
legal advertisement.

The Clerk shall enter this Order as of the day and date below written and shall transmit two (6) attested copies to David A. Camilletti, Esquire, 103 W. Liberty Street, Charles Town, West Virginia 25414.

ENTERED this _____ day of _____, 2012.

President of the County Commission

Prepared by:



David A. Camilletti, Esquire
WV State Bar Id No. 599
Counsel for Petitioners

BEFORE THE COUNTY COURT OF JEFFERSON COUNTY, WEST VIRGINIA

IN THE MATTER OF: MARTIN WAYNE LOOKINGBILL and
BRENDA DIANE LOOKINGBILL

CASE NO: _____

PETITION FOR CLOSING UNUSED ROADS, STREETS AND TRAVEL WAYS

NOW COMES the Petitioners, Martin Wayne Lookingbill and Brenda Diane Lookingbill, by counsel, David A. Camilletti and for their Petition for Closing Unused Roads, Streets and Travel Ways does say as follows:

1. Pursuant to the provisions of West Virginia Code 7-1-3(h) your Petitioners request that their verified application to close or annul the unused road, street, travel way or alley located between his various properties be filed and scheduled for hearing;
2. The Petitioners are the owners of four (4) parcels of real estate in Charles Town District, Jefferson County, West Virginia, being Parcel 76, Tax Map 10A;
3. The attached plat, dated April 11, 2007, prepared by George E. Nagle and Associates; and the plat dated March 12, 2012, prepared by Gordon and Associates along with the Jefferson County Tax Maps, District 2, Map # 10A, sets forth the four parcels and the unused road, street, travel way or alley to be closed or annulled;
4. The Petitioners state that the portion of the unused road, street, travel way or alley to be closed begins at Washington Street and extends in a southerly direction to a point 255.83 feet from Washington Street.
5. The Petitioners request the closure of the unused road, street, travel way or alley because it has never been opened or traveled;
6. The addition of this closure, to the Petitioner's real estate, would allow the Petitioner

to make improvements to the real estate;

7. The Petitioner avers that the closure would not be prejudicial to the County or State;

8. The closure would assist a local ongoing business in its effort to renovate the property and promote additional rental spaces for businesses;

9. The above mentioned statute allows for the County Court of any county to close and vacate any part or all of any such unused road, street or other designated travel way;

10. Petitioners request that the County Court set this matter for a hearing on the Court's next available date and time.

Respectfully submitted,

Martin Wayne Lookingbill and
Brenda Diane Lookingbill, Petitioners
By Counsel



David A. Camilletti, Esquire
WV State Bar ID No. 599
103 W. Liberty Street
Charles Town, WV 25414
304-725-0937
304-725-1039 facsimile

VERIFICATION

STATE OF MARYLAND,

COUNTY OF CARROLL, to-wit:

I, Martin Wayne Lookingbill, swear and affirm that the information in the above Petition, which has been supplied by me, is the truth to the best of knowledge and belief.

Martin Wayne Lookingbill
Martin Wayne Lookingbill

I, CATHY G MESZAROS a Notary in and for the aforesaid County and

State do hereby certify that Martin Wayne Lookingbill, has this day signed his seal to the Petition and Verification on this the 8th day of August, 2012.

Cathy G. Meszaros
NOTARY PUBLIC

My Commission expires: 4-21-2013.



VERIFICATION

STATE OF MARYLAND,

COUNTY OF CARROLL, to-wit:

I, Brenda Diane Lookingbill, swear and affirm that the information in the above Petition, which has been supplied by me, is the truth to the best of knowledge and belief.

Brenda Diane Lookingbill
Brenda Diane Lookingbill

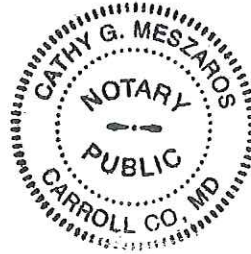
I, **CATHY G MESZAROS** a Notary in and for the aforesaid County and

State do hereby certify that Brenda Diane Lookingbill, has this day signed her seal to the Petition and

Verification on this the 24th day of August, 2012.

Cathy G. Meszaros
NOTARY PUBLIC

My Commission expires: 4-21-2013



NOTES: NO TITLE REPORT FURNISHED FOR THIS SURVEY.

I HEREBY CERTIFY THAT THE POSITION OF EXISTING IMPROVEMENTS SHOWN HEREON HAVE BEEN CAREFULLY ESTABLISHED USING ACCEPTED FIELD PRACTICES.



DATE 04/11/07

GEORGE E. NAGEL
PROFESSIONAL LAND SURVEYOR
WEST VIRGINIA REGISTRATION NUMBER 2083

JEFFERSON COUNTY, WV
FILED

May 10, 2007 10:16:59

JENNIFER S. MAGHAN

COUNTY CLERK

TRANSACTION NO: 2007010403

Transfer Tax: \$ 3795.00

BOOK OF DEEDS

Book: 1036 Page: 00111

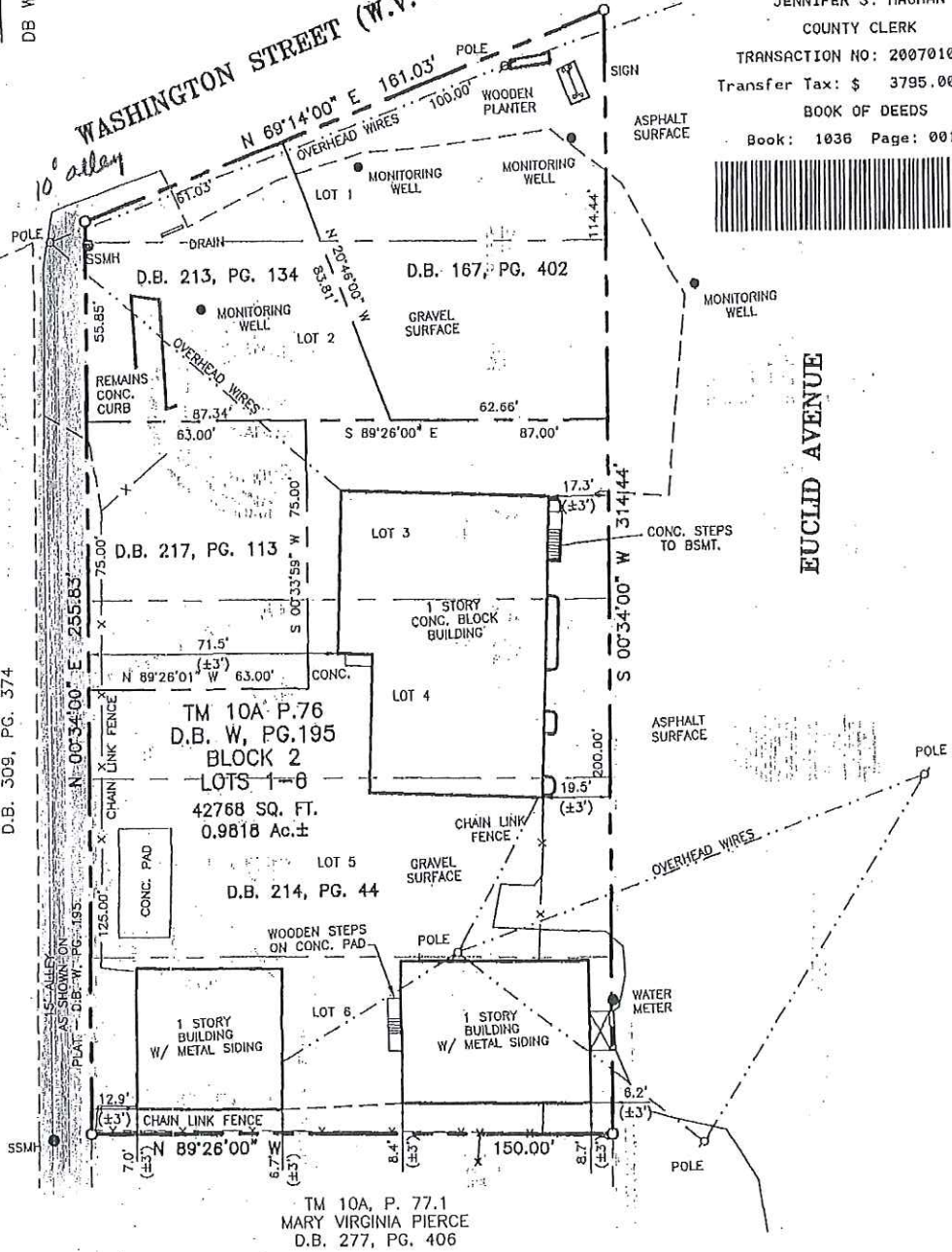


DB W, PG.195

WASHINGTON STREET (W.V. RT. 51)

EUCLID AVENUE

TM 10A, P. 75
THE SOUTHLAND CORP.
D.B. 309, PG. 374



TM 10A, P. 77.1
MARY VIRGINIA PIERCE
D.B. 277, PG. 406

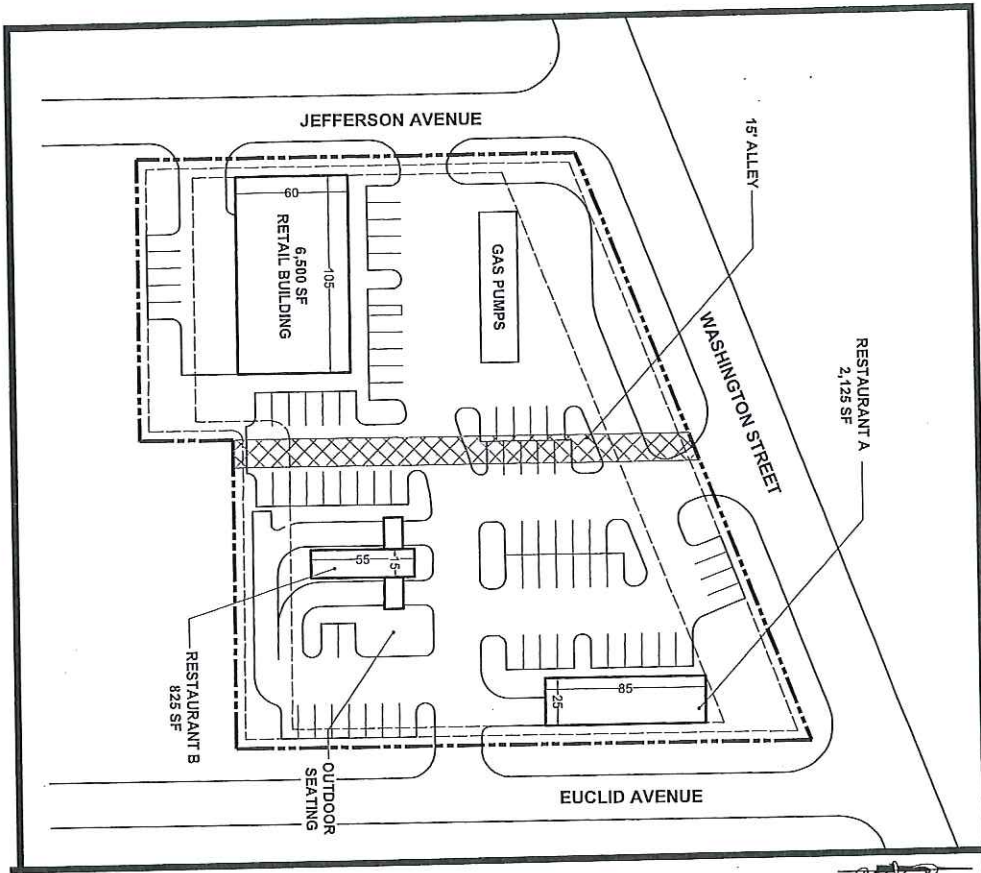


George E. Nagel
& ASSOCIATES, INC.

LAND SURVEYORS
21822 Ringgold Pike | Hagerstown, Maryland 21742
(301) 416-2225 | Fax (301) 416-2738

LOCATION SURVEY
FOR
LOTS 1 - 6, BLOCK 2
(PLAT - D.B. W, PG. 195)
CHARLES TOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA
SCALE 1"=40' APRIL, 2007

A-0187

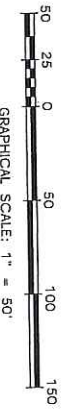


- BUILDINGS:**
- RESTAURANT A: 2,125 SF (ASSUMED 1,600 SF CUSTOMER AREA)
 - RESTAURANT B: 825 SF (ASSUMED 1,000 SF OUTDOOR SEATING)
 - RETAIL / COMMERCIAL: 6,500 SF

- PARKING:**
- RESTAURANT A: 1 SPACE PER 50 SQUARE FEET OF CUSTOMER FLOOR SPACE, 1,600 SQUARE FEET (ESTIMATED) = 32 REQUIRED SPACES
 - RESTAURANT B: 1 SPACE PER 50 SQUARE FEET OF CUSTOMER FLOOR SPACE, 1,000 SQUARE FEET (OUTDOOR SEATING) = 20 REQUIRED SPACES
 - COMMERCIAL RETAIL SALES (> 2,000 SQUARE FEET): 1 PER 500 SQUARE FEET OF RETAIL SPACE, 6,500 SQUARE FEET = 13 REQUIRED SPACES
 - TOTAL REQUIRED PARKING = 65 SPACES
 - TOTAL PROVIDED PARKING = 77 SPACES

- YARD / SETBACK REQUIREMENTS:**
- BUILDING: FRONT = 40 FEET, SIDE = 10 FEET, REAR = 30 FEET
 - PARKING: 5 FEET, TYPICAL

- NOTES:**
1. CONCEPTUAL LAYOUT INCLUDES PARCELS 75 & 78 AS IDENTIFIED ON MAP 10A IN JEFFERSON COUNTY DISTRICT 2.
 2. PER TAX MAP INFORMATION, PARCELS ARE SEPARATED BY 15' ALLEY. THIS LAYOUT ASSUMES THE ON-SITE 15' ALLEY WILL BE VACATED.
 3. PROPERTY IS LOCATED IN THE RESIDENTIAL-LIGHT INDUSTRIAL-COMMERCIAL ZONING DISTRICT OF JEFFERSON COUNTY. CONCEPTUAL DESIGN BASED ON GENERAL COMMERCIAL ZONING DISTRICT REGULATIONS OF THE CITY OF CHARLES TOWN ZONING ORDINANCE.
 4. STORM WATER MANAGEMENT AREAS NOT PROVIDED IN THIS CONCEPT. ADDITIONAL REVIEW REQUIRED TO DETERMINE NECESSARY STORM WATER MANAGEMENT REQUIREMENTS.
 5. PARKING REQUIREMENTS FOR RESTAURANT ARE DETERMINED BY CUSTOMER FLOOR AREA. 75% OF FLOOR AREA ASSUMED TO BE DESIGNATED AS CUSTOMER USE TO DETERMINE PARKING REQUIREMENTS. PARKING REQUIREMENTS TO BE ADJUSTED BASED ON FINAL ARCHITECTURAL DRAWINGS.

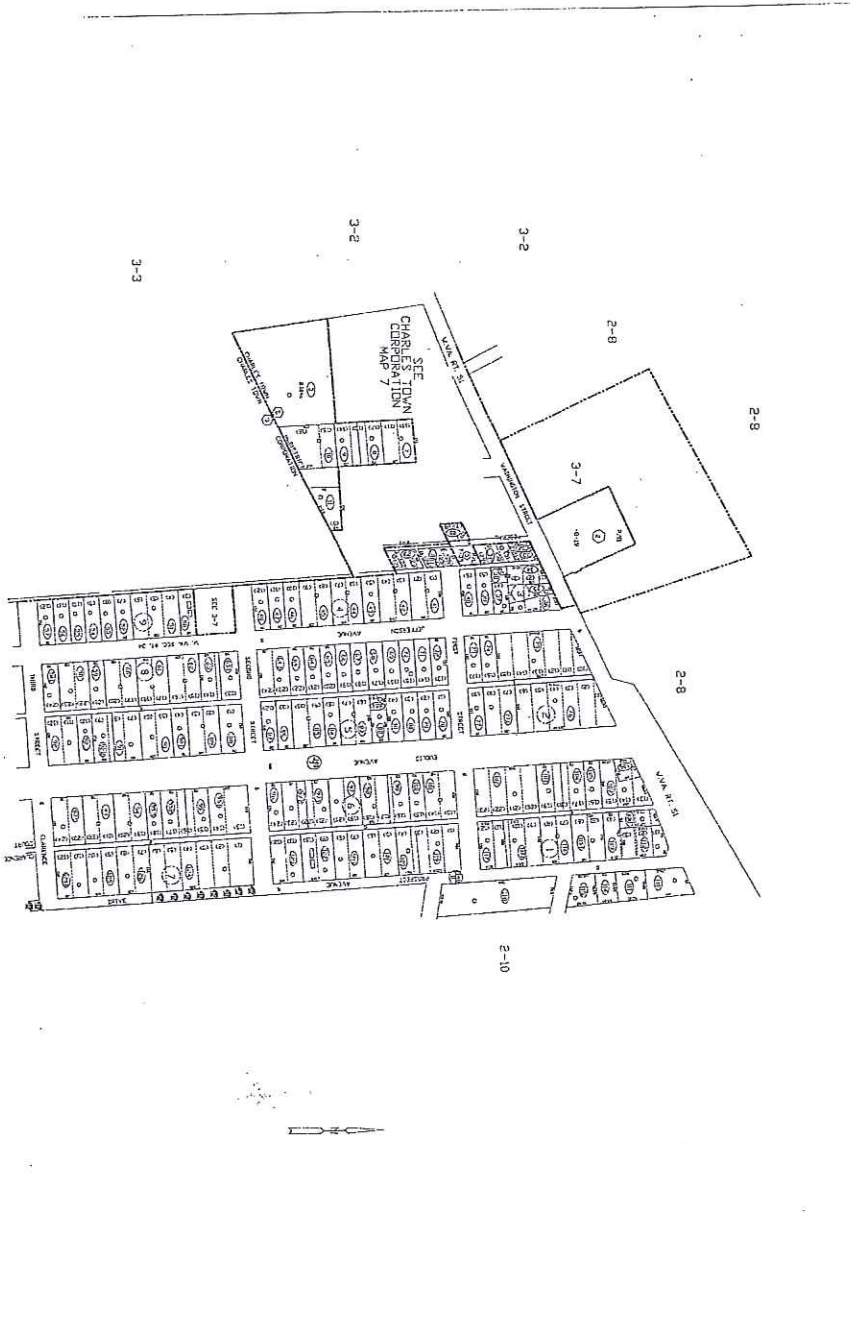


01

EXHIBIT

CONCEPTUAL LAYOUT
CHARLES TOWN TAX DISTRICT

Charles Washington Center
Jefferson County, West Virginia 03/12/2012



2-103

FOR TAX PURPOSES ONLY

JEFFERSON COUNTY ASSESSORS OFFICE

Note: All parcels assessed by the report represent 100% of the parcel's value as of the assessment date (12/31/2023).

REVISIONS	DATE	DESCRIPTION

LEGEND

SYMBOL	DESCRIPTION

SCALE

1" = 100'

COUNTY OF JEFFERSON

OFFICE OF ASSESSOR

CHARLES TOWN, VA

CHARLES TOWN DISTRICT

DISTRICT 2

MAP NUMBER 10A

DATE OF ASSESSMENT: 12/31/2023

BEFORE THE COUNTY COURT OF JEFFERSON COUNTY, WEST VIRGINIA

IN THE MATTER OF: MARTIN WAYNE LOOKINGBILL and
BRENDA DIANE LOOKINGBILL

CASE NO: _____

PETITION FOR CLOSING UNUSED ROADS, STREETS AND TRAVEL WAYS

NOW COMES the Petitioners, Martin Wayne Lookingbill and Brenda Diane Lookingbill, by counsel, David A. Camilletti and for their Petition for Closing Unused Roads, Streets and Travel Ways does say as follows:

1. Pursuant to the provisions of West Virginia Code 7-1-3(h) your Petitioners request that their verified application to close or annul the unused road, street, travel way or alley located between his various properties be filed and scheduled for hearing;

2. The Petitioners are the owners of four (4) parcels of real estate in Charles Town District, Jefferson County, West Virginia, being Parcel 76, Tax Map 10A;

3. The attached plat, dated April 11, 2007, prepared by George E. Nagle and Associates; and the plat dated March 12, 2012, prepared by Gordon and Associates along with the Jefferson County Tax Maps, District 2, Map # 10A, sets forth the four parcels and the unused road, street, travel way or alley to be closed or annulled;

4. The Petitioners state that the portion of the unused road, street, travel way or alley to be closed begins at Washington Street and extends in a southerly direction to a point 255.83 feet from Washington Street.

5. The Petitioners request the closure of the unused road, street, travel way or alley because it has never been opened or traveled;

6. The addition of this closure, to the Petitioner's real estate, would allow the Petitioner

to make improvements to the real estate;

7. The Petitioner avers that the closure would not be prejudicial to the County or State;

8. The closure would assist a local ongoing business in its effort to renovate the property and promote additional rental spaces for businesses;

9. The above mentioned statute allows for the County Court of any county to close and vacate any part or all of any such unused road, street or other designated travel way;

10. Petitioners request that the County Court set this matter for a hearing on the Court's next available date and time.

Respectfully submitted,

Martin Wayne Lookingbill and
Brenda Diane Lookingbill, Petitioners
By Counsel



David A. Camilletti, Esquire
WV State Bar ID No. 599
103 W. Liberty Street
Charles Town, WV 25414
304-725-0937
304-725-1039 facsimile

VERIFICATION

STATE OF MARYLAND,

COUNTY OF CARROLL, to-wit:

I, Martin Wayne Lookingbill, swear and affirm that the information in the above Petition, which has been supplied by me, is the truth to the best of knowledge and belief.

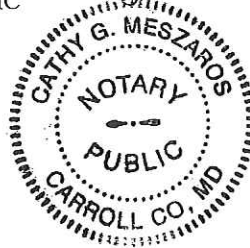
Martin Wayne Lookingbill
Martin Wayne Lookingbill

I, **CATHY G MESZAROS** a Notary in and for the aforesaid County and

State do hereby certify that Martin Wayne Lookingbill, has this day signed his seal to the Petition and Verification on this the 8th day of August, 2012.

Cathy G. Meszaros
NOTARY PUBLIC

My Commission expires: 4-21-2013.



VERIFICATION

STATE OF MARYLAND,

COUNTY OF CARROLL, to-wit:

I, Brenda Diane Lookingbill, swear and affirm that the information in the above Petition, which has been supplied by me, is the truth to the best of knowledge and belief.

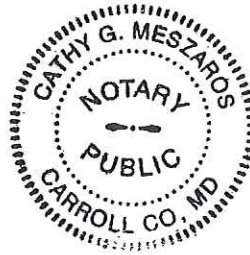
Brenda Diane Lookingbill
Brenda Diane Lookingbill

I, **CATHY G MESZAROS** a Notary in and for the aforesaid County and

State do hereby certify that Brenda Diane Lookingbill, has this day signed her seal to the Petition and Verification on this the 8th day of August, 2012.

Cathy G. Meszaros
NOTARY PUBLIC

My Commission expires: 4-21-2013



NOTES: NO TITLE REPORT FURNISHED FOR THIS SURVEY.

I HEREBY CERTIFY THAT THE POSITION OF EXISTING IMPROVEMENTS SHOWN HEREON HAVE BEEN CAREFULLY ESTABLISHED USING ACCEPTED FIELD PRACTICES.

04/11/07
DATE
GEORGE E. NAGEL
PROFESSIONAL LAND SURVEYOR
WEST VIRGINIA REGISTRATION NUMBER 2083

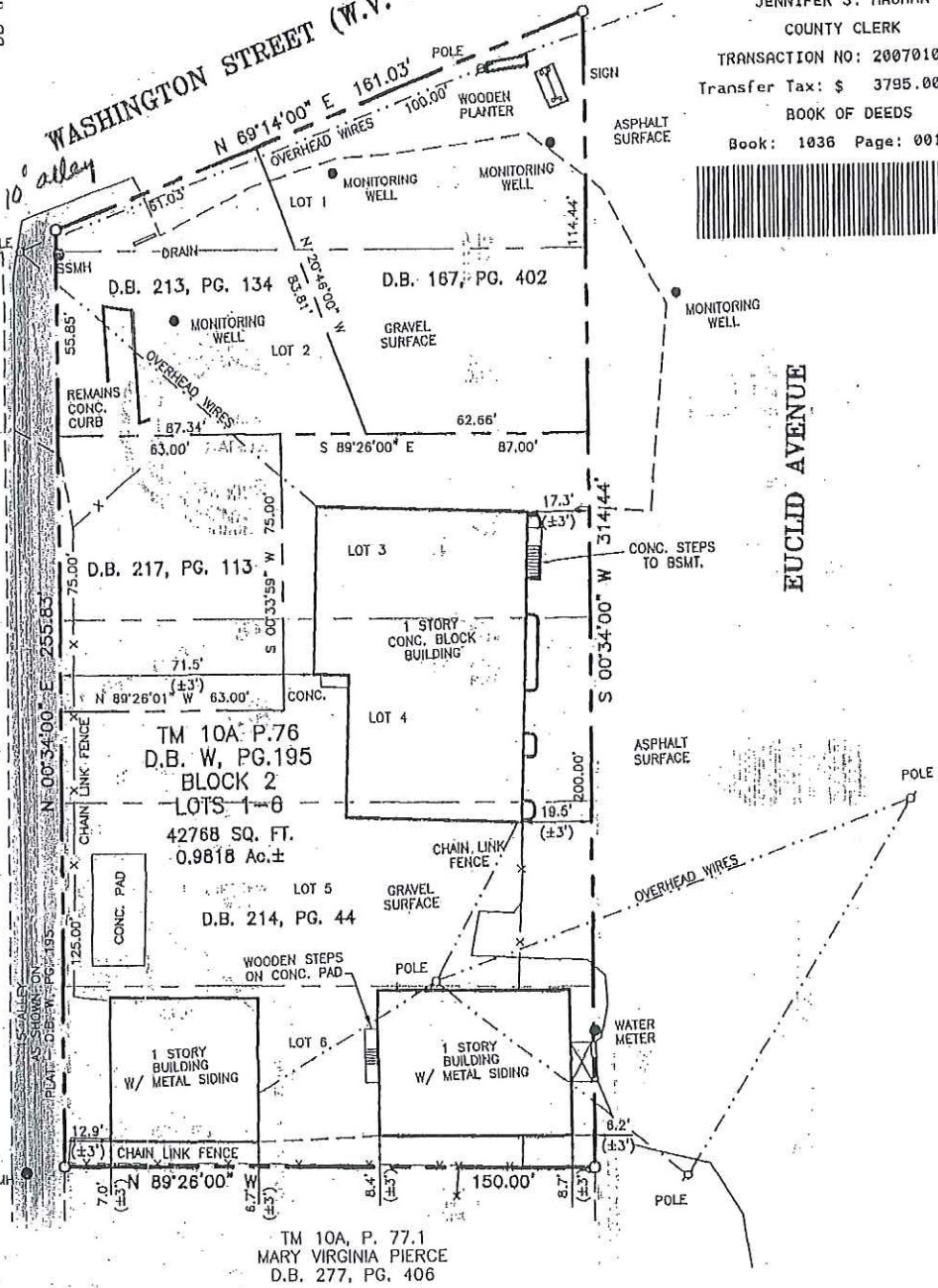


JEFFERSON COUNTY, WV
FILED
May 10, 2007 10:16:59
JENNIFER S. MACHAN
COUNTY CLERK
TRANSACTION NO: 2007010403
Transfer Tax: \$ 3795.00
BOOK OF DEEDS
Book: 1036 Page: 00111



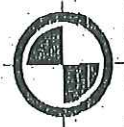
WASHINGTON STREET (W.V. RT. 51)
10' alley

TM 10A, P. 75
THE SOUTHLAND CORP.
D.B. 309, PG. 374



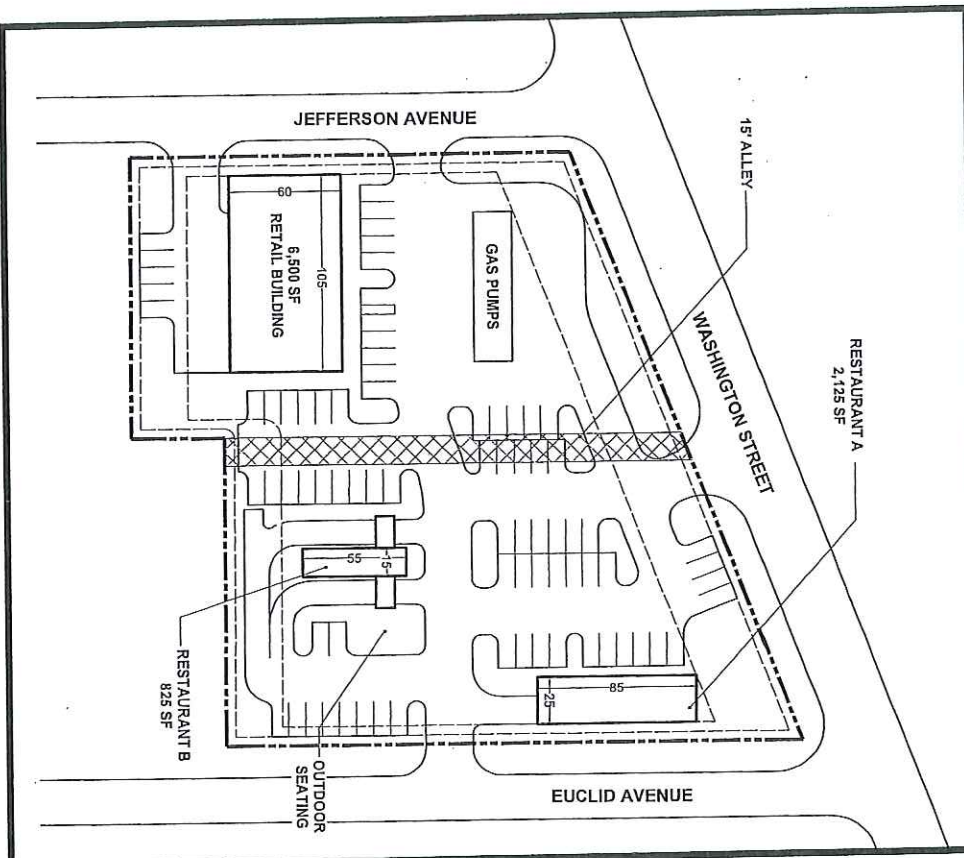
TM 10A, P. 77.1
MARY VIRGINIA PIERCE
D.B. 277, PG. 406

LOCATION SURVEY
FOR
LOTS 1 - 6, BLOCK 2
(PLAT - D.B. W, PG. 195)
CHARLES TOWN DISTRICT
JEFFERSON COUNTY, WEST VIR
SCALE 1"=40' APRIL, 2007

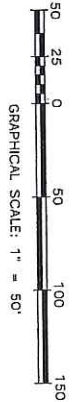


George E. Nagel
& ASSOCIATES, INC.

LAND SURVEYORS
21822 Ringgold Pike | Hagerstown, Maryland 21742
(301) 416-2225 | Fax (301) 416-2738



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 - RESTAURANT B: 825 SF (ASSUMED 1,000 SF OUTDOOR SEATING)
 - RETAIL / COMMERCIAL: 6,500 SF
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1,600 SQUARE FEET (ESTIMATED) = 32 REQUIRED SPACES
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 - COMMERCIAL RETAIL SALES (> 2,000 SQUARE FEET):
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 - TOTAL REQUIRED PARKING = 65 SPACES
 - TOTAL PROVIDED PARKING = 77 SPACES
- YARD / SETBACK REQUIREMENTS:**
- BUILDING:
FRONT = 40 FEET
SIDE = 10 FEET
REAR = 30 FEET
 - PARKING:
5 FEET, TYPICAL
- NOTES:**
1. CONCEPTUAL LAYOUT INCLUDES PARCELS 75 & 76 AS IDENTIFIED ON MAP 104 IN JEFFERSON COUNTY DISTRICT 2.
 2. PER TAX MAP INFORMATION, PARCELS ARE SEPARATED BY 15' ALLEY. THIS LAYOUT ASSUMES THE ON-SITE 15' ALLEY WILL BE VACATED.
 3. PROPERTY IS LOCATED IN THE RESIDENTIAL-LIGHT INDUSTRIAL-COMMERCIAL ZONING DISTRICT OF JEFFERSON COUNTY. CONCEPTUAL DESIGN BASED ON GENERAL COMMERCIAL ZONING DISTRICT REGULATIONS OF THE CITY OF CHARLES TOWN ZONING ORDINANCE.
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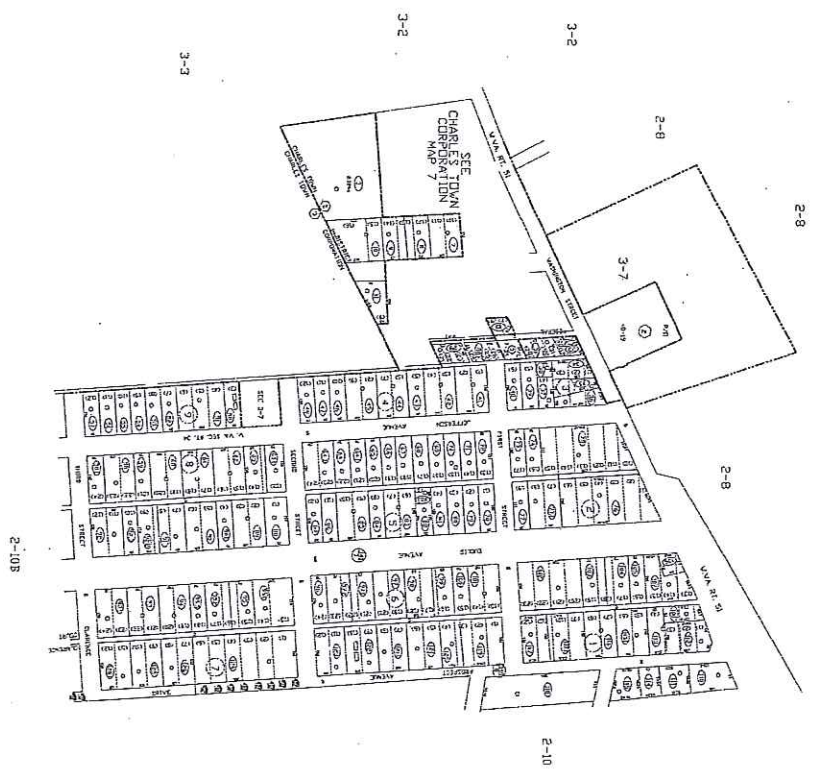


CONCEPTUAL LAYOUT
CHARLES TOWN TAX DISTRICT

Charles Washington Center
Jefferson County, West Virginia 03/12/2012

EXHIBIT
01

FOR TAX PURPOSES ONLY
 JEFFERSON COUNTY ASSESSORS OFFICE
 Note: This map is prepared for the purpose of assessing taxes and is not intended to be used for any other purpose.



LEGEND

Symbol	Description
Circle with dot	Well
Circle with cross	Water
Circle with horizontal lines	Gravel
Circle with vertical lines	Clay
Circle with diagonal lines	Shale
Circle with wavy lines	Sandstone
Circle with dots	Coal
Circle with stars	Gas
Circle with triangles	Oil
Circle with squares	Other

REVISIONS

Revisions shown in this map are those of the assessor's office.

NOTES

1	See map 10A
2	See map 10B
3	See map 10C
4	See map 10D
5	See map 10E
6	See map 10F
7	See map 10G
8	See map 10H
9	See map 10I
10	See map 10J

COUNTY OF JEFFERSON
 OFFICE OF ASSESSOR
 CHARLES TOWN, VA.

CHARLES TOWN DISTRICT
 DISTRICT 2
 MAP NUMBER 10A
 DATE OF PREPARATION: 2018
 DATE OF REVISION: 2018

BEFORE THE COUNTY COURT OF JEFFERSON COUNTY, WEST VIRGINIA

IN THE MATTER OF: MARTIN WAYNE LOOKINGBILL and
BRENDA DIANE LOOKINGBILL

CASE NO. _____

ORDER OF PUBLICATION

The object of the above entitled action is to petition the Court for the closure of the unused road, street, travel way or alley beginning at Washington Street and extends in a southerly direction to a point 255.83 feet from Washington Street. Said unused road, street, travel way or alley is adjacent to four parcels of property owned by the Petitioners located in Charles Town District, Jefferson County, West Virginia, being Parcel 76, Tax Map 10A.


It appearing that such Petition was filed with the Court on or about August ____, 2012, it is therefore ORDERED that on ____ day of _____, 2012 at _____ o'clock a.m/p.m., this matter shall come on for a hearing on the said Petition before the County Commission located at _____ the Jefferson County Library Meeting Room, Charles Town, Jefferson County, West Virginia, of the parties in interest. Any person claiming rights or interest with regard to the closure of said unused road, street, travel way or alley, may appear to the time and place aforesaid to assert any such right or interest.

Entered by Clerk of said Court the ____ day of _____, 2012.

Clerk

Jefferson County Public Service District

To: Jefferson County Commission

From: Susanne Lawton, General Manager, Jefferson County Public Service District 

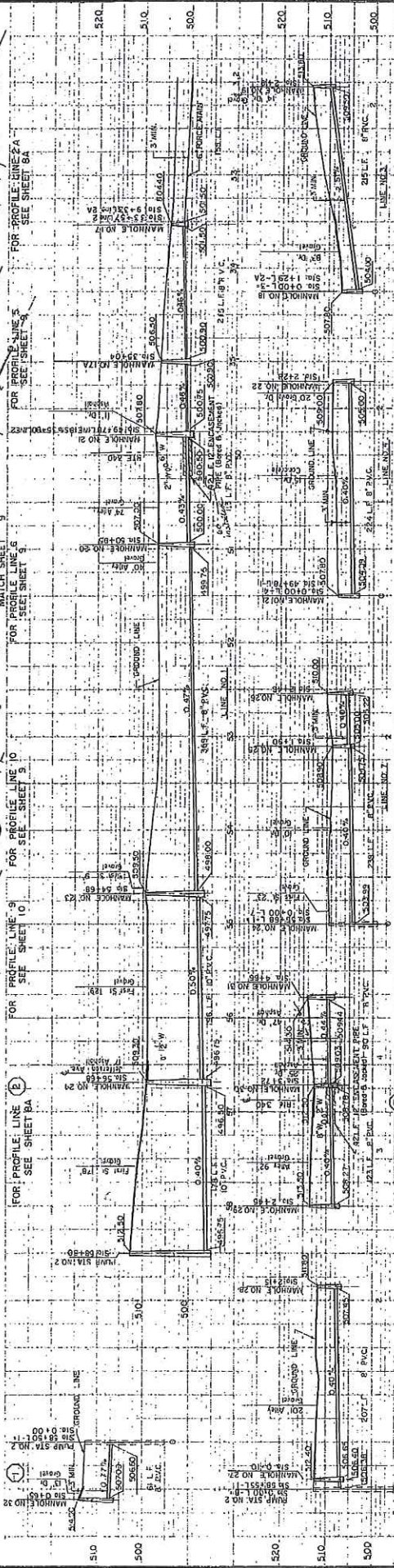
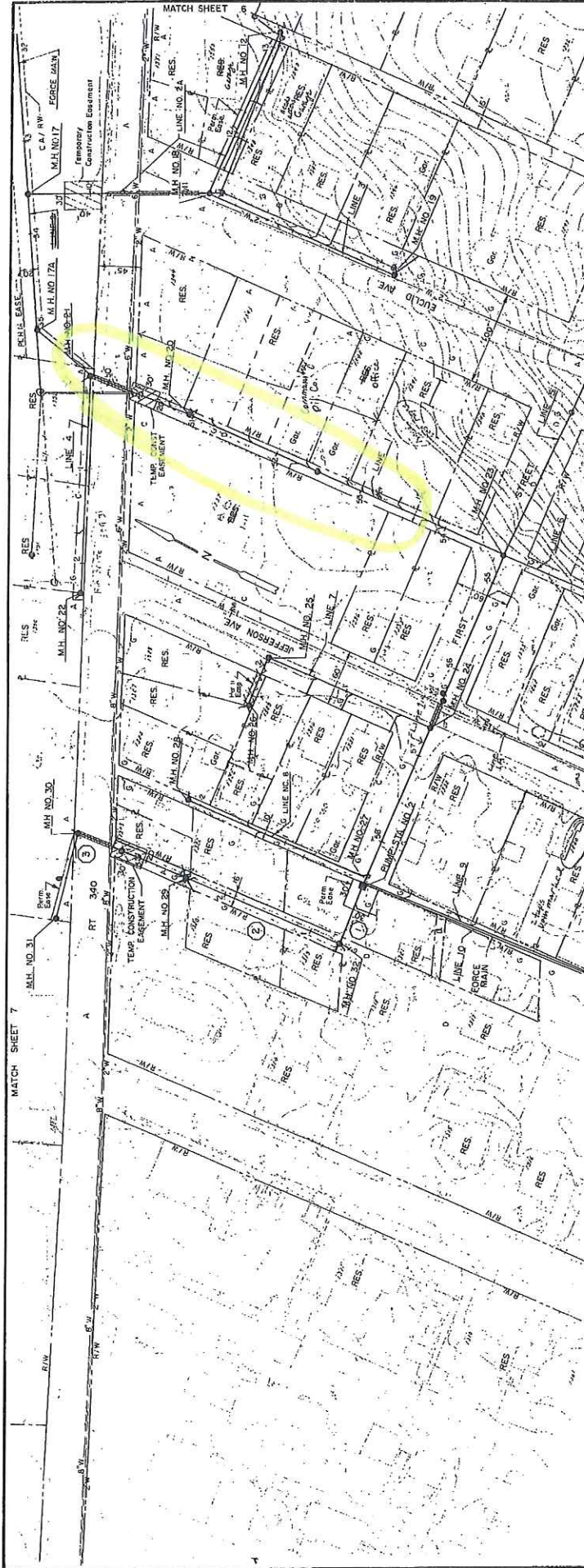
Date: October 31, 2012

Re: November 8, 2012 Hearing on the "Petition for Closing Unused Road, Streets & Travel Ways – Martin and Brenda Lookingbill"

Honorable Commissioners:

The Jefferson County Public Service District has no objection to the proposed upgrade of the properties that are included in this petition, provided that the District's facilities and services are not jeopardized. We understand that the alley does need to be closed off to enable the upgrade to occur. We do though request that if you approve this closing that in your approval it is documented that the District owns a sewer line and two manholes along with a permanent 15' wide easement within the unused alley that must remain accessible and must not be blocked, damaged or have the manholes covered.

I have included a copy of our sewer plan showing the easement and an overhead view with a layer showing our sewer line in reference to the existing buildings. If you would like more information, please contact me.



REVISIONS		DATE APPROVED		DESIGNED		DRAWN		CHECKED		APPROVED		DATE	

JOB NO.	8834	THE JEFFERSON COUNTY
P.F.A. NO.	0-24068	PUBLIC SERVICE DISTRICT
SCALE	AS SHOWN	JEFFERSON CO., WEST VIRGINIA
DATE		ROUTE 340
		SANITARY SEWER SYSTEM

ARCHITECTS ENGINEERS PLANNERS	FINITE
1150 KATHAWA BOULEVARD EAST	
CHARLESTON, WEST VIRGINIA 25301	

INFORMATION/CORRESPONDANCE

NOTICE JEFFERSON COUNTY COMMISSION MEETING SCHEDULE CHANGE

A decision was made at the regular County Commission meeting on Thursday, September 27th, 2012 that effective December 1st, 2012, the Jefferson County Commission will begin a new regular Commission meeting schedule. The Commission will hold its regular meeting at 9:30 a.m. on the first and third Thursday of every month.



Jefferson County Offices will be
closed on
Veteran's Day
Monday, November 12, 2012.

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

Week Ending Date	Week Ending
	October 27, 2012
To be Deposited on:	November 2, 2012
Amount Played	61,680,555.32
Amount Won	55,410,549.21
Amount Promo	216,544.00
MWAP Contribution	<u>4,134.65</u>
Adjusted Gross Terminal Revenue	<u>6,049,327.46</u>
Administrative Costs @ 4%	241,973.10
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>5,807,354.36</u>
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>	<i>0.00</i>
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	<i>0.00</i>
Adjusted Net Terminal Revenue	<u>5,807,354.36</u>
Racetrack @ 46.50% / 42%	2,700,419.78
Lottery Fund @ 30% / 0%	1,742,206.32
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	813,029.61
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	58,073.54
Greyhound Development @ .75%	43,555.16
Thoroughbred Development @ .75%	43,555.16
Racing Commission @ 1%	58,073.54
County/Municipality @ 2%	116,147.08
3% Funds:	
Tourism Promotion Fund @ 1.375%	79,851.12
Development Office Promotion Fund @ .375%	21,777.58
Research Challenge Fund @ .5%	29,036.77
Capitol Renovation and Improvement Fund @ .6875%	39,925.56
2004 Capitol Complex Parking Garage Fund @ .0625%	3,629.60
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	29,036.77
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>29,036.77</u>
	<u>5,807,354.36</u>

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
10/13/12	\$ 121,420.36	\$ 60,710.18	\$ 60,710.18	\$ 4,972.17	\$ 25,012.59	\$ 1,359.91	\$ 21,115.00	\$ 8,250.51
10/20/12	\$ 124,666.16	\$ 62,333.08	\$ 62,333.08	\$ 5,105.08	\$ 25,681.23	\$ 1,396.26	\$ 21,679.44	\$ 8,471.07
10/27/12	\$ 116,147.08	\$ 58,073.54	\$ 58,073.54	\$ 4,756.22	\$ 23,926.30	\$ 1,300.85	\$ 20,197.98	\$ 7,892.19
Subtotal	\$ 2,222,605.32	\$ 1,567,334.40	\$ 655,270.92	\$ 53,666.70	\$ 269,971.61	\$ 14,678.07	\$ 227,903.21	\$ 89,051.33

Benchmark Goal @ 2% \$ 912,063.48

VIDEO LOTTERY REPORT

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	10/13/2012	60,710.18
10/18/2008	80,668.26	10/17/2009	73,560.21	10/16/2010	75,234.62	10/15/2011	75,262.66	10/20/2012	62,333.08
10/25/2008	64,379.44	10/24/2009	67,581.66	10/23/2010	70,290.80	10/22/2011	68,757.72	10/27/2012	58,073.54
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

TOTALS 4403564.04

4041141.56

4016541.01

4124906.8

1567334.4

Table Game Revenue

Date	Amount	Date	Amount	Date	Amount
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		
Total 2010-2011	1297391.7	Total 2011-2012	1602900.84	Total 2011-2012	399441.87

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
Total 2011-2012	4,808,702.50

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

JEFFERSON COUNTY COMMISSION
PUBLIC HEARING NOTICE

The Jefferson County Commission has scheduled a public hearing on a Zoning Map Amendment (Rezoning) for property designated as Tax District: Harpers Ferry, Map: 7, Parcels: 24 and 26. These properties are located on the north side of Route 340 (William L. Wilson Freeway) and to the south side of Route 340/15 (Washington Court) and are a total of 2.39 acres. This property is currently zoned Rural and a request has been made by the owner, the Bank of Charles Town, to change the zoning to Residential/Light Industrial/Commercial.

You may provide oral or written comments at the hearing, **7:00 p.m., Thursday, November 29, 2012, in the Charles Town Library meeting room at 200 East Washington Street**, at the side entrance on Samuel Street. In addition, you may also provide written comments to info@jeffersoncountywv.org or mail to P.O. Box 250, Charles Town, WV 25414, or fax (304) 725-7916.

By Order of the Jefferson County Commission
Patsy Noland, President



October 30, 2012

Jefferson County Commission
PO Box 250
Charles Town, WV 25414

Commissioners,

The Jefferson County Historic Landmarks Commission would like to take this opportunity to express their support for the efforts to obtain a Historic Preservation Development Grant for the Jefferson County Courthouse. The grant funds are to be used to repair the clock tower, roof, soffits, and guttering on the historic building. This needed maintenance will significantly improve the courthouse for all those who visit and work there.

Sincerely,

A handwritten signature in black ink that reads 'Martin Burke'. The signature is written in a cursive style with a large, sweeping 'M' and 'B'.

Martin Burke
Chairman
Jefferson County Historic Landmarks Commission

RECEIVED

NOV 01 2012

Jefferson County Commission

Hero Haven Homeless
Veterans Stand Down
Vocational, Health and Housing Support

Saturday, November 10, 2012

9 a.m. to 2 p.m.

**Martinsburg VA Medical Center
510 Butler Avenue; Martinsburg, WV 25405**

Purpose:

To provide medical screening, employment support and housing services to eligible Homeless veterans as well as to engage Homeless veterans in rehabilitative activities.

Transportation:

Shuttle service will be arranged to the Martinsburg VAMC. Most large missions/shelters in the Martinsburg VAMC catchment areas will be stops on the route. Other locations in the Martinsburg Winchester and Hagerstown community will also be stopping points. Specific routes with times and locations will be provided.

Services:

Health screening: flu shots, blood pressure and weight, Hepatitis C and HIV screening and education, and physical exams.

Consultative services: Ophthalmology, Infectious Disease, Women's Health, Audiology, and Oral Health.

Psycho-social referrals: Substance Abuse Treatment, PTSD, Mental Health Services, and Domiciliary Care for Homeless Veterans.

Housing Services: Representation from Grant and Per Diem Transitional Housing, HUD-VASH, and local community.

Employment Support: Compensated Work Therapy, Vocational Rehabilitation, and Work Force of WV.

Other Services: Veteran Benefits Administration, Vet Centers, Veterans Service Organizations, Legal Aid, Disabled Veterans Committee on Housing and AA and NA Meetings.

Clothing: Clean clothing items will be available

*****Lunches and comfort items will be distributed*****

**For more information or if you would like to provide donation items please contact (304) 263-0811 ext 3835 or
Toll free: 1-800-817-3807 ext 3835**



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505

Earl Ray Tomblin
Governor

Paul A. Mattox, Jr., P. E.
Secretary of Transportation/
Commissioner of Highways

October 25, 2012

To Whom It May Concern:

The Statewide Transportation Improvement Program (STIP) is a financially constrained document required to show planned Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) expenditures for federal fiscal years 2012-2017. One of the requirements to funding any projects with FHWA or FTA funds is that each proposed project undergo a public "review and comment period". Therefore, additions or deletions to the STIP and certain changes to projects currently in the STIP must meet this requirement before federal funds can be obtained. Accordingly, I am again requesting your assistance in making available (to anyone who wishes to review them) the attached listing of proposed amendment to the approved 2012-2017 STIP.

All written comments are to be received no later than November 10, 2012, and should be addressed to:

Mr. Robert L. Pennington, P. E., Director
Program Planning and Administration Division
West Virginia Division of Highways
Building 5, Room A-816
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0430

Should you need additional information, please call (304) 558-3113. Thank you for your assistance in this matter; your efforts are indeed appreciated.

Very truly yours,

Robert L. Pennington, P. E., Director
Program Planning and Administration Division

RLP:Cb

Attachment

cc: Mr. Kevin Burgess, Federal Highway Administration – w/ attachment
Ms. Brigid Hynes-Cherin, Federal Transit Administration – w/ attachment
Ms. Kathleen Zubrzycki, Federal Transit Administration – w/ attachment
Ms. Susan O’Connell, Division of Public Transit – w/ attachment

RECEIVED

NOV 01 2012

Jefferson County Commission

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2012-2017
PROGRAM AMENDMENT FOR 2013**

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	FEDERAL DOLLAR COST	TOTAL PHASE COST	FEDERALCOST CHANGE
PROJECT COMMENTS														
BARBOUR	2013	7		12/28/2012	NHS	CON	US033	BUCKHANNON-ELKINS RD	CONC REPAIR, DIAMOND GRIND	S301 33 ?????	NH0033???	\$1,000,000	\$1,000,000	\$0
ADD NEW PROJECT														
BARBOUR	2013	7		12/28/2012	STP	CON	WV092	KASSON-DENT ROAD	RESURF 2" HMA	S301 92 02506 00	STP0092103D	\$360,000	\$450,000	\$0
ADD NEW PROJECT														
BOONE	2013	1		12/28/2012	STP	CON	WV003	BLOOMINGROSE-COMFORT	RESURF	S303 3 02207 00	STP0003246D	\$704,000	\$880,000	\$0
ADD NEW PROJECT														
BOONE	2013	1		12/28/2012	STP	CON	WV003	RACINE-BLOOMINGROSE	RESURF	S303 3 ?????	STP0003???	\$60,800	\$76,000	\$0
ADD NEW PROJECT														
BRAXTON	2013	7		12/28/2012	STP	CON	WV015	FLATWOODS RUN-NEWVILLE RD	RESURF 1.5" HMA, CONST HMA SHL(S), GDRL	S304 15 00480 00	STP0015092D	\$400,000	\$500,000	\$0
ADD NEW PROJECT														
CALHOUN	2013	3		12/28/2012	STP	CON	US033	CABIN RUN-ARNOLDSBURG	RESURF	S307 33 00368 00	STP0033352D	\$640,000	\$800,000	\$0
ADD NEW PROJECT														
FAYETTE	2013	9		12/28/2012	STP	CON	CO061/24	ARMSTRONG CREEK RD	RESURF	S310 61/24 00000 00	STP6124001D	\$891,200	\$1,114,000	\$0
ADD NEW PROJECT														
GILMER	2013	7		3/28/2013	HSIP	CON	US033	GLENVILLE ROUNDABOUT	CONST ROUNDABOUT	U311 33 01782 00	HSIP0033356D	\$405,000	\$450,000	\$0
ADD NEW PROJECT														
GILMER	2013	7		12/28/2012	STP	CON	WV005	GLENVILLE-BURNSVILLE RD	RESURF 1.5" HMA, CONST HMA SHL(S), GDRL	S311 5 02161 00	STP0005131D	\$340,000	\$425,000	\$0
ADD NEW PROJECT														
GRANT	2013	5		12/28/2012	STP	CON	WV090	BAYARD-GORMANIA RD	RESURF	S312 90 00870 00	STP0090001D	\$652,000	\$815,000	\$0
ADD NEW PROJECT														
GRANT	2013	5		12/28/2012	STP	CON	US050	UNION-BISMARCK RD	RESURF	S312 50 00370 00	STP0050325D	\$200,000	\$250,000	\$0
ADD NEW PROJECT														
GREENBRIER	2013	9		12/28/2012	IM	CON	I064	AIRPORT BRIDGE-KATES MOUNTAIN	RESURF	S313 64 ?????	IM0644???	\$1,400,000	\$1,400,000	\$0
ADD NEW PROJECT														
GREENBRIER	2013	9		12/28/2012	IM	CON	I064	LEWISBURG-HARTS RUN RD	HPTO, MILL, CONCRETE REPAIRS	S313 64 ?????	IM0644???	\$2,000,000	\$2,000,000	\$0
ADD NEW PROJECT														

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2012-2017
PROGRAM AMENDMENT FOR 2013**

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	FEDERAL DOLLAR COST	TOTAL PHASE COST	FEDERAL COST CHANGE
PROJECT COMMENTS														
GREENBRIER	2013	9		12/28/2012	STP	CON	CO060	SAM BLACK RD I/C	RESURF	S313 60 01484 00	STP0060278D	\$898,400	\$1,123,000	\$0
ADD NEW PROJECT														
GREENBRIER	2013	9		12/28/2012	STP	CON	WV092	WHITE SULPHUR SPRINGS-LITTLE CREEK	MICROSURFACING	S313 92 ??????	STP00927???	\$596,800	\$746,000	\$0
ADD NEW PROJECT														
HAMPSHIRE	2013	5		4/28/2013	HSIP	CON	US050	HAMPSHIRE COUNTY HIGH SCHOOL	CONST ROUNDABOUT	U314 50 01218 00	HSIP0050324D	\$360,000	\$400,000	\$0
ADD NEW PROJECT														
HAMPSHIRE	2013	5		12/28/2012	STP	CON	WV127	WV 127	MICROSURFACE	S314 127 ??????	STP0127???	\$342,400	\$428,000	\$0
ADD NEW PROJECT														
HARDY	2013	5		12/28/2012	NHS	CON	WV048	WV 48	ULTRA-THIN O/L	S316 48 ??????	NH0048???	\$535,000	\$535,000	\$0
ADD NEW PROJECT														
HARRISON	2013	4		12/28/2012	IM	CON	I079	SALTWELL-BOOTHSVILLE (WARRANTY)	RESURF(1.5")	S317 79 ??????	IM0792???	\$2,700,000	\$2,700,000	\$0
ADD NEW PROJECT														
LEWIS	2013	7		12/28/2012	STP	CON	US019	WALKERSVILLE-WESTON RD	RESURF 1.5" HMA, CONST HMA SHL(S), GDRL	S321 19 00651 00	STP0019386D	\$320,000	\$400,000	\$0
ADD NEW PROJECT														
LEWIS	2013	7		12/28/2012	NHS	CON	US033	WESTON-BUCKHANNON RD	1.5" SUPER, PG 76-22 BINDER	S321 33 ??????	NH0033???	\$1,900,000	\$1,900,000	\$0
ADD NEW PROJECT														
LINCOLN	2013	2		12/28/2012	STP	CON	WV034	HAMLIN-BOWLES	MICROSURFACE	S322 34 00234 00	STP0034071D	\$160,000	\$200,000	\$0
ADD NEW PROJECT														
LINCOLN	2013	2		12/28/2012	STP	CON	WV214	PRIESTLY-KANAWHA CO LI	RESURF	S322 214 00892 00	STP0214022D	\$480,000	\$600,000	\$0
ADD NEW PROJECT (RE-PURPOSED EARKMARK)														
LINCOLN	2013	2		12/28/2012	STP	CON	WV010	WEST HAMLIN-WV 3	RESURF (1.5" HMA)	S322 10 02717 00	STP0010239D	\$192,000	\$240,000	\$0
ADD NEW PROJECT														
LOGAN	2013	2		12/28/2012	NHS	CON	US119	GASTON CAPERTON RD-HOLDEN	RESURF(1.5" SUPER), GDRL	S323 119 ??????	NH0119???	\$3,150,000	\$3,150,000	\$0
ADD NEW PROJECT														
LOGAN	2013	2		1/28/2013	BR	ENG	WV010	SFC TERRANCE N GENTRY MEM BR	6 YR BR INSP	T623 10 00864 00	BR0010237D	\$480,000	\$600,000	\$0
ADD NEW PROJECT														

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2012-2017
PROGRAM AMENDMENT FOR 2013**

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	FEDERAL DOLLAR COST	TOTAL PHASE COST	FEDERAL COST CHANGE
PROJECT COMMENTS														
MASON	2013	1		12/28/2012	NHS	CON	WV002	EIGHTEEN MI-ASHTON	RESURF	S327 2 00315 00	NH0002533D	\$270,400	\$338,000	\$0
ADD NEW PROJECT														
MASON	2013	1		12/28/2012	NHS	CON	WV002	GILL RD-CLAYLICK RUN	RESURF	S327 2 ?????	NH0002????	\$400,000	\$500,000	\$0
ADD NEW PROJECT (RE-PURPOSED EARMARK)														
MCDOWELL	2013	10		12/28/2012	STP	CON	WV161	BISHOP-HORSEPEN RD	RESURF	S324 161 ?????	STP0161????	\$411,200	\$514,000	\$0
ADD NEW PROJECT														
MERCER	2013	10		12/28/2012	STP	CON	WV010	LASHMEET-MATOAKA RD	RESURF (1.5" HMA)	S328 10 00151 00	STP0010238D	\$930,400	\$1,163,000	\$0
ADD NEW PROJECT														
MINERAL	2013	5		12/28/2012	STP	CON	WV046	FOUNTAIN-CABIN RUN RD	RESURF	S329 46 02293 00	STP0046046D	\$560,000	\$700,000	\$0
ADD NEW PROJECT														
RALEIGH	2013	10		12/28/2012	STP	CON	US019	GHENT-COOL RIDGE RD	RESURF 1.5" SKID	S341 19 00354 00	STP0019388D	\$800,000	\$1,000,000	\$0
ADD NEW PROJECT														
RANDOLPH	2013	8		12/28/2012	NHS	CON	US219	ELKWATER-HUTTONSVILLE RD	MICROSURFACE	S342 219 ?????	NH0219????	\$560,000	\$700,000	\$0
ADD NEW PROJECT														
RANDOLPH	2013	8		12/28/2012	STP	CON	US033	HARMAN-PENDLETON CO LN	RESURFACE HMA	S342 33 03252 00	STP0033351D	\$957,600	\$1,197,000	\$0
ADD NEW PROJECT														
RANDOLPH	2013	8		12/28/2012	STP	CON	WV092	HARRISON AVENUE	RESURF	S342 92 03339 00	STP0092104D	\$200,000	\$250,000	\$0
ADD NEW PROJECT														
RANDOLPH	2013	8		12/28/2012	HSIP	CON	CO025	KELLY MOUNTAIN CURVE	WIDEN CURVE	U342 25 00794 00	HSIP0025119D	\$67,500	\$75,000	\$0
CANCEL PROJECT - TO BE FUNDED W/ OCRO														
RANDOLPH	2013	8		12/28/2012	NHS	CON	US219	LOGAN RUN-VALLEY HEAD RD	RESURF	S342 219 00606 00	NH0219329D	\$616,000	\$770,000	\$0
ADD NEW PROJECT														
ROANE	2013	3		12/28/2012	STP	CON	US033	COLT RIDGE-SPENCER	RESURF	S344 33 00974 00	STP0033353D	\$640,000	\$800,000	\$0
ADD NEW PROJECT														
SUMMERS	2013	10		12/28/2012	IM	CON	1064	GREEN SULPHUR-DAWSON	REP CONC SLABS, DIAMOND GRIND	S345 64 ?????	IM0644????	\$1,400,000	-\$1,400,000	\$0
ADD NEW PROJECT														

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2012-2017
PROGRAM AMENDMENT FOR 2013**

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	FEDERAL DOLLAR COST	TOTAL PHASE COST	FEDERAL COST CHANGE
PROJECT COMMENTS														
SUMMERS	2013	9		12/28/2012	STP	CON	CO003	WILLOWOOD-CONCRETE PLANT	RESURF	S345 3 01217 00	STP0003245D	\$754,400	\$943,000	\$0
ADD NEW PROJECT														
TUCKER	2013	8		10/28/2012	HSIP	CON	CO219/07	BROOKLYN HEIGHTS RD	ADD RT TN LN, DRAINAGE	U347 219/7 00000 00	HSIP2197001D	\$40,000	\$50,000	\$0
CANCEL PROJECT - TO BE FUNDED W/ OCRO														
TYLER	2013	6		12/28/2012	STP	CON	WV018	CENTERVILLE-BLUE RD	RESURF	S348 18 00840 00	STP0018130D	\$381,600	\$477,000	\$0
ADD NEW PROJECT														
UPSHUR	2013	7		12/28/2012	STP	CON	US119	BUCKHANNON-CLARKSBURG RD	RESURF (1.5"), PG 76-22 BINDER	S349 119 ?????	STP0119????	\$800,000	\$1,000,000	\$0
ADD NEW PROJECT														
UPSHUR	2013	7		12/28/2012	NHS	CON	US033	BUCKHANNON-ELKINS RD	CONC REPAIR, DIAMOND GRIND	S349 33 ?????	NH0033????	\$2,600,000	\$2,600,000	\$0
ADD NEW PROJECT														
UPSHUR	2013	7		12/28/2012	STP	CON	WV020	HODGESVILLE-PEELTREE RD	RESURF 1.5" HMA, CONST HMA SHL(S), GDRL	S349 20 03255 00	STP0020295D	\$320,000	\$400,000	\$0
ADD NEW PROJECT														
WEBSTER	2013	7		12/28/2012	STP	CON	WV020	CAMDEN RD	RESURF	S351 20 00307 00	STP0020296D	\$168,000	\$210,000	\$0
ADD NEW PROJECT														
WETZEL	2013	6		12/28/2012	STP	CON	WV007	ONIS-ROCKY RUN RD	RESURF	S352 7 02057 00	STP0007242D	\$440,000	\$550,000	\$0
ADD NEW PROJECT														
WIRT	2013	3		12/28/2012	STP	CON	WV005	CHERRY-BURNING SPRINGS	RESURF	S353 5 00485 00	STP0005132D	\$760,000	\$950,000	\$0
ADD NEW PROJECT														
WYOMING	2013	10		11/28/2012	EARMARK	ROW	WV121	E CO 12/1-W HELEN	GR,DR	X355 121 01665 00	HPP0121013	\$1,260,133	\$1,260,133	\$0
REPURPOSED EARMARK - SUPPLEMENT AUTHORIZED ROW PHASE														
WYOMING	2013	10		11/28/2012	EARMARK	ROW	WV121	E CO 12/1-W HELEN (TIGER)	GR,DR	X355 121 01665 00	HPP0121013	\$5,000,000	\$5,000,000	\$0
TIGER GRANT - SUPPLEMENT AUTHORIZED ROW PHASE														
WYOMING	2013	10		12/28/2012	STP	CON	WV054	MABEN-RALEIGH CO LI	MICROSURFACE	S355 54 ?????	STP0054????	\$520,000	\$650,000	\$0
ADD NEW PROJECT														
WYOMING	2013	10		12/28/2012	NHS	CON	WV16	WOLFPEN-PINEVILLE RD	RESURF	S355 16 00911 00	NH0016244D	\$400,000	\$500,000	\$0
ADD NEW PROJECT														

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2012-2017
PROGRAM AMENDMENT FOR 2013**

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	FEDERAL DOLLAR COST	TOTAL PHASE COST	FEDERAL COST CHANGE
PROJECT COMMENTS														
STATEWIDE	2013	99		11/28/2012	STP	CON	NA999	CAT 10 LMC O/L STATEWIDE	STATEWIDE LMC O/L	A399 E30 ?????	NHST9999???	\$4,220,000	\$5,275,000	\$0
ADD NEW PROJECT														
STATEWIDE	2013	99		12/28/2012	HSIP	CON	NA999	INCIDENT MANAGEMENT	INCIDENT MANAGEMENT	T699 ?????	HSIP???	\$200,000	\$250,000	\$0
ADD NEW PROJECT														

Jail rate cut to equal big savings

■ Board OKs 55-cent per diem reduction; counties, state agencies expected to save up to \$900,000

By JARED HUNT
DAILY MAIL CAPITOL REPORTER

West Virginia counties stand to save at least \$516,000 annually once a 55-cent-a-day cut in the state's regional jail per diem takes effect next year.

The state Regional Jail and Cor-

rectional Facility Authority Board unanimously approved the rate reduction during its quarterly meeting in Charleston Thursday.

Whenever someone is sent to jail, the Regional Jail Authority bills some entity — be it a city, county, or state government — a daily charge for housing that inmate.

The current rate is \$48.80 a day. Beginning July 1, 2013, that rate will drop to \$48.25.

Counties and state agencies could save nearly \$900,000 as a result of the cut.

"It will put \$516,000 back into the pockets of the counties, and \$381,000 back into the pocket of the state of West Virginia and the (Division of Corrections) by reducing that per diem 55 cents-per-day," said Joe DeLong, director of the Regional Jail Authority.

It's welcome news for local officials across the state.

With tight budgets and growing jail populations, counties have been pushing hard to find a way to bring their jail bills down.

Braxton County Commissioner

Gary Ellyson, a member of the Regional Jail Authority board, said his county's jail bill rose 58 percent between 2010 and 2012. Board chairman and Wood County Sheriff Jeff Sandy said his county's jail bill went up from \$1.6 to \$2 million over the same time frame.

Kanawha County has budgeted about \$5 million for jail payments this year. Officials estimate the rate change will trim at least \$56,000 in costs from the county's 2014 budget.

"This is welcome relief,"
County Commission President

Kent Carper said.

Carper said the rate cut isn't just a good thing for county governments, but for local taxpayers

"It's a tax cut," Carper said. "Why do I say it's a tax cut? Because, in the end, who eventually pays the jail bills: the taxpayers. And now this is less money that they're going to have to pay."

While the reduction is a good thing, the board did use a loose interpretation of state laws to calculate the new rate.

■ Turn to JAIL/2C

Jail

▲ Continued from 1C

Regional Jail Authority director Joe DeLong said under state code, the jail authority is supposed to take its yearly estimated operating costs and divide it by the average number of inmates from the prior year to come up with the per diem rate.

But DeLong said that formula presents two problems.

The first is that it does not account for growth in the jail population. Over the 2012 budget year, regional jails averaged over 4,600 inmates. Today, population totals are pushing 5,000.

Also, the formula does not take

into account millions of dollars in revenue jails receive through commissary and other operations, as well as court fees collected from various counties.

DeLong said if the board strictly followed formula explained in statute, instead of lowering rates to \$48.25, they would have had to raise the rate sharply to \$51.62.

Not only would that be bad for counties and give the authority far more revenue than it needs, but DeLong said the surplus revenue would also violate other state laws limiting how much excess revenue the authority is allowed to keep.

"I don't see any reason for us to be building up cash reserves that, quite frankly, we are not supposed to have and that we don't need,"

he said.

DeLong said jail officials were "intentionally conservative" in crafting the new rate. While they included all of the other revenue to craft the formula, they still used prior year inmate totals to craft the rate.

With growing population and other cost-saving programs currently under way, DeLong said he believed the authority could lower the rate again next year.

"I really believe we're really going to be sitting in a room similar to this a year from now and that 55 cents per day reduction is going to be more as we continue in our efforts," he said.

Contact writer Jared Hunt at jared.hunt@dailymail.com or 304-348-5148.

To:
ALL
COMMISSIONERS
&
SHERIFFS
From: WVACO



NEWS RELEASE

For Release:
October 24, 2012

Media Contact:
Vivian Parsons 304.345.4639
Vivian@ccawv.org

County Commissioners across West Virginia Gather for Jail Costs Summit

Charleston, WV – On October 14th and 15th, thirty-eight County Commissioners and staff from 22 counties came together with staff from the County Commissioners' Association of WV (CCAWV) and WV Regional Jail Authority Executive Director, Joe DeLong to discuss county concerns and solutions to the increasing costs for incarcerating inmates in regional jails. According to Vivian Parsons, CCAWV's Executive Director, rising jail costs is the top 2013 legislative priority for county commissioners. "It is imperative for this group to find financial relief for counties, otherwise rising costs due to inmate population is going to have far reaching financial consequences. This issue, if not addressed locally and legislatively, will force Commissions across the state to make cuts to important county services" said Chris Tatum, Cabell County Administrator and Chairman of the CCAWV Regional Jail Steering Committee.

During this 2 day summit in Harrison County a list of over 30 issues and concerns were presented and after much discussion and lively debate, the following top priorities emerged:

Priority Jail Cost Issues for 2013

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

(Requiring "Skin-in-the-Game," the arresting officers' entity pays first day's per diem)

3. Support proposed changes to statute regarding RJA's personnel budgeting requirements and limited latitude in calculating per diem formula.

4. Support 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.

Further, the CCAWV committed to regional training efforts to share jail cost containment "Best Practices" among the Association membership.

Finally the group established 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, Fayette 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 outlined by the group, 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 financial relief stemming from the costs associated with incarcerating inmates in the West Virginia regional jail system. The newly formed committee set **November 19, 2012**, for their first conference call meeting.

#

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

--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 3rd 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)

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, Fayette 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.

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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

(Requiring "Skin-in-the-Game," the arresting officers' entity pays first day's per diem)

3. Support proposed changes to statute regarding RJA's personnel budgeting requirements and limited latitude in calculating per diem formula.

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



2309 Washington Street, East
 Charleston, West Virginia 25311
 Phone (304) 345-4639
 Fax (304) 348-3512
info@ccawv.org

"County Government Working for You"

County Commissioners' Association 2012 Regional Meeting Agenda

Welcome – from Host County

Self-Introductions

Legislative Strategies

- Importance of Participation/ CCAWV Legislative Timeline
 - Weekly Legislative Conference Calls

CCAWV's 2013 Legislative Platform & Positions

- CCAWV Jail Costs Summit / CCAWV Regional Jail Steering Committee
 - Justice Reinvestment in WV / Council of State Governments
 - WV Broadband Council / e-Government Subcommittee
 - Governor's Blue Ribbon Highway Commission
 - Governor's Substance Abuse Task Force
 - WV Counties Risk Management Pool
 - Other issues

Roundtable Discussion...

What's going on in your county?

- Issues from participating Legislators
- Issues from participating County Commissioners

Association Meeting Dates

Basic Training for Newly Elected and Veteran County Commissioners – November 28-30, 2012 – Best Western Hotel, Harrison County

CCAWV Legislative Conference February 24-26, 2013 – Marriott Hotel, Charleston, WV

CCAWV Annual Meeting – August 4-7, 2013 – Stonewall Resort, Lewis County, WV

Vivian Parsons, Executive Director

Visit our web site www.ccawv.org

CCAWV Legislative Roundtable Meetings - 2012 Meeting Schedule

Regions	County Hosts, Time, & Location
<u>Region 1</u> Gilmer, Lewis, Upshur, Braxton, Nicholas, Webster, Fayette, Clay	Fayette County December 14, 2012 1:00 p.m. - 3:00 p.m. Fayette County Courthouse
<u>Region 2</u> Doddridge, Calhoun, Wirt, Pleasants, Wood, Ritchie, Tyler, Roane, Mason, Putnam, & Jackson	Jackson County December 17, 2012 2:00 p.m. - 4:00 p.m. Jackson County Courthouse
<u>Region 3</u> Logan, Wayne, Mingo, Cabell, Lincoln, Kanawha & Boone	Logan County December 19, 2012 12:00 p.m.-3:00 p.m. Chief Logan State Park Lunch Provided
<u>Region 4</u> Grant, Mineral, Hampshire, Hardy, Tucker, Pendleton, Randolph & Pocahontas	Randolph County November 14, 2012 12:00 p.m. - 3:00 p.m. Rail Yard Restaurant Town Square, Elkins Lunch Provided
<u>Region 5</u> Berkeley, Morgan, & Jefferson	Berkeley County December 3, 2012 9:00 a.m. Blue Ridge Community Technical College 13650 Apple Harvest Drive, Martinsburg
<u>Region 6</u> Raleigh, Summers, Mercer, Monroe, Wyoming, McDowell, Greenbrier	Monroe County December 13, 2012 1:00 p.m.-3:00 p.m. County Courthouse
<u>Region 7</u> Harrison, Monongalia, Preston, Barbour, Marion, & Taylor	Preston County December 6, 2012 1:00 p.m. - 3:00 p.m. County Courthouse
<u>Region 8</u> Marshall, Brooke, Ohio, Hancock, & Wetzel	Wetzel County December 5, 2012 6:00 p.m. - 8:00 p.m. Quinet's (court) Restaurant



2309 Washington Street, East
Charleston, WV 25311
E-mail: info@ccawv.org
Phone: (304) 345-4639
Fax: (304) 346-3512

October 17, 2012

Dear County Commissioners, Administrators, & Staff:

Plans are underway for this year's 8 regional meetings to be held across the state during the next few weeks. These meetings will be informal, round table type meetings, with 5-7 counties invited to each one. We will discuss the legislative priorities adopted by the County Commissioners' Association's Legislative Committee and Board of Directors on September 16, 2012 in Charles Town, WV.

Along with the legislative agenda, we will discuss other concerns, problems or ideas you may have. Sometimes the best solutions are just next door! The meetings will be small in number to encourage everyone's participation. Light refreshments will be provided.

I ask that you call your legislators and invite them to join us in these informal meetings. Having our legislators present will give you the opportunity to let them know how important these legislative issues are to your county. A personal invitation from you is better received than an invitation from this office. You are their constituents, and your needs and concerns are important to them. I will follow up with a reminder to all legislators.

I have enclosed a list of the 8 regional meetings, date, time and location of each. Please take a moment to fill out the registration form below to let us know which meeting you can attend. (If for some reason you can not make your county's scheduled meeting, feel free to join us at one of the other meetings that works better for you.) I need to let the host counties know approximately how many to expect. Please fax your response to (304) 346-3512 as soon as possible. Don't forget to invite your legislators! Please call Jennifer Webb at (304) 345-4539 or e-mail her at jennifer@ccawv.org if you have any questions. Thanks.

Name-Title _____		County _____	
I will attend Regional Meeting # _____		Location _____	
Day Phone _____			
I have contacted the following legislators who will attend: _____			



RECEIVED

OCT 8 1 2012

Jefferson County Commission

October 25, 2012

VIA USPS

Information Request for the Pre-Application Document for
Relicensing of the Millville Hydroelectric Project, FERC No. 2343

Dear Recipient:

The Millville Hydroelectric Project (Project) is located on the Shenandoah River in Jefferson County, West Virginia (see attached map) and is owned by Allegheny Energy Supply, LLC (AES or Licensee). The Project currently holds a license from the Federal Energy Regulatory Commission (FERC) which expires in December 2017. This letter is to inform you that within the next several weeks, AES will be initiating the relicensing process by filing a Notification of Intent (NOI) to relicense the Project and concurrently filing a Pre-Application Document (PAD) summarizing existing information about the Project and environmental resources. At that time, the Licensee will provide an electronic copy to you and other potential stakeholders for review.

Within sixty days of the Licensee filing the NOI and PAD, FERC will issue a Scoping Document to potential stakeholders describing the upcoming environmental assessment of the Project and seeking input relevant to the assessment. Thirty days after the Scoping Document is issued, FERC will hold a public Scoping Meeting which will likely be held in Harpers Ferry, WV. You and other stakeholders may provide comments and request that the Licensee conduct studies that may be useful to evaluate the effect of the Project on environmental resources during the Scoping meeting or in writing within 30 days of the meeting. More information regarding this process, as well as a schedule for the rest of the relicensing, will be provided in the PAD.

The Millville Project has a rated generating capacity of 2.84 MW, and is operated as run-of-river with no impoundment fluctuation. The headpond is maintained at an elevation such that a veil of water continuously overtops the length of the dam to satisfy the 200 cubic feet per second (cfs) minimum flow requirement. When incoming flows are in excess of the 200 cfs minimum flow requirement and the minimum turbine operating flow, generation commences using the remaining available flows. When incoming flows exceed the combined capacity of the three turbines, estimated to be 1,970 cfs, excess flows are passed over the spillway dam. A more detailed project description, as well as a description of the environmental resources at the Project, will be provided in the PAD.

October 25, 2012

2.

We look forward to working with you throughout the relicensing process for the Millville Project. If you have any questions regarding the Project or the relicensing process at this time, please contact me at 717.983.4056 or Laura.Cowan@KleinschmidtUSA.com.

Sincerely,

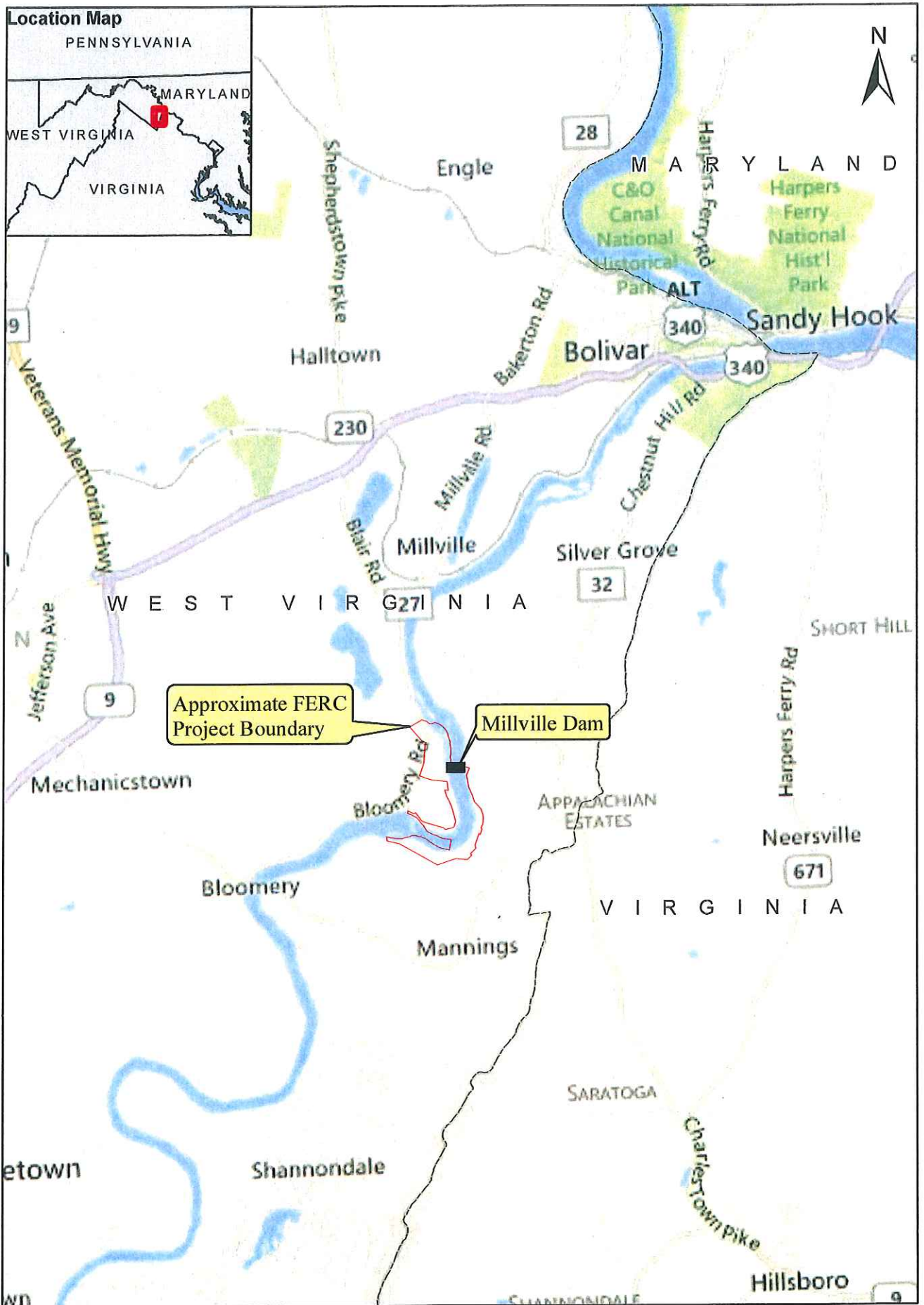
KLEINSCHMIDT ASSOCIATES



Laura J. Cowan
Project Manager

LJC:KLJ

Attachment: Outline Map of Project Location



Attachment - Location of Millville Hydroelectric Project



891 Auto Parts Place Box 136
Martinsburg, WV 25403
304.262.4424
866-332-2906 (fax)
www.commav.org
ending violence...one home at a time

October 24, 2012

Ms. Sandra McDonald
Deputy County Administrator
Jefferson County Commission
P. O. Box 250
Charles Town, WV 25414

Dear Ms. McDonald:

We are in receipt of check 68326 for \$3,000, which represents the 2012-2013 funds allocation from the County Commission.

The funds will be used to continue our work to end family violence in Jefferson County, specifically to again subsidize the class fees of under- and unemployed participants. While the employment status of these participants has improved, half of our 20 Jefferson County clients are without work. We desire to continue to offer the abuser intervention that is so critically needed, and the Commission's grant has assured that this will happen for the coming year.

We appreciate your recognition that Jefferson County places family violence high on their agenda. This recognition is a model for the community and a motivator to have others join the cause!

Sincerely,

Carolyn Zdziera
Executive Director

JEFFERSON COUNTY, WEST VIRGINIA

Engineering Department

116 East Washington Street

P.O. Box 716

Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

Email: engineering@jeffersoncountywv.org

MEMORANDUM

TO: SANDY SLUSHER McDONALD, DEPUTY COUNTY ADMINISTRATOR
JEFFERSON COUNTY COMMISSION

FROM: ROGER L. GOODWIN, CHIEF COUNTY ENGINEER
ENGINEERING DEPARTMENT

Roger Goodwin/rfb

DATE: OCTOBER 29, 2012

SUBJECT: AUTOMATED MERCHANDISING SYSTEMS, INC. - FILE #S12-05

Please find enclosed the bond(s) and security for the following project(s):

Automated Merchandising Systems, Inc. – AMS Building Expansion File #S12-05, which is secured by Cash-in-Escrow with United Bank located in Charles Town, West Virginia in the amount of \$192,605.00.

The bond(s) is in compliance with the County Bonding Policy. If you have any questions, please give me a call.

RLG:rfb

JEFFERSON COUNTY, WEST VIRGINIA

Engineering Department

116 East Washington Street

P.O. Box 716

Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

Email: engineering@jeffersoncountywv.org

MEMORANDUM

TO: SANDY SLUSHER McDONALD, DEPUTY COUNTY ADMINISTRATOR
JEFFERSON COUNTY COMMISSION

FROM: ROGER L. GOODWIN, CHIEF COUNTY ENGINEER
ENGINEERING DEPARTMENT

RLG/rfb

DATE: OCTOBER 29, 2012

SUBJECT: McLUCKY, LLC - FILE #S11-16

Please find enclosed the construction bond(s) and security for the following project:

McLucky, LLC – McLucky LLC Minor Site Development Plan (File #S11-16), which is secured by Letter of Credit #1769 with First Bank, Strasburg, Virginia in the amount of \$51,935.00.

The bond(s) is in compliance with the County Bonding Policy. If you have any questions, please give me a call.

RLG:rfb

RECEIVED

OCT 31 2012

Jefferson County Commission

Dear Commissioners Noland, Manuel, Pellish,
Morgan, and Widmyer,

Thank you for your unanimous request for a public meeting with the Division of Highways to discuss our concerns about the proposed route for US-340 south of Charles Town. While we fully support the expansion of US-340, we hope that DOT will revisit its previously-discarded alternative or develop new ones in consideration of recent development in the Rippon area. Regardless of the State of West Virginia's final decision, we are pleased with and grateful for your attempts to prevent a similar situation from arising in Jefferson County again.

Sincerely, Ryans Glen US-340 Committee

Finances after the Election!

Martinsburg-Berkeley County Public Libraries

Invites you to meet the First Family
of Finance Ken & Daria Dolan



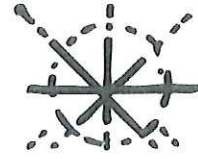
When: November 10, 2012
Time: 11am - 1pm
Location: Blue Ridge Community &
Technical College
13650 Apple Harvest Dr.
Martinsburg, WV 25403



This presentation is made possible by a grant from the FINRA Investor Education Foundation through Smart Investing@your library®, a partnership with the American Library Association.

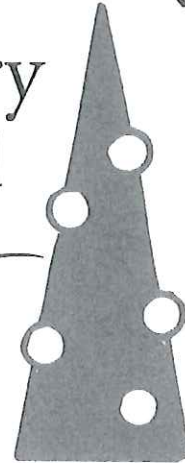
Please join

Blue Ridge Community and Technical College Foundation
for a holiday social to benefit our scholarship fund
5:30 - 7:30 p.m. on Friday, November 30, 2012



Let's All Be

Merry
and
Bright



Heavy hors d'oeuvres and desserts provided by
the college's culinary arts staff and students

Music by local jazz musicians

Blue Ridge Community and Technical College Headquarters Campus
13650 Apple Harvest Drive, Martinsburg

Tickets \$45
contact Foundation Director Sherri Janelle
at 304.260.4380, x 2410; sjanelle@blueridgectc.edu

BlueRidge
COMMUNITY AND
TECHNICAL COLLEGE



The Skill Builder



**Volunteer
West Virginia**
The State's Commission for National and Community Service

Training News and Calendar

A publication of Volunteer West Virginia

New Initiative: The West Virginia Nonprofit Association

For more than 30 years, multiple organizations and leaders have identified the need to establish a statewide support network for nonprofit organizations.

In 2010, the WV Grantmakers and the WV Community Development Hub, with a grant from the Benedum Foundation, facilitated a statewide study of the needs of WV nonprofits and their hopes and expectations for what an association might provide. Input and ideas came from over 250 nonprofit leaders representing the varying sizes, types and geographic diversity of the state's nonprofit community.

The study resulted in a proposed business plan which was approved by the two oversight boards, and in September 2011, the West Virginia Non Profit Association Advisory Board was formed. Since then, the Advisory Board has focused on creating and launching the West Virginia Non Profit Association (WVNPA). The mission and charter were approved in July 2012 and an Executive Director was hired in September 2012.

The mission of WVNPA is to strengthen nonprofit organizations individually and the sector as a whole, catalyzing innovation, fostering a collective voice of its members, and increasing the reputation and influence of the nonprofit sector in WV.

The WVNPA's primary focus is...

- To provide regionally delivered training platforms that are developed based on the needs of the nonprofit sector within each region
- To serve as a clearing house for a wide range of benefits and services that strengthen individual organizations and, in turn, a platform for agencies and other service providers to reach non profits
- To catalyze new thinking, best practices, and excellence in operations, planning, and achieving results
- To advance the nonprofit sector in the public's

eye, both building awareness and public support for the importance and work of nonprofits, and bringing a voice to the policy arena

The WVNPA will serve as a resource for nonprofit organizations and as a central source of information about the nonprofit sector. One of its most important functions will be to serve as a voice for the sector, raising awareness of the important work of nonprofits and showcasing the results through outreach to the media and to local and statewide leaders.

The WVNPA will seek to increase the capacity of the nonprofit sector in the state and will strive to take action on public policy issues, building a unified voice on matters that affect the sector as a whole.

The association will help boost the respect and support for the nonprofit community among elected officials, opinion leaders and the general public in West Virginia.

The WVNPA Advisory Board of nine members includes three representatives from the general nonprofit community, three representatives from the WV Community Development Hub Board of Directors, and three members from the WV Grantmakers Board of Directors. This board is a diverse representation of the state's nonprofit community and different sectors of service.

For more information about WVNPA, membership and training opportunities being planned for this fall, contact the new WVNPA Executive Director Laura Lee Haddad via email at lauralee@wvnpa.org or call 304-667-2248.



WEST VIRGINIA
non-profit
ASSOCIATION

Training for Non-Profits

The SkillBuilder

This training calendar is updated regularly on our website:
www.volunteerwv.org

Training information for **The SkillBuilder** may be submitted at any time by using the convenient online submission form found in the SkillBuilder section of our website www.volunteerwv.org

Hospitality Skills Training

Goodwill Industries of KYOWVA Area, Inc.

Oct. 17: Huntington

Instructor: Chef Denzel Norwich

Fee: \$1,200

Contact: Kay Cremeans, 304-523-7461

Email: kcremeans@goodwillhunting.org

Our Hospitality Skills Training program is an 18 week program that includes: a la carte dining room service, culinary sanitation and safety, travel, tourism, hospitality, and fundamentals of computers. Students can earn up to 12 hours of credit with Mountwest Community and Technical College. Eligible students can apply for financial aid.

Community Emergency Response Team Training

Jefferson County Homeland Security & Emergency Management

Oct. 17-Nov. 15: Kearneysville

Instructor: TBD

Fee: FREE

Contact: Terri Mehling, 304-728-3329

Email: tmehling@jeffersoncountywv.org

Basic skills are taught in the areas of: Disaster Preparedness, Fire Safety, Disaster Medical Operations I and II; Terrorism Preparedness and Crime Prevention; Disaster Psychology, Special Populations and Animals in Disaster; Light Search and Rescue and CERT Volunteerism.

Facilitating Community Discussions

WVU School of Social Work

Oct. 18, 1-4pm: Charleston

Instructor(s): Betty Knighton and Jean Ambrose

Fee: \$35 (CEUs available)

Contact: Erica Martin, 304-293-3780

Email: erica.martin@mail.wvu.edu

This workshop will provide a supportive learning experience for anyone who is interested in developing their skills in facilitating community discussions about important public concerns.

Trainings

The Times They Are A-Changin'!?" Succession Planning for Nonprofits

WVU School of Social Work

Oct. 19, 12:30-3:30pm: Clarksburg

Instructor(s): Jacki Englehardt; Alexis McMillen; Brett White; Brandi Helms; Brenda Hunt; Rev. Bob Wilkins; Kathryn Johnson; and Stephen Tuck.

Fee: \$35 (CEUs available)

Contact: Erica Martin, 304-293-3780

Email: erica.martin@mail.wvu.edu

In this workshop, we will discuss the basics of succession planning and hear from a panel of nonprofit leaders about their experiences ("the good, the bad, and the ugly!") of handling executive leadership changes. Participants will leave this session with concrete ideas and resources to begin, renew, or refine a succession plan for their organization.

Nonprofit Accounting 101

WVU School of Social Work

Oct. 19, 8:30-11:30am: Clarksburg

Instructor: Kiley Michelle Wagner

Fee: \$35 (CEUs available)

Contact: Erica Martin, 304-293-3780

Email: erica.martin@mail.wvu.edu

The presentation will discuss the requirements under generally accepted accounting standards for nonprofit financial statements. We will also discuss the components of each of the required financial statements and the intricacies within the nonprofit environment.

Retirement Planning

Mountwest Community & Technical College

Oct. 20-27 (Session 1): Cabell Hall

Oct. 23-30, 6-9pm (Session 2): Cabell Hall

Instructor: Bob Kopp

Fee: \$49

Contact: Erica Gilkerson, 304-617-5602

Email: gilkerson@mcctc.edu

Session 1 will be held on two consecutive Saturday mornings. Session 2 will be held on two consecutive Tuesdays. The registration fee is the same for a single or a couple.

Healthcare Practitioners and Sensitive Response to Survivors of Sexual

Violence

WVU School of Social Work

Oct. 22, 1-5pm: Wheeling

Instructor: Linda J Reeves

Fee: \$45 (CEUs available)

Contact: Erica Martin, 304-293-3780

Email: erica.martin@mail.wvu.edu

This presentation will address the complexities of healthcare needs and services to survivors of sexual violence.

Fighting Fair: The Secrets to Successful Conflict Resolution

WVU School of Social Work

Oct. 23, 9am-4pm: Beckley

Instructor: Jim Harris

Fee: \$65 (CEUs available)

Contact: Erica Martin, 304-293-3780

Email: erica.martin@mail.wvu.edu

Is conflict a bad thing? Can conflict always be avoided? How can I know when conflict is damaging my organization? In this workshop, the presenter brings the most current and telling research on conflict resolution to the real world. This session will delve deep into the nature of conflict from how it affects your body to common mistakes and misconceptions.

NIMS ICS 400 Class

Wirt County Office of Emergency Services

Oct. 27-28: Wirt County High School

Instructor: David Bradley

Fee: FREE

Contact: Edwin L., 304-629-3735

Email: wirtcooes@gmail.com

This is an advanced level NIMS ICS 400 class. Class size is limited. Pre-registration is required no later than October 15. Prerequisites include ICS 100, 200, 700, 800 & 300.

Values & Ethics in Social Work Practice

WVU School of Social Work

Oct. 29, 9am-12pm: Morgantown

Instructor: Dr. Portia E. Adams

Fee: \$35 (CEUs available)

Contact: Erica Martin, 304-293-3780

Email: erica.martin@mail.wvu.edu

Social workers constantly meet value and ethical challenges as a normal part of practice. Need help clarifying the fuzziness around your ethical obligations? Clarity on boundary issues, agency values, personal values, and the expectations of the profession will be discussed. Issues pertaining to dual roles, documentation, work with minors, boundaries and self-disclosure will be addressed in a supportive environment.

Disaster Preparedness and Response for Elders and Persons with Disabilities

WVU School of Social Work

Oct. 29, 1-4pm: Morgantown

Instructor: Dr. Michael J. Zakour

Fee: \$35 (CEUs available)

Contact: Erica Martin, 304-293-3780

Email: erica.martin@mail.wvu.edu

With the rise in the number of extreme weather events, as well as an increase in social inequality in the U.S., older people and those with disabilities are increasingly at risk in disasters. This workshop will identify social service and community interventions that enable a return to pre-disaster functioning among older people. The functional needs of these populations will be discussed.

Seasonal Existence: Spirituality Across the Lifespan

WVU School of Social Work

Nov. 2, 9am-4pm: Martinsburg

Instructor(s): Lori A. Fell and James Morley

Fee: \$65 (CEUs available)

Contact: Erica Martin, 304-293-3780

Email: erica.martin@mail.wvu.edu

Do spiritual resources help in preventing or resolving physical and emotional challenges? The presenters will introduce the concept of seasonal existence which helps to identify the spiritual needs of individuals across the lifespan. Particular attention will be paid to the different cultural understandings and expressions of spirituality. Participants will have the opportunity to reflect on their own spiritual self-awareness and gain skills in conducting spiritual assessments.

Engage Me!

WVU School of Social Work

Nov. 9, 10am-3pm: Clarksburg

Instructor: Kelli Jo McNemar

Fee: \$45 (CEUs available)

Contact: Erica Martin, 304-293-3780

Email: erica.martin@mail.wvu.edu

Participants will identify activities and methods to create engaging learning environments from start to finish. If you are responsible for opening, facilitating, or closing meetings or presentations, this workshop will benefit you!

Psychopharmacology for Helping Professionals

WVU School of Social Work

Nov. 13, 9am-5pm: Morgantown

Instructor(s): Toni Goodykoontz; Jeffrey Richmond; Lauren W. M. Swager; James H. Berry; and Jamie Jacobs

Fee: \$75 (CEUs available)

Contact: Erica Martin, 304-293-3780

Email: erica.martin@mail.wvu.edu

This workshop will cover the pharmacotherapy treatment for psychiatric disorders such as major depression, dysthymia, anxiety disorders, schizophrenia, bipolar I & II, dementias,

ADHD (and other childhood mental health disorders) and substance abuse withdrawal and medicated assisted treatment. This training will include medications used, how the medications work, and side effects. Also included in the training will be how psychopharmacology works in conjunction with psychosocial interventions.

Loving What Is: Using Acceptance Commitment Therapy in your Clinical Practice

WVU School of Social Work

Nov. 14, 9am-4pm: Charleston

Instructor: Sky Kershner

Fee: \$70 (CEUs available)

Contact: Erica Martin, 304-293-3780

Email: erica.martin@mail.wvu.edu

Recent research is suggesting an ancient idea that suffering is largely based in our mind-based attachment to language. Rather than trying to teach people to better control their thoughts, and inner experience, Acceptance Commitment Therapy (ACT) teaches how to notice, accept, and defuse from these inner events. This workshop will discuss the theory and basic framework of ACT and explore each the six components.

Early Childhood Development Forum

West Virginia's Promise

Nov. 14, 1-5pm: Shepherdstown

Instructor: Community Forum

Fee: FREE

Contact: Pamela Dugan, (304) 661-1460

Email: pdugan@frontiernet.net

This dialogue will explore three different, though overlapping, approaches to providing a good start in life for West Virginia's youngest children. These approaches include the support of caring and capable parenting, creating family-friendly communities, and ensuring opportunity for all.

CERT Emergency Communications

Wirt County CERT

Nov. 20, 6:30-9:30pm: Elizabeth

Instructor: Edwin L

Fee: FREE

Contact: Edwin L., 304-629-3735

Email: wirtcooes@gmail.com

This class will cover communications during disasters and potential CERT operations. Meeting and training is open to the public.

Governance of Nonprofits: Roles of Effective Board and Staff

WVU School of Social Work

Nov. 27, 1-4pm: Morgantown

Instructor: Dr. George W. Lilley Jr.

Fee: \$35 (CEUs available)

Contact: Erica Martin, 304-293-3780

Email: erica.martin@mail.wvu.edu

Even if you are not the Executive Director of a nonprofit, you will increase your

management skills by participating in this workshop. The class will cover practical matters such as the roles and functional activities of a board, recruitment, board/staff relations, board/executive director relations, why boards don't govern plus answers to numerous common questions about board functioning.

Fundamentals of Nonprofit Organizations

WVU School of Social Work

Nov. 27, 9am-12pm: Morgantown

Instructor: Robin Smith

Fee: \$35 (CEUs available)

Contact: Erica Martin, 304-293-3780

Email: erica.martin@mail.wvu.edu

Nonprofit organizations are one of the fastest growing business sectors across the country. These organizations share unique characteristics in their organizational structure and their operations. This workshop will explore the basic elements of nonprofit organizations - their development, growth, opportunities and threats for success.

Treating Domestic Violence: Out of the Chaos and into the Calm

WVU School of Social Work

Nov. 30, 8:30am-3:30pm: Clarksburg

Instructor(s): Michelle Christy and Heidi O'Toole

Fee: \$65 (CEUs available)

Contact: Erica Martin, 304-293-3780

Email: erica.martin@mail.wvu.edu

This is an interactive workshop that will overview the cycle of generational domestic violence, its contributing factors, and creative, practical tools and resources for participants to utilize when working with those who have been adversely affected by, and involved in, the insidious cycle of violence.

Personality Disorders: Recognition, Diagnosis, Treatment & Survival

WVU School of Social Work

Dec. 7, 9am-4pm: Elkins

Instructor: Chatman Neely

Fee: \$65 (CEUs available)

Contact: Erica Martin, 304-293-3780

Email: erica.martin@mail.wvu.edu

How we perceive the world, our attitudes, thoughts, and feelings are all part of our personality. Who decides whether behavior patterns are "normal" or "abnormal"? This workshop will define personality and personality disorders, assist with recognizing a personality disorder, and discuss the causes and types of personality disorders. The workshop will also focus on the support and self care essential for professionals working with personality disorders.



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Special Note:

This will be the last printed edition of the SkillBuilder training newsletter. You can continue to post and look for upcoming training opportunities on our website at www.volunteerwv.org. Email Moya Doneghy at moya.doneghy@wv.gov to get on our mailing list for electronic editions.

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2013 Faces of Leadership Conference
Charleston Civic Center
August 6-8, 2013

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Kanawha County Ambulance Authority Takes Advantage of Vehicle Deals at Surplus Property

Garry Turnes has not made many trips to the West Virginia State Agency for Surplus Property (WVSASP) through the years. But the trips he has made have been beneficial for the Kanawha County Emergency Ambulance Authority.

Since joining the Ambulance Authority in 1996, Turnes has been involved in the purchase of several vehicles and boat motors from WVSASP. Turnes is the Authority's garage supervisor and it goes without saying that vehicles are an item of importance for this non-profit entity.

"When we would go down to Surplus Property to look for vehicles, the employees there were excellent to work with. They would let us have the keys and check the vehicles out and let us spend as much time with them as we wanted," said Turnes. "We have not bought a lot of items from Surplus but what we have bought has been useful. We recently bought three Jeep Grand Cherokees, which were good deals for us."

The Kanawha County Emergency Ambulance Authority has approximately 80 vehicles which Turnes is responsible for keeping



Todd Bacchus, a captain with the Kanawha County Emergency Ambulance Authority, stands besides one of the vehicles purchased through the West Virginia State Agency for Surplus Property (WVSASP). The agency has purchased vehicles and boat motors from WVSASP.

In Other News...

- **Manager's Perspective:** Customer Appreciation Day Offers WVSASP a Chance to Say 'Thanks!'
- **Federal Property May Be Screened By Eligible Organizations** Simply Through GSA's Website
- **WV Office of Technology Takes Over the Receipt of Retired** Information Technology Equipment for Some State Agencies

Please see **AMBULANCE**, Page 4

Customer Appreciation Day Lets Us Say 'Thanks!'

The West Virginia State Agency for Surplus Property (WVSASP) is always appreciative of its customers, for it is our customers who help maintain the steady rhythm and propulsive heartbeat of this agency. It is our customers – be it eligible organizations, small businesses or the general public – who drive us each day to provide greater service.

It was with that in mind that WVSASP held its first Customer Appreciation Day. On July 26, WVSASP extended its operation hours until 7:30 p.m., giving the public three extra hours to tour the Dunbar warehouse and shop for surplus state property. Our intent was to both give extra time for our regular customers, but also to allow new visitors an opportunity to explore just what it is that WVSASP has to offer, including furniture, vehicles or the many things in-between.

This meant individuals like Kanawha County resident Frank Kelley had more of a chance to shop. He told us that he had been coming to WVSASP since the 1970s and loved the extended hours. "I think it is great to open up the warehouse with these extended hours since it makes it easy for people to come after work and see what is offered," he said.

A special commercial was made by the Purchasing Division staff to assist in promoting the event. If you missed it, it can still be viewed at <http://www.youtube.com/watch?v=cFFyb8fRRBA&feature=g-upl>.

We were grateful for the chance to show our customers and the public just how much it is that we appreciate them, and thankful to be able to see so many familiar faces as well

THE MANAGER'S PERSPECTIVE

ELIZABETH PERDUE



as new customers who we certainly hope visit us more in the future.

Many businesses claim they would be nothing without their

customers, but nowhere is this truer than at WVSASP, which is a completely self-funded state agency, meaning that our operating revenue comes through our sales. For this reason we are especially grateful and thankful for those who continue patronage with us. While July 26 might have been denoted as "Customer Appreciation Day," WVSASP would like to extend its thanks and gratitude to all of its customers each and every day.



The Surplus Property Customer Appreciation Day on July 26 allowed customers, old and new, extra opportunities to tour and inspect the Dunbar warehouse to see what bargains awaited them.

Federal Property May Be Screened Simply Through GSA's Website

Eligible organizations are not strictly limited to items found at or processed through the West Virginia State Agency for Surplus Property (WVSASP). Eligible organizations may also screen available federal property through the U.S. General Services Administration's website at <http://gsaccess.gov>.

The site is the entry site for the Federal Excess Personal Property Utilization Program and the Federal Surplus Personal Property Donation Program operated by the U.S. General Services Administration. Eligible organizations may log into the site with the user ID "WVSASP" and the password "WVSASP". From there, users may screen federal surplus property available across the nation.

Property is organized into screening fields, such as "Agricultural Equipment and Supplies" and "Food Preparation and Serving Equipment." There are also two search options available: a global search, akin to an Internet

Please see **FEDERAL**, Page 4

Office of Technology Takes Over the Disposition of Equipment Related to Information Technology

Following the passage of House Bill 563 by the 2012 Regular Session of the State Legislature, the West Virginia Office of Technology (WVOT) is now responsible for the end-of-life disposition of information technology equipment. The West Virginia State Agency for Surplus Property (WVSASP) must approve the retirement disposition method, but WVOT will receive the property.

Once WVSASP has confirmation of receipt from WVOT, the retirement will be completed in WVFIMS. WVOT is handling the disposition of such equipment for all Executive Branch agencies.

Equipment retired by elected officials (i.e., Treasurer's Office, Supreme Court, Legislature, Auditor, Agriculture and Secretary of State) are to be delivered to WVSASP.

Equipment can be delivered to the WVOT warehouse by appointment only. Once a Surplus Property Retirement Form (WV-103) or WVFIMS asset retirement request has been processed and approved by WVSASP, WVOT will notify your agency to arrange for receipt of equipment. No equipment will be accepted unless previously approved by WVOT.

WVSASP has updated the WV-103 to provide a box to select "Retire to Office of Technology (14)" for equipment that is not in WVFIMS (acquisition cost under \$500). This form can be completed and faxed to WVSASP at 304-766-2657, or scanned and e-mailed to pam.j.jarrell@wv.gov.

Any equipment with any type of

Equipment accepted for retirement includes:

- Desktop Computers
- Laptop Computers
- Cell Phones
- Smart Phones
- Tablet Computers
- Desktop Printers
- Multi-Function Printing Devices
- Network Printers
- Standalone Copiers
- Network Copiers
- CRT Monitors
- LCD Monitors
- Network Switches
- Network Routers
- FAX machines
- Scanning Devices
- Microfiche Components with memory
- Cameras (all: digital, or with memory only)
- Servers
- Hard Drives of any size
- Magnetic Tape Devices (of any type)
- Diskette readers/writers attached to a computer
- DVD readers/writers/players attached to a computer
- CD readers/writers/players attached to a computer
- Telecom (IP phones, switches, etc.). "old" analog phones excluded
- Keyboards, mice, and other peripherals
- Medical Equipment with no BIO hazards that has memory
- Mailing Equipment with memory
- Mag Tapes
- Floppy Discs



The Property Connection

This publication is made available to all eligible participants of the West Virginia State Agency for Surplus Property on a quarterly basis.

For information on becoming an eligible organization, call (304) 766-2626 or complete an Application for Eligibility at:

<http://www.state.wv.us/admin/purchase/surplus/eligibil.html>

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Surplus Property Manager

Diane Holley-Brown
Editor

Tony O'Leary
Chad Williamson
Writers

Please see **RETIRE**, Page 4

AMBULANCE

Continued from Page 1

maintained and on the road for its approximate 250 employees. The Ambulance Authority provides many services in addition to emergency responses such as medical and critical care transport and education and safety outreach programs.

Turnes said the vehicles purchased from Surplus Property have been reliable and put to extensive use in these various assignments. Turnes added that his visits to Surplus Property have definitely been worth his while.

"I have liked my trips to Surplus Property. When we visit there, we look over what they have there. I don't think everyone knows how accessible it is. It is convenient and easy to get to. It pays to go down there once in a while," Turnes said.



The Kanawha County Emergency Ambulance Authority recently purchased three Jeep Grand Cherokees through WVSASP.

FEDERAL

Continued from Page 2

search engine, if a user is looking for a specific item; and a basic search option, where users may screen for items by state, closing, unused, overseas or disaster relief. An eligible organization may not reserve items found on the site, said WVSASP Manager Elizabeth Perdue. "If an eligible organization is interested in an item found on the GSA website, that organization must contact WVSASP, and we will make arrangements to procure the item," she said.

Federal restrictions require state agencies and public organizations to start using surplus property items within one year of acquisition and to use the items for at least one year thereafter. One of the features of the website is a carbon-footprint savings tool. The tool displays the carbon-equivalency savings of reusing an item, such as how many gallons of gas reusing an item will save. There are 23 different equivalencies available in the drop down box for the tool.

For more information on screening federal property through the GSA site, contact the GSAXcess HelpDesk at (866) 333-7472 or by e-mail at GSAXcessHelp@gsa.gov.

RETIRE

Continued from Page 3

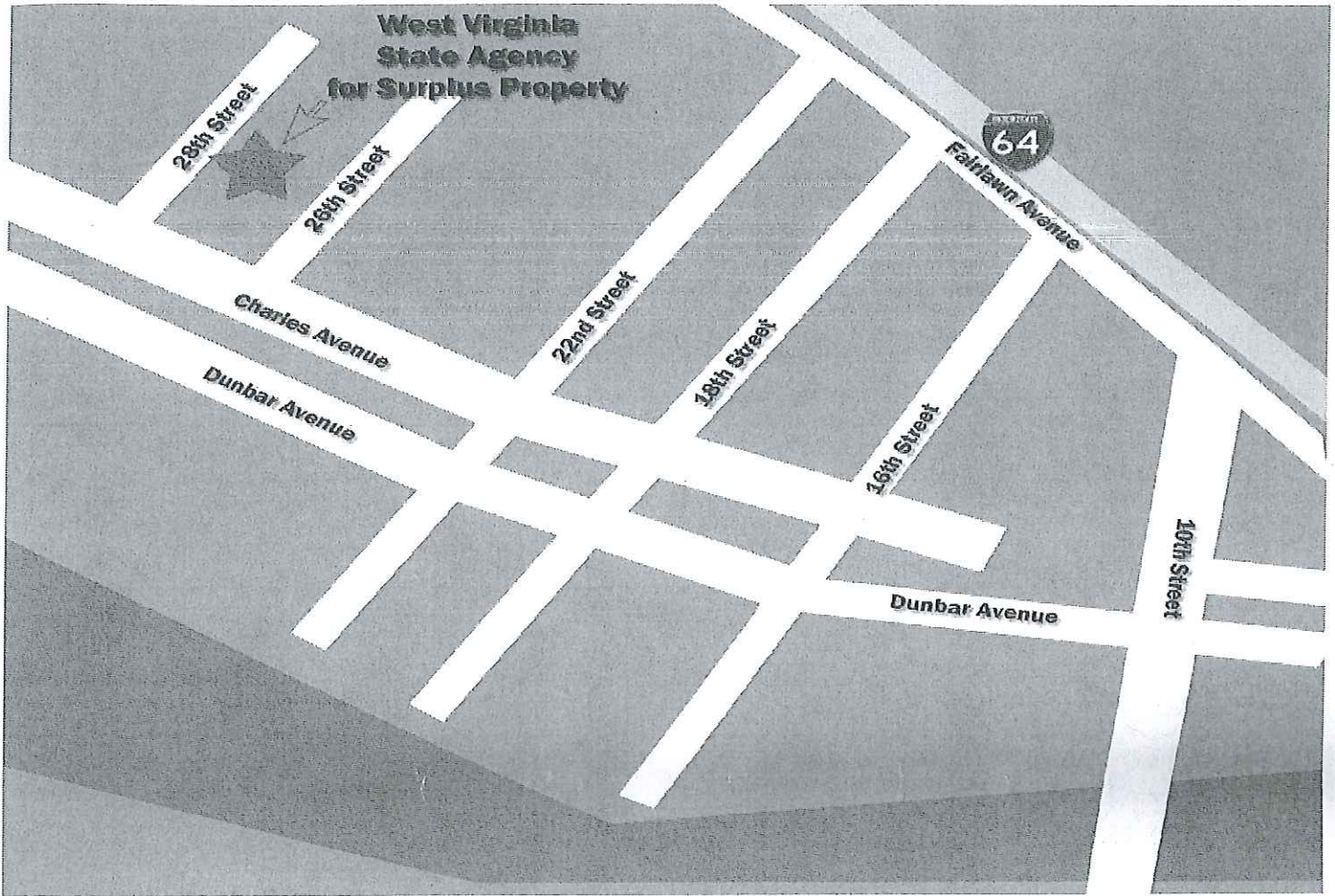
memory and data that is ready for retirement MUST be sanitized. Agencies can still call the WVOT Service Desk and request that the assigned field technician sanitize the hard drive or device.

The hard drives will be removed from the devices and sanitized on site. For copiers, printers, or other devices that do not permit the use of this technique, the drive will be sanitized using an alternate method, degaussed, or destroyed.

For more information, e-mail WVOT at erecycle@wv.gov.

Interested in learning more about the West Virginia State Agency for Surplus Property? Visit our website at: <http://www.state.wv.us/admin/purchase/surplus>

Surplus Property Warehouse Location



DIRECTIONS: Exit I-64 at Dunbar/Roxalana Road, turn right on Roxalana Road then turn onto WV-25 West. At 16th Street, turn left. Go to intersection with Charles Avenue -- if you miss 16th Street, go to 22nd Street which is also a throughway. Turn right onto Charles Avenue, continue to 28th Street and turn right. The West Virginia State Agency for Surplus Property is on that corner inside the cyclone fence.

SHARE THE GOOD NEWS!

If you know of an organization that might be interested in our program, please clip this coupon and pass it on --

IS YOUR ORGANIZATION...

1. Local or State unit of government
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If either 1. or 2.a. and b. is checked, you may be eligible to participate in the Surplus Property Program.

MAIL THIS FORM FOR MORE INFORMATION

RETURN TO: West Virginia State Agency for Surplus Property
 2700 Charles Avenue
 Dunbar, WV 25064

- Please send me an *Application for Eligibility*
 Please have a representative contact me
 Please visit our organization and offer a presentation

Name _____ Title _____

Organization Name _____

Mailing Address _____

City _____ Zip _____ County _____

Telephone Number _____

**Questions?
Suggestions?
Comments?**



We want to hear from **YOU!** Are you pleased with our Program? Call us or write to us with any questions, suggestions or comments. We would also like to hear the 'success stories' you have in utilizing surplus property!

West Virginia State Agency for Surplus Property

Hours: 8:30 am to 4:30 pm. Monday through Friday

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- Tires, Engines, Vehicle Parts
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- Plus Many More Items

Information: For property information and availability, contact the Federal or State Warehouse Supervisors at 766-2626 or call toll free at 1-800-576-7587.

Terms: All organizations must pay by check or credit card — no cash transactions permitted.

Terms and Conditions of Sale

FEDERAL AND STATE REGULATIONS: Acceptance of Federal equipment and supplies by users who have established eligibility to participate in the WVSASP is subject to certifications and agreements identified on the reverse side of the Distribution Document. **1:** Federal equipment and supplies are restricted to institutional use only, not personal use, and are to be used for a minimum of one year; **2:** All vehicles and items with an acquisition cost of \$5,000.00 or more shall be used for the purpose(s) for which acquired within one year from the date the property was invoiced and used for 18 months thereafter. **3:** During the restriction period, the property shall not be sold, traded, leased, lent, bailed, cannibalized, encumbered or otherwise disposed of or removed from the State of West Virginia without the express approval of the WVSASP. The recipients of Federal property are urged to contact the WVSASP prior to taking any actions which might be interpreted as modifying any of the certifications and agreements stated on the reverse side of the Distribution Document.

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SHIPPING: All service charges are FOB Dunbar Warehouse unless expressly indicated. Out-shipping can be arranged by calling (304) 766-2626. Delivery charges will be added to the invoice.

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Volume 31, Issue 3

November 2012

Frosty Fiddler

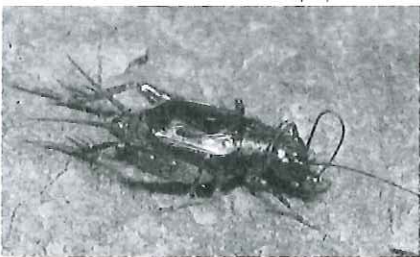
by Wil Hershberger

Mid-November brings a quiet to the woods and fields as the first frosty nights silence the singers of later summer. At least one of these cricket musicians is hardy enough to survive well into December and may be heard laboriously trilling from the ground — this is the Carolina Ground Cricket (*Eunemobius carolinus*).

Many people, when they encounter them, think that these diminutive crickets are young field crickets. However, these are adult ground crickets that can be found in fields, lawns, pastures, woodlands and roadsides. In our area they mature to adulthood in early July and start their chorusing on a sunny afternoon; from then on they sing night and day well into December. Other species of the ground cricket clan are quieted by the first hard frosts, but the Carolina Ground Cricket continues to survive for reasons unknown.

Although the crickets may be small and inconspicuous, the song of the male is amazingly loud and easy to detect. Singing from his burrow or crevice in the ground, the male sings a continuous trill that seems to stumble now and then immediately pick back up in pitch and cadence. Since they are cold-blooded insects, their song's pitch and tempo are severely lowered and slowed down on cold days when the song may sound as though it belonged to a completely different species.

When you next find yourself exploring nature on a sunny November or December afternoon, tilt an ear toward the ground; perhaps you will hear the remnant song of summer's lush chorus still tinkling from a hidden stage, until winter draws the final curtain. Here is a link to the summer song of the Carolina Ground Cricket: http://www.natureimagesandsounds.com/assets/Carolina_GC_summer.mp3



© Wil Hershberger

November Program at NCTC

It's that time of year... We clean and disinfect our bird feeders, restock our birdseed supply, fill the feeders with a variety of seeds, and settle in for winter's colorful entertainment. Feeding birds is one of Americans' favorite hobbies, with estimates of 60 million people participating annually.

Join PVAS for a talk on common backyard birds that are likely to be seen at your feeders this winter. Speakers Carol Del-Colle and Kathryn Henry, both Master Naturalists, will remind us how to prepare our feeders before filling them for the season, what feeders and seeds will attract which birds, and will help you identify some of the likely backyard visitors including helping to tell the difference between some of the trickier and often confused species.

In addition, the speakers will share with you ways to hone your identification skills and how you can even become a "citizen scientist" by providing your backyard bird data to scientific studies through the Backyard Bird Count (February 15-18) and Project FeederWatch (November 10 – April 5). The program is free and open to the public. It will begin at 7pm at the National Conservation Training Center.

ACFF Films

The American Conservation Film Festival is proud to announce its 10th anniversary festival, November 1-4 in Shepherdstown. More than 60 films, the best of conservation filmmaking from around the world, will be screened along with meet-the-filmmaker sessions, topical panel discussions and speakers, and a variety of special events. Film listings, festival schedule and ticketing information can be found online at www.conservationfilm.org.

Birdseed Orders pick up dates

Ranson - Gower's Pick up any day AFTER Monday, November 4 (during store hours)

Berkeley Springs - Hunter Hardware Pick up day is Saturday, November 3rd from 10:00 am until noon

Williamsport - Gower's Pick up day is Saturday, November 3rd from 10:00 am until noon.

Questions? Call Diana Mullis at 304-267-3482 or email: dianamullis@aol.com

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

View from the Eagle's Nest

by Sandy Sagalkin

The other day, Jean Neely sent me a US Fish and Wildlife Study on "Birding in the United States: A Demographic and Economic Analysis." The study was done to provide up-to-date information "so birders and policy makers can make informed decisions regarding the protection of birds and their habitats." The Introduction notes that birds are in jeopardy and that one in four bird species in the United States show "significant negative trend estimates," primarily from habitat destruction and short-sighted environmental practices.

I thought you PVASers out there might be interested in some of the information in the report, which is based on data collected in 2001. First off, there were 46 million self-described birders in the United States over the age of 16. That is one in five people in the United States! Of this number, 88% or 40 million people watched birds around the home and 40% or 18 million people watched birds away from home. The average birder is 49 years old and is more likely than not to have a better than average income and education.

Since I organize most of the PVAS bird trips, I was very interested in the age breakdown of birders in the United States. For some time, I have been concerned about our failure to recruit younger people into our sport. So it was not surprising to me to find that people in the age group 18-24 had the lowest rate of participation or only 9% of the total. Ages 35 and older had the highest rate of participation with ages 55-64 the highest of all. The Birding Committee recently started a PVAS Youth Bird Club, trying in our own small way to reverse some of this trend. We have 10 very bright, very interested youngsters keenly interested in birding, all under the age of 14.

The study also tried to estimate the economic value of birding in the United States. In the study year, birders spent an estimated \$32 billion on wildlife watching. This estimate includes money spent on binoculars, field guides, bird food, bird houses, travel, food and other related things. The expenditures were not related solely to bird watching but to all wildlife watching. That \$32 billion in expenditures resulted in a ripple effect of \$85 billion economic benefits and \$13 billion in state and federal taxes.

What are we to learn from these figures? First, that birding is an activity enjoyed by a very large segment of the US population - one in five people according to the study. That is an astounding number. Second, that birding provides substantial economic benefit to our communities and to the country at large. And third, that we should all be aware of the fragile nature of our environment and support wise choices regarding the use and protection of our natural resources. We will all be a poorer if we were to wake up one morning and fail to hear the birds sing.

The study has served as a wake-up call to me as Chairman of the Birding Committee. I think Backyard Birding can be a growth area for PVAS. Over the next few months, we will be working on a robust Backyard Birding workshop to provide birders and their children with the tools they need to participate in the several citizen science programs related to yard birds.

Outdoor Explore Events For November and December

PVAS's outdoor exploration program for youngsters ages 6-9, will "take to the field" for the final two months of 2012. On November 10, participants will explore the shallow ponds, marshy areas, woods, and edge-lands of a true wetland, then wander into the woods and look for beaver activity on Back Creek. "Muddy Sneakers" will be held from 10 a.m.-1 p.m. at Stauffers Marsh. In December, participants will experiment with how predators use stealth and finesse to find and hunt their prey by using a GPS to practice tracking down Geocache "prey" at Cacapon State Park near Berkeley Springs. "Give Chase" will be held on December 8 from 10 a.m.-1 p.m. Both activities have a limited number of openings and registration is open on the PVAS website. More information and directions to each location are also online. This program, which encourages supervised, but unstructured play, is being sponsored by a grant from the WV Division of Natural Resources. The program continues into Summer 2013. To register, go to www.PotomacAudubon.org/outdoorexpl. For more information, contact Ellen Murphy at 304-676-8739 or Ellen@PotomacAudubon.org.



Ranson Elementary watershed field trip

Ailanthus Removal at Yankauer

PVAS has contracted with Sustainable Solutions, LLC to remove ailanthus from about eight acres at the Yankauer Preserve. The specific acreage was indicated as the highest priority for treatment by the Land Management Plan completed by Michael Schwartz last year.

The Sustainable Solutions team will be using the basal spray method that involves the application of an oil-based herbicide and oil dilutant to the bottom portion of the trunk. The oil penetrates the bark and carries the herbicide into the cambium for translocation to the roots, thus killing the tree entirely. The spray is applied using a sprayer at low pressure with a marking dye so the applicators (and visitors) can see what trees have been treated.

The team is fully licensed in herbicide application, and is trained to treat during the appropriate time of year and weather conditions. The herbicide being used is the most environmentally friendly possible, while still being effective against ailanthus.

This Ailanthus Removal initiative is funded by a \$3,000 grant from Potomac Headwaters Resource Conservation and Development. We are grateful for the opportunity to hire professionals for this enormous undertaking and we hope it will make a dent in the ailanthus at Yankauer.

Nice Surprise at Stauffer's Marsh

This year, I decided to conduct bird walks at Stauffer's Marsh once a month just to see what was out there. In late spring, I was happy to find one of my favorite birds, the Yellow-breasted Chat, a bird whose "song", if you can call it that, never fails to delight. If a Rube Goldberg contraption could make a noise, it would surely sound like a Chat. In mid-summer, several of us heard a Northern Bobwhite calling its iconic song, and Jim Farley reported seeing it about a week later. This is a grassland species, a class of birds that is in serious decline nationwide. It was nice to hear it at Stauffer's Marsh.



In late September I had a walk scheduled and the eight of us started into the marsh. There were large flocks of Blue Jays, Red-winged Blackbirds, and Cedar Waxwings flying back and forth into the marsh from across the road. As we approached the pond, Steve Hartman spotted a large raptor as it disappeared into a copse of trees on the other side of the pond. After a short wait, it flew off in a southerly direction and flashed a white rump patch. "Northern Harrier" one of the group called out. Although the Northern Harrier is a common raptor in our area, it was the first one I had seen at the marsh.

The Northern Harrier is the only species in the harrier genus in North America. There are 16 species worldwide. We commonly see it hunting over grass fields, farmlands and marshes. In fact, its common name used to be the "Marsh Hawk". But the Northern Harrier is anything but common in appearance or behavior. If you looked closely at its face, you might think you were looking at an owl. It has sound-trapping facial discs and an acute sense of hearing that helps it hear its prey when flying over the marsh.

The Northern Harrier often looks unsteady or tipsy as it flies over the marsh. It holds its wings in a characteristic dihedral reminiscent of a Turkey Vulture. But just when you think it has lost its edge, it may pull up, hover and just as suddenly wheel over and pounce on a rodent, small bird or other prey.

The bird we saw that morning was a juvenile with a beautiful cinnamon wash to its chest and under wing coverts. As it perched in a tree on the other side of the marsh, I put my spotting scope on it and we all had a good look at its facial discs. Later, as we walked along the road to the south end of the property, we watched the harrier as it continued its hunt. This bird will leave our area shortly and migrate south for the winter. It was great to see it while it was here.

— Sandy Saglkin



Winston Gardens Donation

Once again, PVAS has received a generous donation of \$88.50 from the Winston Gardens Native Plant Nursery to support PVAS' Stauffer's Marsh Nature Preserve in Back Creek Valley. The donation represents 15 percent of the proceeds from the Nursery's annual fall Open House, which was held September 29th and 30th.

PVAS appreciates the generosity of the owners, Virginia Provenzano Winston and her husband Eldon. They have generously donated \$680 from their plant sales to date since May of 2011.

The nursery is located in northeastern Berkeley County, at 1121 Hollida Lane, one mile off Swan Pond Road. It specializes in trees and shrubs that are native to this region. For directions and a full list of the plants available, go to the Nursery's website at www.winstongardens.com. Or call the Winstons at 304-267-6924.

Wee Naturalists Program

PVAS's November Wee Naturalists program for preschoolers will be entitled "Nature's Art." It will focus on the many different shapes and colors that can be found in the woods after the leaves have fallen.

The program will be held at the Society's Yankauer Nature Preserve on Whiting's Neck in northeastern Berkeley County.

Two sessions will be offered: one on Thursday the 8th and another on Monday the 12th. Each session will last from 9:30 a.m. to 11:00 a.m.

The Wee Naturalists program is designed to provide regular monthly opportunities for children ages 3-5 to explore nature together safely under the guidance of an experienced PVAS instructor. At each session, children must be accompanied by a parent, grandparent, other adult relative, or guardian.

To ensure that everyone receives close, personal attention, enrollment is limited and pre-registration is required. Easy on-line registration is available on the Society's website at www.potomacaudubon.org. The fee is \$5 per child/adult team per session.

The program is led by Suzi Taylor, of Sharpsburg, MD, a veteran Audubon camp director who has a degree in environmental education.

For more information, contact Ms. Taylor at 301-432-1908 or tomandsuzi506@cs.com.

The Wee Naturalists program was established in 2009 with support from the Eastern West Virginia Community Foundation's Two Rivers Giving Circle.

Announcing "This Race is For the Birds!"

April 20, 2013

USFWS National Conservation Training Center
Registration opens Thanksgiving Day at Active.com

November Birding Trips

PVAS has scheduled three local birding trips for September. As usual, all the trips are free, and all interested persons are welcome to come along, regardless of their birding skills. Children will be welcome. No pre-registration is required.

For each trip, participants should wear sturdy footwear, dress appropriately for prevailing weather conditions, and bring along water. If the weather turns warm, bug spray is advised. Binoculars will be available for anyone who needs them. Trips may be cancelled because of bad weather.

Full details can be found on the PVAS website. The specific dates, destinations and details are as follows:

Saturday, November 10: Hawk-watching trip to Snicker's Gap in Virginia on the Clark/Loudoun County line just below Jefferson County WV. Those who wish to carpool should meet at 9:00 a.m. in the parking lot in front of the Martin's supermarket in the Jefferson Crossroads Shopping Center just off Route 340 east of Charles Town. Or meet at Snicker's Gap at 9:30 a.m. (From Charles Town take Route 340 south to Route 7. Take Route 7 left [east] about 9 miles; turn right [south] on Route 601. The hawk-watch area is a commuter lot on the right just after intersection.)

The trip will focus on migrating hawks. In November, Golden eagles; northern goshawks; and rough-legged, red-tailed and Swainson's hawks may be seen here. For more information, including plans if rain is forecast, contact Sandy Sagalkin at 240-291-6465 or monsansagalkin@myactv.net.

Wednesday, November 14: Bird walk in the South Schoolhouse Ridge Battlefield section of the Harpers Ferry National Park. Meet at 8:00 a.m. at the South Schoolhouse Ridge parking area. From Route 340 west of Harpers Ferry, turn south onto Millville Road (County Route 27) at the outdoor flea market; proceed 2 miles to parking area. If the gate is closed, pull off and park along the road.

Birds likely to be seen include various varieties of sparrows, yellow-rumped warblers, kinglets, woodpeckers and raptors. For more information, contact Deb Hale at debhale72@gmail.com or 304-535-2346.

Saturday, November 17: Birding trip to the Stauffer's Marsh Nature Preserve. The Preserve is located in Back Creek Valley in Berkeley County, one-half mile south of Shanghai, on the east side of Back Creek Valley Road (County Route 7). Meet in the parking area at the north end of the marsh at 8:00 a.m. Waterproof footwear is strongly recommended. This trip will focus on year-round birds, waterfowl and wading birds. For more information, contact Sandy.

Berkeley Springs Birding Festival

This year's Berkeley Springs Fall Birding Festival, which was held over the September 22-23 weekend, drew more people than ever before. The festival's two evening programs and four daytime walks and workshops were attended by a total of 278 people, up from last year's 213.

Some attended several or all of the events but each event drew new participants and in all about 160 different people participated. Many came from out of the area. All the events got excellent reviews;

especially the evening programs.

Shown in the photograph below are some of the 40 people who turned out for the Sunday morning bird walk at Sleepy Creek retreat near Cacapon State Park.

The festival is sponsored by the Potomac Valley Audubon Society, but Judy Webb and Helen Herlocker do the hard work of organizing it and deserve the community's thanks. Thanks are also due to Cacapon State Park and its Naturalist, Renee Fincham, for facilitating the workshop for beginning birders and an afternoon raptor presentation; to Janet Ardem and Jon Boone, for helping to lead the Saturday and Sunday bird walks; to Joe Gentile, for acting as PVAS's representative; and to the festival's evening presenters: Sharon Stiteler, Liam McGranaghan, and Marcy Heacker.

Next year's festival has been scheduled for September 20-22. Preliminary planning will begin shortly. Anyone interested in helping with next year's festival should contact Judy Webb at the Nature Niche store at 304-258-0992 or natureniche@earthlink.net.



PVAS Goes Social!

PVAS now has its own Facebook page and if you have a Facebook account, you can keep up with tidbits and happenings online. The page is "open" which means that anyone can post on the page, upload pictures, or comment on other posts. A Facebook administrator maintains the page and makes sure that all posts are appropriate. Recent posts include updates on local events, nature photographs shared by members, sightings of birds and animals, member comments prompted by books and others' posts, and suggestions for birding events in other areas for those who might be traveling.

To find us, just use the Search feature to locate 'Potomac Valley Audubon Society'. If you "like" the page, you'll get regular updates on your own Home Page. The Facebook "feed" is also on the main PVAS website, www.PotomacAudubon.org. While some do not wish to become involved in online networking, it is one more way that PVAS can connect with members and friends through electronic media. Weekly statistical feedback, which the PVAS administrator receives, shows that we are reaching a wide audience, including non-PVAS members and folks who live all across the United States.

Potomac Valley Master Naturalists has its own Facebook page,

too, and you do not have to be a Master Naturalist to access it. There is also a Potomac Valley Master Naturalist blog (<http://potomacvalleymasternaturalists.blogspot.com/>) which keeps members up to date on happenings and volunteer opportunities. The Potomac Valley Nature Writer's has a blog as well (<http://potomacvalleynaturewritinggroup.blogspot.com/>) which provides a wealth of interesting information on the current group read, past books, authors, and members' personal blogs. The page is open to everyone and provides fascinating browsing. There is also a Potomac Valley Audubon Birder's Blog at <http://wvbirders.org/blog>

Become A Master Naturalist In 2013!

Persons interested in becoming a West Virginia Master Naturalist are invited and encouraged to apply for the next Potomac Valley chapter class which will begin in March 2013. Applications for the class as well as scholarship applications must be postmarked by January 14, 2013, and applicants are notified of the status of their acceptance into the program by the end of January. Each class has only 20 students, but candidates may take up to 2 years to complete the program.

Master Naturalist candidates in the program receive 64 hours of natural history instruction in a wide variety of topics including birds, geology, mammals, aquatic and terrestrial habitats, reptiles and amphibians, wildflowers, woody plants, nature interpretation, and others. Each class includes a classroom session and field work/lab. There are no tests, but students are expected to actively participate in all sessions. To complete certification, students must complete all classes and 30 hours of volunteer work in the area of natural history. Many of our members volunteer at WV State Parks, in citizen science projects, and for PVAS programs. Volunteer work must be completed within the state of West Virginia.

Classes are generally held one Saturday each month, March through October, at a number of locations including the National Conservation Training Center near Shepherdstown, Cacapon State Park in Berkeley Springs, Yankauer Nature Preserve in Berkeley County, and CraftWorks in Jefferson County. Instructors include college professors, natural resource and wildlife biologists, and Master Naturalists who have developed expertise in a chosen field of interest.

Tuition for the entire program is \$300 and a limited number of scholarships are available. No money is required with the application. Applications can be downloaded at www.PotomacAudubon.org/masternat, and scholarship applications are also available there. Questions should be addressed to Melanie Snyder at littleowl48@hotmail.com. Most of our members are from the WV Eastern Panhandle and the surrounding area, but anyone may apply.

The Master Naturalist program is sponsored by the WV Division of Natural Resources and is patterned after the Master Gardener Program. Graduates of the program join the several hundred West Virginians who are currently certified Master Naturalists. Active Master Naturalist chapters are located throughout West Virginia and 30 other states.

Master Naturalist Annual Meeting

Potomac Valley Master Naturalists will hold their annual meeting, pot-luck, and silent auction on November 10, 2012, at Orchard House (4599 Shepherdstown Road, Martinsburg WV), the same location as last year. Master Naturalists, Master Naturalist students, and their friends and family are encouraged to come and enjoy the food and conversation. During the event, members will be bidding high and often for silent auction items.

Master Naturalist students who have completed their initial coursework and volunteer hours will officially graduate. Several members of past classes will be recognized for 5 years of active membership and service. All recertifying Master Naturalists will be recognized with their new 2013 active membership card.

Our annual silent auction provides scholarship funds for next year's class. Everyone is encouraged to bring items that can be bid on. Past items have included nature-themed books and other items, clothing such as sweatshirts/t-shirts, ball caps, jewelry, camping equipment, "rare finds" from member's vacations, CD's and DVD's, and even tasty edibles. In the past, bidding has been fast and furious over homemade pies and one-of-a-kind items. Donated items are best if they are new, but if you have a treasure in good condition, that you know will be popular, bring it along. Last year's auction raised \$528 and we want to top that.

A reminder: smoking and alcohol are not permitted on the Orchard House property.

Eidolon Tower Demolished – Work on Cottage To Begin Soon

Demolition of the Federal Aviation Administration tower at the Eidolon Nature Preserve was completed September 25 and the Preserve has been reopened. No trace of the tower remains and the tower site has been restored to its original contours.

The completion of the tower work clears the way for the second phase of the effort to restore the Preserve's old stone cottage, which will involve constructing a post and beam framework to support a new cottage roof. Hedgesville contractor Duane Householder will begin that work soon. Last fall, he installed concrete footings that were needed to support the post and beam framework.

Once the new roof is in place, PVAS will be able to use the cottage as an educational pavilion and begin offering programming there.

Eidolon's former owners, Louis and Marguerite Zapoleon, built the cottage in 1950-51. They used the structure as a weekend retreat for more than a decade, and they intended to use it as their summer home when they retired. However, the cottage was gutted by fire in 1962 and the Zapoleons never rebuilt it.



Eidolon Nature Preserve Fall 2012 Hunting and Hiking Schedule

The land now known as the Eidolon Nature Preserve has been hunted by neighboring families for generations, and when Marguerite Zapoleon willed the land to the Nature Conservancy, she stipulated that hunting should be allowed to continue there. Accordingly, and also in the interest of maintaining a healthy forest and viable animal populations, the Nature Conservancy and PVAS are permitting hunting on the property.

To balance the safety of hikers and the interests of deer hunters, we ask all visitors to observe the following rules during deer season:

- Hunters must be licensed by the state and follow all applicable state laws and regulations.
- For their part, hikers should exercise appropriate caution during hunting season and wear at least one item of blaze orange clothing.
- In accordance with state law, no hunting will be permitted on Sundays.
- The Eidolon Nature Preserve will close its trails to hikers for the entire first week of the firearm season for buck deer (November 19 through 24 this year), on the last day of buck season, December 1, and during the two antlerless deer seasons in December.
- On all other days during the firearm seasons for deer, the trails will be open to hikers from 10 am until 3 pm only.

2012 Eidolon Fall Hunting and Hiking Schedule at a glance

Monday, November 19 through Saturday, November 24	First week of firearm season for buck deer; trails closed to hikers every day
Sunday, November 25	No hunting
Monday, November 26 through Friday, November 30	Trails open to hikers 10am-3pm only
Saturday, December 1	Last day of firearm season for buck deer; trails closed to hikers all day
Sunday, December 2 through Wednesday, December 12	No hunting
Thursday, December 13 through Saturday, December 15	First antlerless deer hunting season; trails closed to hikers every day
Sunday, December 16 through Thursday, December 27	No hunting
Friday, December 28 and Saturday, December 29	Beginning of second antlerless deer hunting season; trails closed to hikers both days
Sunday, December 30	No hunting
Monday, December 31	Last day of antlerless deer hunting season; trails closed to hikers all day

School Programs Are Underway

Once school started this year, it didn't take teachers long to ask PVAS to present programs for their students! Watershed programs have begun at Tomahawk Intermediate School and St Joseph's Parish School in Berkeley County, and Shepherdstown and Ranson Elementary Schools in Jefferson County. Programs at Tomahawk and St Joe's will continue all year. Over 350 students are currently involved in these programs and more watershed classes will begin after Thanksgiving.

Fourth graders at Eagle Intermediate School "sampled" a session of the watershed program with activities presented in their classroom focusing on the properties of water. Among other activities, they discovered that the number of water drops that can be put on a penny is astounding! Ranson watershed elementary students visited Flowing Springs Park in October to test the water quality of the stream and explore the water for the creatures that live there.

Second graders at St Joe's have begun a 10-hour program that will introduce them to plants and animals in the forest and will include a field experience at Yankauer Preserve in the spring. First graders at Winchester Avenue learned the difference between living and non-living things and second graders at Opequon Elementary discovered that plants and animals can be found everywhere, even in their own schoolyard!

First graders at Ranson Elementary visited Yankauer Preserve in early October and learned that scientists use their senses to explore the natural world. A new activity for this program featured StoryWalk® which enticed the students to walk the Cedar Loop while reading a book posted page-by-page on the trail.

Later in the fall, students from other schools will be visiting Yankauer Preserve and PVAS instructors will be visiting classroom in Berkeley and Jefferson Counties. Several of these programs are being funded by grants from Ecolab and the West Virginia Community Foundation.

United Way/CFC Fund Drives

Remember that the annual fundraising campaigns of the United Way of the Eastern Panhandle and the Combined Federal Campaign (CFC) are now underway. Both campaigns will last into the winter. Because PVAS is an IRS-qualified non-profit agency, individuals who contribute to either United Way or CFC can designate all or part of those contributions to PVAS, if they wish.

To designate United Way contributions to PVAS, look for the section of the United Way contribution form that asks how you want your donation invested and indicate that you want to make a "Restricted Contribution" to "Potomac Valley Audubon Society,

PO Box 578, Shepherdstown, WV." To designate CFC contributions to PVAS, enter PVAS's CFC number (29061) on the CFC form that you file with your employing agency.

Please note that United Way and CFC deduct a percentage from all designated contributions to cover their administrative costs. If you have any questions, please contact Kristin Alexander at Kristin@PotomacAudubon.org or 304-676-3397.

Project FeederWatch

The 26th season of Project FeederWatch begins November 10, 2012. Anyone interested in birds and nature is invited to help us all learn more about our favorite birds and to become a "citizen scientist." The cost is \$15 which will provide you with:

- The FeederWatcher Handbook & Instructions
- 17" x 22" Common Feeder Birds poster
- the 2012-13 Bird-Watching Days Calendar
- *Winter Bird Highlights*, an annual summary of Feeder-Watch findings

FeederWatch is a program of The Cornell Lab of Ornithology. PVAS does not receive any money from this project but recognizes the importance (and fun) of tracking backyard birds. The program is an excellent way for anyone to learn more about feeding winter birds and tracking the species that visit your feeder. The website is <https://birds.cornell.edu/pfw/>

FLICKER FUN FACTS

- Has common folklore name *Yellowhammer*.
- Named the State bird of Alabama, as that state's Confederacy soldiers were called Yellow Hammers.
- Can extend tongue 3 inches beyond bill; ideal for catching ants from lawns and even sidewalks! Diet includes more ants than any other North American bird.
- Spends more time on the ground than other N. A. woodpeckers.
- Is an *indeterminate layer*, that is, the clutch size varies. In one study "when all eggs after the first were removed from one female's nest, she laid 71 eggs in 73 days."⁽²⁾
- Gilded flicker, western subspecies, excavates nest holes in saguaro cactus.



Northern Flicker
by Larry McQueen

Sources:

- (1) Laura C. Martin, *The Folklore of Birds*, (1993) The Globe Pequot Press
- (2) Paul R. Ehrlich et al; *The Birder's Handbook*, (1988), Simon and Schuster, Inc.

JOIN PVAS TODAY!

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

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

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

Membership Form

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

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

Clip and mail this form to:

Membership Chair, PVAS
 PO Box 578
 Shepherdstown, WV 25443

Thank you for your support!



If you'd rather join the National Audubon Society:

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

RED TEXT - DOT ALERT

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



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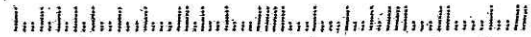
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Jefferson County Commission
 100 E Washington Street
 Charles Town, WV 25414

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November 2012

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

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

PVAS Officers and Board Members

- President: Bob Reynolds (2015)robert.reynolds40@gmail.com
- Vice President: Gary Heichel (2015) GaryIris.Heichel@frontier.com
- Secretary: Mina Goodrich (2013) larrymina@peoplepc.com
- Treasurer: Lex Miller (2014).....pamandlex@frontiernet.net
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 - Heather McSharry (2014)heather_mcsharry@yahoo.com
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 - Program Director: Ellen Murphy (304-676-3397)..... Ellen@PotomacAudubon.org
 - Web Master: Kathy Bilton..... kathy@fred.net
 - PVAS Wildlife Rescue Coord: Diana Mullis (304-267-3482)..... dianamullis@aol.com

Eastern Panhandle Transportation Authority

PO Box 869

Charles Town, WV 25414

October 16, 2012

Paul A Mattox, Secretary of Transportation
1900 Kanawha Blvd East, Bldg Five, Rm 110
Charleston, WV 25305-0430

Dear Secretary Mattox:

The Eastern Panhandle Transportation Authority would like to formally request that urgent consideration be given to the completion of Rt 340 South from the southern terminus of the Charles Town Bypass 4.0 miles to the Clarke County, VA line.

We know that there are many priorities in the state but the completion of this road will provide 4-lane access to all of the Jefferson County industrial parks, The Hollywood Casino at Charles Town Races, Harpers Ferry National Park, and all other Federal installations in Jefferson and Berkeley Counties. It is our thought that this is the most economical way to provide adequate transportation for the Jefferson County businesses and population. It will also benefit the tourism industry in the Eastern Panhandle.

Thank you for your prompt attention to this request.

Sincerely,



Katherine R Mason, Chairperson
Eastern Panhandle Transportation Authority

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Jefferson County Commission

CC: Governor Tomlin
Lee Thorne, District 5 DOH
Senators: Barnes, Helmick, Snyder, Unger
Delegates: Cowles, Duke, Householder, Kump, Lawrence, Overington
County Administrators: Hammond, Keyser, McClintock
Robert Gordon, HEPMPO



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505

Earl Ray Tomblin
Governor

Paul A. Mattox, Jr., P. E.
Secretary of Transportation/
Commissioner of Highways

October 18, 2012

Ms. Debbie Keyser
County Administrator
Jefferson County Commission
Post Office Box 250
Charles Town, West Virginia 25414

Dear Ms. Keyser:

Thank you for your letter, dated October 4, 2012, regarding the improvement of US 340 in Jefferson County from two to four lanes. The project begins at the Virginia State Line and extends to the Charles Town Bypass for a distance of approximately five miles.

The Division of Highways has received suggested alignment shifts for Preferred Alternative 4 that could further reduce residential impacts. Our engineering consultant is currently developing additional drawings. Once the comment period has ended on October 24, 2012 and all comments are received, we intend to schedule another workshop public meeting/hearing after the first of the year to discuss the project and show new alignment shifts. We will gladly meet with the County Commission concerning project notification to property owners and potential buyers.

Again, thank you for writing and sharing your concerns. Should you have any questions or require additional information, please contact Mr. Ben Hark, Environmental Section Head of this office, at (304) 558-9670 or by e-mail at Ben.L.Hark@wv.gov.

Very truly yours,

Gregory L. Bailey, P. E.
Director
Engineering Division

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GLB:Hc

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Jefferson County Commission

Jefferson County Public Service District

To: Jefferson County Commission

From: Susanne Lawton, General Manager, Jefferson County Public Service District

Date: October 31, 2012

Re: November 8, 2012 Hearing on the "Petition for Closing Unused Road, Streets & Travel Ways – Martin and Brenda Lookingbill"



Honorable Commissioners:

The Jefferson County Public Service District has no objection to the proposed upgrade of the properties that are included in this petition, provided that the District's facilities and services are not jeopardized. We understand that the alley does need to be closed off to enable the upgrade to occur. We do though request that if you approve this closing that in your approval it is documented that the District owns a sewer line and two manholes along with a permanent 15' wide easement within the unused alley that must remain accessible and must not be blocked, damaged or have the manholes covered.

I have included a copy of our sewer plan showing the easement and an overhead view with a layer showing our sewer line in reference to the existing buildings. If you would like more information, please contact me.

