

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, NOVEMBER 15, 2012
9:30 A.M.

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

Revised 11/13/12 11:45 a.m.

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. Jan Dougherty, Kiwanis of Charles Town
 - Request for Donation to help with Santa's Toy Shop 2012 -
 Discussion/Action

2. 10:00 a.m. Jennifer Brockman, Director of Planning and Zoning
 - Approval of Job Offer for two-year temporary Comp Plan Planner Position -
 Discussion/Action
 - Approval to Advertise to fill the vacant budgeted position of Project/Office
 Manager - Discussion/Action
 - Approval of Contract with a Facilitator for the Envision Jefferson 2035
 Public Input meetings - Discussion/Action

3. 10:30 a.m. Break

4. 10:45 a.m. Barb Miller, Director of Homeland Security and Emergency Management
 - Grant Proposal Needs Approval - Discussion/Action

5. 11:00 a.m. Jennifer Brockman, Director of Planning and Zoning
 - Request for County Commission Approval of the US 340 Corridor East
 Gateway Plan, Incorporating Staff Recommended Changes Based on Public
 Comment - Discussion/Action

UNFINISHED BUSINESS:

6. - 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
7. 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
8. Decision on Impact Fee Affordable Housing Discount - Discussion/Action

NEW BUSINESS:

9. Request for Approval of Grant Application - State Historic Preservation Office Development Grant - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- Discussion on Briel Building - Discussion/Action
- Discussion of Settlement Payment to Smith - Discussion/Action

COUNTY COMMISSION REPORTS

10. Break for Lunch

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

11. 1:30 p.m. Property Safety Enforcement Agency - Hearing on Case 11-002(Hill)
Property located at 10073 Charles Town Road, Charles Town Tax District,
Map 2, Parcel 20, Deed Book 395, Page 529 - Discussion/Action

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 of Public Hearing on November 27, 2012 at 10:00 a.m. on the Amended Petition to Remove Executor and Appoint Curator AND the Response to the Amended Petition to Remove Executor and Appoint Curator on the estates of Charles F. Printz, Sr. and Beth H. Printz, deceased and Petition to Remove Executor of the Blanch V. Nelson Estate.

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.

Copy of IT Proposal Options presented to the County Commission during the November 1, 2012 Commission meeting.

Weekly Settlement for Hollywood Casinos at Charles Town Races and Slot received for weeks ending November 3rd, 2012 received from the West Virginia Lottery.

Invitation to join Maintain - Don't Gain during the holidays from the West Virginia University Extension Service beginning November 11th, 2012.

Copy of Memorandum for Pre-Proposal Conference help on October 31, 2012 regarding Non-Residential Minor Site Development for Jefferson County Parks and Recreation Commission.

Letter received from Loudoun County Virginia Department of Planning concerning a Public Hearing on November 28, 2012 on a Comprehensive Plan Amendment.

October 2012 Issue of the Commissioners' Corner Newsletter received.

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 8, 2012

A meeting of the Jefferson County Commission was held on Thursday, November 8, 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, and Walt Pellish. Also present were Debbie Keyser, County Administrator, Jimmy Eddie, Bailiff, Cynthia Schott, Temporary Administrative Assistant. (An audio tape of the November 8, 2012 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Pellish led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the minutes of the November 1, 2012 regular meeting as presented. Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$8,860.32 being P. O. Nos. 50195, 49988, 49990, 50221, 50222, 50096, 50194, 50196, 50197, 50198, 50199. Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
068554	428	ACS GOVERNMENT SYSTEMS	49985	\$ 422.88	\$ -	\$ 422.88
068555	425	ALLIANCE ELECTRIC LLC	50192	\$ 847.00	\$ -	\$ 847.00
068556	413	APPLE VALLEY OFF.PRODUCT	49966	\$ 139.47	\$ -	\$ 139.47
068557	424	B-K OFFICE SUPPLY INC	50188	\$ 1,151.32	\$ -	\$ 1,151.32
068557	425	B-K OFFICE SUPPLY INC	50184	\$ 1,140.10	\$ -	\$ 1,140.10
068558	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
068559	PAYROLL	BUREAU F/CHILD SPprt ENF		\$ -	\$ 212.31	\$ 212.31
068560	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
068561	428	BARRACUDA NETWORKS, INC.	49906	\$ 848.00	\$ -	\$ 848.00
068562	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 23.08	\$ 23.08
068563	403	CASTO & HARRIS INC	49884	\$ 3,151.70	\$ -	\$ 3,151.70
068563	403	CASTO & HARRIS INC	50884	\$ 3,056.80	\$ -	\$ 3,056.80

068563	413	CASTO & HARRIS INC	49987	\$ 374.21	\$ -	\$ 374.21
068564	413	COMPLETE SYSTEM SUPPORT	49975	\$ 709.00	\$ -	\$ 709.00
068565	424	CHARLES TOWN UTILITY BRD		\$ -	\$ 120.24	\$ 120.24
068565	425	CHARLES TOWN UTILITY BRD		\$ -	\$ 785.22	\$ 785.22
068566	413	CHARLES TOWN COPYING SRV	49986	\$ 168.00	\$ -	\$ 168.00
068567	PAYROLL	CHILD SUPPORT ENFORCE AG		\$ -	\$ 27.69	\$ 27.69
068568	439	DAWN E.CHILDS		\$ -	\$ 496.00	\$ 496.00
068569	425	DAYCON	50187	\$ 1,022.83	\$ -	\$ 1,022.83
068570	PAYROLL	DIVERSIFIED COLLECTION		\$ -	\$ 154.83	\$ 154.83
068571	717	DONALD B. RICE TIRE CO.	50186	\$ 818.24	\$ -	\$ 818.24
068572	424	J.C.EHRLICH		\$ -	\$ 34.00	\$ 34.00
068572	425	J.C.EHRLICH		\$ -	\$ 608.84	\$ 608.84
068573	401	RICOH USA, INC		\$ -	\$ 29.06	\$ 29.06
068573	403	RICOH USA, INC		\$ -	\$ 58.14	\$ 58.14
068573	404	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
068573	405	RICOH USA, INC		\$ -	\$ 87.21	\$ 87.21
068573	406	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
068573	425	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
068573	433	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
068573	440	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
068573	700	RICOH USA, INC		\$ -	\$ 58.14	\$ 58.14
068573	712	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
068574	PAYROLL	ING NATIONAL TRUST		\$ -	\$ 1,685.00	\$ 1,685.00
068575	406	IAAO	49854	\$ 175.00	\$ -	\$ 175.00
068576	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 4,803.00	\$ 4,803.00
068576	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 40.00	\$ 40.00
068577	405	PAUL F.KRADEL, ED.D.	50048	\$ 4,550.00	\$ -	\$ 4,550.00
068578	403	MATTHEW BENDER & CO	49894	\$ 101.94	\$ -	\$ 101.94
068579	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
068580	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 774.00	\$ 774.00
068581	405	NATL DIST ATTORNEYS ASSO	50049	\$ 165.00	\$ -	\$ 165.00
068582	424	POTOMAC EDISON/OH		\$ -	\$ 1,692.76	\$ 1,692.76
068582	425	POTOMAC EDISON/OH		\$ -	\$ 11,359.25	\$ 11,359.25
068583	425	RCS SECURITY	50191	\$ 790.25	\$ -	\$ 790.25
068584	402	RECORD MANAGEMENT SOLUTN	49696	\$ 35.00	\$ -	\$ 35.00
068584	403	RECORD MANAGEMENT SOLUTN	49887	\$ 30.00	\$ -	\$ 30.00
068585	PAYROLL	RETIREE HLTH BENEFIT TRS		\$ -	\$ 6,300.00	\$ 6,300.00
068586	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 75.94	\$ 75.94
068586	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 21.18	\$ 21.18
068586	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,095.88	\$ 10,095.88
068586	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 36,205.99	\$ 36,205.99

068587	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 2,080.00	\$ 2,080.00
068587	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 580.00	\$ 580.00
068587	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 1,987.50	\$ 1,987.50
068588	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 105.39	\$ 105.39
068588	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 40,754.15	\$ 40,754.15
068589	401	STAPLES CREDIT PLAN		\$ -	\$ 121.53	\$ 121.53
068589	433	STAPLES CREDIT PLAN		\$ -	\$ 132.94	\$ 132.94
068589	700	STAPLES CREDIT PLAN		\$ -	\$ 1,187.73	\$ 1,187.73
068589	712	STAPLES CREDIT PLAN		\$ -	\$ 924.62	\$ 924.62
068590	425	TRENARY SERVICE CO	50190	\$ 1,727.52	\$ -	\$ 1,727.52
068591	403	UNITED SYSTEMS & SOFTWARE		\$ -	\$ 199.00	\$ 199.00
068592	PAYROLL	UNICARE EAP		\$ -	\$ 322.20	\$ 322.20
068592	PAYROLL	UNICARE EAP		\$ -	\$ 322.20	\$ 322.20
068593	425	WM OF WEST VIRGINIA, INC		\$ -	\$ 459.62	\$ 459.62
068593	716	WM OF WEST VIRGINIA, INC		\$ -	\$ 95.66	\$ 95.66
068594	401	JOSEPH WINDLE AND POWER,		\$ -	\$ 3,534.83	\$ 3,534.83
068594	401	JOSEPH WINDLE AND POWER,		\$ -	\$ 17,000.00	\$ 17,000.00
068594	401	JOSEPH WINDLE AND POWER,		\$ -	\$ 20,000.00	\$ 20,000.00
068595	402	XEROX CORPORATION	49705	\$ 1,606.75	\$ -	\$ 1,606.75
TOTAL						\$ 189,421.95
TOTAL				\$ 23,031.01	\$ 166,390.94	\$ 189,421.95

Motion by Mr. Pellish to approve the accounts payable for November 8, 2012 in the amount of \$189,421.95. Motion seconded by Mr. Manuel and unanimously approved.

PUBLIC COMMENT:

- Barbara Miller, Director of Homeland Security and Emergency Management, introduced Jessica Owens the newly hired Public Information Officer.
- Ann Coulter, League of Women Voters Representative requested a copy of the IT Report.
- Kathy Knight thanked Frances Morgan on behalf of Jefferson County residents for her service on the County Commission.
- David Tabb thanked the Commission Staff for supplying him with requested paperwork. Mr. Tabb also expressed his thanks to Frances Morgan for her service to the community.

PRESENTATIONS:

1. Roger Goodwin, Chief County Engineer
 - a. Complete release of the Construction Bond security for the THZ Enterprises, LLC Maddex Farm Subdivision, Phase III (PC File # 05-05). Letter of Credit #1236-4401 with United Bank, Martinsburg, WV.

- b. Complete release of the Construction Bond security for the THZ Enterprises, LLC, Maddex Farm Subdivision, Phase IV (PC File #06-07). Letter of Credit #1200 with United Bank, Martinsburg, WV.

Mr. Goodwin requested a postponement on the above two actions and a deferment until the November 29, 2012 meeting.

2. Planning and Zoning Steering Committee:

- Commission President Noland welcomed and thanked the Comprehensive Plan Steering Committee (CPSC) Members. Each of the Commissioners shared their vision for this working body. Each of the CPSC Members introduced themselves sharing a little of their background.
- Jennifer Brockman, Director of Planning and Zoning shared that a kick-off meeting for the Steering Committee will be held November 27, 2012.
- Upon consensus of the Commission, the WV Division of Highways will be contacted regarding their interest in having a representative involved in some manner on the Comprehensive Plan Steering Committee.

3. Jennifer Brockman, Director of Planning and Zoning.

- a. 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 the Charles Town, for the purpose of setting a public hearing to be held by the County Commission on January 10th, 2013 at 7:00 pm.
- b. 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 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 10, 2013 at 7:30 pm.

No action was taken by the Commission regarding approving Public Hearing date. The Commission requested that Ms. Brockman consult with legal counsel regarding the legal requirements of setting days and times for multiple Public Hearings.

4. The Commission took a short break at 10:59am.
The Commission reconvened at 11:11am.

NEW BUSINESS

5. Approval of Grant Contract and Resolution for the Friends of Blackwater in the amount of \$2,000.
Motion by Mr. Pellish to approve the Grant Contract and Resolution for the Friends of Blackwater in the amount of \$2,000 and to authorize the President of the Commission to affix her signature to the appropriate documents. Motion seconded by Manuel and unanimously approved.

6. Approval of Grant Contract and Resolution for the Blue Ridge Watershed Coalition in the amount of \$10,000.

Motion by Mr. Manuel to approve the Grant Contract and Resolution for the Blue Ridge Watershed Coalition in the amount of \$10,000 and to authorize the President of the Commission to affix her signature to the appropriate documents. Motion seconded by Ms. Widmyer and unanimously approved.

7. Approval of Grant Contract and Resolution for the Jefferson County Convention and Visitors Bureau for Harpers Ferry Welcome Center in the amount of \$5,000.

Motion by Ms. Widmyer to approve the Grant Contract and Resolution for the Jefferson County Convention and Visitors Bureau for Harpers Ferry Welcome Center in the amount of \$5,000 and to authorize the President of the Commission to affix her signature to the appropriate documents. Motion seconded by Mr. Manuel and unanimously approved.

8. Approval of Grant Contract and Resolution for the Good Shepherd Interfaith Volunteer Caregivers in the amount of \$2,000.

Motion by Mr. Pellish to approve the Grant Contract and Resolution for the Good Shepherd Interfaith Volunteer Caregivers in the amount of \$2,000 and to authorize the President of the Commission to affix her signature to the appropriate documents. Motion seconded by Ms. Widmyer and unanimously approved.

9. Approval of Grant Contract and Resolution for the Historic Locke House in the amount of \$2,000.

Motion by Mr. Manuel to approve the Grant Contract and Resolution for the Historic Locke House in the amount of \$2,000 and to authorize the President of the Commission to affix her signature to the appropriate documents. Motion seconded by Mr. Pellish and unanimously approved.

COUNTY ADMINISTRATOR REPORTS:

- Jennifer Maghan, County Clerk of Jefferson County, swore Ms. Debbie Keyser in as the County Administrator.

COUNTY CLERK ELECTION UPDATE:

Jennifer Maghan, County Clerk, gave a brief update on the 2012 election. The voting process ran smoothly with her office setting up outside the courthouse on Election Day to help voters find their precincts. Ms. Maghan delivered emergency ballots to two (2) hospitals. Jefferson County had a 61% voting turnout, slightly down from 2008 at 64%. Poll workers have been paid at a cost of \$44,000. The Canvas will be held on Tuesday (and possibly Wednesday), November 13, 2012 at the Jefferson County Courthouse at 9 am.

COUNTY ADMINISTRATOR REPORTS (continued):

- Ms. Keyser shared that the week of November 13th is when the Courthouse Facilitation Team will be in town visiting with Mr. Polk and the Commissioners to make recommendations.
- Approve the Security Key License Agreement between Jefferson County and Washington County Emergency Responders and to authorize the President of the Commission to affix their signature, subject to review by legal Counsel.
 - **Motion by Mr. Pellish to approve the Security Key License Agreement between Jefferson County and Washington County Emergency Responders and to authorize the**

**President of the Commission to affix their signature subject to review by Legal Counsel.
Motion seconded by Ms. Widmyer and unanimously approved.**

- Presentation – Space Needs/Property – Briel/Campbell/ 201 N. George Street.
Commissioners felt it was necessary to go into an Executive Session to discuss details of the Briel Building Proposal.

Motion by Mr. Pellish to enter into an executive session to consider matters involving or affecting the purchase, sale or lease of property, in regard to 201 N. George Street Charles Town, WV. WV Code §6-9A-4(9). Motion seconded by Mr. Manuel and unanimously approved.

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

10. The Commission broke for lunch at 12:35 pm.
The Commission reconvened at 1:43 pm.

11. Public Hearing – Petition for closing unused road, street and travel ways – Jefferson County Tax Map, District 2, Map # 10A. Beginning at Washington Street and extending in a southerly direction to a point 255.83 feet from Washington Street Martin and Brenda Lookingbill.

Presentation was by made by Mr. David Camilletti, Esq., representing Martin Wayne Lookingbill and Brenda Diane Lookingbill. Mr. Lookingbill also spoke on his behalf. Commission President Noland asked for public input from the floor, none was forthcoming. Ms. Noland reported that the presentation of petition would be put on the November 29, 2012 agenda at which time the Commissioners would vote. Until that time, the record is held open for input from the public.

COUNTY ADMINISTRATOR REPORTS (continued)

Presentation – Space Needs/Property – Briel/Campbell/ 201 N. George Street.

- **Motion by Mr. Pellish to authorize the County Administrator to move forward with the negotiations to purchase 201 N. George Street (known as the Briel Building), in the amount stated in Executive Session. Motion seconded by Mr. Manuel and unanimously approved.**

COUNTY COMMISSIONER REPORTS:

Commissioner Manuel:

- November 3 – Attended the Chestnut Hill United Methodist Church Pancake Supper.
- November 7 – Attended the Affordable Housing Meeting

Commissioner Noland:

- Attended the Region 9 Meeting and presented the Neil Carpenter Awards.
- Took part of National Association of Counties in the Northeast Conference call.
- Attended the Election Night results at the Jefferson County Courthouse.

Commissioner Pellish:

- Visited with one of the existing businesses in the Industrial Park with John Reisenweber, of the Development Authority.
- Attended the Election Night results at the Jefferson County Courthouse.

Commissioner Widmyer:

- Attended the Election Night results at the Jefferson County Courthouse.

There being no further business, the meeting was adjourned at 2:07pm on a motion by Mr. Manuel and seconded by Mr. Pellish. Motion unanimously approved.

PATRICIA A. NOLAND,
PRESIDENT

**PURCHASE ORDERS TO BE APPROVED
NOVEMBER 15, 2012**

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
CENTRAL GARAGE	50161	\$ 306.50	NAPA	Vehicle Materials
	50205	\$ 515.12	Donald B. Rice Tire	Tires
	50209	\$ 1,553.60	Fisher Auto Parts	Vehicle Material
COUNTY CLERK	49992	\$ 728.64	Shepherdstown Chronicle	Election Information
	49993	\$ 100.94	LexisNexis	WV Code Service Renewal
COMMISSION	50065	\$ 104,383.20	Regional Jail	October 2012 Billing
COURTHOUSE	50200	\$ 4,600.00	Rodgers Clock Service	Clock Hands for CH Clock Tower
OTHER BUILDINGS	50206	\$ 2,114.00	84 Lumber	Building Materials & Supplies
	50207	\$ 1,101.00	Boland	Condenser Fan Motor in Computer Room
PLANNING & ZONING	49960	\$ 107.14	Jefferson Publishing - Spirit	Public Hearing Notices
PROSECUTING ATTORNEY	50050	\$ 1,947.48	Specialty Business & Supplies	Office Supplies
	50051	\$ 636.83	Staples	Office Supplies
	50052	\$ 681.00	The Journal	Ad for Civil Attorney
	50054	\$ 1,006.62	Matthew & Bender & CO., Inc	Monthly Statement - WV Code
GRAND TOTAL		\$ 119,782.13		

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Janet Dougherty

Department or Organization: Kiwanis of Charles Town

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: next meeting

Date Requested – 2nd Choice: _____

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

Subject(Wording to be placed on agenda): Request for Donation to help with Santa's Toy Shop 2012

Please provide the County Commission with a description of your request or presentation, including any background information: We are requesting \$1500.00 to help with our Santa 's Toy Shop 2012. We annually serve over two hundred families and five hundred children.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):
Move to approve funding requesting \$1500.00 for Kiwanis Santa's Toy shop

Are documents attachments? Yes _____ No x

If not, explain:

There are no technical documents

Is a projector needed? Yes _____ No x

Contact information:

Email address: janinwv@yahoo.com

Phone number: 304-725-5131 or cell 304-707-2623

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

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: no appointment required – new business item

Date Requested – 1st Choice: November 15, 2012

Date Requested – 2nd Choice: _____

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

Proposed start date is November 26, 2012.

Subject: **Approval of Job Offer for two-year temporary Comp Plan Planner Position**

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

See attached employee action form and previously approved personnel request form and resume for Christopher Whittaker. Proposed start date is December 10, 2012 however arrangements will be made for attendance at November 27, 2012 Steering Committee organizational meeting.

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

I move approval of the recommendation of the Director of Planning and Zoning to hire Christopher Whittaker to fill the two-year temporary position of Comprehensive Plan Planner for the Departments of Planning and Zoning in accordance with the Department of Planning's budgeted position.

Attachments:

- Employee Action Form
- Personnel Requisition form from Jennifer Brockman dated 9/10/12
- Resume for Christopher Whittaker

**Jefferson County Commission
Employee Action Form**

Employee Name:	Christopher Whittaker		
Department Number:	439	Work Location:	Mason Bldg
Birthdate:		Mail Address:	
Social Security:		Mail Address:	
Home Phone:		Cell Phone:	
Salary:	\$ 46,000.00	Salary:	\$ -
Reason:	Two-year temporary comprehensive plan planner position		New Hire Promotion Temporary Assignment Annual Increase
Step:		Step:	
Grade:		Grade:	
Min/Mid/Max		Min/Mid/Max	
From:	Candidate Non-Exempt Exempt Full-Time Perm > 1820 hrs/annual Full-Time Perm 2080 hrs/annual Full-Time Temp < 6 mos Part-time Perm < 1040 hrs/annual Part-time Temp/Intern Contract Termination/Retirement	To:	Candidate Non-Exempt Exempt Full-Time Perm > 1820 hrs/annual Full-Time Perm 2080 hrs/annual Full-Time Temp < 6 mos Part-time Perm < 1040 hrs/annual Part-time Temp/Intern Contract Termination/Retirement
From:	Military FMLA Personal Unpaid Active Workers Comp WC Rate:	To:	Military FMLA Personal Unpaid Return to Work WC Code WC Rate:
Additional Info: Christopher Whittaker is filling a position scheduled to last from December 10, 2012 through December 2014. It will be a full time exempt salaried position with full County benefits including performance review.			
Effective Date:			
Co Admin/Elected Official:		HR Approval	
Commission Approval		Hiring Mgr Appr	
Hiring Mgr Notified		Payroll Done	

Christopher Thomas Whittaker

5122 E. Liberty Park Circle
North Charleston SC 29405
Phone (850)559-2478
E-mail: whitx@gmail.com

Summary of Qualifications

Adaptable, adaptable individual with six years experience in research and analysis, including two years of transportation and concurrency planning for a public agency, 2 years of planning consulting for a Council of Governments, and two years of planning consulting for a private firm. Experience with planning and land use laws and regulations at local, state, and federal levels. In these positions, experience with site plan review, comprehensive planning, long-range planning, zoning, farmland protection, local and regional transportation planning, housing planning, and hazard planning. Experience with GIS, fiscal analysis, grant writing, land use code writing, and several transportation modeling software programs, and a variety of databases related to housing, land use planning, transportation planning, and US Census Bureau information.

Employment History

Planner II

Berkeley Charleston Dorchester Council of Governments
North Charleston, SC

2010-2012

- Project Manager for BCD Regional Community Resilience Study, including facilitating and coordinating meetings with local government, non-profit, medical, and business officials, and the creation of documentation related to project.
- Wrote final draft of Berkeley/Dorchester Hazard Mitigation Plan approved by South Carolina Department of Emergency Management and presented draft to multiple county and municipal commissions.
- Wrote update to Town of Summerville Comprehensive Plan Housing for several subject areas
- Served as primary project contact during creation of Berkeley County, Dorchester County, and Town of Summerville Analysis of Impediments to Fair Housing.
- Assisted with creation of CHATS 2035 Long Range Transportation Plan for 3 County region
- Researched and wrote Berkeley Charleston Dorchester (BCD) Regional Housing Needs Assessment.
- Wrote rural transportation grant application for Town of McClellanville multi-use bridge resulting in over \$389,000 of assistance for the Town to plan and construct bridge.
- Scheduled, coordinated, and facilitated both continuing education and new member orientation training for municipal appointed board members and planning and zoning staffs.

2007-2010

Community Planner
Behan Planning and Design
Saratoga Springs, NY

- Project manager for Zoning Code Update and Creation of Design Guidelines for the Town of Big Flats
- Worked with communities and regional entities in Upstate NY on planning efforts, including Comprehensive Planning, Zoning, Land Use Planning, Design Guidelines, Farmland Protection, and Open Space Planning
- Assisted in creation of Regional Growth Management Plan for Fort Drum area in coordination with local, regional, state, and federal agencies
- Created stewardship manual for City of Syracuse to assist in its award winning watershed protection efforts
- Coordinated with state and federal agencies on efforts related to grant writing and project management and with SEQR and NEPA compliance for various projects
- Planned and led public workshops related to planning and zoning efforts in several communities

2005-2007

Transportation Planner
Leon County Department of Growth and Environmental Management
Tallahassee, FL

- Project manager for a number of site plan reviews
- Assessed present and future transportation needs for county in order to assist in the implementation of a multimodal transportation system for Leon County.
- Helped to create transportation policies relating to Florida Senate Bill 360.
- Modeled traffic impacts for present and future development projects using FSUTMS and QRS II modeling programs
- Managed and monitored concurrency management system for Leon County.
- Interacted with county residents and the development community in interpreting and regulating development and zoning codes.

2005

Research Assistant
Florida State University, Tallahassee, FL
Department of Urban and Regional Planning

- Analyzed GIS data for 10 Florida counties to determine residential development in coastal high hazard areas as part of the Coastal Land Analysis Management Project
- Performed analysis of coastal elements of comprehensive plans for coastal communities in Florida

Planning Intern, Orange County Government, Orlando FL
Research Assistant, Florida State University, Tallahassee, FL
Debt Management Counselor, In Charge Institute, Orlando, FL

2004
2003-2004
2002

Education

- Master of Science in Planning, Urban and Regional Planning, Florida State University
- Master of Science, Information Studies, Florida State University
- Bachelor of Science, Business Administration and American Studies, State University of New York at Brockport

Military

US Army, Security Clerk, Specialist, Honorably Discharged

Skills

- ⑤ Project Management
- ⑤ Research and Analysis,
- ⑤ Use of Census, HMDA, and HUD databases, amongst others
- ⑤ Grant Writing
- ⑤ Public Outreach
- ⑤ Training and Facilitation
- ⑤ Several transportation modeling programs, including QRS II, Synchro and SimTraffic.
- ⑤ MS Office applications, including MS Word, MS Access, MS Excel, and MS PowerPoint
- ⑤ ArcGIS 10 and ArcView Geographic Information System software
- ⑤ Adobe Acrobat and Photoshop
- ⑤ Municipal Association of South Carolina Certified Trainer

Awards and Activities

- 2009 APA Upstate NY Chapter Award for Implementation for City of Syracuse Skaneateles Lake Watershed Protection Program, Team Member.
- Technical Review Committee, Capital Regional Transportation Planning Agency, 2006-2007
- Member, American Planning Association, 2004-present
- Beta Phi Mu International Library and Information Studies Honor Society
- Research Assistantship, Department of Urban and Regional Planning, Florida State University, 2004, 2005
- Dean's List, Florida State University, 2002-2005

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

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: no appointment required – new business item

Date Requested – 1st Choice: November 15, 2012

Date Requested – 2nd Choice: _____

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

Subject: **Approval to Advertise to fill the vacant budgeted position of Project/Office Manager**

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

See attached proposed job posting.

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

I move approval allowing the Director of Planning and Zoning to advertise a vacant budgeted position of Project/Office Manager for the Departments of Planning and Zoning.

Attachments:

- **Personnel Requisition form from Jennifer Brockman dated November 15, 2012**

JEFFERSON COUNTY

Personnel Requisition

Department Name Planning and Zoning **Date** 11/15/12 **Date Needed** ASAP

Job Title Project/Office Manager **Salary** Grade IV **Criminal History Check** ___ Yes No

Suggested Recruitment Source(s) APA website, Journal and County website

Applicants Interviewed By: Jennie Brockman and staff **Position Reports To:** Jennie Brockman

Minimum Education Required: ___ Bachelor's degree in land use planning, geography, public administration, and/or a related field, with a preferred 1 – 3 years of prior experience, or a combination of higher education, training and experience which provides the required knowledge, skills and abilities.

Minimum Experience Required: Essential skills include strong writing and editing skills; fluent working knowledge of all Microsoft Office programs; a working knowledge of the Internet and experience developing and updating web pages; experience researching and writing grants; ability to work on several projects or issues simultaneously; ability to work independently or in a team environment as needed; knowledge of planning principles and practices, including pertinent specialties; knowledge of principles and practices of research and data collection.

Job Duties: Serve as the primary administrative resource for the Director, including limited HR tasks; monitor and guide workflow ensuring all deadlines are met; administratively manage special projects, including managing timelines, drafting and editing PowerPoint presentations and agendas, calendars, committee packages, and planning meetings and events; compose, transcribe and serve as Department editor for all Department documents; provide technical assistance and information to staff and the public in the administration of specific planning program areas, ordinances or regulations; research and compile information on a variety of planning issues from multiple sources; in collaboration with the Director, design and implement office policies and procedures; provide input to the Director concerning budgetary needs/goals as it relates to individual special projects and the office.

Budget Information

Addition ___ **Replacement** **Explain or For Whom** Dawn Childs resigned effective 11/28/12

Position Budgeted Yes ___ No **Proposed Salary** \$35,000 - \$40,000 (Grade IV, Step dependent on qualifications) **Date of Hire** TBD

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

Safety/Security ___ **Hours Per Week** Exempt/Salaried Position generally 40 hours/ week

Approvals

Elected Official Approval _____ Date _____

Department Head Approval _____ Date _____

County Commission Approval _____ Date _____

Comments _____

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

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: November 15, 2012

Date Requested – 2nd Choice: _____

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

If approved, we would like the facilitator to attend the first Steering Committee meeting on 11/27/12 if available.

Subject: **Approval of Contract with a Facilitator for the Envision Jefferson 2035 Public Input Meetings**

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

The Departments of Planning and Zoning have determined that it would be beneficial to have an independent facilitator who is not a part of the staff to facilitate each of the eleven (11) planned Public Input Meetings and to assist with the first meeting of the Steering Committee. To that end, the staff reached out to a number of professional facilitators in the region and met with two of the facilitators. Attached is a proposed draft contract with the preferred facilitator which has been forwarded to legal for their review.

We believe that a professional facilitator can assist in keeping the meeting on track and progressing within the given time frames while allowing staff to interact with the public in a more direct manner. The proposed costs are a part of the Professional Services Line Item of the Departments of Planning and Zoning's current budget and would require no additional funding.

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

I move approval of the contract with Breakthrough Achievements LLC for the purposes of hiring a Professional Facilitator by the Departments of Planning and Zoning to complete the task described above, pending approval and possible edits by the Assistant Prosecuting Attorney.

Attachments:

- **Breakthrough Achievements LLC Proposal**



JUDY RODGERS

Transition Consulting, Team Productivity, Leadership Development

PROPOSAL to Jefferson County, West Virginia
October 17, 2012

Statement of Work

Jefferson County WV Department of Planning and Zoning is seeking the services of an external consultant to facilitate Public Input meetings to be held in conjunction with the development of the 2014 Comprehensive Plan. The services will include partnering with the staff of the Department of Planning and Zoning to plan and prepare the structure and process of the meetings as well as facilitate the sessions. An outside facilitator who is external and impartial regarding County issues and agenda topics can effectively move the process forward to achieve desired results in a positive and collaborative manner.

Consultant services will include:

- Facilitate 10 Public Input meetings where citizens have the opportunity to provide meaningful contribution in the areas of vision, goals for the future, and areas of concern
- Partner with Planning staff to develop a workable, structured design for the Public Input Meetings
- Partner with Planning staff to inform and educate citizens about the proposed plan as it is developed
- Develop and lead a "training session" for staff and citizens who will act as small-group facilitators in the meetings
- Support County staff in data collection and analysis related to the citizen input received

Plan for Public Input Meetings

Part 1: February 2013, Series of 3 Public Input Meetings to elicit citizen input of vision, goals, and objectives for the development of the comprehensive plan

Part 2: February 2013, One (1) Agricultural Forum (pending Commission approval)

Part 3: July 2013, Series of 3 Public Input Meetings for County staff to present feedback and hear citizen discussion of the initial data collection and analysis performed by County staff. This may include input gained from citizens during the County Fair.

Part 4: January 2014, Three (3) Public Input Meetings for County staff to present a draft Comprehensive Plan with recommendations

Part 5: April 2014, One (1) Public Input Meeting for County staff to present final Comprehensive Plan

Format of Public Input Meeting

Length: 2 to 2 ½ hours

Meeting Dates: Jointly arranged by Jefferson County Planning staff and Consultant

Location: various locations in Jefferson County

Number of citizen participants: generally 50-100 attendees, initial meetings may be larger

General Meeting Format:

The meeting introduction and agenda summary will be done by the Planning Department or a County representative. The Facilitator will lead the remainder of the meeting and conduct the group input process.

The Group Input Process involves each audience participant in a structured small group discussion that results in a summary of priorities which is shared with the entire audience. This summary data presented by each small group is then collected by the County Planning staff and analyzed for inclusion in the Comprehensive Plan.

Each group generally has 8-12 participants and is led by a Small Group Facilitator. All of the groups are given the same "question" to discuss for a specified time. Each small group member will be encouraged to speak and provide input regarding the question. All the individual feedback is noted by a Recorder.

After clarification and discussion the group identifies and prioritizes their responses. These are presented to the larger audience by a Reporter selected by the group.

This same process will be completed for each question asked and generally 1-3 questions are asked during one meeting.

In this format individual citizens provide their thoughts and suggestions in a planned manner that avoids one or two individuals dominating the discussion, either in the small groups or the audience at large.

Consulting Fees for Public Input Meetings:

Part 1: Series of 3 Public Input Meetings – Feb 2013

Preparation:	
*development meeting with County Planning staff	\$ 450
*training session for small group facilitators	750
Facilitation of 1 st meeting (extra prep and debrief)	950
Facilitation of 2 meetings (\$850 x 2)	1700
	<hr/>
Sub Total	\$ 3850

Part 2: Agricultural Forum (pending approval) – Feb 2013

Development meeting with County Planning staff	\$ 250
Facilitation of Forum	850
	<hr/>
Sub Total	\$1100

Part 3: Series of 3 Public Input Meetings – July 2013

Development meeting with County Planning staff	\$ 350
Facilitation of 3 meetings (\$850 x 3)	2550
	<hr/>
Sub Total	\$ 2900

Part 4: Series of 3 Public Input Meetings – January 2014

Development meeting with County Planning staff	\$ 350
Facilitation of 3 meetings (\$850 x 3)	2550
	<hr/>
Sub Total	\$ 2900

Part 5: 1 Public Input Meeting – April 22, 2014

Development meeting with County Planning staff	\$ 250
Facilitation of meeting	850
	<hr/>
Sub Total	\$1100

Consulting Fees for Facilitation of 10 Public Input Meetings and
1 Agricultural Forum if approved

Total: \$ 11,850

*Mileage and overnight accommodations as needed will be additional charges.

<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: Barbara Miller

Department or Entity: Homeland Security and Emergency Management

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: November 15, 2012

Date Requested – 2nd Choice: November 29, 2012

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

Subject: **Grant Proposal Needs Approval**

Please provide the County Commission with a description of your request or presentation, including any background information: The Emergency Management Planning Grant (EMPG) pays up to half of my department’s salaries and benefits, as well as some of our other expenses. The amount is dependent on how many other counties apply and how much funding the state receives from the Federal Government. This grant proposal is for the Calendar Year 2012.

Recommended motion: (Please type out the wording of the motion that you would like the Commission to approve): I move to approve the Grant Proposal for the Emergency Management Planning Grant for the Calendar Year 2012 and authorize the president to sign the application.

Attachments:

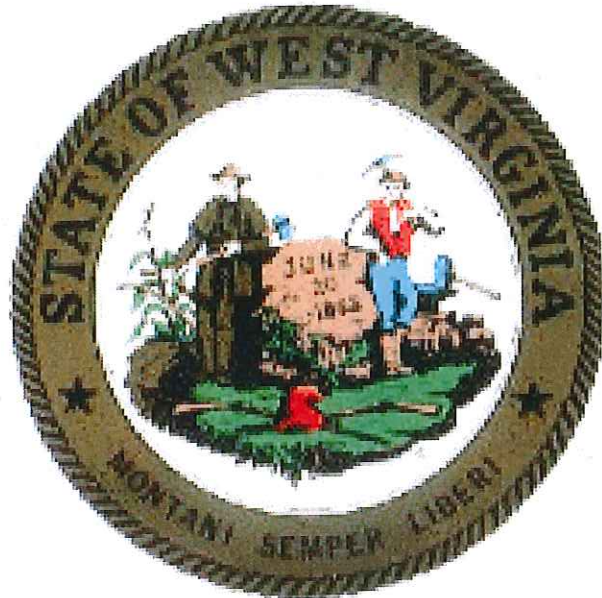
Application forthcoming

WEST VIRGINIA

EMPG PROGRAM

**Sub-grant Application
2012 Funds**

**Effective October 1, 2012
Supersedes Previous Editions**



**Earl Ray Tomblin, Jr.
Governor**

**Joseph C. Thornton, Cabinet Secretary
West Virginia Department of Military Affairs and Public Safety**

**Jimmy Gianato, Director,
Division of Homeland Security and Emergency Management (DHSEM)**

WEST VIRGINIA
Division of Homeland Security and
Emergency Management (DHSEM)

2012 EMPG
PROGRAM

REQUEST FOR PROPOSALS
2012 FUNDS

The West Virginia Division of Homeland Security and Emergency Management is announcing the availability of 2012 Emergency Management Performance Grant (EMPG) funds. Program funds are available to units of state or local governments to be utilized in a manner which is consistent with and supportive of the overall implementation of the State's Homeland Security Strategy.

- Local jurisdictions (counties and the City of Charleston) are eligible and invited to apply for EMPG funds in amounts to be determined for the purpose of establishing, continuing and improving local emergency management functions.

The EMPG is administered by DHSEM with funding provided by the U.S. Department of Homeland Security, Federal Emergency Management Agency.

DHSEM must **receive** applications for this program **no later than 4:00pm on November 30, 2012**. Applications received after this date, or incomplete applications will not be considered for funding. Faxed applications will not be accepted. Enclosed is a EMPG Application and General Information and Requirements Guide, which identifies the program purpose areas and provides program and application guidelines.

Should you have any questions or need further assistance regarding this matter, please contact Tommy Dingess, Director of Administration, with the West Virginia Division of Homeland Security and Emergency Management at (304) 558-5380, or via email at: tommy.l.dingess@wv.gov.

Program Guidelines

To assist with completing the application, the complete 2012 program guidelines can be obtained on the internet at the following link: http://www.fema.gov/pdf/government/grant/2012/fy12_empg_foa.pdf. All funds expended must comply with the guidance outlined in the federal guidelines and must meet the additional guidelines established by the state. Failure to meet all of the requirements may result in loss of funding and a requirement that any funds received by the local jurisdiction be returned to the State.

WEST VIRGINIA
Division of Homeland Security and
Emergency Management (DHSEM)

2012 EMPG
PROGRAM

GRANT APPLICATION
INSTRUCTIONS

COMPLETED APPLICATION MUST INCLUDE:

- Applicant:** Name, address, phone and fax number of the agency applying for funds.
- Project Director:** Name, address, phone, fax and email of the individual charged with the implementation and day-to-day operations of the project. **This person cannot also be listed as the Authorized Official or the Fiscal Officer. This person is normally the local director of emergency services.**
- Fiscal Officer:** Name, address, phone, fax and email of the person responsible for the fiscal records/reports of the project. **This person cannot also be listed as the Authorized Official or the Project Director. This person is normally the local clerk or treasurer.**
- Authorized Official:** The President of the County Commission or the Mayor/City Manager, as appropriate. **This person cannot also be listed as the Project Director or Fiscal Officer.**
- Funds Requested:** Funds requested (DHSEM) by the applicant agency.
- Project Matching/
Funds:** EMPG is a 50% matching grant. Local jurisdictions must commit the 50% match to be eligible.
- Project Period:** Project Period January 1, 2012 through December 31, 2012.
- Certification:** Entered by Authorized Official: Typed or printed name, title and original signature of the County Commission President or Mayor/City Manager. This is the individual who would be authorized to enter into a contractual agreement with the DHSEM.

If you should have any questions or need further assistance in the preparation of this application, please contact DHSEM at (304) 558-5380

The Authorized Official must sign where indicated on **page 1** of the grant application before submission.

Program Guidelines

To assist with completing the application, the complete 2012 program guidelines can be obtained on the internet at the following link: http://www.fema.gov/pdf/government/grant/2012/fy12_empg_foa.pdf .

RETURN COMPLETED ORIGINAL APPLICATION WITH ORIGINAL SIGNATURES IN BLUE INK TO:

**Division of Homeland Security and Emergency Management
2012 EMPG Grant Application
1900 Kanawha Blvd., East
Building 1, Room EB-80
Charleston, WV 25305**

WEST VIRGINIA

Division of Homeland Security and
Emergency Management (DHSEM)

2012 EMPG
PROGRAM

GRANT APPLICATION SUBMISSION CHECKLIST

Prior to submitting the application, indicate that the following tasks have been completed by checking the boxes below:

- The application has been completely filled out.
- Format of the project description (page 7) ***MUST*** follow the same outline shown on page 6 of the application and is as detailed as possible.
- Math has been double-checked, is accurate and rounded to the nearest whole dollar amount.
- Authorized Official has signed page 1 of the grant application. That page, with the ORIGINAL SIGNATURE IN BLUE INK, must be returned with the COMPLETE application, UNSTAPLED/UNBOUND, to this office. ORIGINAL ONLY – NO COPIES
- Applicant has been listed as the State Agency, County Commission, Municipality or Not-For-Profit Agency.
- Completed and signed in blue ink USDOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements.
- Completed and signed in blue ink Standard Form LLL.
- A copy of the jurisdiction's most recent Single Audit Report is attached to the application.

Note: DHSEM reserves the right not to consider an application for funding if it is not complete.

WEST VIRGINIA
Division of Homeland Security and
Emergency Management (DHSEM)

2012 EMPG
PROGRAM

GRANT APPLICATION

PAGE 1

1. **Applicant:** Jefferson County Commission

Address: P.O. Box 250
Charles Town, WV 25414

Phone/Fax: 304-728-3284

5. **Funds Requested:** \$ 101,582

Project Matching Funds
(50%): \$ 101,582

2. **Project Director:** Barbara J. Miller, Director

Address: 28 Industrial Blvd., Suite 101
Kearneysville, WV 25430

Phone/Fax: 304-728-3290/ 304-728-3320
Email: bmiller@jeffersoncountywv.org

6. **Type of Agency:**

 County **Municipality**

3. **Fiscal Officer:** Jennifer Maghan, Clerk

Address: P.O. Box 208
Charles Town, WV 25414

Phone/Fax: 304-728-3347
Email: jmaghan@jeffersoncountywv.org

7. **Project Period:**

Beginning Date: January 1, 2012

Ending Date: December 31, 2012

4. **Geographic Area Served:** Jefferson County

Pop. (2010 Census): 53,498

8. **Type of Application:**

 Initial **Continuation** **Revision**

9. **Project Title and Brief Description:**

To provide for and enhance Emergency Management in Jefferson County, West Virginia

10. **Certification:**

To the best of my knowledge, the information contained in this application is true and correct. The submission thereof has been duly authorized by any governing body, and the applicant will comply with all of the attached Special Conditions and Assurances if the sub-grant is awarded.

Authorized Official: Patricia Noland
TYPED OR PRINTED NAME OF AGENCY HEAD

Title: Commission President

Signature: _____

Date: November 15, 2012

WEST VIRGINIA
Division of Homeland Security and
Emergency Management (DHSEM)

2012 EMPG
PROGRAM

BUDGET INSTRUCTIONS

PAGE 2

Allowable costs are divided into the categories of (1) Planning; (2) Organization; (3) Equipment; (4) Training; (5) Exercises; and, (6) Management and Administrative.

NOTE: CONSULT THE GENERAL INFORMATION AND REQUIREMENTS GUIDE REGARDING DETAILS OF ALLOWABLE COSTS WITHIN EACH CATEGORY LISTED BELOW.

Planning – Page 3-1 of Application

FY 2012 EMPG Program funds may be used for a range of emergency management planning activities. Planning provides a methodical way to engage the **whole community** in thinking through the life cycle of potential crises, determining required capabilities, and establishing a framework for roles and responsibilities. Planning must include participation from all stakeholders in the community who are able to contribute critical perspectives and may have a role in executing the plan. Planning should be flexible enough to address incidents of varying types and magnitudes. Planning activities for the 2012 EMPG **MUST** include, as a minimum, the following work products: **(1)** Review and update the most recent All-Hazards Mitigation Plan developed for the Pre-Disaster Mitigation (PDM) Program and Hazard Mitigation Grant Program (HMGP) to include identifying a wider range of threats, based on the Threat and Hazard Identification and Risk Assessment (THIRA), as guidance for this assessment become available during the year; and, **(2)** Review and make recommendations for updates to local emergency operations plans based on the *Evaluation Matrix for Compliance with CPG 101 v.2*, released in May 2011. **See Page 3-1 of the Budget and Page 6, Project Description Instructions, for details of specific requirements for the 2012 program.**

Organizational – Page 3-2 of Application

EMPG funds may be used for all-hazards emergency management operations, staffing, and other day-to-day activities in support of emergency management. Proposed staffing activities should still be linked to achieving goals outlined in the EMPG work plan. In accordance with W. Va. Code Chapter 15-5-15, all emergency services staff must have undergone criminal background checks.

Equipment – Page 3-3 of Application

EMPG funds may be used for equipment acquisitions. Approved equipment is on the Authorized Equipment Listing (AEL) which is located on the internet at: <https://www.rkb.us/>. NOTE: You must register to utilize the web-site. Only equipment noted as EMPG eligible on the AEL will be considered for funding. (Be sure to check the EMPG column of the AEL for eligibility.) With respect to communications initiatives and equipment, the sub-grantee agrees to the following:

In an effort to improve emergency preparedness and response interoperability, all new or upgraded radio systems and new radio equipment should be compatible with a suite of standards called ANSI/TIA/EIAA-102 Phase I (Project 25). These standards have been developed to allow for backward compatibility with existing digital and analog systems and provide for interoperability in future systems. The FCC has chosen the Project 25 suite of standards for voice and low-moderate speed data interoperability in the new nationwide 700 MHZ frequency band. The Integrated Wireless Network (IWN) of the U.S. Justice and Treasury Departments has also chosen the Project 25 suite of standards for their new radio equipment. **In an effort to realize improved interoperability, all radios purchased under this grant should be APCO 25 compliant.** In addition, any State level guidelines and initiatives that are developed by the WV Statewide Interoperable Executive Committee (SIEC) and its successor the West Virginia Statewide Interoperable Radio Network (SIRN) regarding communications will be followed by the sub-grantee.)

Budget Instructions Page 2 (Continued)

Training – Page 3-4 of Application

FY 2012 EMPG Program funds may be used for a range of emergency management-related training activities to enhance the capabilities of State and local emergency management personnel through the establishment, support, conduct, and attendance of training. Training activities should align to a current, Multi-Year TEP developed through an annual TEPW. Further guidance concerning the Training and Exercise Plan and the Training and Exercise Plan Workshop can be found at <https://hseep.dhs.gov>. Training should foster the development of a community oriented approach to emergency management that emphasizes engagement at the community level, strengthens best practices, and provides a path toward building sustainable resilience. All EMPG Program funded personnel shall participate in no less than three exercises in a 12 month period and shall complete the following training requirements and record proof of completion.

NIMS Training:

IS 100.b
IS 200.b
IS 700.a
IS 800.b

FEMA Professional Development Series:

IS 120.a
IS 230.b
IS 235.b
IS 240.a
IS 241.a
IS 242.a
IS 244.a

- Conducting all-hazards emergency management training, including FY 2012 NIMS training requirements.
- Attending Emergency Management Institute (EMI) training or delivering EMI train-the-trainer courses as allowed previously under EMPG and not limited to terrorism-related courses.
- Other EMPG-related training activities.

Exercises – Page 3-5 of Application

Exercises implemented with grant funds should evaluate performance of the capabilities required to respond to the exercise scenario. Exercise activities should align to a current, Multi-Year TEP developed through an annual TEPW. Further guidance concerning the Training and Exercise Plan and the Training and Exercise Plan Workshop can be found at <https://hseep.dhs.gov>. Activities include the following:

- Conducting all-hazards exercises, based on the likely hazards/scenarios a jurisdiction may encounter.
- Conducting emergency management exercises, while incorporating FY 2012 NIMS exercise requirements.
- Other EMPG-related exercise activities.
- Actual events do not fulfill part of the "Exercise Requirement"

Management and Administration – Page 3-6 of Application

EMPG sub-grantees may utilize up to 5% of their "total" award from the State of West Virginia for Management and Administrative (M&A) purposes. **95% of the total EMPG award for allowable planning, equipment, training and/or exercise costs + 5% of the total EMPG award for allowable M&A = 100% TOTAL PROJECT COST.**

Match – Pages 3-6 and 4 of Application

The EMPG Grant is a 50% Federal/50% Local 'hard' match (ie, direct cash funding). Federal funds obtained through EMPG **CANNOT** be matched with other Federal funds.

FUNDING STRATEGY – (Page 4 of Application)

Funding Source (bottom of Page 4, first column):

Separately list each source of funds that will be used in the program (i.e., county commission, municipality, etc.). These are shown on the application.

Amount (bottom of Page 4, second column):

Enter the amount received or anticipated for each source.

Status (bottom of Page 4, last column):

Indicate the status of each funding source as follows:

- A** = Application submitted and under review – typically, this refers to your request for federal budget.
- C** = Funds committed – typically, this category is appropriate for local match.
- R** = Funds received, appropriated or on hand – use this code if local matching funds have been included in local budget resolutions, etc...

Federal Employer Identification Number (F.E.I.N.):

F.E.I.N. of the agency. This number must be entered into the appropriate space. The number should be obtainable from the state or local agency's administrative office.

WEST VIRGINIA
Division of Homeland Security and
Emergency Management (DHSEM)

2012 EMPG
PROGRAM

ITEMIZATION OF FUNDS BY CATEGORY

PAGE 3-1
(PLANNING ONLY)

Budget Category	Matching Funds	Federal EMPG Funds	Approved (DHSEM Use Only)
<p>Planning:</p> <p>Briefly describe how your jurisdiction will meet the following mandatory planning requirements.</p> <ul style="list-style-type: none"> a. Review and update the most recent All-Hazards Mitigation Plan developed for the Pre-Disaster Mitigation (PDM) Program and Hazard Mitigation Grant Program (HMGP) to include identifying a wider range of threats, based on the Threat and Hazard Identification and Risk Assessment (THIRA), as guidance for this assessment become available during the year. b. Review and make recommendations for updates to local emergency operations plans based on the <i>Evaluation Matrix for Compliance with CPG 101 v.2</i>, released in May 2011. See link below: 	<p><u>4450</u></p>	<p><u>4450</u></p>	
<p>PLEASE CARRY TOTALS TO THE BOTTOM OF PAGE 3-6</p>	<p>↓</p>	<p>↓</p>	<p>↓</p>

* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.*

WEST VIRGINIA
Division of Homeland Security and
Emergency Management (DHSEM)

2012 EMPG
PROGRAM

ITEMIZATION OF FUNDS BY CATEGORY

PAGE 3-2
(ORGANIZATIONAL ONLY)

Budget Category	Matching Funds	Federal EMPG Funds	Approved (DHSEM Use Only)
<u>Organizational:</u>	<u>47,286</u>	<u>47,286</u>	
Director's Salary and Benefits			
Deputy Director's Salary and Benefits	<u>30,456</u>	<u>30,456</u>	
Public Information Officer/Adm. Asst./Vol. Coordinator Salary and Benefits	<u>17,978</u>	<u>17,978</u>	
PLEASE CARRY TOTALS TO THE BOTTOM OF PAGE 3-6	↓	↓	↓

* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.*

WEST VIRGINIA
Division of Homeland Security and
Emergency Management (DHSEM)

2012 EMPG
PROGRAM

ITEMIZATION OF FUNDS BY CATEGORY

PAGE 3-3
(EQUIPMENT ONLY)

Budget Category	Matching Funds	Federal EMPG Funds	Approved (DHSEM Use Only)
<p>Equipment: (Please see Authorized Equipment List (AEL) at http://www.rkb.us/ while preparing budget. With respect to communications initiatives and equipment, the sub-grantee agrees to the following:</p> <p><i>In an effort to improve emergency preparedness and response interoperability, all new or upgraded radio systems and new radio equipment should be compatible with a suite of standards called ANSI/TIA/EIAA-102 Phase I (Project 25). These standards have been developed to allow for backward compatibility with existing digital and analog systems and provide for interoperability in future systems. The FCC has chosen the Project 25 suite of standards for voice and low-moderate speed data interoperability in the new nationwide 700 MHZ frequency band. The Integrated Wireless Network (IWN) of the U.S. Justice and Treasury Departments has also chosen the Project 25 suite of standards for their new radio equipment. In an effort to realize improved interoperability, all radios purchased under this grant should be APCO 25 compliant. In addition, any State level guidelines and initiatives that are developed by the WV Statewide Interoperable Executive Committee (SIEC) and its successor the West Virginia Statewide Interoperable Radio Network (SIRN) regarding communications will be followed by the sub-grantee.)</i></p> <p>Cell Phone Signal Booster w/Accessories AEL Number: 06CC-01-CELL</p> <p>2 Nikon Coolpix S6300 Digital Cameras AEL Number: 04MD-01-CMRA</p> <p>Sheet Strip Cut Shredder AEL Number: 06CP-06-SHRD</p> <p>Sony HDRCX360V Full HD Camcorder AEL Number: 04MD-01-VCAM</p> <p>Garmin Nuvi 3790 LMT Ultra-thin Automotive GPS AEL Number: 04AP-02-DGPS</p>	<p style="text-align: right;"><u>107</u></p> <p style="text-align: right;"><u>173</u></p> <p style="text-align: right;"><u>600</u></p> <p style="text-align: right;"><u>350</u></p> <p style="text-align: right;"><u>182</u></p>	<p style="text-align: right;"><u>107</u></p> <p style="text-align: right;"><u>173</u></p> <p style="text-align: right;"><u>600</u></p> <p style="text-align: right;"><u>350</u></p> <p style="text-align: right;"><u>182</u></p>	
<p>PLEASE CARRY TOTALS TO THE BOTTOM OF PAGE 3-6</p>	↓	↓	↓

* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.*

WEST VIRGINIA
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ITEMIZATION OF FUNDS BY CATEGORY

PAGE 3-4
(TRAINING ONLY)

Budget Category	Matching Funds	Federal EMPG Funds	Approved (DHSEM Use Only)
<p>Training:</p> <p>EMPG funds may be used to enhance the capabilities of state and local emergency preparedness and response personnel through development of state and local homeland security training programs which are consistent with and supportive of the overall implementation of the State Homeland Security Strategy Goals and Objectives.</p> <p>ALL personnel in positions funded in whole or in part by 2012 EMPG funds must complete, not later than the end of the performance period, the following training courses, available through the Emergency Management Institute's Independent Study Program:</p> <p>National Incident Management System (NIMS) Training: IS 100.b IS 200.b IS 700.a IS 800.b</p> <p>AND</p> <p>FEMA Professional Development Series: IS 120.a IS 230.b IS 235.b IS 240.a IS 241.a IS 242.a IS 244.a</p> <p>Further, all full-time or part-time directors must complete a total of 48 hours of emergency management training during the grant performance period. This training requirement includes 16 hours of classroom instruction at EMI or through State-approved courses, 8 hours for Directors' Meetings, and 24 hours of approved non-classroom courses. All online FEMA, NFA, or DHS courses that are emergency management related can be used to fulfill the non-classroom requirement. All other courses must be prior approved. Such approval will be based on written submission to WVDHSEM. These submissions must be presented at least 60 days prior to the start date before credit is granted. The request must include the course description, objectives, and list of instructors' names and, for conferences, the agenda and list of speakers. <u>Copies of Completion Certificates must be included with the appropriate Quarterly Report for approved courses.</u></p>			
PLEASE CARRY TOTALS TO THE BOTTOM OF PAGE 3-6	↓	↓	↓

* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.*

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ITEMIZATION OF FUNDS BY CATEGORY

PAGE 3-5
(EXERCISES ONLY)

Budget Category	Matching Funds	Federal EMPG Funds	Approved (DHSEM Use Only)
<p>Exercises:</p> <p>EMPG funds may be used to design, develop, conduct, and evaluate emergency management related exercises. Exercises must be consistent with the principles outlined in the Homeland Security Exercise and Evaluation Program (HSEEP), as well as applicable existing emergency management standards. WVDHSEM will develop and administer four exercises at levels less than Functional and Full Scale and one exercise at the Full Scale level. All exercises will be developed, administered and documented using HSEEP standard documentation procedures. All local jurisdictions must participate in the same number of exercises mentioned above. However, these exercises can be, and are recommended to be, developed and administered at a multi-jurisdictional level. As required in the 2012 EMPG Guidance, all employees in positions partially or fully funded by EMPG funds MUST participate in a minimum of three (3) exercises in a 12-month period.</p> <p>NOTE: Actual Events do not fulfill part of the exercise requirement.</p>			
PLEASE CARRY TOTALS TO THE BOTTOM OF PAGE 3-6	↓	↓	↓

* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.*

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ITEMIZATION OF FUNDS BY CATEGORY
 PAGE 3-6
 (MANAGEMENT AND ADMINISTRATIVE)

Budget Category	Matching Funds	Federal EMPG Funds	Approved (DHSEM Use Only)
<u>Management and Administrative:</u> (Maximum of 5% of request/award)			
TOTAL MATCHING FUNDS:	101582		
TOTAL FEDERAL EMPG FUNDS:		101582	
TOTAL APPROVED PROJECT:			203,164

* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.*

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BUDGET SUMMARY

PAGE 4

Applicant:	Federal Employer Identification Number (FEIN):

Category	EMPG Funds (A) *	Matching Funds (B) **	Total Funds (A + B)
Planning	4,450	4,450	8,900
Organization	95,720	95,720	191,440
Equipment	1,412	1,412	2,824
Training	0	0	0
Exercises	0	0	0
Management and Admin (max 5%)			
Total Budget	101,582	101,582	203,164

FUNDING STRATEGY

Funding Source(s)	Amount	Status
EMPG Funds:	\$101,582	
Matching Funds (If Applicable):	\$101,582	
Total:	\$203,164	

* Total of column A shall be placed in the space on page 1 – item number 5, for Funds Requested.

** Total of column B shall be placed in the space on page 1 – item number 5, for Project Matching Funds.

All funds must be rounded to the nearest whole dollar amount.

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BUDGET NARRATIVE

PAGE 5

Provide here a justification and explanation of the budget items shown on pages 3 and 4 of this application. This should contain specific criteria and data used to arrive at estimates and/or costs for all items listed. In completing the project budget narrative, please identify data by the major budget category involved (i.e. Planning, Organizational, Equipment, Training, Exercises and Management and Administrative).

Applications submitted which do not provide a sufficient narrative may be subject to exclusion. Use additional blank pages as necessary.

PLANNING: (This category **MUST** include a brief statement about how the jurisdiction's planning efforts will assist the jurisdiction in becoming fully NIMS-compliant and to meet the mandatory planning requirements.)
The planning component of the EMPG budget this year is for updating our All Hazards Mitigation Plan/THIRA. Additionally, the review of the EOP will be completed by the Director.

ORGANIZATIONAL: (This category **MUST** describe the status of the local emergency services director (full- or part-time paid) and other staffing necessary to maintain a functional structure for local emergency management.)
The County employs a Full Time Paid Homeland Security and Emergency Management Director, a Full-Time Paid Deputy Director; and a Full-Time Paid Administrative Assistant/PIO/Volunteer Coordinator.

EQUIPMENT: (This category **MUST** include a brief statement regarding how each piece of equipment will be used to enhance the capabilities for emergency response and also include the AEL item number. This statement and AEL item number for each piece of equipment will be used to assist in determining whether the items are allowable under existing guidelines. With respect to communications initiatives and equipment, the sub-grantee agrees to the following:

In an effort to improve emergency preparedness and response interoperability, all new or upgraded radio systems and new radio equipment should be compatible with a suite of standards called ANSI/TIA/EIAA-102 Phase I (Project 25). These standards have been developed to allow for backward compatibility with existing digital and analog systems and provide for interoperability in future systems. The FCC has chosen the Project 25 suite of standards for voice and low-moderate speed data interoperability in the new nationwide 700 MHz frequency band. The Integrated Wireless Network (IWN) of the U.S. Justice and Treasury Departments has also chosen the Project 25 suite of standards for their new radio equipment. **In an effort to realize improved interoperability, all radios purchased under this grant should be APCO 25 compliant.** In addition, any State level guidelines and initiatives that are developed by the WV Statewide Interoperable Executive Committee (SIEC) and its successor the West Virginia Statewide Interoperable Radio Network (SIRN) regarding communications will be followed by the sub-grantee.)
The equipment that is being requested through this grant is: A Wilson Electronics Cell Phone Booster with accessories. This is to boost the signal of a cell phone in areas where there is not a good signal available. The two Coolpix Digital Cameras and the SONY HD Camcorder are for use for the PIO to record events at training, events, and disasters and can also be used for disaster assessment. The strip cut shredder is to shred/destroy sensitive documents/information. The NUVI Garmin is to navigate us to and from sites/addresses for emergency events, disaster exercises, and/or mitigation studies.

TRAINING: (This category **MUST** include a brief statement regarding how proposed training will help in terms of emergency management purposes and initiatives. This statement will be used to assist in determining whether the training(s) is allowable under existing guidelines. Also, include the official names of each training course with brief descriptions.) Two employees (The Director and Deputy Director) have completed all required training. We have a new staff person (PIO/Administrative Assistant/Volunteer Coordinator) that was hired on November 7, 2012 who is working towards completion of the required training. Copies of all certificates will be sent with our request for funding.

EXERCISES: (This category **MUST** include a brief statement regarding how proposed exercises will help in terms of emergency management purposes and initiatives, to include NIMS implementation. Reminder: Exercise must be compliant with HSEEP, be conducted at either Functional or Full Scale level of involvement; and, be approved in advance by WVDHSEM.)
Jefferson County Homeland Security and Emergency Management has participated in a variety of exercises and actual events during the calendar year 2012. These include: Actual Events: 2012 Super Storm Sandy, 2012 June 30th Derecho; 2012 Fiber Outage; and Exercises: HighWater Jennings Randolph Lake Discussion, TTX, Functional, and Full Scale; WV Hospital Association's Region 8/9 Functional Exercise; Multi-County Avian Influenza Response Program-WV Dept. of Ag in Moorefield; Jefferson County COOP Seminar; Operation Vigilant Resolve TTX; Operation Crazy Train TTX. All of these were HSEEP compliant exercises, utilizing the National Incident Management System.

MANAGEMENT AND ADMINISTRATIVE:

Use additional blank pages as necessary

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PROJECT DESCRIPTION INSTRUCTIONS

PAGE 6

On page 7 of this Application, please explain the project utilizing the following outline. State clearly and in concise detail the goals, objectives and intentions of the project; precisely what will be done; who will be involved; and the anticipated result. Add pages as necessary.

PURPOSE: The purpose of the EMPG is to enhance the local jurisdiction by assisting in the development and maintenance of an emergency management program.

REQUIREMENTS: Describe in some detail how your jurisdiction will implement the following requirements during the performance period of this grant. Include a prioritized list of all substantial and concrete goals in each performance area of this project that the jurisdiction will attempt to achieve and the reasons why each of these goals can be met. These goals may be both short and long range. Carefully communicate and relate the goal(s) back to the goals on the WV State Homeland Security Strategy Goals and Objectives. In other words, which Statewide Strategy goals are being addressed during this performance period. In order to continue to receive funds under this grant, all jurisdictions must meet the following criteria:

1. **Planning (minimum grant requirements must be met)** – You **must** develop/update/revise a minimum of two (2) planning products during the year. The mandatory plan component developments/revisions for this year are:
 - a. Review and update the most recent All-Hazards Mitigation Plan developed for the Pre-Disaster Mitigation (PDM) Program and Hazard Mitigation Grant Program (HMGP) Mitigation Plan to include identifying a wider range of threats, based on the Threat and Hazard Identification and Risk Assessment (THIRA), as guidance for this assessment become available during the year.
 - b. Review and make recommendations for updates to local emergency operations plans based on the *Evaluation Matrix for Compliance with CPG 101 v.2*, released in May 2011.

Revisions can be submitted in paper copy or by electronic means (i.e. floppy diskette or email to: Bill.D.Kershner@wv.gov). **NOTE: Pen-and-ink corrections are no longer accepted.**

2. **Organizational** – The jurisdiction **must** employ either a full-time or part-time paid emergency services director. Substantial organizational costs relating to emergency management functions may be reimbursed under this portion of the grant. Each participating jurisdiction **must** have internet access and email support and **must** actively participate in the State's electronic emergency management system. Each participating jurisdiction **must** have a designated and equipped emergency operations center and **must** ensure that emergency management contact information is regularly updated and provided to WVDHSEM. **At a minimum, weekly Situation Reports, or other designated reports, must be entered into E-Team and include a brief situation summary for the jurisdiction as of the report time. In addition, all emergency management incidents must be entered in a timely manner. Familiarity with E-Team is essential as it will be the primary means of making Requests for Assistance to the State. Failure to do these weekly reports could result in suspension of funding.**

3. **Equipment** – The jurisdiction **must** submit an itemized list of equipment to be purchased under this grant. All equipment purchase listings **must** include brief justification for the individual items or systems and describe how the equipment will assist the jurisdiction to meet specific goals and objectives contained in the West Virginia State Homeland Security Strategy Goals and Objectives. ALL equipment included **must** be on the AEL and purchases **must** be prior-approved by the DHSEM.

Project Description Instructions

Page 6 (Continued)

4. **Training** – All full-time or part-time directors **must** complete a total of 48 hours of emergency management training during the grant performance period. This training requirement includes 16 hours of classroom instruction at EMI or through State-approved courses, 8 hours for Directors' Meetings, and 24 hours of approved non-classroom courses. All online FEMA, NFA, or DHS courses that are emergency management related can be used to fulfill the non-classroom requirement. All other courses must be prior approved. Such approval will be based on written submission to WVDHSEM. These submissions must be presented at least 60 days prior to the start date before credit is granted. The request must include the course description, objectives, and list of instructors' names and, for conferences, the agenda and list of speakers. Copies of Completion Certificates must be included with the appropriate Quarterly Report for approved courses. In addition, **ALL** personnel in positions funded in whole or in part by 2012 EMPG funds must complete, not later than the end of the performance period, the following training courses, available through the Emergency Management Institute's Independent Study Program:

National Incident Management System (NIMS) Training:	AND	FEMA Professional Development Series:
IS 100.b		IS 120.a
IS 200.b		IS 230.b
IS 700.a		IS 235.b
IS 800.b		IS 240.a
		IS 241.a
		IS 242.a
		IS 244.a

5. **Exercises** – WVDHSEM will develop and administer four exercises at levels less than Functional and Full Scale and one exercise at the Full Scale level. All exercises will be developed, administered and documented using HSEEP standard documentation procedures. All local jurisdictions must participate in the same number of exercises mentioned above. However, these exercises can be, and are recommended to be, developed and administered at a multi-jurisdictional level. All exercises **must** be NIMS compliant and **must** be designed, developed, conducted and evaluated in accordance with the Homeland Security Exercise and Evaluation Program (HSEEP). Further detailed information on HSEEP can be found at: <http://hseep.dhs.gov>. All exercises must have prior approval from WVDHSEM. As required in the 2012 EMPG Guidance, all employees in positions partially or fully funded by EMPG funds **MUST** participate in a minimum of three (3) exercises in a 12-month period. Exercises must be designed to test some portion of the local emergency operations plan.

OBJECTIVE(S)

Specific statements of desired achievement, which reflect project emphasis. Objectives should be clearly qualified, time-framed and measurable terms of planned levels of project performance to be achieved. The results of objectives must be specific, not general, and must be recognizable and understandable. **It is extremely important to realize that objectives must be achievable and feasible within the specific performance period of this grant. Carefully communicate and relate the objective(s) back to the objectives in the West Virginia State Homeland Security Strategy Goals and Objectives. In other words, which State Homeland Security Strategy objectives are being addressed.**

IMPLEMENTATION (Key Activities/Milestones)

Describe the major activities necessary to implement the project including an operational schedule for the project. This should incorporate specific activities, services, and procedures to be followed, and how achievement will be documented. For extremely comprehensive projects, a milestone chart is recommended which provides a clear time-line estimating the time necessary for each phase of this project. This is a very important tool used to organize data into categories for follow-up purposes measuring the "What", "Where", "Who", "When" and "How" for each objective. The information placed in this chart can be used as a management tool to monitor progress.

PROJECT ASSESSMENT / EVALUATION

Specify the indicators and measures to be used to assess the results of this project.

WEST VIRGINIA
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PROJECT DESCRIPTION

PAGE 7

PLANNING:

The planning component of the EMPG budget this year is for updating our All Hazards Mitigation Plan/THIRA. Additionally, the review of the EOP will be completed by the Director.

ORGANIZATIONAL:

The County employs a Full Time Paid Homeland Security and Emergency Management Director, a Full-Time Paid Deputy Director, and a Full-Time Paid Administrative Assistant/PIO/Volunteer Coordinator.

EQUIPMENT:

The equipment that is being requested through this grant is: A Wilson Electronics Cell Phone Booster with accessories. This is to boost the signal of a cell phone in areas where there is not a good signal available. The two Coolpix Digital Cameras and the SONY HD Camcorder are for use for the PIO to record events at training, events, and disasters and can also be used for disaster assessment. The strip cut shredder is to shred/destroy sensitive documents/information. The NUVI Garmin is to navigate us to and from sites/addresses for emergency events, disaster exercises, and/or mitigation studies.

TRAINING:

Two employees (The Director and Deputy Director) have completed all required training. Our former PIO/Administrative Assistant/Volunteer Coordinator had also finished all required training when she vacated the position. We have a new staff person (PIO/Administrative Assistant/Volunteer Coordinator) that was hired on November 7, 2012 who is working towards completion of the required training. Copies of all certificates will be sent with our request for funding.

EXERCISES:

Jefferson County Homeland Security and Emergency Management has participated in a variety of exercises and actual events during the calendar year 2012. These include: Actual Events: 2012 Super Storm Sandy, 2012 June 30th Derecho; 2012 Fiber Outage; and Exercises: HighWater Jennings Randolph Lake Discussion, TTX, Functional, and Full Scale; WV Hospital Association's Region 8/9 Functional Exercise; Multi-County Avian Influenza Response Program-WV Dept. of Ag in Moorefield; Jefferson County COOP Seminar; Operation Vigilant Resolve TTX; Operation Crazy Train TTX. All of these were HSEEP compliant exercises, utilizing the National Incident Management System.

OBJECTIVE(S)

Jefferson County has a comprehensive emergency management program that is a jurisdiction-wide system that provides for management and coordination of preparedness, response, recovery, and mitigation activities for all hazards. The system encompasses all organizations, agencies, departments, entities, and individuals responsible for emergency management and homeland security functions, including the County as well as, all municipalities. Over the course of this grant period, Jefferson County HSEM will employ a full time direction, a full time deputy director/planner/program manager and a full time public information officer/administrative assistant/volunteer coordinator to accomplish its mission. We will continue to build partnerships, further institutionalizing the whole community model of emergency management. (Strategic Goal #1; Strategic Goal #2)

We have many opportunities for both businesses and individuals to get involved, including the following committees: Steering Committee, which also serves as the advisory committee to the Emergency Manager and the County's Citizen Corps Council; Animals in Disaster Committee; Emergency Planning for People with Special Needs Committee; Public Awareness, Education and Training Committee; Partnership and Volunteer Development Committee; Risk Assessment and Mitigation Planning Committee; Counter Terrorism Committee, and ad hoc committees that serve a special purpose, such as the Community Rating System of the National Flood Insurance Program and National Preparedness Month Planning Committee. (Strategic Goal #1; Strategic Goal #2, Strategic Goal #3, and Strategic Goal #5).

We will provide many training opportunities within our jurisdiction, including C.E.R.T., Lunch-n-Learn sessions on a variety of topics, training for people who serve in our Emergency Operations Center; training about our COOP; working with area scout troops working on their Emergency Preparedness Badges, Emergency Response Guidebook Training, Family Disaster Preparedness Night, Skywarn Storm Spotter Training. Additionally, outreach programs will be held at the Jefferson County Fair and other activities. (Strategic Goal #2, Strategic Goal #3, and Strategic Goal #5)

We will conduct our Disaster Ready Kids Programs throughout the Summer months teaching age-appropriate disaster information to children, and provide preparedness information to Senior Citizens. (Strategic Goal #2)

Our staff will be attending training throughout the year, including: Safety and the First Responder, attendance at the Training and Exercise Workshop for our Region in Morgantown; Mitigation for Emergency Managers; Emergency Operations Plans for Rural Jurisdictions, Multi-Hazard Planning for Schools, Planning for the Needs of Children in Disasters, Emergency Response Guidebook Training, the WV Public Safety Expo; WV Floodplain Managers Conference, the Interoperability Coordination Workshop, and the Executive Leadership for Emergency Managers at EMI, as well as, the Natural Hazards Workshop in Broomfield, CO and the State SERC Conference. The Director and Deputy Director have completed all required training and a newly-hire staff member is working towards completion of the NIMS and FEMA Professional Development Series. Background checks have been completed on all staff and all people who serve in the EOC during activations. NIMS training is required for all staff serving in any capacity in the EOC. (Strategic Goal #1, Strategic Goal #2, Strategic Goal #3, Strategic Goal #4, and Strategic Goal #5)

We will participate in the following exercises: Exercises: HighWater Jennings Randolph Lake Discussion, TTX, Functional, and Full Scale; WV Hospital Association's Region 8/9 Functional Exercise; Multi-County Avian Influenza Response Program-WV Dept. of Ag in Moorefield; Jefferson County COOP Seminar; Operation Vigilant Resolve TTX; Operation Crazy Train TTX. All of these were HSEEP compliant exercises, utilizing the National Incident Management System. (Strategic Goal #1, Strategic Goal #2, Strategic Goal #3, Strategic Goal #4, and Strategic Goal #5)

IMPLEMENTATION (Key Activities/Milestones)

Committee meetings are held either monthly, bi-monthly or quarterly, depending upon the meeting. Planning: We will work on an update to our All Hazards Risk Assessment and Mitigation Plan, using a contractor to work with our All Hazards Risk Assessment and Mitigation Committee members. We will also be reviewing annexes in our Emergency Operations Plan bases on the information from last years CPG-101 matrix.

C.E.R.T. will be held this year, a family disaster preparedness night will be held during preparedness month, we will participate at the Jefferson County Fair. We will conduct our Disaster Ready Kids Programs throughout the summer months, teaching age-appropriate disaster information to children and senior citizens.

Our staff will attending training and participating in exercises as listed above.

PROJECT ASSESSMENT / EVALUATION

We will evaluate the progress of this grant throughout the year and at the end of the grant period to assess results of the project.

**** Use additional blank pages as necessary. ****

WEST VIRGINIA
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2012 EMPG
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SPECIAL CONDITIONS AND ASSURANCES

PAGE 8

This program is conditioned upon and subject to compliance with the following Special Conditions and Assurances. By attaching a signature to page one (1), item ten (10), of this grant application, the applicant certifies and assures that it will comply with the following Special Conditions and Assurances, Regulations, Policies, Guidelines and Requirements of the WVDHSEM, as further clarified in the Administrative Manual for this program; U.S. Department of Homeland Security; and all other relevant Federal/State Regulations, Policies and Guidelines. These Special Conditions and Assurances apply to all EMPG federal and matching funds expended for purposes associated with this project.

All correspondence to the WVDHSEM, which is required and/or occurs as a result or action of any of the following Special Conditions and Assurances, or as a result of the administration of any WVDHSEM grant program, should be addressed to:

WV Division of Homeland Security and Emergency Management
ATTN: 2012 EMPG
1900 Kanawha Blvd., East Capitol Complex
Building 1, Room EB-80
Charleston, WV 25305

1. LAWS OF WEST VIRGINIA:

This application/contract shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by the WVDHSEM.

2. LEGAL AUTHORITY:

The applicant hereby certifies it has the legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directly authorizes the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

3. RELATIONSHIP:

The relationship of the sub-grantee to the WVDHSEM shall be that of an independent contractor, not that of a joint enterprise. The sub-grantee shall have no authority to bind the WVDHSEM for any obligation or expense without the express prior written approval from the WVDHSEM.

4. OPERATIONAL WITHIN 90 DAYS:

If the project is not operational within 90 days of the specified project starting date, the grantee must submit a statement to WVDHSEM explaining the delay in implementation. Upon receipt of the 90-day letter, WVDHSEM may cancel the project and redistribute the funds to other project areas and/or eligible applicants.

5. WRITTEN APPROVAL OF CHANGES:

The sub-grantee must obtain prior written approval from WVDHSEM for all project changes (programmatic, fiscal or otherwise). Additionally, any budget revisions greater than 10% in aggregate must be approved by WVDHSEM.

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SPECIAL CONDITIONS AND ASSURANCES

PAGE 9

6. CIVIL RIGHTS COMPLIANCE:

Sub-Grantee will comply with all federal civil rights laws, including Title VI of the Civil Rights Act of 1964, as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services.

National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, grantees will take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary.

Sub-Grantees are encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities.

7. PRESS RELEASE:

Release of information pertaining to this sub-grant must include the following information:

1. grant amount;
2. State involvement (WV Division of Homeland Security and Emergency Management, WVDHSEM); and,
3. Federal involvement (U.S. Dept. of Homeland Security), along with the name of the Federal Source (EMPG)..

8. Compliance With Office of Mgt. and Budget Circulars:

Sub-Grantee will comply with all applicable Federal OMB Circulars including: A-21, A-87, A-102, A-110, A-122, A-133, and A-102.

9. ACCESS TO RECORDS and EQUIPMENT:

WVDHSEM, through any authorized representative, shall have access to and the right to examine all records, books, papers, documents, and equipment related to the sub-grant and to relevant books and records of contractors.

10. CONFLICT OF INTEREST:

No public official or employee of the sub-grantee agency, who performs any duties under the project, may participate in an administrative decision with respect to the project if such a decision can be expected to result in any benefit to that individual or that individual's immediate family.

11. POLITICAL ACTIVITY:

The restrictions of the Hatch Act, Pub. L. 93-433, 5 U.S.C. Chapter III, (as amended), concerning the political activity of government employees are applicable to state grantee staff members and other state and local government employees whose principal employment is in connection with activities financed, in whole or in part, by Title I grants. Under a 1975 amendment to the Hatch Act, such state and local government employees may take an active part in political management and campaigns, except they may not be candidates for office.

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SPECIAL CONDITIONS AND ASSURANCES

PAGE 10

12. RELEASE OF INFORMATION:

All records, papers and other documents kept by recipients of grant funds are required to be made available to the WVDHSEM. These records and other documents submitted to the WVDHSEM and its grantees, including plans and application for funds, reports, etc., are subsequently required to be made available to the U.S. Department of Homeland Security under the terms and conditions of the Federal Freedom of Information Act, 5. U.S.C. §552.

The WVDHSEM recognizes that some information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement sensitive or otherwise important to national or state security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information under federal control is subject to requests made pursuant to the Freedom of Information Act, 5. U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the Federal Division of Homeland Security FOIA Office, and may likely fall within one or more of the available exemptions under the Act.

Sub-Grantees must consult applicable state and local laws and regulations regarding the release or transmittal of information to any entity which may be considered sensitive in nature. Applicants may also consult the WVDHSEM regarding concerns or questions about the release of potentially sensitive information under state and local laws.

13. NATIONAL AND STATE EVALUATION EFFORTS:

The Sub-grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.

14. OBLIGATION OF PROJECT FUNDS:

Funds may not, without prior written approval from the WVDHSEM, be obligated prior to the effective start date or subsequent to the termination date of the project period.

15. USE OF FUNDS:

Funds awarded through the WVDHSEM may be expended **ONLY** for the purposes and activities specifically covered by the sub-grantee approved project description and budget.

16. COMPLIANCE WITH FEDERAL PROCEDURES:

The applicant assures that it will comply with the provisions of 28 Code of Federal Regulation (CFR) applicable to grants and cooperative agreements, including but not limited to: www.whitehouse.gov/OMB/grants/index.html

- Part 11, Applicability of Office of Management and Budget Circulars;
- Part 18, Administrative Review Procedures;
- Part 20, Criminal Justice Information Systems;
- Part 22, Confidentiality of Identifiable Research and Statistical Information;
- Part 23, Criminal Intelligence Systems Operating Policies;
- Part 30, Intergovernmental Review of Department of Justice Programs and Activities; and,
- Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures
- Parts 66, 67, 69, 83

17. ALLOWABLE AND UNALLOWABLE COSTS:

Allowable and unallowable costs incurred under this grant shall be determined in accordance with the general principles and standards for selected cost items set forth in the pertinent Program Guidance or the Office of Grant Operations Financial Guide and OMB Circular A-87.

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18. NON-SUPLANTING:

Federal funds must be used to supplement existing funds for program activities and may not replace (supplant) non-Federal funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from Federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. The sub-grantee hereby certifies that Federal funds made available under this grant will not be used to supplant state and local funds. Approved full-time positions must hire an additional individual to "backfill" the position.

19. MATCHING CONTRIBUTION:

If matching funds are allocated, the applicant assures that those funds shall be in addition to funds that would otherwise be made available for the proposed project by the recipients of grant funds and shall be provided on a project-by-project basis. Cash matching contributions are subject to the same expenditure guidelines established by the WVDHSEM and the U.S. Department of Homeland Security for this grant program. All sub-grantees must maintain records that clearly show the source, the amount and the timing of all cash matching contributions. There is no waiver provision for any cash match requirements.

20. PROJECT INCOME:

All income earned by the sub-grantee as a result of the conduct of this project, must be accounted for and included in the total budget. Project income is subject to the same expenditure guidelines established by the WVDHSEM and the U.S. Department of Homeland Security for this grant program. All sub-grantees must maintain records that clearly show the source, the amount and the timing of all project income. There is no waiver provision for the project income requirement.

21. CONSULTANT FEES:

Approval of this sub-grant does not necessarily indicate an approval of specific consultant rates. Please discuss rates with the WVDHSEM.

22. SUSPENSION OF FUNDING:

WVDHSEM may suspend, in whole or in part, terminate, or impose other sanctions on any sub-grantee funds for the following reasons:

- Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program;
- Failure to submit reports;
- Filing a false certification in this application or in another report or document; or,
- Other just cause.

23. SANCTIONS FOR NONCOMPLIANCE:

In the event of the sub-grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, the WVDHSEM shall impose such contract sanctions, as it may deem appropriate, including but not limited to:

- Withholding of payments to the sub-grantee until the sub-grantee complies;
- Cancellation, termination or suspension of the contract, in whole or in part; or,
- Refrain from extending any further assistance to the sub-grantee until satisfactory assurance of future compliance has been received.

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24. SUBMISSION/RELEASE OF PROPOSED PUBLICATIONS:

The sub-grantee shall submit one copy of all reports and proposed publications resulting from this agreement to the WVDHSEM twenty (20) days prior to public release. Any publications (written, visual, sound, or otherwise), whether published at the grantee's or government's expense, shall contain the following statements:

"This document [product] was prepared under a grant from the United States Department of Homeland Security, and the WV State Homeland Security State Administrative Agency. Points of view or opinions expressed in this document [product] are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security, nor the WV State Homeland Security State Administrative Agency."

25. PROPERTY ACCOUNTABILITY:

The sub-grantee shall establish and administer a system to control, protect, preserve, use, maintain, and properly dispose of any property or equipment furnished it, or made available through a sub-grant by the WVDHSEM. This obligation continues as long as the property is retained by the sub-grantee, notwithstanding the expiration of this agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from the WVDHSEM. Sub-Grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program, with copies provided to the WVDHSEM. The WVDHSEM reserves the right to inspect and review any equipment purchased with this sub-grant.

26. REPORTS:

Each subgrantee shall submit such reports as the WVDHSEM shall deem reasonably necessary to the execution of monitoring, stewardship and evaluation of programmatic and fiscal responsibilities.

Programmatic Reporting: Sub-Grantees must complete and remit for PLANNING to WVDHSEM a minimum of four (4) different annexes to your County EOP during the year with at least one (1) being submitted each fiscal quarter. See PAGE 6. Sub-Grantees must complete and remit for TRAINING to WVDHSEM 48 hours of training as identified PAGE 6 CONTINUED. Sub-Grantees must complete and remit for Exercise to WVDHSEM, EXERCISE OBJECTIVES AS OUTLINED ON PAGE 6 CONTINUED.

Financial Reporting: Sub-Grantees MUST submit to WVDHSEM complete requests for reimbursements with all backup documentation. Sub-Grantees must include signed AEL equipment list, financial recap sheets, form 85-20, and all relevant documentation for your requests. Instructions will be provided separately.

27. PURCHASING:

When making purchases relevant to the sub-grant, the sub-grantee will, at a minimum, abide by applicable State and local laws, which address purchasing procedures by a state or local unit of government.

28. PATENTS AND/OR COPYRIGHTS AND RIGHTS IN DATA:

Sub-Grantee acknowledges that the WVDHSEM, and subsequently the U.S. Department of Homeland Security; reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for State or Federal government purposes: (1) the copyright in any work developed under an award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient purchases ownership, in whole or in part, with State or Federal support. Sub-Grantee agrees to consult with the WVDHSEM regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

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29. Environmental & Historic preservation (EHP)

Subgrantee shall comply with all applicable Federal, State, and local EHP requirements and shall provide any information requested to ensure compliance with applicable laws.

30. INFORMATION SYSTEMS & COMMUNICATIONS EQUIPMENT

The grantee agrees:

- a. That all computer programs (software produced under this grant) will be made available to the WVDHSEM for transfer to authorized users in the criminal justice/homeland security community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
- b. To provide a complete copy of the computer programs and documentation, upon requests, to the WVDHSEM. The documentation will include, but not be limited to, system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
- c. That whenever possible all application programs will be written in standardized programming languages (i.e. Cobol, Fortran, C, C++, XML, etc.) or will adhere to Open Database Connectivity format for use on general operating systems that can be utilized on at least three different manufacturers of computer hardware with similar size and configuration capabilities.

With respect to communications initiatives and equipment, the sub-grantee agrees to the following:

Communications equipment is required to be compatible with the SAFECOM P25 trunked radio hierarchy and the WV Interoperable Radio Project. Per Executive Order 13-07 all communications equipment requests must be reviewed and approved by the State Interoperability Coordinator.

31. TIME EXTENSIONS:

In general, time extensions for this program are unallowable. Unexpended sub-grant funds remaining at the close of the sub-grant period shall be deobligated.

32. USE OF GRANT FUNDS TO ENACT LAWS, POLICIES, ETC.:

Sub-Grantee understands and agrees that it cannot use any sub-grant funds, either directly or indirectly in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.

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33. PROGRAM ACCOUNTABILITY – FEDERAL AUDIT REQUIREMENTS:

- I.) Federal Office of Management and Budget (OMB) Circular A-133 sets forth standards for obtaining consistency and uniformity for the audit of states, local government, and non-profit organizations expending Federal awards. This grant shall adhere to the audit requirements set forth in OMB Circular A-133 at the time of award.

As of 10/1/04, the requirements set forth by OMB Circular A-133 are as follows: Non-Federal entities that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year. Non-Federal entities that expend less than \$500,000 a year in Federal awards are exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office.

- II.) OMB Circular A-110 sets forth standards for obtaining consistency and uniformity for the audit of institutions of higher education, hospitals, and other non-profit organizations expending Federal awards. This grant shall adhere to the audit requirements set forth in OMB Circular A-110.

As if 10/1/04, the requirements set forth by OMB Circular A-110 are as follows: Recipients and sub recipients that are institutions of higher education or other non-profit organizations (including hospitals) shall be subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 USC 7501-7507) and revised OMB Circular A-133.

- III.) If an audit must be conducted pursuant to OMB Circular A-133 and A-110, a copy of the audit shall be submitted to the WVDHSEM as well as to the Federal clearinghouse.

As of 10/1/04, the Federal clearing house is as follows:

Federal Audit Clearinghouse
Bureau of the Census
1201 E. 10th Street
Jeffersonville, IN 47132

34. PROGRAM ACCOUNTABILITY – STATE AUDIT REQUIREMENTS:

- I.) Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, sets forth the audit requirements of corporations, associations or other organizations which receive state funds or grants. These audit requirements do not apply to units of local and state government. If applicable, this grant shall adhere to the audit requirements set forth in §12-4-14 at the time of award. All funds disbursed by SAA are appropriated by the WV Legislature; therefore all funds disbursed by the WVDSHEM are considered state funds. The WVDSHEM will notify the Legislative Auditor when a sub-grant is awarded which falls under the requirements of the WV Code.

As of 9/13/05, the requirements set forth by §12-4-14 are as follows: Any corporation, partnership, association, individual or other legal entity (not to include a state spending unit or a local government as defined in § 6-9-1a of the West Virginia Code, as amended) which receives one or more state grants or sub grants in the amount of \$50,000 or more in the aggregate in a state fiscal year shall file with the WVDHSEM a Report of the disbursement of these state funds. An OMB A-133 Audit or an audit conducted by a certified public accountant may be substituted for the Report. The Report shall be filed within two years of the end of the fiscal year in which the grant or subgrant closes. The Report shall be made by an independent certified public accountant and the scope of the Report is limited to showing how the state grant or subgrant funds were spent. The Report does not have to be a full-scope audit or review of the entity receiving state funds. Any entity failing to file a required Report is barred from subsequently receiving state grant or subgrant funds until the Report is filed and is otherwise in compliance with the provisions of West Virginia Code. If a Report is not required under this section of the WV Code then the grantee or sub-grantee shall file with SAA a sworn statement of expenditures made under the grant or sub-grant.

The Sub-Grantee assures that it has read, understands and is in full compliance with all requirements as set forth in Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, and is not currently debarred from receiving state grant funds as a result of non-compliance with this section of the West Virginia Code, as amended.

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35. EQUAL EMPLOYMENT OPPORTUNITY PLAN:

Each sub-grantee certifies that it has executed and has on file, an Equal Employment Opportunity Plan which conforms to the provisions of 28 CFR Section 42.301, et. seq., Subpart E, or that in conformity with the foregoing regulations, no Equal Employment Opportunity Plan is required.

36. VETERANS PREFERENCE:

This program includes a provision that grantees utilizing funds to hire additional personnel give suitable preference in employment to military veterans. WVDHSEM defines "suitable preference" as the requirement that a sub-grantee agency have in place a mechanism ensuring that veterans are given consideration in the hiring process.

37. IMMIGRATION AND NATURALIZATION VERIFICATION:

The sub-grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of Federal funds to verify that employees are eligible to work in the United States.

38. PURCHASE OF AMERICAN-MADE EQUIPMENT/PRODUCTS:

It is the sense of the Congress, as conveyed through the FY 1997 Appropriations Act that, as well as the desire of WVDHSEM, to the greatest extent practicable, all equipment and products purchased with Federal funds made available under this grant should be American-made.

39. PERSONNEL TRAINING:

For projects involving payment of personnel or overtime pay, the WVDHSEM reserves the right to require training as a condition of the sub-grant before or at any time during the project period. Proof of training/certification on grant funded equipment must be provided, if applicable.

40. ACCOUNTING REQUIREMENTS:

Sub-Grantee agrees to record all project funds and costs following generally accepted accounting procedures. A unique account number or cost recording must separate all project costs from the sub-grantee's other or general expenditures. Adequate documentation for all project costs and income must be maintained. Adequate documentation of financial and supporting material, as defined in the pertinent Administrative Manual, must be retained and be available for audit purposes.

41. OFFICE OF GRANT OPERATIONS FINANCIAL GUIDE:

Sub-Grantee agrees to comply with all requirements as set forth in the current edition of the OGO Financial Guide.

42. EQUIPMENT:

Sub-Grantees purchasing equipment with grant funds are required to adhere to the established bidding procedures for their respective units of government and/or agencies. All equipment must have a primary function of being used in support of the EMPG program.

43. MARKING OF EQUIPMENT AND PUBLICATIONS:

Sub-Grantee will ensure that, when practicable, any equipment purchased and publications produced with grant funding shall be prominently marked as follows: "Supported with funds provided by the U.S. Department of Homeland Security and the WVDHSEM."



U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE COMPTROLLER

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620—

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check if the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date

DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

Approved by OMB
0348-0046

1. Type of Federal Action: <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	2. Status of Federal Action: <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	3. Report Type: <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
4. Name and Address of Reporting Entity: <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known: Congressional District, if known:	5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime: Congressional District, if known:	
6. Federal Department/Agency:	7. Federal Program Name/Description: CFDA Number, if applicable: _____	
8. Federal Action Number, if known:	9. Award Amount, if known: \$ _____	
10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MI): <i>(attach Continuation Sheet(s) SF-LLLA, if necessary)</i>	b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI): <i>(attach Continuation Sheet(s) SF-LLLA, if necessary)</i>	
11. Amount of Payment (check all that apply): \$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned	13. Type of Payment (check all that apply): <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other; specify: _____	
12. Form of Payment (check all that apply): <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind; specify: nature _____ value _____		
14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11: <i>(attach Continuation Sheet(s) SF-LLLA, if necessary)</i>		
15. Continuation Sheet(s) SF-LLLA attached: <input type="checkbox"/> Yes <input type="checkbox"/> No		
16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____	
Federal Use Only:	Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)	

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLLA Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLLA Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

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

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 1 hour

Date Requested – 1st Choice: November 15, 2012

Date Requested – 2nd Choice: _____

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

Subject: Request for County Commission Approval of the US 340 Corridor East Gateway Plan, Incorporating Staff Recommended Changes Based on Public Comment

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

On October 4, 2012, the County Commission held a public hearing to receive public input and comments on the US 340 Corridor East Gateway Plan. Opportunities for written comments were held open until October 18, 2012.

Staff has summarized all verbal and written comments received in the attached matrix and provided staff response to the comments. Staff would like to review the matrix with the County Commission and recommend changes based it.

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

I move approval of the US 340 Corridor East Gateway Plan with the following revisions based on public testimony received on and after October 4, 2012:

- 1.
- 2.

Attachments:

- **Matrix of Public Hearing Comments**
- **Comments received in writing**

Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
Study Areas of the 2004 Comprehensive Plan						
1	Pack Horse Ford Study	N/A	Does not address Pack Horse Ford Study	<p>The Pack Horse Ford Study, as suggested in the 2004 Comprehensive Plan, should be completed before adoption of the US 340 Corridor East Gateway Plan.</p> <p>This study should include: the cement mill, Shepherdstown Battlefield, environmental issues, and density.</p>	The 2004 Comprehensive Plan does not provide any indication of the order in which suggested studies should be completed.	No change recommended.
Land Use and Zoning						
2	Zoning of a 30 acre subdivision known as Bugler's Rest	Section 5.5 Land Use and Zoning (pg 83)	The US 340 Future Land Use Map shows this property's designation as Mixed Use Residential/Commercial.	Request to change the future land use designation from Residential/Commercial Mixed Use to strictly Commercial. Currently, it is being used as a commercial property.	The concern presented is that the Residential/Commercial Mixed Use district requires a mixing of residential and commercial uses. The person making the request has some commercial use on the property and is interested in expanding the commercial use. They have no interest in mixing residential uses into the commercial business.	<p>Staff recognizes that the applicant is currently operating a commercial use and has no expectation of providing residential use within the existing business operations.</p> <p>Staff proposes changing the land use to commercial to acknowledge the applicants current use of the property.</p>
3	Land Use and Zoning	Section 3.5 Land Use and Zoning – Existing Conditions (pg 34) & Section 5.5 Land Use and Zoning - Recommendation	The US 340 East Gateway Plan does not adequately acknowledge the existing outfitters non-conforming launch points at Millville sites and launch at Bakerton Underpass.	Person making request would like the outfitters launch sites to be included on the Existing and Future Land Use Maps, as long standing non-conforming outfitters property.	These uses should have been shown on the existing land use map as they are existing businesses. Further, since these businesses are proposed to be part of our economic future, these uses should also be included on future land use maps as non-conforming uses.	Staff suggests the launch points be symbolized on the Existing Land Use Map and shown as non-conforming uses on Future Land Use Map.

**Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting**

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
4	Land Use and Zoning	Section 3.5 Land Use and Zoning – Existing Conditions (pg 34) & Section 5.5 Land Use and Zoning - Recommendations (pg 83)	The US 340 East Gateway Plan does not adequately acknowledge the existing outfitters non-conforming launch points at Millville sites and launch at Bakerton Underpass.	Millville Property designated as Tax District: Harpers Ferry/Map: 11/Parcel: 39. Person making request would like for this property to be recognized in the US 340 Gateway Plan for its long standing use for commercial recreation as a campground and river launching/storage area. Urges the County Commission to recognize long term uses for recreation at the Millville site and the Bakerton Underpass site.	The Plan does not look at parcel by parcel uses. The Plan provides general growth patterns. This request has been accommodated above by acknowledging the uses permitted on the property.	Staff suggests the existing 2 non-conforming campgrounds be symbolized on the Existing Land Use Map and shown as non-conforming uses on Future Land Use Map. One non-conforming campground is on the Shenandoah River and the second non-conforming campground is on the Potomac River.
5	Land Use and Zoning	Section 5.5 Land Use and Zoning Recommendations (pg 83)	The US 340 East Gateway Plan does not propose to rezone any properties.	Concerned that his property in Millville is zoned agricultural within the study. The property has been used commercially for rafting, camping, canoeing, tubing, etc. since 1970. The land owner would like for the zoning to be changed to Commercial to enhance his personal property value.	The Plan does not propose to rezone any parcels. The Plan provides general growth patterns and not parcel by parcel land use. This request has been accommodated above by acknowledging the uses permitted on the property.	No change recommended.
6	Land Use and Zoning	Section 5.5 Land Use and Zoning Recommendations (pg 83)	Mixed use zoning is proposed at the intersection of US 340 and Bakerton Rd.	Citizen feels that this is the primary gateway to Jefferson County and the proposed Mixed use development would ruin the historic and rural nature of this area. Citizens would like this recommendation deleted.	The property at this intersection has recently been up-zoned from the previous zoning. This location is not conducive to strictly commercial or strictly residential uses. As such, a mixed use is the most appropriate use at this intersection.	No recommended change.
7	Land Use and Zoning	Section 5.5 Land Use and Zoning Recommendations	Mixed use zoning in proposed areas along US 340.	Mixed Use Zoning - Concerned that this mixed use zoning is not the proper zoning for this area. Feels that companies, rather than homes, would be more beneficial as the	Mixed use zoning is proposed to allow a mix of commercial and residential uses, in order to create self-contained communities which	No recommended change.

**Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting**

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
		ons (pg 83)		County needs more established companies that can provide real jobs/real careers.	may result in fewer vehicle trips along the corridor.	
Transportation						
8	Bakerton Railroad Underpass	Section 5.7 Transportation Recommendations Table 11 (pg 104 & 120)	Railroad underpass: Widening of Bakerton Rd. railroad underpass.	The Bakerton Railroad Underpass is a significant safety concern due to being a bottleneck and due to the poor condition of Engle Switch Rd.	The Plan has identified this as a needed improvement.	No change recommended.
9	Bakerton Railroad Underpass	Section 5.7 Transportation Recommendations - Table 11 (pg 104 & 120)	Railroad underpass: Widening of Bakerton Rd. railroad underpass.	A mirror is needed on the one lane underpass to see oncoming traffic; as opposed to hearing the cars beep before crossing.	Suggestion is reasonable.	Staff proposes adding language that a mirror be added to the underpass to provide better visibility, until a long term solution is implemented.
10	Bakerton Railroad Underpass	Section 5.7 Transportation Recommendations - Table 11 (pg 104 & 120)	Railroad underpass: Widening of Bakerton Rd. railroad underpass.	Citizens opposes the project due to the difficulty and expense of widening the structure. There are concerns that since the underpass was constructed in 1891, this project will destroy the history of the underpass. As such, they feel that underpass changes would be expensive/not desirable in that area and would like this recommendation deleted.	The public and professional transportation engineers have identified this as a needed improvement.	No change recommended.
11	Bakerton Railroad Underpass	Section 5.7 Transportation Recommendation - Table 11 (pg 104 & 120)	Railroad underpass: Widening of Bakerton Rd. railroad underpass.	Raised concern over traffic safety and commented that it gets worse every year. Suggested a sign informing truckers that there is a 12 ft. overpass.	Reasonable suggestion.	A sign along Bakerton Rd. should be erected stating the maximum height limitation of the underpass.
12	Bakerton Railroad Underpass	Section 5.7 Transportation Recommendation - Table 11 (pg 104 & 120)	The US 340 East Gateway Plan does not specifically limit use of the Bakerton Railroad underpass for commercial activity.	Commercial traffic should be prohibited at the Bakerton Rd. railroad underpass. The extended study area should be reconsidered to not include the underpass.	Due to the nature of the underpass, limited commercial activity can occur beyond the underpass. The underpass in effect regulates some type of commercial traffic.	The Plans should note that no additional commercial activity should be permitted beyond the Bakerton underpass until the underpass is improved to

**Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting**

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
						handle two-way traffic and only if supported by future Comprehensive Plans.
13	Bakerton Railroad Underpass	N/A as it relates to this request	N/A as it relates to this request.	Commercial outfitters should channel traffic through lower Harpers Ferry and Potomac Street, instead of using the hazardous one lane underpass.	The Plan does not detail commercial traffic patterns. The suggested route is currently closed by the railroad. Any such change would have to be resolved with the railroad and the commercial outfitters.	No recommended change.
14	Traffic Light at Bakerton/US 340 and CBP entrance	Section 5.7 Transportation Recommendation - Table 11 (pg 104, 107, 108 & 113)	Plan calls for the need of a signalized intersection at US 340 and Bakerton Rd. in the short term. The long term solution focused on reopening Alstadts Hill Rd. and Fort Hill Rd. with a tunnel under the elevated section of US 340. The corridor plan acknowledges only the improvements proposed by the US Customs and Border Patrol at their entrance. Those improvements are: a light at the main entrance to the CBP campus and a left and right hand turn into the CBP campus.	Discussed the new light at US 340 and Bakerton Rd. Went on to state that a right hand turn only lane is needed at CBP and all along US 340. The lane needs to be as long as possible.	The US 340 Corridor East Gateway Plan notes the need for a long and short term solution to the issues at US 340 and Bakerton Rd. Both are acceptable solutions to that dangerous intersection. The solution provided by the CBP appears to be the best solution without significant changes to the road network of Shipley School Rd., Carriage Park Dr., and US 340.	Staff does recommend that the light at Rt. 230 and US 340 should be removed, once the signalized light at the CBP entrance and US 340 is operational.
15	Traffic Light at Bakerton Road and US 340	Section 5.7 Transportation Recommendation - Table 11 (pg 104, 107,	Plan calls for the need of a signalized intersection at US 340 and Bakerton Rd. in the short term. The long term solution focused on reopening	Citizen making request agreed that improvements are needed in that area, but are fully against a traffic light.	Staff understands concerns regarding additional signalized intersections along US 340. While the plan discusses long term improvements at this location that do not involve a	No change recommended.

**Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting**

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
		108 & 113)	Alstadts Hill Rd. and Fort Hill Rd. with a tunnel under the elevated section of US 340.		signalized intersection, a traffic light is the best short term solution. Considering the nature of this intersection, the proposed traffic light may provide safer conditions than those that currently exist.	
16	Traffic Light at Bakerton Road and US 340	Section 5.7 Transportation Recommendation - Table 11 (pg 104, 107, 108 & 113)	The Plan notes the need for both short and long term solutions at this intersection.	Feels that a signalized intersection at Bakerton Rd. and US 340 will be rendered unnecessary once the tunnel is complete.	The plan outlines both a short and long term solution. A light is one of the short term solutions. A tunnel is a long term solution. While staff agrees that a tunnel in this location is the best option, it is a costly solution that would need to be programmed into a long range transportation plan. Long term solutions are expensive and will require a long time to implement. In the mean time, short term solutions are necessary.	No recommended change.
17	US 340 and Bakerton Road Improvements	Section 5.7 Transportation Recommendation - Table 11 (pg 104, 107, 108 & 113)	N/A as it relates to this request.	Suggested incorporating a round-a-bout (circle) at the intersection of Bakerton and US 340.	A roundabout has been considered at this intersection. However, due to the nature of the traffic speeds, a roundabout would have to be exceptionally large and may threaten the destruction of historic resources located at that intersection.	No recommended change.
18	New Road Construction of a North/South Roadway from Alstadts Hill Road to Bakerton Road to include an	Section 5.7 Transportation Recommendation - Table 11 (pg 104, 107, 108 & 113)	The Plan notes the need for both short and long term solutions at this intersection.	Approves of a tunnel as a way to eliminate dangerous at-grade crossing at US 340 and Bakerton/Millville Rd.	Staff concurs.	No recommended change.

**Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting**

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
	underpass under US 340					
19	Intersection Reconfiguration	Section 5.7 Transportation Recommendations - Table 11 (pg 110)	The corridor plan acknowledges only the improvements proposed by the US Customs and Border Protection's entrances. Those improvements are a light at the main entrance to the CBP, a left and right hand turn into the CBP campus.	Opposed to any improvements to the US Customs & Border Protection's new main entrance other than the recommended improvements detailed in the US 340 Plan. Clarified opposition to any reconfiguration to Carriage Park entrance.	Staff agrees.	No recommended change.
20	New Road Construction of an East/West frontage road from Shipley School Rd. to Bakerton Rd.	Section 5.7 Transportation Recommendations - Table 11 (pg 104 & 113)	Plan notes the need to connect Shipley School Rd. to Bakerton Rd. to allow additional diffusion of traffic off of US 340.	Opposes new road construction as there is no existing pattern of use or any demand for expansion of this corridor. Feels that there will also be opposition by the Federal Government and both Local and National preservation groups which could cause costly litigation.	Staff has worked with the National Park Service (NPS) regarding this alignment and there is preliminary agreement that this alignment could possibly be constructed on NPS property.	No recommended change.
21	New Road Construction of an East/West frontage road on the north side of US 340 from Bakerton Rd to Washington St.	Section 5.7 Transportation Recommendations - Table 11 (pg 104 & 113)	The purpose of this connection is to allow citizens of Bolivar and Harpers Ferry a way to access Bakerton Rd. and possibly Rt. 230 without ever entering onto US 340 as a form of traffic disbursement that doesn't clog US 340.	Opposes this project as there is no existing pattern of use or any demand for expansion of this corridor. Feels that there will also be opposition by the Federal Government and both Local and National preservation groups which could cause costly litigation.	The plan supports the concept of a frontage road system to relieve congestion on US 340.	No change recommended.
22	New Road Construction of an East/West frontage road on the south side of US 340 from Alstadts	Section 5.7 Transportation Recommendations - Table 11 (pg 104 & 113)	Plan proposed a connection from Old Taylor Lane (near location of KOA) to Alstadts Hill Rd.	Opposes this project as it will create dangerous cross traffic at the entrance to the Quality Inn.	While this project may not be the most needed improvement, having the improvement in the plan is not expected to have any detriment. Staff does recognize that if this option were to ever be considered,	No change recommended.

Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
	Hill Road to Old Taylor Lane.				carefully study would have to consider the traffic conflicts at the entrance to the Quality Inn.	
23	Roadway Widening of the US 340 westbound truck climbing lane from Shenandoah Street to the existing two lane section.	Section 5.7 Transportation Recommendations - Table 11 (pg 104 & 105)	US 340 westbound truck climbing lane from Shenandoah Street to the existing two lane section.	Feels that this project is unnecessary and will cause costly litigation.	This lane is a reasonable short term solution to provide some relief of the two lanes crossing WV and VA. This improvement would assist in allowing more queuing of vehicles coming from the east out of the two lane section of US 340 from Maryland and Virginia.	No change recommended.
24	Transportation	Section 5.7 Transportation Recommendations – Table 11 (pg 104)	Applies to many of the transportation recommendations presented in the document.	Some of the improvements listed affect heritage areas.	Any heritage areas affected by improvements proposed will be satisfactorily addressed by interested parties before construction commences. The proposed routes are preliminary in nature and will require further study if any one of these routes was to be considered.	No recommended change.
25	Frontage Roads	Section 5.7 Transportation Recommendations - Table 11 (pg 104, 110 & 113)	New Road Construction of an East/West frontage road from Shipley School Rd. to Bakerton Rd. The corridor plan acknowledges only the improvements proposed by the US Customs and Border Protection's entrances. Those improvements are a light at the	Suggests that frontage roads and one traffic light would consolidate entrances onto US 340 for eastern Halltown, Shipley School, the US Border Facility, and Bakerton and Millville Rds. Feels the best place for the traffic light would be at Carriage Park Dr.	The plan supports the concept of a frontage road system to relieve congestion on US 340. It must be noted that care must be taken to not impact the character of the existing developments of Carriage Park Dr. and Sheridan Estates. Coordinated lights controlling access to US 340 at the CBP entrance may resolve the	While the Plan may not propose getting down to one light; two lights and removal of the US 230 light may be possible. Since the Plan promotes much of the request presented, no change is necessary.

**Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting**

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
			main entrance to the CBP, a left and right hand turn into the CBP campus.		queuing problem without affecting the developments located there.	
26	Transportation	Section 5.7 Transportation Recommendations	General nature of the request refers to all of Section 5.7 identifying transportation recommendations.	Supports the access management plan outlined in the document. Encourages the County to engage the State in evaluating and developing specific corridor access needs.	Staff agrees.	No change recommended.
27	Transportation	Section 5.7 Transportation Recommendations (pg 102)	WV, VA and MD transportation departments are working on a coordinated effort to resolve this congestion.	Requests support of Regional and State efforts to acknowledge the congestion and safety issues on US 340 between Harpers Ferry and the Potomac River.	WV, VA and MD transportation departments are working on a coordinated effort to resolve this congestion. The Plan recognizes the short comings of the two lane section of US 340. However, as stated before, Jefferson land use controls stop at the state line and functionally for land use policies, land use potential stops at the western side of the Shenandoah Bridge.	Staff supports this effort and as such no change is recommended to the Plan.
28	Transportation	Section 5.7 Transportation Recommendations	The suggestions to the right are similar to those found in the Transportation Recommendations found in Section 5.7 of the Plan.	<ul style="list-style-type: none"> Traffic issues extend all the way to Charles Town and should be addressed along the entire corridor. Focus should be placed on maintaining a continuous flow of traffic with as few interruptions as possible by coordinating signal lights on a timer preventing "stop and go" traffic. If a timed system is not possible, a "smart road" with sensors to discover traffic 	Nearly all of the suggestions are currently within the document.	No change recommended.

**Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting**

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
				<p>conditions should be implemented. Lights allowing cross traffic should only respond to demand preventing US 340 travels from sitting at empty intersections.</p> <ul style="list-style-type: none"> • At-grade intersections cause unnecessary delays and forces cars to burn gas while idling. • At the Bakerton Rd. intersection, a dangerous at-grade intersection with lights could be bypassed by allowing cross traffic to proceed through a tunnel under the highway. • A light at Bakerton Rd. would create many dangers due to the slope of the road especially in bad weather. While a light at this intersection would not be ideal, if one were placed in that location, the yellow light would need to be longer, a sensor dependent warning sign at the top of the hill would need to be provided, maximum speed from the Bolivar light to the Bakerton intersection should be no greater than 45mph and the right turn lane should be as long as possible. • All right turn lanes should be very long runways. 		
29	Transportation	Section 5.7 Transportation Recommendations	Plan does not promote additional access, except for the potential relocation of the US 340 and Old Country Club Rd intersection.	Opposes the excessive accesses to US 340. Feels the plan would create a "developer's mecca".	<p>The approach taken in the Plan is not to create additional accesses onto US 340, but provide better connections to existing accesses along the corridor by the creation of parallel frontage roads.</p> <p>The growth pressure along the</p>	No recommended change.

Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
					corridor will continue and planning will provide some order to the activities that will occur.	
30	Transportation	Section 5.7 Transportation Recommendations	General nature of the request refers to all of Section 5.7 identifying transportation recommendations.	The list of road improvements should be narrowed as the DOH states they can afford only 5. Focus efforts to find 5 projects and associated costs.	This is a reasonable consideration after the plan is adopted to focus on 5 priorities to be identified for funding since all of the project will not be funded.	Staff recommends that after adoption that 5 priorities should be identified. This would permit the community and DOH to focus on a select set of improvements.
Community Service and Infrastructure						
31	Community Service and Infrastructure	Section 5.1 Community Service and Infrastructure (pg 74)	The Plan promotes the concept that development should occur as infrastructure is available.	A mechanism needs to be in place for water, sewer, roads, parks and trails prior to building.	Staff agrees that orderly growth comes by having the proper infrastructure in place before development.	No recommended change.
32	Community Services and Infrastructure	Section 4.1 Community Service and Infrastructure (pg 62) Section 5.1 Community Service and Infrastructure (pg 64)	The Plan discusses possible future upgrades to the Harpers Ferry water system.	Opposed to having Harpers Ferry Water Works and the Harpers Ferry/Bolivar PSD become the providers to future developments along the 340 corridor and passing costs of those developments along to taxpayers and homeowners within the service district of those agencies. Harpers Ferry Water Works does not intend to serve anyone outside of the current service district. Please remove the language from the Plan that speaks of expanding and upgrading the Harpers Ferry water system. The Plan violates the Harpers Ferry 2007 Comprehensive Plan objectives and goals for a sustainable infrastructure and continued economic development within the municipality.	Staff respects the wishes of the Harpers Ferry and Bolivar as it relates to their utility systems.	Remove any references to upgrading Harpers Ferry or Bolivar's utility systems.

November 15, 2012

**Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting**

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
Size of Study Area						
33	Size of the Study Area	Section 1.3 Definition of Plan Area (pg 10)	A map in this section illustrates the 1-mile study area and an extended study area.	States that the study area is too large at between 1 mile and 1.6 miles on either side of US 340. Suggests limiting the study to 1,000 feet on either side of US 340. The plan does not need to include the intersection of Engle Switch and Bakerton Rds. due to the existing safety concerns in that area. (*This comment was echoed by another group of citizens)	Boundary was determined by the Technical Advisory Committee (TAC) from the outset of the corridor Plan development.	No recommended change.
34	Size of the Study Area	Section 1.3 Definition of Plan Area (pg 10)	A map in this section shows the mile study area and an extended study area.	The area should extend no further than the one mile stated boundary. Further development of US 340 will impair traffic flow and the revenue received by the County for the casino. Quality of life for Jefferson County residents will also be impaired. (*This comment was signed and submitted by 15 citizens)	Boundary was determined by the Technical Advisory Committee (TAC) from the outset of the corridor Plan development.	No recommended change.
35	Configuration of Study Area	Section 1.3 Definition of Plan Area (pg 10)	The plan specifically states that the corridor is not to be an undeveloped parkway. The Plan states that there will be residential and commercial activity but it should not cause visual blight and major traffic problems.	Feels that this area is going to be a growth corridor.	The purpose of planning is to plan for the future growth of the corridor and provide some order to the activities that will occur. Not being proactive will not change the expected activity along the corridor.	No recommended change.
The US 340 Corridor East Gateway Plan as a Document						
36	The US 340 Corridor East Gateway Plan as a whole	N/A	N/A	The US 340 Corridor East Gateway Plan should be tabled until the 2014 Comprehensive Plan is complete.	Staff disagrees. The US 340 Corridor East Gateway Plan was specifically called for in the 2004 Comprehensive Plan.	No recommended change.
37	The US 340 Corridor East Gateway Plan as a whole	N/A	General nature of the request refers to the entire document.	Supports approval as an amendment to the County's Comprehensive Plan.	Staff agrees.	Plan should be adopted.

**Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting**

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
38	The US 340 Corridor East Gateway Plan as a whole	N/A	The Plan attempts to balance growth, design of growth and promotes scenic viewsheds.	It promotes sprawl. Why are we encouraging more commercial space when the county has vacant commercial space with appropriate infrastructure available?	This plan is for the next 20 years. It would be anticipated that those vacant commercial spaces will be filled by the time additional spaces are needed along US 340	No change recommended.
39	The US 340 Corridor East Gateway Plan as a whole and Rural character and Viewshed of the Corridor	N/A	The Plan attempts to balance growth, design of growth and promotes scenic viewsheds.	Feels that the beauty of the County will be ruined if the plan is adopted. Moved here because of the relaxing character and will move and pay taxes elsewhere if that is ruined. Opposes the US 340 Gateway Plan in its entirety. Feels that the rural environment of the corridor is challenged by development that has already been approved such as cell towers along US 340. Feels that the plan promotes the interests of land developers and profiting special interests groups.	Developing a corridor plan provides a balance to a number of growth issues and results in the protection of historic and natural resources.	No change recommended.
40	The US 340 Corridor East Gateway Plan as a whole	N/A	No such language in the plan.	Provide language that acknowledges that selective plan objective and plan recommendation implementation at the expense of others is the antithesis of acceptable planning and provide language that prevents this implementation of the US 340 Gateway Plan.	There are careful balances within all planning documents that need to be considered.	No change recommended.
41	Implementation of the US 340 Corridor East Gateway Plan	N/A	No such language or concept proposed in the Plan.	Use a "Plan Objective Inventory" point system to analyze which objectives are being met, not being met, and/or are negatively impacted with each decision in the US 340 Gateway Plan implementation process. This inventory should be made publically available along with all public comment to assure transparency.	A points system would be difficult to analyze for each parcel and would not account for the unique differences at each end of the corridor. This idea is similar to CUP process and LESA, which has had some successes and challenges.	No change recommended.

Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
42	The US 340 Corridor East Gateway Plan as a whole		No such language in document.	Deny the US 340 Gateway Plan in order to protect historic and natural resources along the US 340 Corridor located within the Harpers Ferry/Bolivar area.	Not having a corridor plan does not result in the protection of historic and natural resources. Not having a plan could result in the possibility that such resources could be destroyed.	No change recommended.
Historic Resources and Viewshed						
43	Historic Resources and Scenic Viewshed	Section 4.4 Historic Resources and Viewsheds – Goals and Objectives (pg 66)	The Plan promotes the Journey through Hallowed Ground and scenic corridor opportunities using state and federal resources.	Area is part of congressionally established scenic area and trail through hallowed ground.	Staff recognizes the need to coordinate with interested parties to both respect and promote the Journey through Hallowed Ground. Only the Harpers Ferry and Bolivar area appear to be covered by the Journey through Hallowed Ground. Staff does believe the Journey through Hallowed Ground should be expanded to include the US 340 corridor to Charles Town.	No recommended change.
44	Protection of Existing Resources and National Park Service Battlefields	Sections 5.4 Historic Resources and Viewshed, 5.5 Land Use and Zoning and 5.6 Parks, Trail & Greenways	General nature of the request is satisfied throughout the sections of Parks, Trails, and Greenways, Historic Resources and Viewshed, and Land Use and Zoning recommendations.	Feels the plan should specifically address the “gateway” function of the intersection containing the National Park’s visitor parking and information center and the County’s tourist information center. Would like the overlay zone on page 87 to be a means of implementing this. Would like development to be minimized along the gateway and wants importance to be place on this objective.	Staff agrees that there needs to be additional discussion within the plan stating importance of a gateway of this corridor.	Staff recommends adding language that recognizing the importance of this gateway in the following sections: <ul style="list-style-type: none"> • Land Use and Zoning • Historic Resources and Viewsheds • Parks, Trails and Greenways

Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
45	Historic, Natural and Scenic Viewshed	Section 4.4 Historic Resources and Viewshed – Goals and Objectives (pg 66)	The Plan notes the need for the creation of a gateway/entrance appearance into the corridor, County, and State.	Provide assurances that resource objectives are met and maintained in the Bolivar/Harpers Ferry/ National Park Service portion of the US 340 Gateway in spite of economic development objectives and opportunities. Exclude the Bolivar/Harpers Ferry urban area from consideration for intense economic development.	Based on comment 44 above, Staff believes that the entrance to Bolivar/Harpers Ferry should be recognized as an important feature.	<p>The gateway into Bolivar/Harpers Ferry, the County and the State should be given special consideration due to the unique character in that area. Staff suggests that the gateway into Bolivar/Harpers Ferry entrance at Washington St. and US 340 should be protected.</p> <p>Staff recommends adding language that recognizing the importance of this gateway in the following sections:</p> <ul style="list-style-type: none"> • Land Use and Zoning • Historic Resources and Viewsheds • Parks, Trails and Greenways <p>Staff does agree that there needs to be a delicate balance between the corridor gateway and economic opportunities.</p>
Parks, Trails and Greenways						
46	Parks, Trails and Greenways	Section 5.6 Parks, Trails, and Greenways Recommendations	The plan calls for adding landscaping and greenery along US 340 to create a parkway like effect.	Supportive of the greenery elements presented in the Plan.	Staff agrees.	No change recommended.
47	Parks, Trails and	Section 5.6	General nature of the request	Supports the proposed trail network.	Staff agrees.	No change recommended.

**Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting**

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
	Greenways	Parks, Trails, and Greenways Recommendations	is satisfied throughout the Parks, Trails, and Greenways recommendation section.			
48	Parks, Trails and Greenways	Section 5.6 Parks, Trails, and Greenways Recommendations	<p>“Other comments included in the importance of creating new trails concurrent with new development.”</p> <p>“In some cases, trails or trail easements may be provided in association with new development.”</p>	To preserve at least 10% of all rezoned property for use as future park and recreational facilities such as bike and walking paths, community parks, and green space. The JCPRC would like the ability to approve the location of the land proposed.	Staff finds this to be a reasonable request and this requirement should be extended to major subdivisions.	<p>The following language should be added in Section 5.6. “All rezoned property and major subdivisions shall provide at least 10% of the gross property for future park and recreational facilities such as bike and walking paths, community parks, and green space.”</p> <p>This may require an amendment to either the Subdivision Regulations and/or the Zoning Ordinance in order for this request to be codified.</p>
49	Parks, Trails and Greenways	Section 5.6 Parks, Trails, and Greenways Recommendations	Plan acknowledges the Eastern Panhandle Recreation Trail.	Eastern Panhandle Recreation Trail is an important part of the plan as it affects people’s health and promotes healthy lifestyles. Urges the County to have patience when working with the DOH as this type of activity takes planning and persistence. It is the backbone of the trails plan and gives meaning to local jobs.	<p>Plan acknowledges this trail.</p> <p>Staff is willing to work with the DOH over the long term to ensure that this connection receives the attention of the DOH.</p>	Staff believes the map provided in this section should be amended to represent the features written in the plan.
50	Parks, Trails, Greenways	Section 5.6 Parks, Trails, and Greenways Recommendations	Plan acknowledges the Eastern Panhandle Recreation Trail.	The plan should include a trail and a greenway concept that implements the larger, regional Eastern Panhandle Recreational Trail.	Plan acknowledges this trail.	Staff believes the map provided in this section should be amended to represent the features written

**Draft US 340 Corridor East Gateway Plan
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#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation in the plan.
51	Parks, Trails, Greenways	Section 5.6 Parks, Trails, and Greenways Recommendations	The Plan calls for the connection as requested by the citizen.	The plan should include trail and greenway concepts between Harpers Ferry and Ranson. By including proposed trail concepts into the plan, existing opportunities for trail connectivity may be preserved for present and future generations.	Staff acknowledges that there are written details in the Plan which should be depicted on the map in this section.	Staff believes the map provided in this section should be amended to represent the features written in the plan.
52	Parks, Trails, Greenways	Section 5.6 Parks, Trails, and Greenways Recommendations	Nearly all of the requests to the right are in the document, particularly in Section 5.6.	These trail elements should be included in the US 340 Gateway Plan: <ol style="list-style-type: none"> 1. A trail corridor between Harpers Ferry and Ranson that includes a shared bikeway/walking path adjacent to US 340. 2. A mile trail loop linking existing trails and adding new trail connections in the Harpers Ferry Area. 3. A statement that the Planning Commission will work with the WVDOH to develop safe crossings whenever traffic lights are added or intersection improvements are implemented and to discuss upgrades having upgrades to US 340 include bike/pedestrian paths. 4. Trails shown on the plan to be a part of the green space requirement for future development. 5. Add trail connections as a part of new developments. 6. Coordinate with Ranson to provide bike/pedestrian connections from the vicinity of County Club Rd. and US 340 to the Route 9 bike path and commercial areas. 	Staff acknowledges that there are written details in the Plan which should be depicted on the map in this section. The suggestions provided should be added to the Plan.	Staff believes the map provided in this section should be amended to represent the features written in the plan.

**Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting**

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
Agency Involvement						
53	Agency Involvement	General nature of the request refers to the entire document.	General nature of the request refers to the entire document.	<ul style="list-style-type: none"> Implementation of Plan recommendations should not be coordinated and partnered with the Jefferson county Economic Development Authority unless there are assurances in place that the JCDA will thoughtfully and effectively uphold all recommendations of the Plan outside of simple economic development opportunities and in accordance with the Jefferson County Comprehensive Plan. Identify the Jefferson County Historic Landmarks Commission as an equal partner in the implementation of the Plan and allow Jefferson County's historic resources to be the primary economic concern along the Harpers Ferry/Bolivar/NPS portion of the US 340 East Gateway. Identify Harpers Ferry/ Bolivar/NPS as an equal partner with the County in the implementation of the Plan with a concerted effort toward like-minded goals for well-planned economic development in its proper place and treasured Jefferson County historic destinations in their properly preserved state. 	<p>The agencies noted have been partners in offering suggestions to the development of the US 340 Corridor East Gateway Plan process.</p> <p>Additionally, there has been public input within the document.</p>	No change recommended.
Commercial Use of the River						
54	Potomac Shoreline	N/A	N/A	This area needs to be protected.	<p>The Plan focused on the US 340 corridor and less on the river usage and access locations.</p> <p>A holistic approach to recreational activities may need to occur in the</p>	No recommended change.

**Draft US 340 Corridor East Gateway Plan
Comments Received at October 4, 2012 County Commission Meeting**

#	Topic	Section	Current Language in Draft Plan	Citizen Request	Staff Comment	Staff Recommendation
					2035 Comprehensive Plan.	
55	Recreational use of the river	N/A	N/A	Feels that the use of the river is strictly commercial, not recreational. Recreational tourist dollars are not considered in many studies.	The Plan focused on the US 340 corridor and less on the river usage and access locations. A holistic approach to recreational activities may need to occur in the 2035 Comprehensive Plan.	No recommended change.
56	Creation of a Shenandoah Recreational Use area	Section 5.6 Parks, Trails and Greenways (pg 98)	N/A	Provide public parking and access to rivers and possibly a County or State Park to allow public access to the river without having to use commercial outfitters. Suggests that the County purchase the 90 acres of farmland for sale on Bloomery Rd. to place a park equipped with amenities such as a picnic pavilion, outdoor school, camping, etc. Fees for these amenities would pay for the park.	The Plan focused on the US 340 corridor and less on the river usage and access locations. A holistic approach to recreational activities may need to occur in the 2035 Comprehensive Plan.	No recommended change.

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

From: "jgordon626" <jgordon626@frontiernet.net>

Sent: 10/7/2012 3:14:21 PM

To: planningdepartment@jeffersoncountywv.org

Subject: Proposed Plans for Rt340

TO WHOM IT MAY CONCERN:

I am opposed to the excessive accesses to 340 as proposed by presented plans. Lets keep the batural beauty inherent in Jefferson County and not make it a developers mecca. Thank you.

John N Gordon
202 Natalie Ln
Harpers Ferry WV 25425
(304)876-6589

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

From: "Jim Cummins" <jcummins@icprb.org>

Sent: 10/8/2012 6:13:32 PM

To: planningdepartment@jeffersoncountywv.org

Subject: Cummins comments on 340 Corridor Plan

To whom it may concern.

We live near Bakerton, since 1977. Thank you for providing a forum for feedback on the Rt 340 proposed plan. Basically, we like the plan, especially the philosophy of keeping the commercial development at the western portion near Charles Town and Ranson. We also agree that highway improvements are needed at the Bakerton interchange with RT 340, but continue to advocate that we should not have a traffic light at that location. Such a light would be too dangerous because vehicles, especially loaded trucks, may not be able to stop on that downhill decent. We like your idea of frontage roads but not tunnels under Rt 340. Instead, we urge the use of frontage roads and only one traffic light which would consolidate entrances onto Rt 340 for eastern Halltown, Shipley School, the U.S. Border Facility and Bakerton and Millville roads. We think that the best location for such a traffic light would be at Carriage Road, near the mid-way point of those entrances. This is a level area with good sight line. Having only one light would also help reduce future congestion on Rt 340 that would occur with multiple lights.

In addition, there are significant problems with the following recommendations:

1) Section 5.8 on page 78: ***"Parcels near the intersection of Millville/Bakerton Road. Where Millville and Bakerton Roads intersect US 340, mixed-use development at an urban level of density is recommended. Additionally, the northern section of the Old Standard Quarry property could be appropriate for mixed residential and commercial development."***

This is the primary visual gateway to Jefferson County and the site of one of our most significant civil war battlefields. It is critical that we preserve both the rural nature of that intersection and the adjacent historical resources. This recommendation is entirely at odds with your stated desire to focus commercial growth at the western end and will be ruinous to this beautiful Gateway.

2) In the highway section: The proposed Bakerton RR underpass changes will be very expensive and are not what we would like to see at that juncture.

Please delete these recommendations.

Thank you.

--

Jim and Nancy Cummins
P.O. Box 83, 5 Preston Street
Bakerton, WV 25410
876-3234

October 2nd, 2012

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

Dear Ms. Noland,

The County Commission is to be applauded for conducting the study of the US340 corridor and the process followed in preparing the East Gateway Plan. This section of US340 is the most traveled, visible, and developing location in the County, and warrants this special planning effort. This work and the Plan create a vision for the corridor and set recommendations for guiding future land use and transportation decisions. The County should proceed to approve the Gateway Plan as an amendment to the County's 2004 Comprehensive Plan.

Transportation improvements to meet future traffic needs and accommodate growth, present many issues to address and sort out. As suggested in the Plan (pages 122 - 123) development of an access management plan and adherence to its guidelines are essential. I encourage the County to take the next step and engage the State in evaluating and developing a specific corridor access management plan for this section of US340. Such a plan will lay the foundation for preserving and enhancing the highway's operation while more efficiently accommodating growth.

I also want to specifically support the proposed trail network recommended in the Plan. Advance planning is needed to reserve space for trails and implement them as development occurs and road projects are constructed. Harpers Ferry has joined the regional Canaltowns Partnership and is working to attract more bicycle tourism. Future connection of local trails from our area into a county network will enhance that effort.

The intersection of Washington Street with US340 is identified in the goals and objectives for preservation as a prominent gateway entry into the County and State. However, the Plan does not appear to provide additional guidance for protecting the existing resources and especially the National Park Service battlefields. With the National Park's visitor parking and information center to the south and the County's tourist information center to the north, this intersection indeed functions as the "front door" entry or gateway for tourists to the area. The Plan's land use section should specifically address this unique gateway function and how it might be enhanced. The overlay zone mentioned on page 87 could provide one means of implementing this enhancement.

Although not included in the study corridor, we appreciate that the Plan does clearly acknowledge the congestion and safety issues on US340 between Harpers Ferry and the Potomac River. We would also appreciate your continued support for the newly-initiated regional and state attention to addressing those issues.

Sincerely,

Joe Anderson, Mayor

Scot & Vicki Faulkner
 253 Prospect Avenue; Harpers Ferry, WV 25425
 304-535-2757; smf53@aol.com

PUBLIC COMMENT - US 340 Gateway Plan Recommended Roadway Improvement Projects

RECEIVED
 OCT 03 2012
 JEFFERSON COUNTY
 PLANNING, ZONING AND ENGINEERING

#16,17,18 - We **OPPOSE** these projects. U.S. Customs & Border Protection has only recommended a turn signal for their new main entrance. All other aspects of this project are unnecessary and unwarranted. Any reconfiguration of the entrance to Carriage Park will eliminate a viable business and adversely impact residential land values in the development.

#19 - We **OPPOSE** this project. It is totally unnecessary. It is totally unnecessary as there is no existing pattern of use or any demand for expansion of this corridor.

It crosses National Park land, which will trigger Section 106 of the National Environmental Protection Act (NEPA). This will be opposed by the Federal Government and both local and national preservation groups. It is best the County and state avoid costly and unsuccessful litigation.

#20 - We **OPPOSE** this project. It will be rendered unnecessary once the tunnel (#21) is completed.

#21 - We **APPROVE** of this project as a way to eliminate the dangerous grade crossing at Route 340 and the Bakerton/Millville Road. This should be a high priority project.

We recommend that, once the tunnel is open, that the median strip crossing is eliminated and that signage directs vehicular and pedestrian traffic to all right turns and through the tunnel. The proposed temporary traffic light could then be removed.

#22 - We **OPPOSE** this project. It is totally unnecessary. It is totally unnecessary as there is no existing pattern of use or any demand for this corridor.

It crosses National Park land, which will trigger Section 106 of the National Environmental Protection Act (NEPA). This will be opposed by the Federal Government and both local and national preservation groups. It is best the County and state avoid costly and unsuccessful litigation.

#23 - We **OPPOSE** this project. It is totally unnecessary as there is no existing pattern of use or any demand for this corridor. It will create dangerous cross traffic at the entrance to the Quality Inn requiring further costly signage and possible signalization. All would create unwarranted traffic safety issues and visual blight.

#24 - We **OPPOSE** this project. The historic underpass was constructed in 1891. It will destroy history, and will be very expensive and difficult to construct. CSX runs forty scheduled freights across this underpass every day. CSX will not want any disruption to their primary rail line.

#25 - We **OPPOSE** this project. It is totally unnecessary. It crosses National Park land, which will trigger Section 106 of the National Environmental Protection Act (NEPA). This will be opposed by the Federal Government and both local and national preservation groups. It is best the County and state avoid costly and unsuccessful litigation.

~~PLEASE PRINT~~ (PLEASE PRINT)

Name: BILL CHESLEY

Mailing Address (including Zip Code): 151 PACKETT DR. CHARLES TOWN, WV. 25414
US 340 CORRIDOR EAST GATEWAY PLAN

Your opinions about this project are important to us. Please use the space below to include your comments or questions. If you need additional space, please take another sheet or you may include your own letter.

Your comments or questions for the project team:

• ALL LIGHTS HAVE RIGHT HAND TURN LANES ONLY
AS (LONG) AS POSSIBLE. KEEP TRAFFIC MOVING.

• GOOD JOB BY PLANNING + ZONING DEPT.!

• LOOK AT BIKE PATH FROM FLOWING SPRING RD.
TO HARPERS FERRY NEW PATHS PLANNED.

• TIME FOR PLANNING + ZONING TO COME UP
WITH LIST IN ORDER FROM PAGE 103 + 104 AND
GIVEN TO COUNTY COMMISSION TO GO OVER. WHAT
ARE TOP 5 ITEMS DMV CAN AFFORD.

Project Information and Comment Sheets can be found online at our web page:

<http://go.wv.gov/dotcomment>

Click on "Comment on Engineering Projects", then "Open", and then click on "US 340 Project"

Attention property owners in the Rt 340 Corridor

Public Hearing on the Rt 340 Corridor Plan

October 4, 2012

Charles Town Library

7:00 pm

There is a plan for the Rt 340 Corridor, an area defined as one mile on either side of Rt 340 but extends well beyond the stated boundary to include the one lane underpass on Bakerton Rd.

Please find the Rt 340 Corridor Plan at { HYPERLINK
"http://www.jeffersoncountywv.org/uploads/planning/US%20340%20East%20Gateway%20Plan%20v16.pdf" }

The Rt 340 plan is huge, some 171 pages with recommendations for traffic improvement, increasing and promoting tourism, beautifying the corridor, etc. Shorekeepers is concerned about an overlay zoning district for the Rt 340 Corridor, more problems at the underpass, increased development, in addition to the bottleneck already existing on Rt 340. Further development of Rt 340 will further impair traffic flow and ultimately the revenue received by the county for the casino and the quality of life for Jefferson County residents.

I/We the undersigned are opposed to the extension of the RT 340 Corridor to the Potomac River on Bakerton Rd. and the inclusion of this area in a Rt 340 Corridor overlay district. The corridor should extend no further than the one mile stated boundary. I/We do not agree to connecting the rivers via Bakerton and Millville Rds.

Laura E Hale

Name

Address 91 Fisher Hill Farm Lane
Harpers Ferry WV 25423

Email address bhalewv@comcast.net

Laura E Hale

Signature

Please bring this signed statement of opposition to the Public Hearing on October 4 or call Cathy Vance, 304-876-1668 or Joyce Dalley 304-876-2224 to pick up your statement before the meeting. Please call Cathy Vance with any questions.

Shorekeepers of Jefferson County, WV LLC 308 McShanes Landing Lane Shepherdstown, WV 25443

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L. WILLIAM SPACH

Name

60 RIVER CLIFF DRIVE HARPERS FERRY, WV

Address

TRAILBUM@WEBTV.NET

Email address

L. William Spach

Signature

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*I ALREADY STATED THIS AT A PLANNING MEETING
CRYSTAL SPACH*

Name

60 RIVER CLIFF DR

Address

HARRERS FERRY, WV 25425

Email address

[Handwritten signature]

Signature

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DORRENE HALE

Name

71 Fisher Hill Farm Lane, Harpers Ferry, WV 25425

Address

Email address

Dorrene Hale

Signature

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Mary Grageby
Name

141 Fisher Hill Farm Lane
Address

Ed Grageby @ gmail . com
Email address

Mary Grageby
Signature

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Jennifer A. Lamb

Name

714 Elk Run Est. Dr. Harpers Ferry, WV 25425

Address

Email address

Jennifer A. Lamb

Signature

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Robert W. Lamb

Name

714 Elk Run Est. Dr. Harpers Ferry, WV 25425

Address

Email address

Robert W. Lamb

Signature

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Marianne Lamb

Name

Address

714 Elk Run Est. Dr Harpers Ferry, WV 25425

Email address

Signature

Marianne Lamb

Please bring this signed statement of opposition to the Public Hearing on October 4 or call Cathy Vance, 304-876-1668 or Joyce Dailey 304-876-2224 to pick up your statement before the meeting. Please call Cathy Vance with any questions.

Shorekeepers of Jefferson County, WV LLC 308 McShanes Landing Lane Shepherdstown, WV 25443

Attention property owners in the Rt 340 Corridor

Public Hearing on the Rt 340 Corridor Plan

October 4, 2012

Charles Town Library

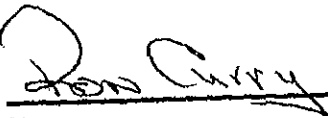
7:00 pm

There is a plan for the Rt 340 Corridor, an area defined as one mile on either side of Rt 340 but extends well beyond the stated boundary to include the one lane underpass on Bakerton Rd.

Please find the Rt 340 Corridor Plan at <http://www.jeffersoncountywv.org/uploads/planning/US%20340%20East%20Gateway%20Plan%20v16.pdf>. This can be easily found by going to the www.jeffersoncountywv.org website.

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I/We the undersigned are opposed to the extension of the RT 340 Corridor to the Potomac River on Bakerton Rd. and the inclusion of this area in a Rt 340 Corridor overlay district. The corridor should extend no further than the one mile stated boundary. I/We do not agree to connecting the rivers via Bakerton and Millville Rds due to traffic concerns for the area.



Name

70 ELK RUN ESTATES DR HARPER FERRY WV 25425

Address

Donnie442@cox.net

Email address



Signature

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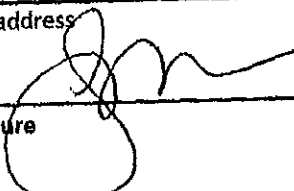
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Jacquelyn Sine
Name
1719 Engle Switch Rd Harpers Ferry WV 25425
Address
gabtucks mom@gmail.com
Email address

Signature

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Charles T. Welty
Name
19 Welty Hill Harpers Ferry WV 25425
Address
N/A
Email address
Charles T Welty
Signature

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GENASIMOS MORCHOWSKI

Name

1645 EMOTE SWITCH ROAD HARPER PENNSYLVIA

Address

HORSE TRAINER MICHAEL AT. YAKHARPOPOVICH

Email address

GESSIMY MORCHOWSKI

Signature

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Janis M. Schiltz

Name

38 River Cliff Drive Harpers Ferry, WV 25425

Address

hschiltz1@comcast.net

Email address

Janis M. Schiltz

Signature

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Ted Schitt

Name

38 River Cliff Dr, HF 25425

Address

TSchitt21@comcast.net

Email address

T Schitt

Signature

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Edward Grageby

Name

141 Fisher Hill Farm Lane

Address

Edgrageby@gmail.com

Email address

Edward Grageby

Signature

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Shorekeepers of Jefferson County, WV LLC 308 McShanes Landing Lane Shepherdstown, WV 25443

6

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 Tuscawilla 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 Tuscawilla 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 Tuscawilla 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: CAC

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

RECEIVED

AUG 9 3 2012

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- Commerical (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- Commerical (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.

RECEIVED

AUG 3 2012

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.

RECEIVED

AUG 13 2012

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)

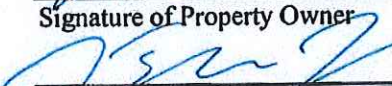
The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). 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).

 8/2/12
 Signature of Property Owner Date

 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

RECEIVED

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 with 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 anticipated 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 Tuscawilla Hills.

The most significant change to the road system was the major hill that was taken out in front of Tuscawilla 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, Tuscawilla 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 Tuscawilla Hills.

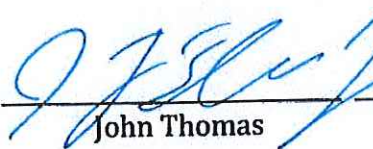
The mixed-used nature of the neighborhood when the ordinance was adopted combined with the addition of the Locust Hill mixed-use development after the zoning ordinance was adopted makes this an ideal location for the Residential/Light Industrial/Commercial District.


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.

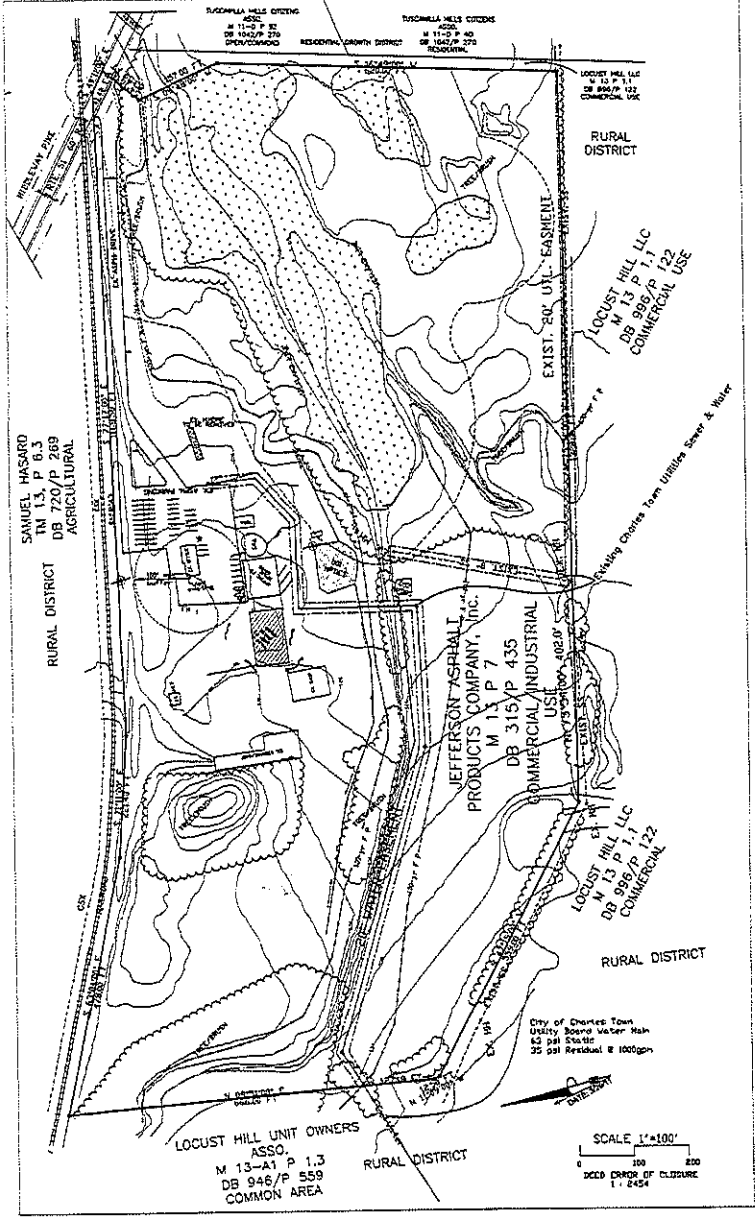
The rezoning of the Applicant's property would be appropriate based on the fact that the property has continued to operate commercially and industrially for over 40 years and is surrounded by two mixed-use communities.

5. Conclusion:

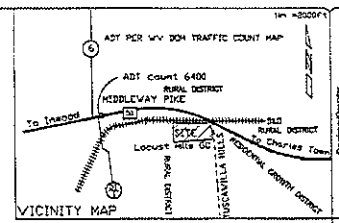
The Applicant is requesting that the County Commission of Jefferson County approve a map amendment to the Jefferson County Zoning Map. This map amendment will change the zoning classification on the applicant's property from the Rural District to the Residential/Light Industrial/Commercial District. 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.

 8/2/12
John Thomas Date

 8/2/12
Mike Thomas Date



- MAP INFORMATION**
 CONTROL POINTS W/ NAD83 & BUA
 (NAD 83) (EPSG: 3147) C: 2,420,591.782 E: 528.72
 (NAD 83) (EPSG: 3147) E: 2,420,592.406 E: 523.84
 Prepared by: GCS, Inc. P.O. Box 202514
 12000 S.W. 12th St. Miami, FL 33186-2514
 Topography by: PERMA from Aerial Topo obtained from A. Hooper, Jr.
 All known surface features have been shown or otherwise indicated.
- Wetland Areas
 - General Permit NPDES Structure & Outfall No.
 - Existing Diversion Dike p/o NPDES Structure
 - Existing DIH
 - UP (Utility Pole)
 - UP w/ ID Light
 - FH - Prop. Fire Hydrant
 - To remain for non-potable use



	<p>Jefferson Asphalt Products 8300 Middleway Pike Charles Town, WV 25014 304-725-2639</p>	
<p>PROPERTY: DB DESCRIBED BY: DATE:</p>	<p>D. STANSBURY ENGINEERING 3 BUE COARY SITE B Marlinton, WV 25405 304-996-2643</p>	
<p>Site Plan Jefferson Asphalt Products Facility Plan Middleway Pike (Rte 51 West) Charles Town Dist., Jefferson County, West Virginia MAP 13 PARCEL 1.00 315 PG. 45</p>		
<p>JPC FILE # 311-12 SHEET</p>		
<p>1 OF 1</p>		

ZIR-04

**Rezoning Request
by
Jefferson Asphalt Products Inc.**

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

Request

Change Zoning Classification

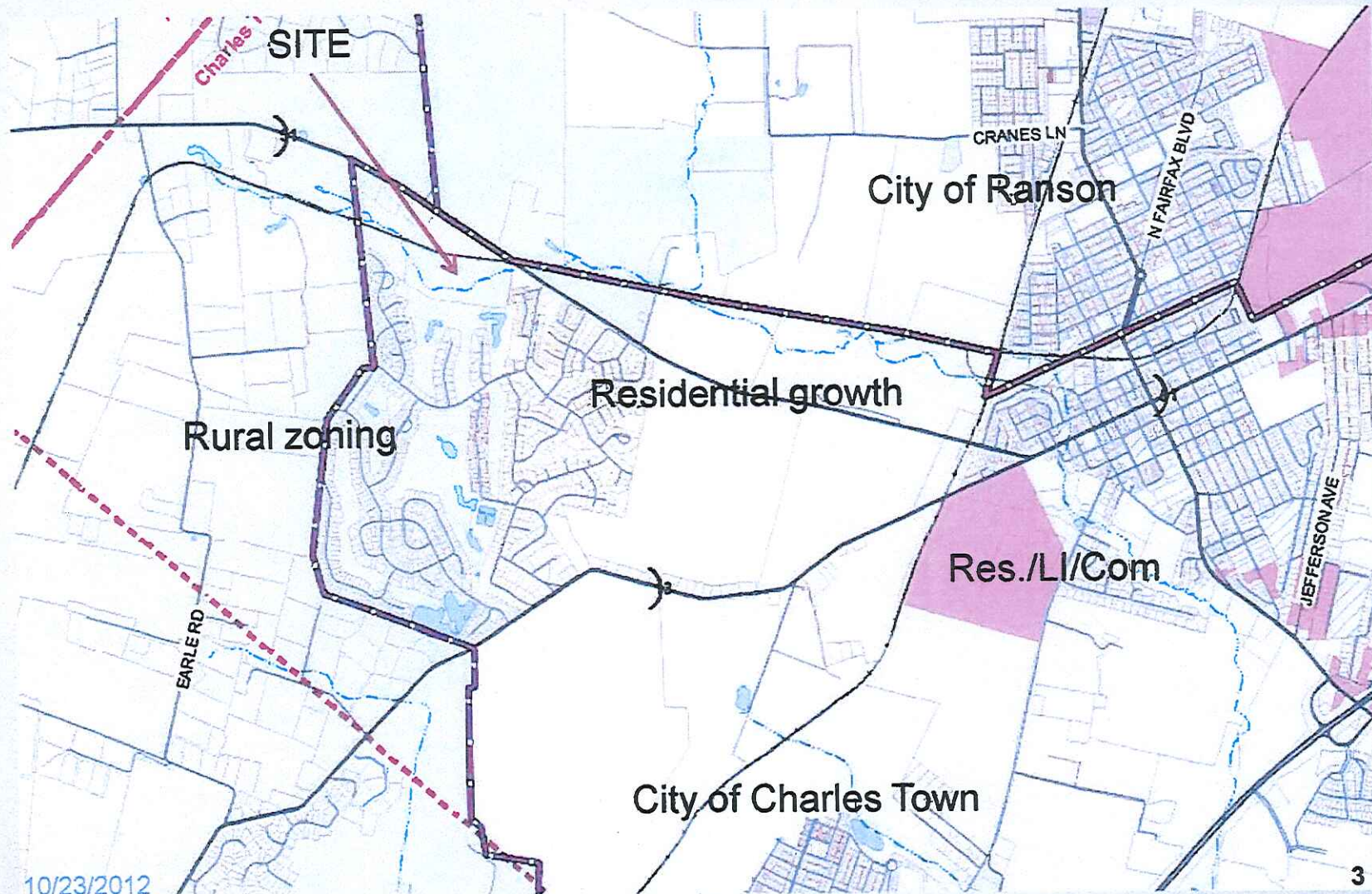
From

Rural Zoning

to

**Residential / Light Industrial /
Commercial Zoning**

Current Zoning



Property Location

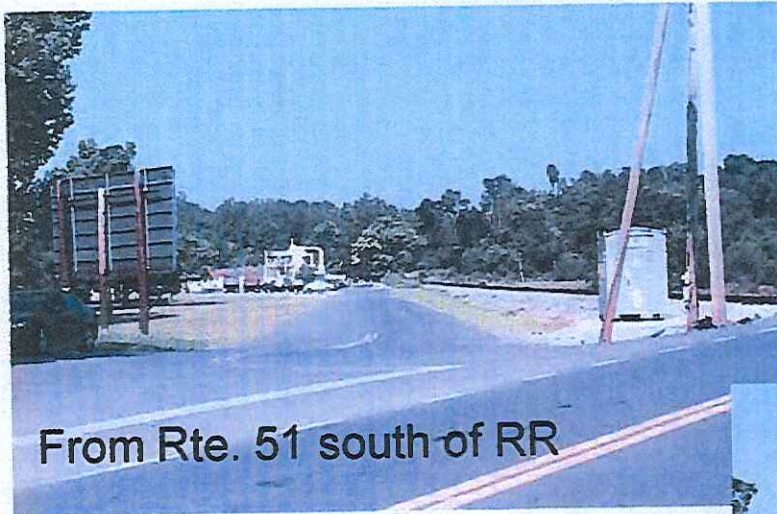


10/23/2012

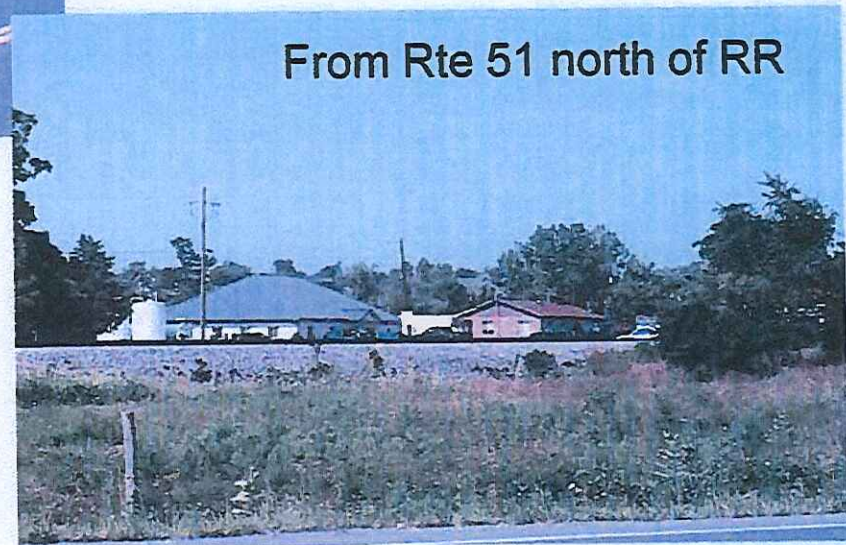
Why Rezone?

- 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

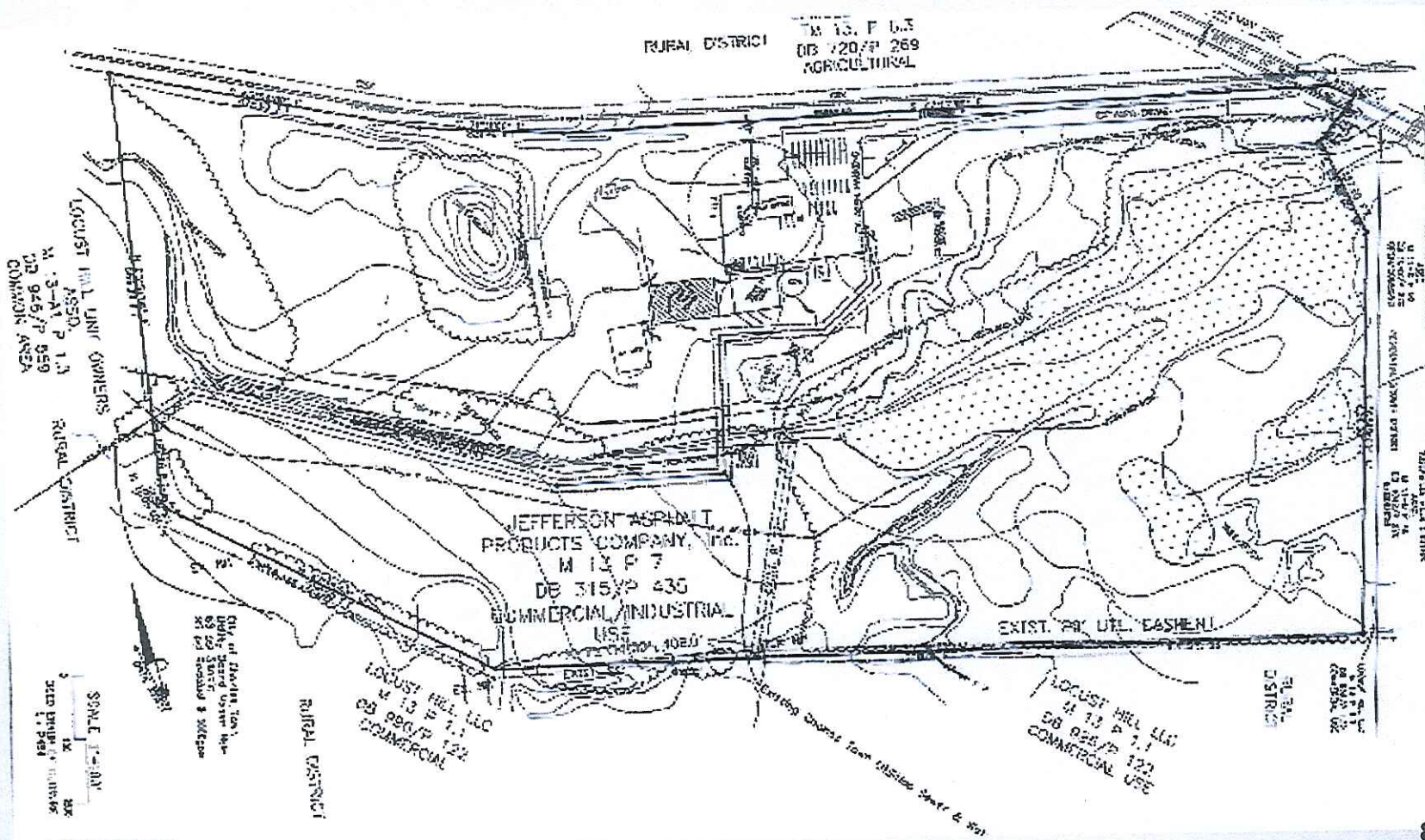


Office complex



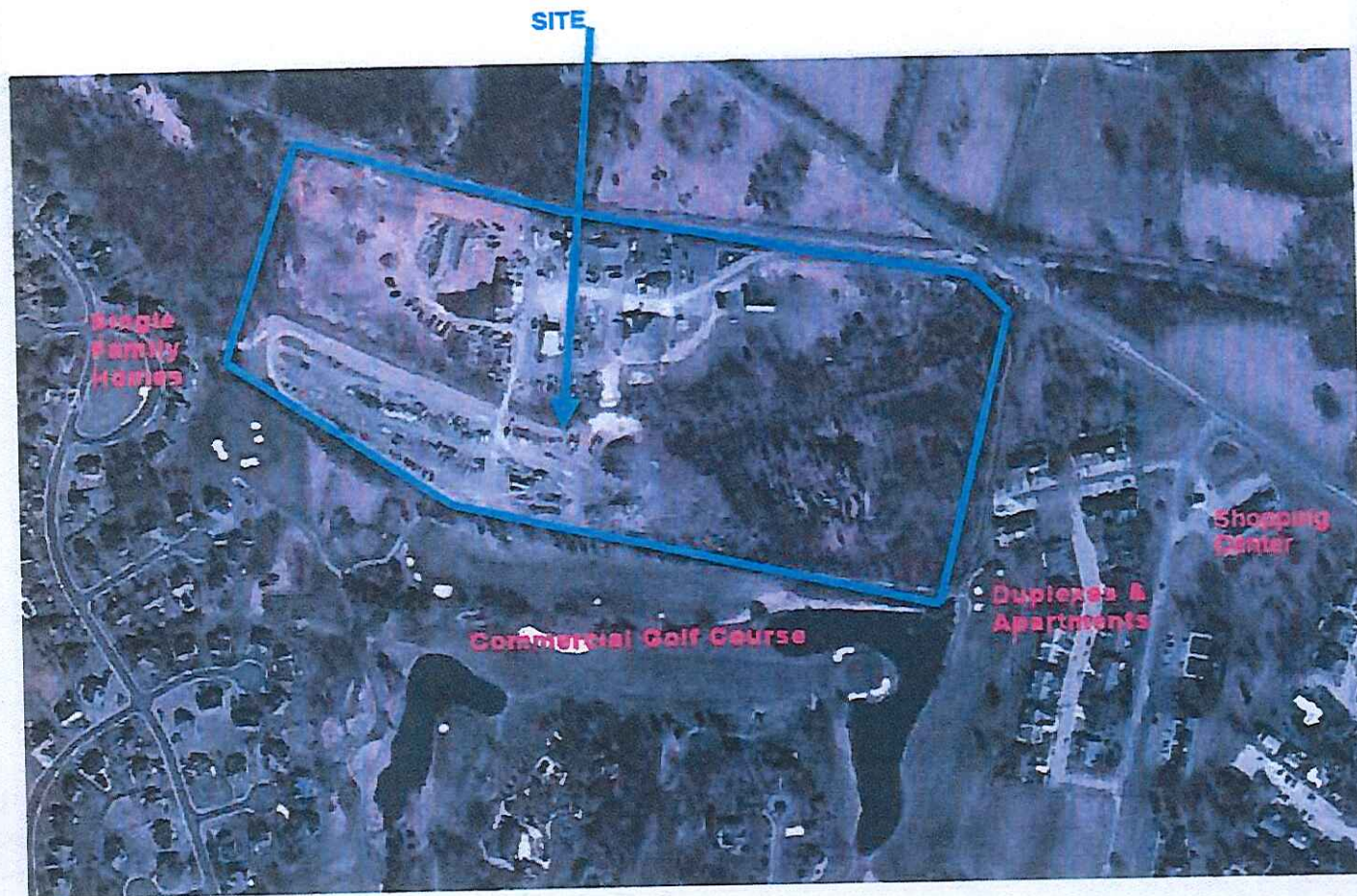
10/23/2012

Sketch of Property



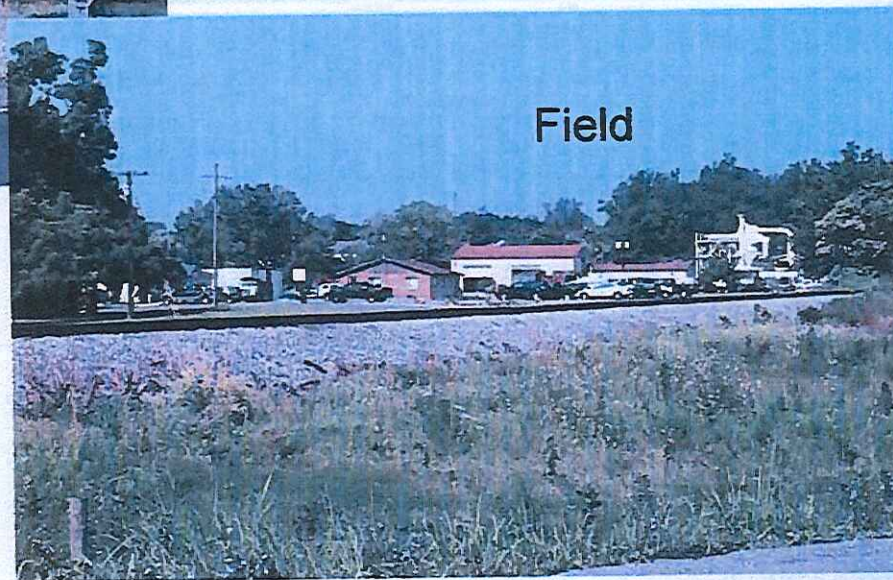
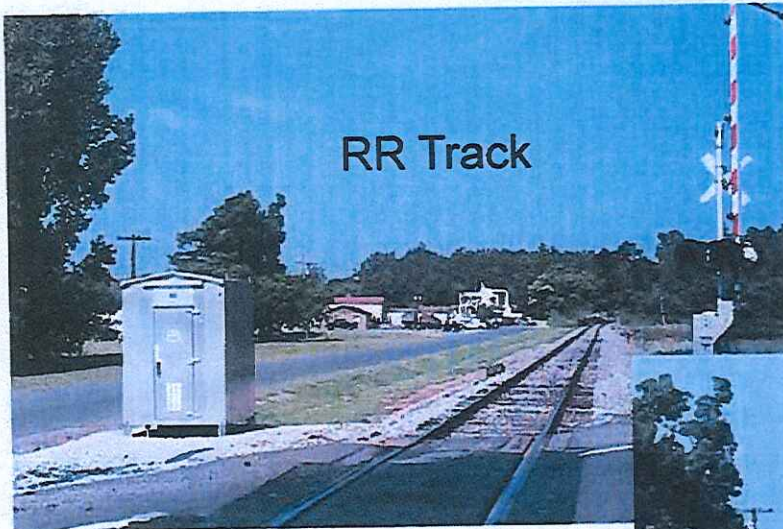
10/23/2012

Surrounding Uses

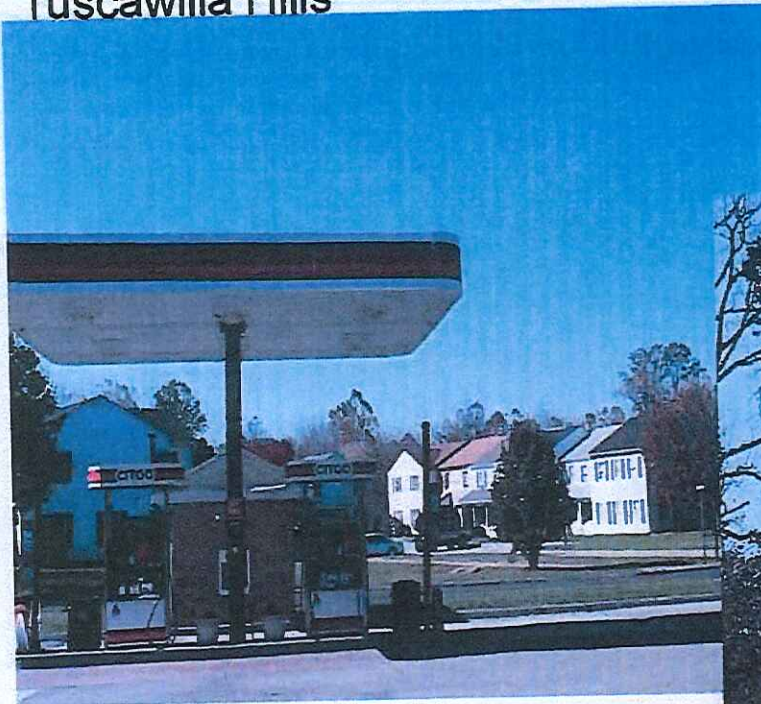


10/23/2012

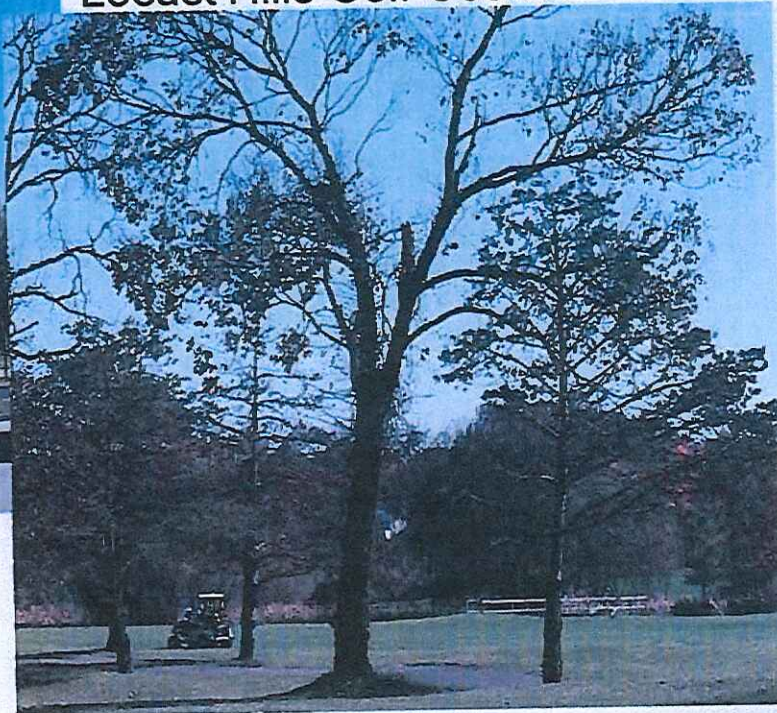
Photos



Tuscawilla Hills

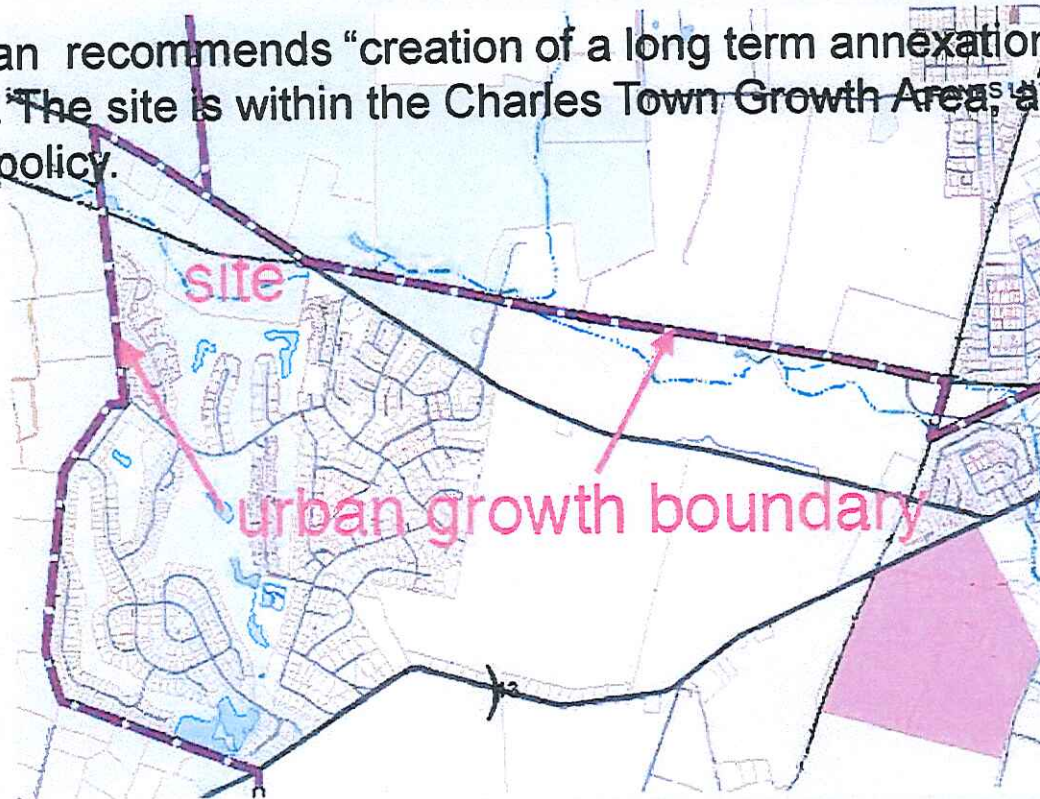


Locust Hills Golf Course



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 & Tuscawilla 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 Tuscowilla 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."

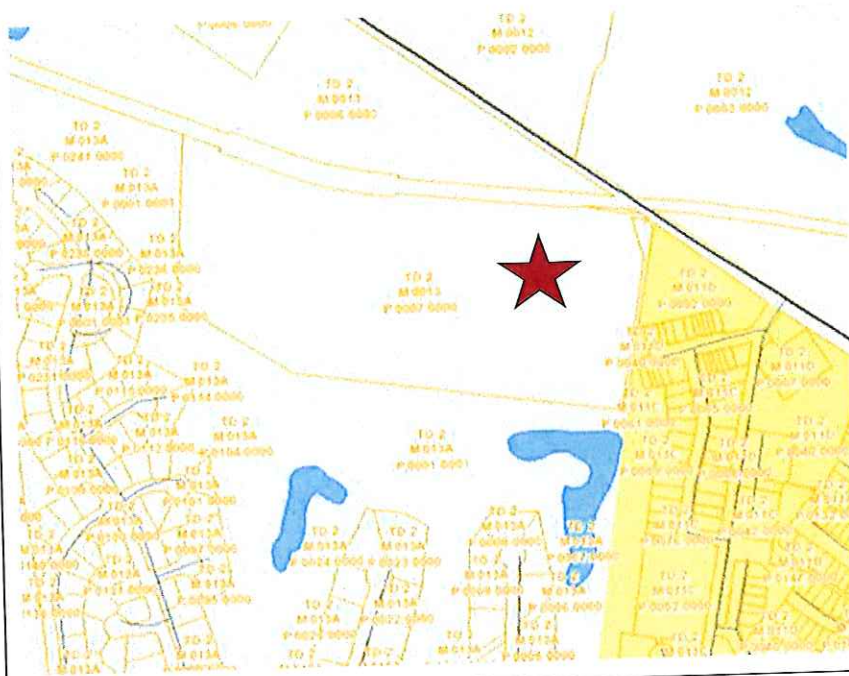
A simple visit to the site or a review of the pictures will show that there is nothing about this property that fits this description.

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 Tuscawilla 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
 October 23, 2012

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 Tuscowilla 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.

Staff Report
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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

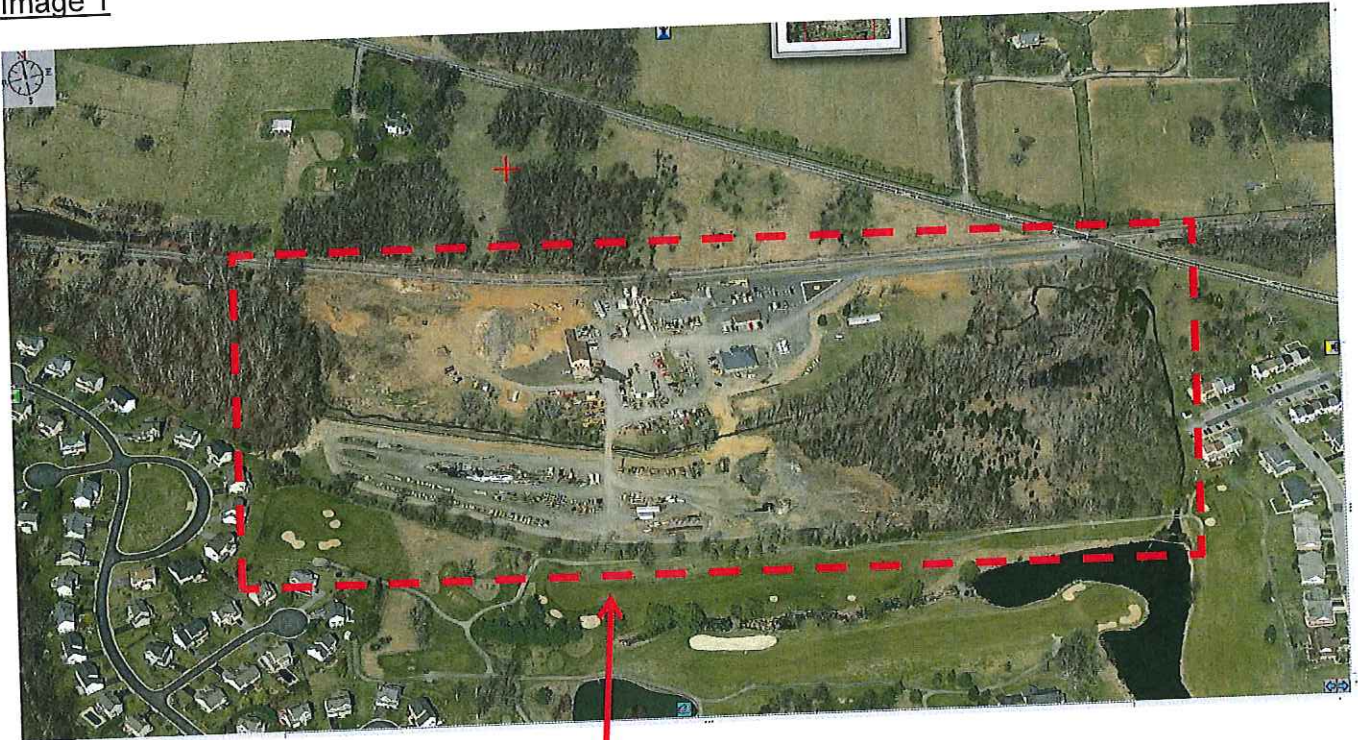
The subject property is identified as Parcel 7 on Tax Map 13 in the Charles Town District and is directly adjacent to the residential developments of Tuscawilla Hills and Locust Hills. (Image 1).

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
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zoned Residential Growth and consist of the Tuscowilla 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.

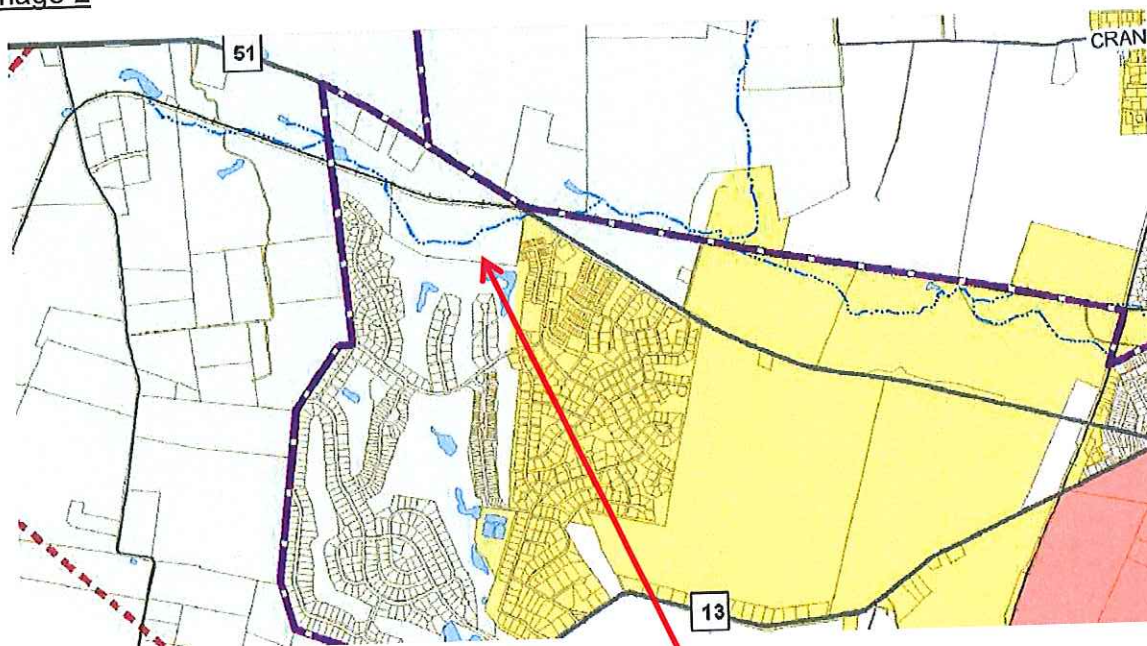
Image 1



General Location of Subject Property

Staff Report
Jefferson County Planning Commission Meeting
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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
Jefferson County Planning Commission Meeting
October 23, 2012

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 Tuscowilla 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. Tuscowilla 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.*

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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.

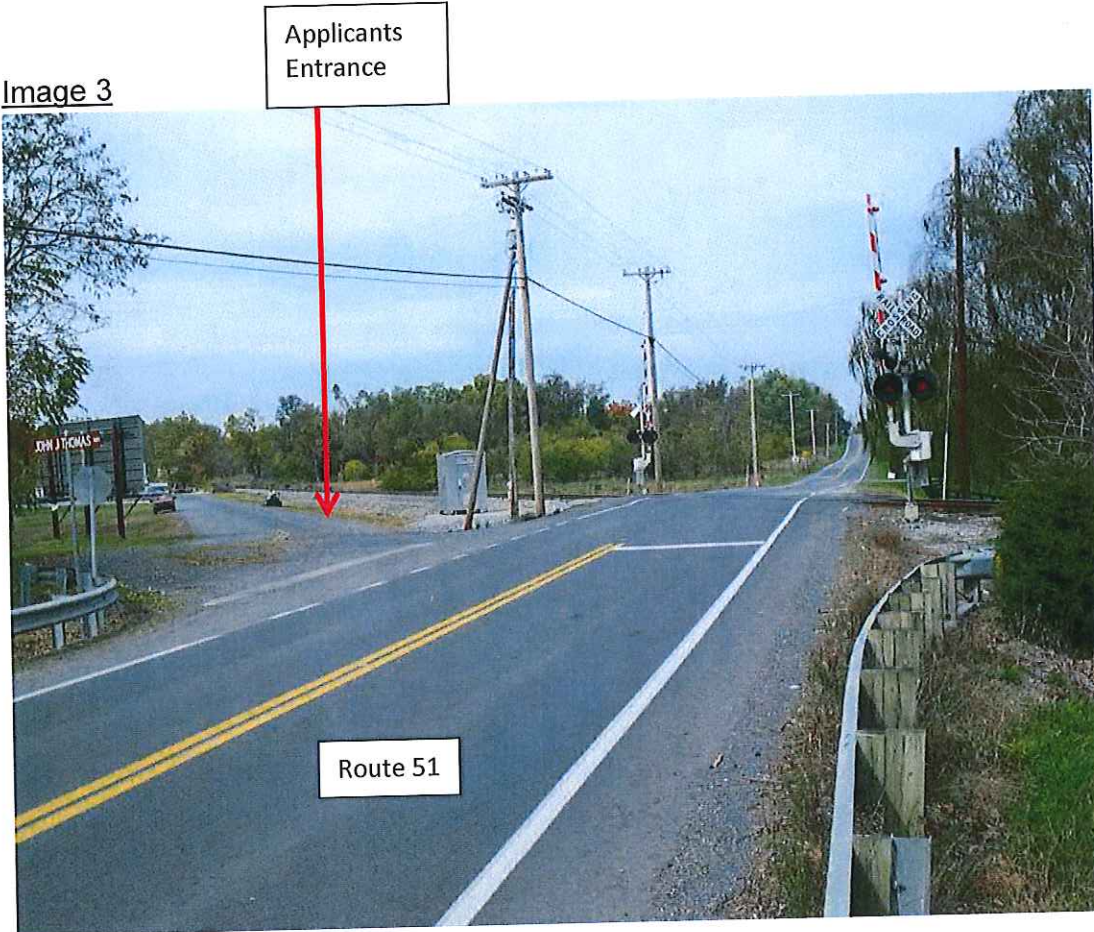
As required in Article 12 of the Zoning Ordinance, one of the requirements for considering a rezoning is addressing the transportation characteristics. This analysis should not be taken lightly, as there are real implications of traffic impacts when considering a rezoning. It would not be in the interest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

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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.

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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, 2013 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: ALL

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 2 1 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

Christina Chalmers July 24, 2012
 Received By Date

 Signature of Property Owner 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



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 has 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';

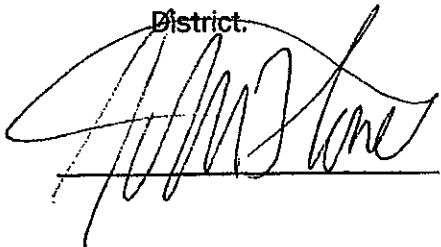
The County should 'Encourage growth and development in areas where sewer, water, schools, and other public facilities are available or can be provided without unreasonable costs to the community'; and,

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:

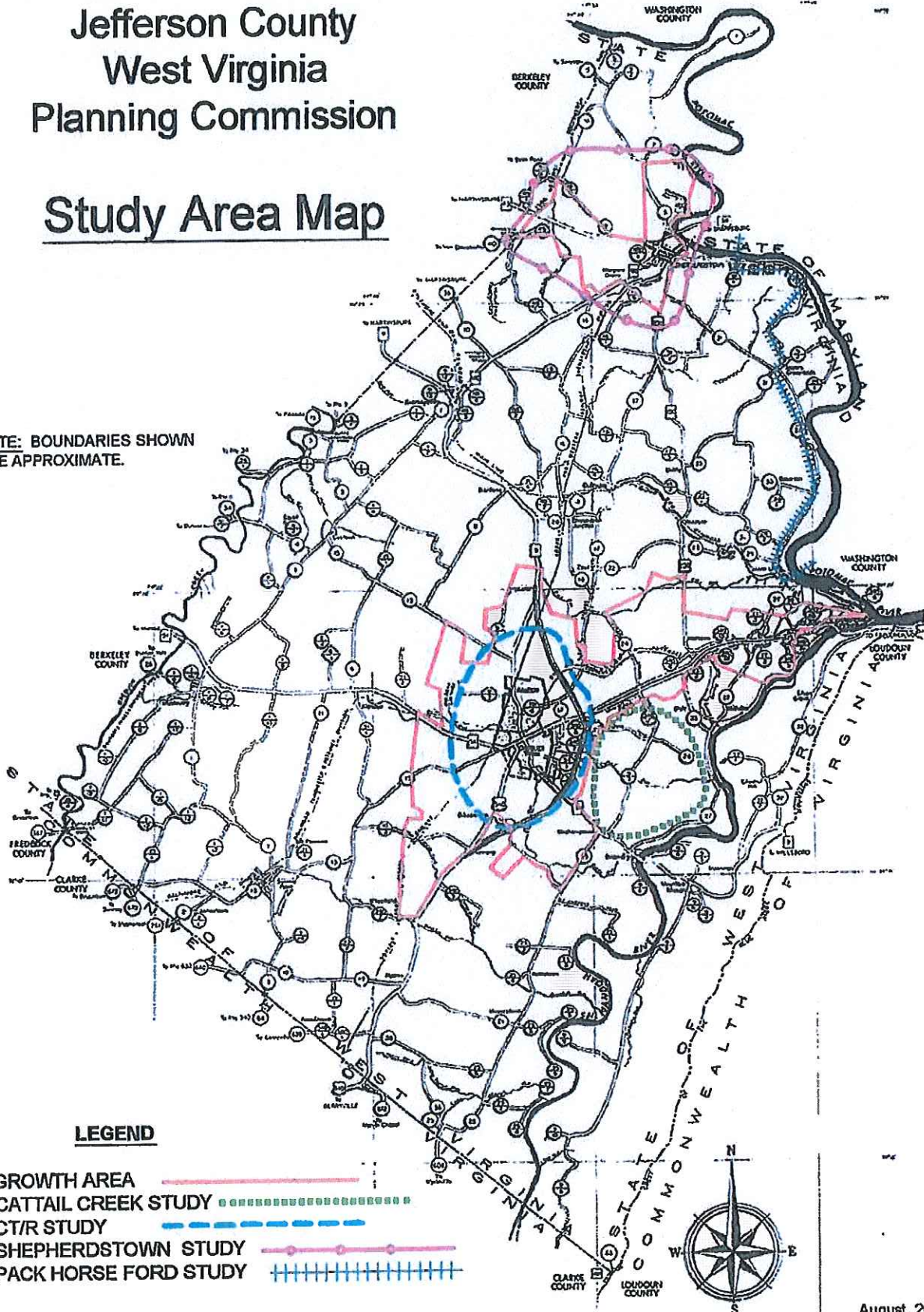
The Applicant is requesting a map amendment for this 8.07 acre parcel for the benefit of economic development in Jefferson County. As such, this Petition is requesting a map amendment by the County Commission. The Applicant believes that: the 2004 Comprehensive Plan; the general philosophy of the County 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

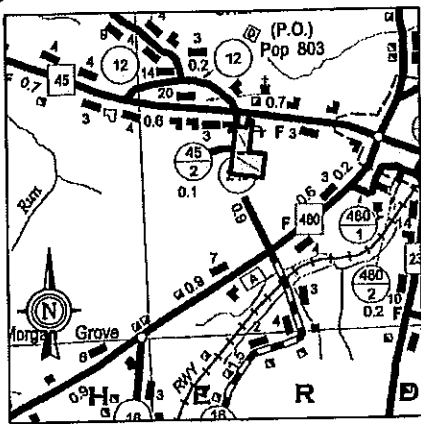
NOTE: BOUNDARIES SHOWN
ARE APPROXIMATE.



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

N 41°58'00" W
145.40'
OLD WV RT 45

N 75°10'00" W
57.10'

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

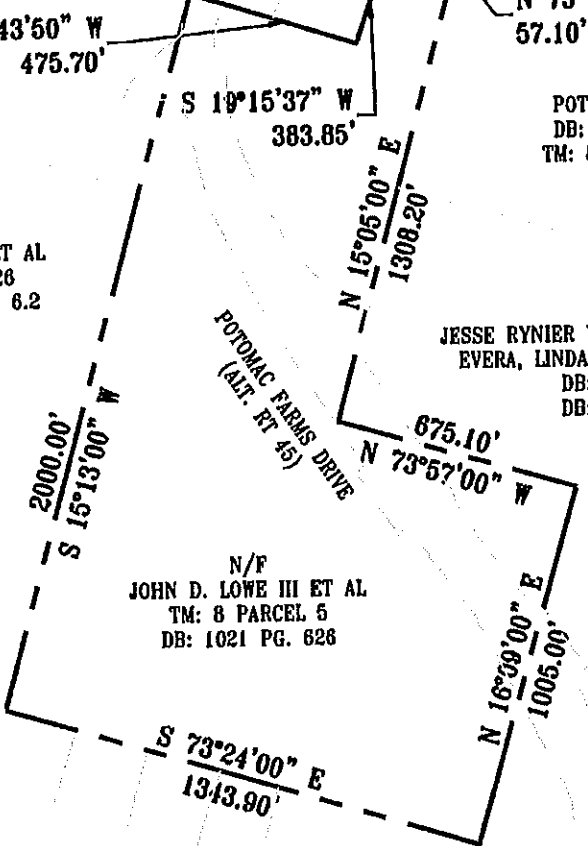
N/F
JOHN D. LOWE III ET AL
DB: 1021 PG. 626
TM: 8 PARCEL 6 & 6.2

N/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. 626

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

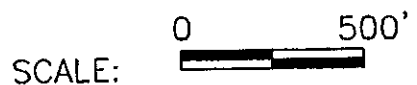
N/F
MARK-COLONIAL LLC
COLONIAL HILLS PHASE 1 & 2
P.B. 20 SLIDE 4



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



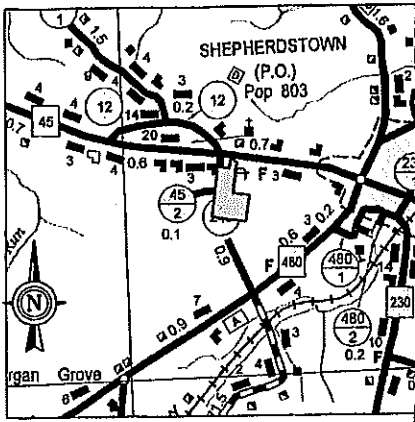
ALPHA ASSOCIATES, INC.
535 WEST KING STREET
MARTINSBURG, WV 25401
PHONE: 304-264-0051
FAX: 304-264-0707
TOLL FREE: 877-264-0051
www.thinkALPHAfirst.com



SCALE:



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'

ENTRANCE CONSTRUCTED
BY WVDOT

S 19°15'37" W
383.85'

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

ROCK OUT
CROP
APPROXIMATE
ACREAGE 8.07 ACRES

ROCK OUT
CROP

EXISTING TREE
LINES

POTOMAC FARMS DRIVE
(ALT. ET. 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. 626

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.

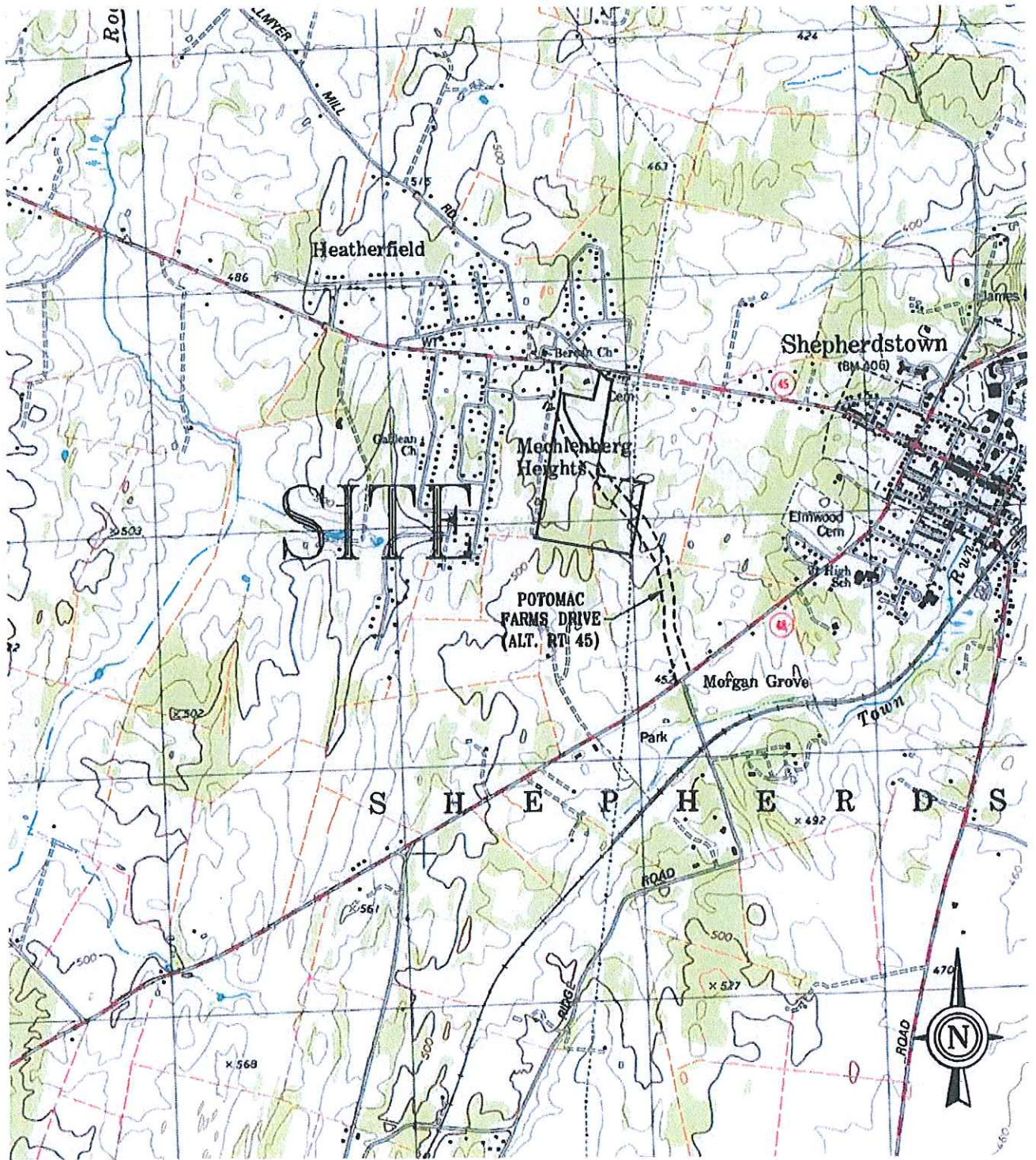


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FAX: 304-264-0707
TOLL FREE: 877-264-0051
www.IthinkALPHAfirst.com

LOWE PRODUCTS PROPERTY MAP
PRESENT DAY

SCALE:





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

SCALE - 1" = 2,000'

U.S.G.S. MAP OF PROPERTY



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

Image © 2012 GeoEye
Image U.S. Geological Survey
Image USDA Farm Service Agency
© 2012 Google




SCALE:

LOWE PRODUCTS AERIAL PHOTO MAP

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

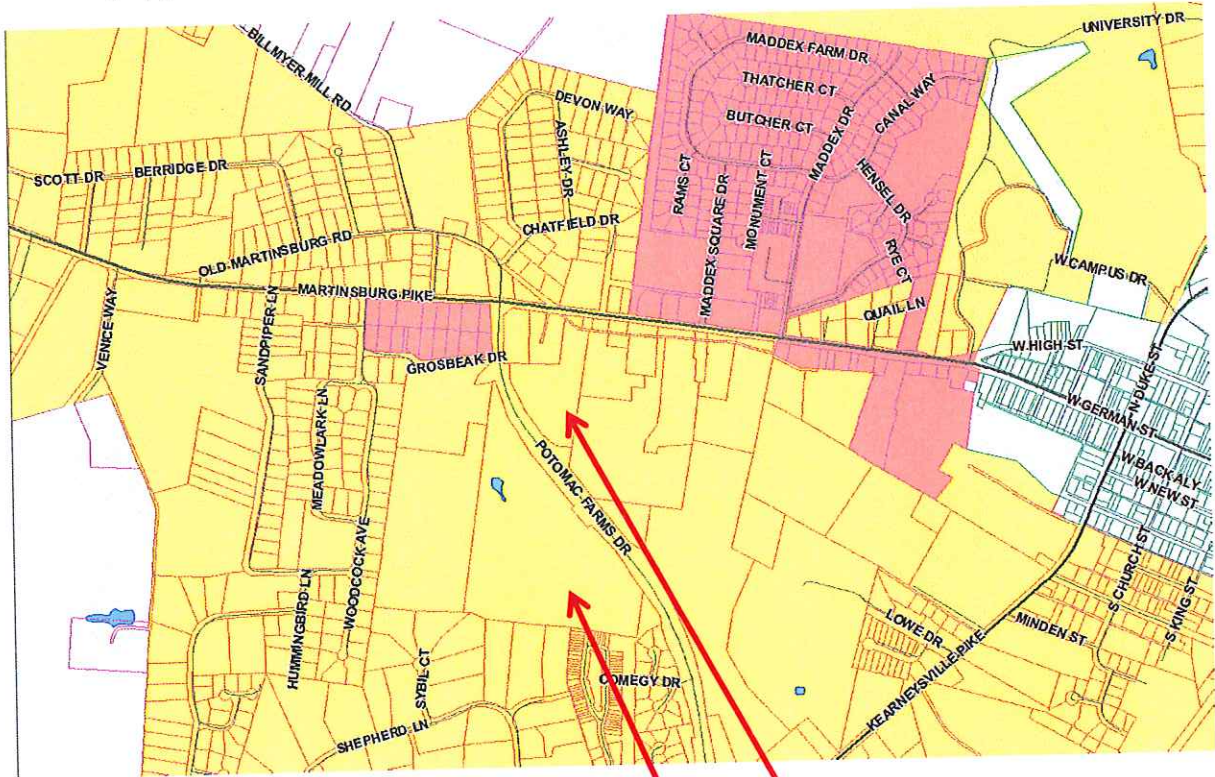
Introduction and Purpose

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

Staff Report
Jefferson County Planning Commission Meeting
October 23, 2012

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
Jefferson County Planning Commission Meeting
October 23, 2012

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:

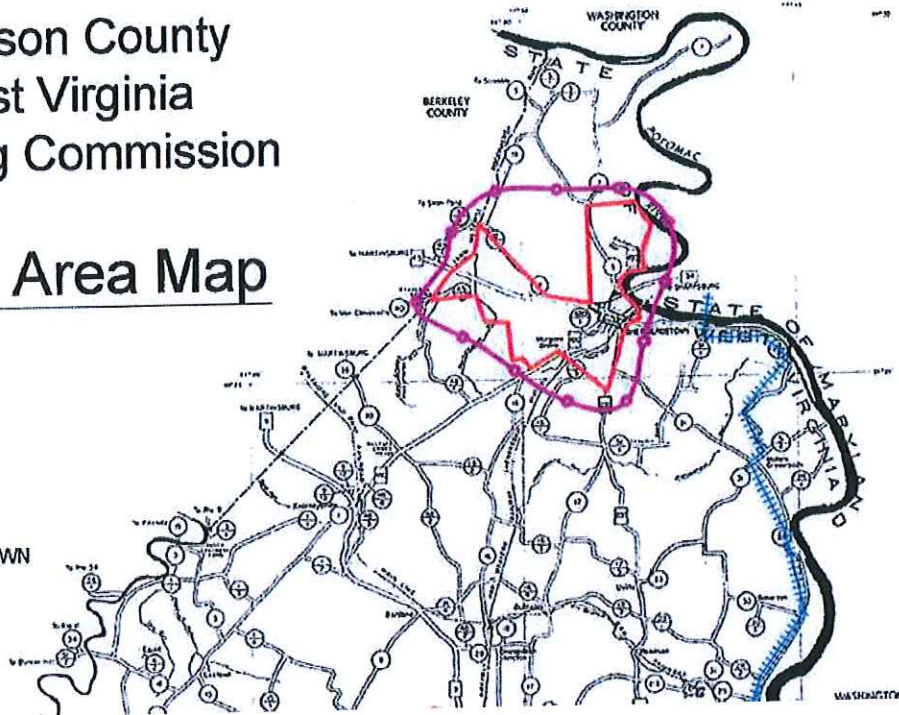
- WV 45 by-pass has assisted in relieving congestion in Shepherdstown
- A significant amount of the area to the north, south and west of Shepherdstown is zoned Residential Growth and Residential-Light Industrial-Commercial. The rationale for this statement is to highlight the zoning rights that are established 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

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.

PO BOX 237
CHARLES TOWN
WV 25414

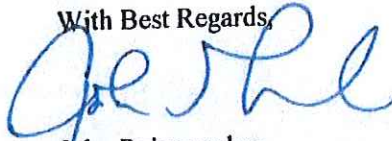
04.728.3255
04.725.3133 fax

www.JCDA.net

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 1 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

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

AGENDA REQUEST FORM

Name: Stephanie Grove

Department or Entity: Legal

Estimation of amount of time needed for appointment: 30 min or work session

Date Requested - 1st Choice: 9/20/12

Date Requested - 2nd Choice: _____

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

Subject: Decision
Impact Fee Affordable Housing Ordinance

Please provide the County Commission with a description of your request or presentation, including any background information: Update on the impact fee ordinance in compliance w/ the affordable housing amendments passed by the Legislature

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): Motion to approve affordable housing amendments as drafted or to set a public hearing.

Attachments: Draft amendments.

NOTICE OF PUBLIC HEARING

COUNTY COMMISSION OF JEFFERSON COUNTY

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

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

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

A copy of the request being considered can be found on the Jefferson County Commission's website at www.jeffersoncountywv.org.

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

A decision may be made on this date

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

New Definitions:

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

New Section: 2(F) Affordable Housing Discount

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

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

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

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

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

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

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

9

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

AGENDA REQUEST FORM

Name: Laura Kuhn

Department or Entity: Maintenance

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: November 15, 2012

Date Requested – 2nd Choice: _____

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

Subject: **Request for Approval of Grant Application - State Historic Preservation Office Development Grant**

Please provide the County Commission with a description of your request or presentation, including any background information: **This is for grant funds through the State Historic Preservation Office. If approved, we plan to use these funds for restoration work to the Courthouse. The restoration work proposed is for the clock tower, roof, guttering and soffits.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the grant application for the State Historic Preservation Office Development Grant for restoration work to the Jefferson County Courthouse.**

Attachments: **yes**

APPLICATION

STATE DEVELOPMENT GRANT

For Office Use Only

Application Number _____

Date Received: _____

I. PROPERTY

Property Name Jefferson County Courthouse

Address 100 East Washington Street

City Charles Town County Jefferson State WV Zip 25414

Historic Name as listed in the National Register or Name of Historic District:

Jefferson County Courthouse

Does the property have any local Landmark Designation? The Jefferson County

Courthouse is listed as a landmark with the City of Charles Town's Historic Landmarks Commission

II. SPONSOR

Property Owner Jefferson County Commission

Grant Sponsor Jefferson County Commission

Contact Person William Polk

Address 128 Industrial Blvd.

City Kearneysville State WV Zip 25414

Phone: 304-728-3355 Email: bpolk@jeffersoncountywv.org

PROJECT: Jefferson County Courthouse
LOCATION: Charles Town, Jefferson County

III Please describe community interest and support of building. (Include at least three current letters of support, newspaper clippings, and details of activities sponsored at building).

The Jefferson County Courthouse is a working Courthouse. It houses the County Clerk's office as well as the Circuit Judge and Circuit Courtroom. Visitor's frequent the Courthouse on a daily basis to conduct business with the County offices that are housed there or for court proceedings. The Courthouse also receives visitors wishing to tour the historical courthouse. School groups also tour the building to learn about the Courthouse's historical significance.

IV If you are asking for funds for interior restoration, is your property open to the public? How is it accessible to people with disabilities?

We are requesting funds for exterior restoration, at this time.

V. Who will be responsible for administering the grant? What is their experience in management and financial record keeping?

This grant will be administered by staff at the Jefferson County Maintenance Department. Laura Kuhn, Administrative Assistant with the Maintenance Department, will be responsible for the administration of this grant under the supervision of the Director of Maintenance, William Polk. Ms. Kuhn was employed in the Jefferson County Commission office for over 15 years where many grants were administered. Since transferring to the Jefferson County Maintenance Department, Ms. Kuhn has been responsible for the administration of a Courthouse Facilities Improvement Authority grant, a court security grant through West Virginia Division of Justice and Community Services, and a federal stimulus funds grant through the Department of Energy.

VI. Please describe your (a) current maintenance plan and (b) future support plan for the upkeep of the property and how it is funded.

- (A) The Jefferson County Maintenance Department utilizes Micromain, a preventative maintenance computer program, for all County buildings. The Jefferson County Courthouse is included in this program. Regular inspections and preventative maintenance are conducted by Jefferson County staff to ensure that the Courthouse is properly maintained.
- (B) The County will continue to utilize the Micromain program. Property upkeep is funded by the Jefferson County Commission.

VII. How long have you owned the building or been responsible for its care? (Please attach a copy of the deed to property). If you do not own the property, please provide an original letter from the owner indicating cooperation should grant be awarded and knowledge of potential covenant.

Jefferson County government has always owned and maintained the Jefferson County Courthouse.

VIII. Describe clearly and in detail the work to be done and the need for the work.

Please enclose photographs of each item listed below. There should be at least one photo of each item listed below and at least one photo of entire structure.

Describe Existing Condition of each Feature	Proposed Repair
<p><i>Item 1</i> Roof</p> <p>The roof of the Jefferson County Courthouse is in need of repair. There are portions of the roof that are leaking and causing further damage.</p>	<p>All leaks and damage to the roof will be repaired. The roof will also be painted.</p>
<p><i>Item 2</i> Soffits & Gutters</p> <p>The gutters of the Courthouse are leaking in many areas. These leaks are causing damage to the soffits near the downspouts.</p>	<p>The guttering will be repaired and replaced to fix the leaks. The soffits will need repair, replacement and scraped and painted.</p>
<p><i>Item 3</i> Clock Tower</p> <p>The Courthouse clock tower has extensive damage. The tin in many areas is loose. The molding and trim work are in disrepair. The damage is causing leakage, which is causing further damage.</p>	<p>The tin on the clock tower will be repaired, refastened, or replaced where needed. The molding and trim will be repaired and replaced. The clock tower will also be repainted.</p>
<p><i>Item 4</i> Exterior Paint, Woodwork, Brickwork</p> <p>The paint on the Courthouse is failing. There is also failing brickwork and woodwork.</p>	<p>The Courthouse will be scraped and repainted. The failing brick and woodwork will also be repaired or replaced.</p>
<p><i>Item 5</i></p>	
<p><i>Item 6</i></p>	

****Are your estimates based on State Prevailing Wage Rates???

ITEMIZED BUDGET:

<i>COST CATEGORY</i>	<i>GRANT REQUEST</i>	<i>+ MATCH AMOUNT</i>	<i>=TOTAL</i>
Item 1 Roof	\$50,000	\$50,000	\$100,000
Item 2 Soffits & Gutters	\$35,000	\$35,000	\$70,000
Item 3 Clock Tower	\$65,000	\$65,000	\$130,000
Item 4 Paint, Brick, Woodwork	\$100,000	\$100,000	\$200,000
Item 5			
Item 6			

\$ 250,000

\$ 250,000

TOTAL PROJECT COST \$ 500,000

IX. MATCHING SHARE

Please describe your matching share (at least 50%) of the project. Is it cash, staff time, volunteer time, donated materials, etc. **Applicant must include documentation/proof (i.e. bank statement, etc.) of available funds to pay a contractor's fee prior to reimbursement.**

NOTE: Time valued above the minimum wage rate must be substantiated. If volunteer or staff time is included, be specific as to how it will be used (grant administration, painting, etc.)

Cash (attach support documentation) \$ 250,000

In-Kind (specify) \$ _____

X. Will a Consultant or Architect be engaged to evaluate the project, to prepare specifications, or to supervise the work? If you have prepared specifications and/or bid estimates, please include with application. Some awarded projects may require the sponsor to provide architectural or engineering services before the work is released for bidding.

We have previously worked with David Kemnitzer, Architect. Mr. Kemnitzer was contracted by Jefferson County and wrote a Historic Structures Report for the Courthouse in November 2010.

XI. If you are already working with a consultant or architect, please provide name and phone number.

David Kemnitzer - 304-876-1158

XII. I have read the attached criteria for evaluation of applications, the grants procedures and assurances and understand that I will be expected to comply with the requirements governing the grants program. I recognize that if the grant is made by the Division of Culture and History, Historic Preservation Office, I will be required to provide match as indicated in the application. If applicant is an organization, President or Chairman must sign. Owner(s) must co-sign if the applicant is not the owner.

Signature and Title

Date

Signature and Title

Date

Signature and Title

Date

Return to:

Grants Coordinator
Historic Preservation Office
Division of Culture & History
1900 Kanawha Blvd, East
The Culture Center
Charleston, WV 25305
(304) 558-0240 ext. 720

Additional sheets may be provided for any pertinent information that does not fit in the space provided. The application will not be reviewed if not properly completed or incomplete.

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

AGENDA REQUEST FORM

Name: Roger Goodwin, Chief County Engineer

Department or Entity: Engineering Department

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1st Choice: November 15, 2012

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date: **This is a hearing on a code violation under the Property Safety Enforcement Ordinance. Prefer an afternoon time at 1:30 pm, so as to allow time to present evidence and not interrupt the normal meeting agenda.**

Subject: **Property Safety Enforcement Agency – Hearing on Case 11-002 (Hill)
Property located at 10073 Charles Town Road
Charles Town Tax District, Map 2, Parcel 20
Deed Book 395, Page 529**

Please provide the County Commission with a description of your request or presentation, including any background information: **The Property Safety Enforcement Agency filed a Petition/Complaint on August 15, 2012, with the County Clerk’s office petitioning the County Commission to order the property owner in Property Safety Enforcement Agency Case 11-002 (Hill) to bring the property into compliance with the Property Safety Ordinance. The property owner was served with the Petition/Complaint. The deadline has passed for the property owner to request a hearing before the County Commission. Therefore, the Chief County Engineer, on behalf of the Property Safety Enforcement Agency, will present the Order to the County Commission for their consideration.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **To find the property in violation of the Property Safety Enforcement Ordinance and to issue the Order to the property owner, as presented.**

Attachments: **The Citizen’s Complaint filed with the Property Safety Enforcement Agency (PSEA), The Petition/Complaint filed with the County Clerk’s Office by the (PSEA) and the Order to be presented to the County Commission for consideration of issuing.**

(Oct 26, 2001
@ 6:30pm
in the Charles Town
Library - Bsmt.
take pictures

Jefferson County, West Virginia
Property Safety Enforcement Agency
P. O. Box 250
Charles Town, West Virginia 25414

PROPERTY SAFETY COMPLAINT Report Form

7/24/2007

(This form is for use to report a property safety complaint to the Jefferson County Property Safety Enforcement Agency)

Location of Property Safety complaint: (Attach a simple map showing directions to property)

Directions to Property: Rt 9 to Currie Rd ~~down~~ Exit

Ron Currie Ln - ~~down~~ turn L 200 yds on R

Property Street/Road Address: 10073 Charles Town Road

Tax District: 02 Tax Map: 2 Parcel no.(s): 20

Ramson, WV
25438

Deed Book: 395 Page: 529

Subdivision: _____ Lot no.(s): _____

Dwelling Occupants Name: [#] Charles Hill Deceased / Mike Hill
(If there is no dwelling, or dwelling is unoccupied, please state above)

1. Object of Concern: (circle all that apply) 2. General Condition: (circle all that apply)

Dwelling
 Other Building
 Accumulated Debris or Refuse
 Toxic Spill
Other: _____

Dilapidation
 Fire Hazard Defect
 Accident Hazard Defect
 Other Calamity Hazard Defect
 Unsanitary Condition (specify)
 Toxic Condition

Additional Comments: _____

Property Description & Location

Property Owner

Property Owner Name(s): Charles Hill

Property Owner Street/Mailing Address: PO Box 846

City/Town: Ramson State: WV Zip: 25438 Phone: _____

Complainant's Info.

Complainant's Signature: Boteler Jr, Link Jr, Date: 9-23-11

Complainant's Name: Boteler N Link Jr.
(print/type name)

Street/Mailing Address: 10109 Charles Town Rd

City/Town: Ramson State: WV Zip: 25438 Phone: 304-225-1780

(Official Use/Do not write in this box)

Complaint: Accepted for investigation 10/26/2011 Complaint Dismissed _____

Assigned Case No. 11-002

Citizen complaint - report form

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

JEFFERSON COUNTY PROPERTY SAFETY ENFORCEMENT AGENCY
Petitioner/Complainant

VS

MICHAEL R. HILL, ADMINISTRATOR
For
THE ESTATE OF CHARLES F. HILL (DECEASED)
Respondent/Owner

Jennifer S Hagan
JEFFERSON County 03:47:36 PM
Instrument No 2012016882
Date Recorded 08/15/2012
Document Type PETNC
Pages Recorded 4
Book-Page 1113-440

PETITION/COMPLAINT

TO: THE JEFFERSON COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

The Jefferson County Property Safety Enforcement Agency would represent unto the County Commission of Jefferson County, West Virginia, as follows:

1. That the Respondent/Owner is the owner of a parcel of property located at 10073 Charles Town Road in Jefferson County, West Virginia; which is designated as Deed Book 395, Page 529; and Tax Map 2, Parcel 20, in the Charles Town Tax District; and is designated as Property Safety Enforcement Agency case no. 11-002.
2. That in October of 2011, the Jefferson County Property Safety Enforcement Agency received a citizen complaint against the property described in paragraph no. 1 herein alleging the following:
 - a. An abandoned and dilapidated dwelling and buildings on the property; and
 - b. Accumulated debris and refuse on the property; and
 - c. A fire hazard and accident hazard exists on the property.
3. That the Jefferson County Property Safety Enforcement Agency agreed to accept and investigate the citizen complaints against the property described in paragraph no. 1 herein.
4. That the Jefferson County Property Safety Enforcement Agency, based on a field inspection on November 16, 2011, found that an unsafe condition exists on the property described in paragraph no.1 herein.
5. That Michael R. Hill, Administrator for the Estate of Charles F. Hill (Deceased), the Respondent/Owner, was sent a Notice of Violation Letter by certified mail and regular U. S. mail service, on January 26, 2012, from the Jefferson County Property Safety Enforcement Agency. That Michael R. Hill, Administrator for the Estate of Charles F. Hill (Deceased), the Respondent/Owner, received the letter. That the violation letter required the Respondent/Owner to return the dwelling/property to a safe condition by:

- a. Securing the abandoned and dilapidated structure/dwelling, from access by unauthorized persons, by boarding up the doors and windows; and
 - b. Removing all trash and debris and disposing of it in a legal manner; and
 - c. Storing the appliances sitting outside in one of the structures, or they are removed from the property and disposed of in a legal manner.
6. That the Notice of Violation Letter required that the property owner to bring the property into compliance by April 15, 2012.
 7. That the Notice of Violation Letter requested that the Respondent/Owner provide to the Jefferson County Property Safety Enforcement Agency, a written plan and schedule for remedying the unsafe condition.
 8. That based on a follow-up field inspection on April 18, 2012, it was observed that conditions on the property do not appear to have changed and the unsafe condition still exists.
 9. That as of this date the Respondent/Owner has failed to provide a written plan and/or contact the Property Safety Enforcement Agency, and has not eliminated the unsafe condition on the property described in paragraph no. 1 herein.
 10. That the Property Safety Enforcement Agency, at their April 25, 2012, meeting, found the property to still be in violation and agreed, in accordance with the Jefferson County Property Safety Ordinance, to petition the County Commission of Jefferson County to order the property owner to bring the property into compliance.
 11. That accordingly the Jefferson County Property Safety Enforcement Agency has caused this Petition/Complaint to be filed in the Office of the Clerk of the County Commission of Jefferson County, West Virginia at the address of P.O. Box 208, Jefferson County Courthouse, 100 East Washington Street, Charles Town, West Virginia 25414.
 12. That accordingly the Jefferson County Property Safety Enforcement Agency does seek an order of the County Commission of Jefferson County, West Virginia requiring the Respondent/Owner to return the property to a safe condition, as noted in paragraph no. 5 herein, within a reasonable time, and to impose daily civil monetary penalties upon the Respondent/Owner who fails to obey the order of the County Commission of Jefferson County, West Virginia, and if necessary, to advertise for and seek a contractor to secure the abandoned and dilapidated structure/dwelling unit by boarding up the doors and windows, remove all trash and debris and dispose of it in a legal manner, and dispose of the appliances sitting

outside; and to institute a civil proceeding in the Circuit Court of Jefferson County, West Virginia to subject this property mentioned and described in paragraph no. 1 to a lien: to satisfy the costs of the contractor to make the ordered work of securing the abandoned and dilapidated structure/dwelling unit by boarding up the doors and windows, removing all trash and debris and disposing of it in a legal manner, and disposing of the appliances sitting outside; and the daily civil monetary penalty imposed, attorney fees, and to order and decree that the contractor and the County and its agents may enter upon said property to perform the ordered work.

13. UNLESS THE RESPONDENT/OWNER SHALL WITHIN TEN (10) DAYS OF BEING SERVED WITH THIS PETITION/COMPLAINT, FILE A WRITTEN REQUEST WITH THE CLERK OF THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA AT THE ADDRESS OF P.O. BOX 208, JEFFERSON COUNTY COURTHOUSE, 100 EAST WASHINGTON STREET, CHARLES TOWN, WEST VIRGINIA, 25414, AN ORDER WILL BE ISSUED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA IMPLEMENTING THE RECOMMENDATIONS OF THE JEFFERSON COUNTY PROPERTY SAFETY ENFORCEMENT AGENCY.

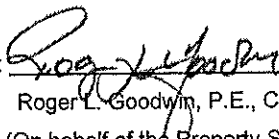
PRAYER

WHEREFORE the Jefferson County Property Safety Enforcement Agency would pray as follows:

1. That the Clerk of the County Commission of Jefferson County, West Virginia shall cause the Petition/Complaint to be filed and a copy thereof be served upon Michael R. Hill, Administrator for the Estate of Charles F. Hill (Deceased), the Respondent/Owner, in accordance with law.
2. That the Clerk of the County Commission of Jefferson County shall, if service was by personal service, note on the original Petition/Complaint, the date such personal service was accomplished and require the person making personal service to certify that personal service was performed on that date.
3. That if the Respondent/Owner shall fail to make a written request for a hearing before the County Commission of Jefferson County, West Virginia within ten (10) days of service upon said Respondent/Owner of this Petition/Complaint, that an order be entered by the County Commission of Jefferson County, West Virginia implementing the recommendations of the Jefferson County Property Safety Enforcement Agency.

4. That if such hearing be requested, that the County Commission of Jefferson County, West Virginia conduct said hearing and make findings of fact, determinations and conclusions of law that the abandoned and dilapidated dwelling on the property is unsafe, an accident hazard and an attractive nuisance due to dilapidation, and the refuse, debris and appliances on the property are unsafe and/or unsanitary, whether the result of natural or manmade force or effect, which causes the dwelling and property to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare.
5. That the County Commission of Jefferson County, West Virginia order the Respondent/Owner to board up the windows and doors of the abandoned and dilapidated dwelling to prevent access by unauthorized persons, and that the refuse and debris be disposed of in a legal manner, and the appliances be stored in one of the structures or disposed of in a legal manner, within a reasonable time; and if the Respondent/Owner fails to comply with this order within the time so specified, to impose a \$25.00 daily monetary penalty upon the Respondent/Owner and advertise for a contractor to board up the windows and doors of the abandoned and dilapidated dwelling to prevent access by unauthorized persons, and to dispose of the refuse and debris in a legal manner, and dispose of the appliances in a legal manner, from said property.
6. That the County Commission of Jefferson County, West Virginia bring a civil action in the Circuit Court of Jefferson County against the Respondent/Owner seeking an order to subject the property in question to a lien to satisfy: the contractor's costs in performing the work, the daily civil monetary penalty, reasonable attorney fees, court costs, and to order the property in question sold to satisfy the lien; and to seek an order of the Court granting the contractor and the County and its agents the right of entry onto the property in question.
7. And for such other relief as permitted by law.

JEFFERSON COUNTY
PROPERTY SAFETY ENFORCEMENT AGENCY

BY:  Date 08/14/2012
Roger L. Goodwin, P.E., Chief County Engineer
(On behalf of the Property Safety Enforcement Agency)

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA
JEFFERSON COUNTY PROPERTY SAFETY ENFORCEMENT AGENCY
Petitioner/Complainant

VS

MICHAEL R. HILL, ADMINISTRATOR
For
THE ESTATE OF CHARLES F. HILL (DECEASED)
Respondent/Owner

ORDER

This matter came before the County Commission of Jefferson County on the 15th day of November, 2012, after the deadline expired for the Respondent/Owner to request a hearing on the Petition/Complaint (Case 11-002). Therefore, upon the findings of fact, determinations and considerations of law, presented by the Property Safety Enforcement Agency, the County Commission of Jefferson County does find that:

1. That the Respondent/Owner is the owner of a parcel of property located at 10073 Charles Town Road in Jefferson County, West Virginia; which is designated as Deed Book 395, Page 529; and Tax Map 2, Parcel 20, in the Charles Town Tax District; and
2. The investigation report and the findings of fact submitted by the Property Safety Enforcement Agency represented the true condition of the property; and
3. The abandoned and dilapidated dwelling on the property presents an unsafe condition; and the trash and debris on the property presents an unsafe and unsanitary condition on the property; and the appliances stored outside present an unsafe condition; detrimental to the public safety and welfare; and
4. The dwelling and property will remain unsafe and detrimental to the public safety and welfare until: the abandoned and dilapidated structure/dwelling windows and doors are boarded up and the dwelling is secured so as to prevent access to the dwelling by unauthorized persons; and the trash and debris is removed from the property and disposed of in a legal manner; and the appliances stored outside are removed from the property and disposed of in a legal manner; all to the satisfaction of this county commission; and
5. The Respondent/Owner owner is not responsive to the requests of the Property Safety Enforcement Agency, and has not removed the unsafe condition within the reasonable amount of time granted by the Property Safety Enforcement Agency.

THEREFORE, it is ADJUDGED and ORDERED that the Respondent/Owner, Charles F. Hill Estate, Michael R. Hill, Administrator, be given until midnight, December 15, 2012, to:

1. Properly board up all windows and doors and secure the abandoned and dilapidated dwelling to prevent access to it by unauthorized persons; and remove all trash and debris from the property and dispose of it in a legal manner; and the appliances stored outside are removed from the property and disposed of in a legal manner; all to the satisfaction of this County Commission.

That upon satisfying the above conditions, this case shall be dismissed.

That in the event these conditions are not met on this date and time certain, that:

1. The County Commission of Jefferson County, West Virginia shall hire a contractor to make the ordered boarding up and securing of the dwelling; removal and disposal of the trash and debris from the property; and removal and disposal of the appliances stored outside; and
2. The County Commission of Jefferson County, West Virginia brings a civil action in the Circuit Court of Jefferson County against the Respondent/Owner, seeking an order to:
 - a) Grant the contractor right of entry onto the property to board up and secure the dwelling; remove and dispose of the trash and debris from the property; and remove and dispose of the appliances stored outside; and
 - b) Subject the Respondent/Owner, jointly and severally, to a daily civil monetary penalty of twenty-five dollars (\$25.00) per day until the dilapidated dwelling is boarded up and secured; all trash and debris is removed from the property; and the appliances stored outside are removed and disposed of; all to the satisfaction of this County Commission; and to
 - c) Subject the property to a lien to satisfy the contractor's costs in performing the ordered boarding up and securing of the dilapidated dwelling; and the removal and disposal of all trash and debris from the property; and the removal and disposal of the appliances stored outside; and reasonable attorney's fees and court costs; and to

- d) Have the property in question sold to satisfy the lien on the property; and to
- e) Grant such other relief as permitted by law.

Dated this 15th Day of November, 2012

By _____
Patricia A. Noland, President
JEFFERSON COUNTY COMMISSION

Attest
Jennifer Maghan
Clerk of the County Commission

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.

**NOTICE OF SPECIAL SESSION
COUNTY COMMISSION OF JEFFERSON COUNTY**

The County Commission of Jefferson County will hold a Special Session on Tuesday, November 27, 2012 at 10:00 a.m. in the County Commission meeting room located at the Old Charles Town Library, 200 East Washington Street, Charles Town, WV 25414.

The purpose of the session is a hearing on the amended petition to remove Executor and appoint Curator **AND** the response to amended petition to remove Executor and appoint Curator on the estates of Charles F. Printz Sr., and Beth H. Printz, deceased and Petition to remove Executor of the Blanch V. Nelson estate.

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

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

Capital Outlay:

\$138,000 was added to the Capital Outlay Fund for the upgrade of the AS400. This project has been complete.

In Summary:

Our County, like many others, is faced with growth in demand for services while confronting a strained economy. There is a heightened expectation from our citizens and business community to interact and conduct business with the County utilizing modern technology and web-based capabilities. Therefore, our goal today is to review where we are, decide where we want to be based on what is best for the County and our citizens, within our financial means, and what other resources are needed and available to reach our goal.

Questions:

- What is our vision or level of service we wish to provide?
- How much money is available to dedicate to IT? Now and in the future?
- Which option or hybrid of options can get us to our vision?
- Timetable for developing an RFP for the option selected to ensure the correct vendor?
- Resources for developing RFP?
- Scheduled implementation of Option selected?

Option Charts

Below is a list of potential options for resolving our IT issues. Items highlighted in red throughout the text indicates major consideration under each option.

Option #1	Outsource Entire Function – 1 year
Rely on the vendor to provide our entire IT Needs.	
Positives	Negatives
No salaries or benefits to administer.	Still have costs associated with the consultant's salaries and benefits with a surplus fee.
Easy to terminate if they provide unsatisfactory performance.	You are relying on the vendor to be your leader. No matter how conscientious, they have a vested interest in their business first.
If an employee leaves the consulting group, it is their responsibility to fulfill our contract needs. No personnel issues.	Unless they are on-site 100% of the time, you lose the ability to call them into a meeting or pick up the phone and ask a quick question.
Expertise in many facets due to their exposure to many clients. We gain from their vast experiences.	With our size and complexities, it will take a significant amount of upfront commitment and costs to bring us in line.
This cost could drop after 6 months or a year if we wish to maintain software and hardware.	To really have this option to be successful, there must be a leader. If we don't hire someone to be a leader and set the vision, then it will be incumbent upon the Commissioners and Department Managers to set the direction.
Costs – 2 Person:	
Upgrade software and hardware	\$ 80,000
2 persons at \$10,000/month	\$240,000
Total:	\$310,000
Costs – 1 Person:	
Upgrade software and hardware	\$ 80,000
1 persons at \$10,000/month	\$120,000
Total:	\$200,000

Option #2	Outsource Entire Function; Add Consultant – 1 Year
Rely on the vendor to provide our entire IT Needs. Add a consultant to meet with the vendor and appear before the Commission several times a year to assist with setting the vision and direction, giving guidance to the vendor.	
Positives	Negatives
No salaries or benefits to administer.	Still have costs associated with the consultant's salaries and benefits with a surplus fee.
Easy to terminate if they provide unsatisfactory performance. No personnel issues.	Unless they are on-site 100% of the time, you lose the ability to call them into a meeting or pick up the phone and ask a quick question.
Expertise in many facets due to their exposure to many clients. We gain from their vast experiences.	With our size and complexities, it will take a significant amount of upfront commitment to bring us in line.
This cost could drop after 6 months or a year if we wish to maintain software and hardware.	Additional cost of adding a consultant's fees, but you have objectivity in the decisions that need to be made and you have a second opinion for an important departmental function.
Will be knowledgeable in software and hardware.	May not be able to make best recommendation if they don't understand all the nuisances to our complex environment.
This cost could drop after 6 months or a year to \$120,000 once we just have to maintain items put into place.	
Option A - 2 Person Consulting Team	
Upgrade software and hardware	\$ 80,000
2 persons at \$10,000/month	\$240,000
Consultant \$75/hr x	\$ 6,000
Total	\$380,000
Option B – 1 Person Consulting Team	
Upgrade software and hardware	\$ 80,000
1 persons at \$10,000/month	\$120,000
Consultant \$75/hr x	\$ 6,000
Total	\$206,000

Option #3	Hire in-house IT Manager/Director
Positives	Negatives
You have someone that is vested in our complexity and systems and can understand the entire picture which a consultant may not be able to do as adequately. They will have ownership.	You have a set level of expertise which will require additional training to remain competitive in the ever changing IT Market.
You have someone that is available to work or be called upon immediately as needed without additional expense.	Benefits and salaries for the County to manage. On-going cost without eliminating the position.
This person could also potentially manage the Finance function in conjunction with the IT responsibilities, which often go hand-in-hand, since Paul is here for a limited number of years.	We can't terminate without due process if there are performance problems.
Hire in-house manager and they can determine when to hire Bardane; or they complete all Bardane work as well and hire outside consultant for extensive projects.	May be difficult to find a hands-on manager to complete daily work without the desire to add additional headcount.
Option A – Hire – Advertising	
Upgrade Hardware and Software	\$80,000
Ad	\$ 600
Salary	\$ 75,000
Benefits	\$ 30,000
Total	\$185,600
Option B: - Hire Recruiting Agency – 20% to 35%	
\$105,000 = 20% fee = \$15,000	\$105,000 + 15,000 + \$80,000 = \$200,000
\$105,000 = 35% fee = \$26,250	\$105,000 + \$26,250 + \$80,000 = \$211,250
Option C: - Temp to Hire Director	
Upgrade Hardware and Software	\$80,000
\$75/hr x 40 hrs/week = \$3,000; \$13,000/month	\$78,000 (6 months)
No fee to hire after 6 months	\$40,000 Salary 6 months
	\$16,000 Benefit cost 6 months
	\$214,000
Cost is much higher on Option C because they are responsible for recruiting, benefits, training, etc.	

Option #4	Hire in-house IT Manager/Director and Bardane Support
Positives	Negatives
You have someone that is vested in our complexity and systems and can understand the entire picture which a consultant may not be able to do as adequately. They will have ownership.	You have a set level of expertise which will require additional training to remain competitive in the ever changing IT Market.
You have someone that is available to work or be called upon immediately as needed without additional expense.	Benefits and salaries for the County to manage. On-going costs without eliminating the position.
This person could also potentially manage the Finance function in conjunction with the IT responsibilities, which often go hand-in-hand, since Paul is here for a limited number of years.	We can't terminate without due process if there are performance problems.
This provides an employee for the Bardane campus (911, Sheriff Dept and CAD) . Allows Jeff to have the proper time to manage his organization. Allows for JC to utilize the investment CAD offers. Support person to manage computers specific to CAD at 9-1-1 center, as well as in Fire Engines, Police Cars, Ambulances (geographically separate locations).	To hire a support person for Bardane/CAD would be a niche and take a while longer to find the best fit.
Allows for back-up for help desk support which is only being managed by one person. Vacations and sickness leave the County vulnerable.	
Hire – Advertising	
Upgrade Hardware and Software	\$ 80,000
Ad – Director	\$ 600
Salary	\$ 75,000
Benefits	\$ 30,000
Ad – Bardane Support	\$ 600
Salary	\$ 50,000
Benefits	\$ 15,000
Total:	\$251,200

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

Week Ending Date	Week Ending November 3, 2012
To be Deposited on:	November 13, 2012
Amount Played	60,232,048.79
Amount Won	54,142,098.38
Amount Promo	196,111.00
MWAP Contribution	<u>3,704.31</u>
Adjusted Gross Terminal Revenue	<u>5,890,135.10</u>
Administrative Costs @ 4%	235,605.41
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>5,654,529.69</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>5,654,529.69</u>
Racetrack @ 46.50% / 42%	2,629,356.31
Lottery Fund @ 30% / 0%	1,696,358.89
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	791,634.16
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	56,545.30
Greyhound Development @ .75%	42,408.97
Thoroughbred Development @ .75%	42,408.97
Racing Commission @ 1%	56,545.30
County/Municipality @ 2%	113,090.60
3% Funds:	
Tourism Promotion Fund @ 1.375%	77,749.78
Development Office Promotion Fund @ .375%	21,204.49
Research Challenge Fund @ .5%	28,272.65
Capitol Renovation and Improvement Fund @ .6875%	38,874.89
2004 Capitol Complex Parking Garage Fund @ .0625%	3,534.08
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	28,272.65
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>28,272.65</u>
	<u>5,654,529.69</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
11/03/12	\$ 113,090.60	\$ 56,545.30	\$ 56,545.30	\$ 4,631.06	\$ 23,296.66	\$ 1,266.61	\$ 19,666.46	\$ 7,684.51
Subtotal	\$ 2,335,895.92	\$ 1,623,879.70	\$ 711,816.22	\$ 58,297.76	\$ 293,268.27	\$ 15,944.68	\$ 247,569.67	\$ 96,735.84

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

VIDEO LOTTERY REPORT
FY 2009

FY 2009		FY 2010		FY 2011		FY 2012		FY 2013	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
7/5/2008 *	169,912.56	7/4/2009 *	128,262.42	07/03/2010	115,402.58	7/1-2/2011	69,824.12	07/07/2012	161,637.92
07/12/2008	176,592.38	07/11/2009	168,815.08	07/10/2010	205,731.64	07/09/2011	171,717.28	07/14/2012	129,458.04
07/19/2008	160,344.08	07/18/2009	160,652.98	07/17/2010	161,386.76	07/16/2011	143,019.52	07/21/2012	130,037.00
07/26/2008	162,982.74	07/25/2009	158,869.08	07/24/2010	160,368.28	07/23/2011	146,508.00	07/28/2012	137,164.44
08/02/2008	178,171.04	08/01/2009	174,493.08	07/31/2010	157,802.08	07/30/2011	144,510.28	08/04/2012	132,931.16
08/09/2008	123,538.04	08/08/2009	138,408.80	08/07/2010	136,494.98	08/06/2011	151,495.28	08/11/2012	134,212.88
08/16/2008	82,482.89	08/15/2009	81,222.14	08/14/2010	78,376.68	08/13/2011	117,350.38	08/18/2012	110,241.90
08/23/2008	76,426.18	08/22/2009	76,260.31	08/21/2010	76,199.02	08/20/2011	71,614.12	08/25/2012	66,209.90
08/30/2008	89,459.86	08/29/2009	80,472.92	08/28/2010	72,460.03	08/27/2011	63,432.14	09/01/2012	67,133.42
09/06/2008	91,644.46	09/05/2009	80,798.15	09/04/2010	76,362.84	09/03/2011	80,837.76	09/08/2012	74,029.40
09/13/2008	79,729.93	09/12/2009	86,286.92	09/11/2010	82,969.36	09/10/2011	84,845.80	09/15/2012	61,838.04
09/20/2008	71,269.36	09/19/2009	70,010.15	09/18/2010	67,638.78	09/17/2011	66,748.62	09/22/2012	56,996.90
09/27/2008	79,735.73	09/26/2009	69,316.87	09/25/2010	70,435.06	09/24/2011	68,929.80	09/29/2012	61,611.40
10/04/2008	75,186.22	10/03/2009	72,286.04	10/02/2010	71,013.86	10/01/2011	68,871.64	10/06/2012	62,715.20
10/11/2008	77,139.04	10/10/2009	69,650.63	10/09/2010	69,311.50	10/08/2011	70,866.90	10/13/2012	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	11/03/2012	58,545.30
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

1625879.7

Table Game Revenue

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
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		
<u>Total 2010-2011</u>	<u>1297391.7</u>	<u>Total 2011-2012</u>	<u>1602900.84</u>	<u>Total 2011-2012</u>	<u>399441.87</u>

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



Maintain Don't Gain

Join *Maintain—Don't Gain* during the holidays. Last year nearly 90% of the persons completing the program either maintained or lost weight. All participants will receive:

- coupons for free visits to local gyms
- weekly newsletter

Participants completing the program will receive an invitation to a Celebration Party to be held at the Clarion Hotel on January 21, 2013

The program is totally free.

How to Get Involved??

Visit one of the locations listed below to weigh in November 11-21

Due to legal limitations the visits to the fitness centers will only be available to persons 18 years or older.

Weigh In Sites:

Clarion Health Spa & Fitness Center, Shepherdstown [304-870-7011]

Curves in Charles Town [304-725-3482]

Eastern Panhandle Free Clinic, Ranson [304-724-6091]

Gold's Gym, Charles Town [304-728-4653]

Harpers Ferry Family Medicine Center [304-535-6343]

Jefferson County Community Center at Sam Michaels Park [304-728-3207]

Jefferson County Health Department [304-728-8416]

Shepherd University Wellness Center [304-876-5300]

Weight Watchers Center, Kearneysville, Near DMV [304-724-7498]

For Further Information: Contact Judy Matlick at 304/728-7413 ext. 3 or Judy.Matlick@mail.wvu.edu

jefferson.ext.wvu.edu/



Find US On Facebook: WVU Jefferson County Extension Service



Jefferson County, West Virginia

Department of Planning & Zoning

116 East Washington Street; Suite 200

P.O. Box 338

Charles Town, West Virginia 25414

Phone: (304) 728-3228

Fax: (304) 728-8126

Email: planningdepartment@jeffersoncountywv.org

November 09, 2012

PRE-PROPOSAL CONFERENCE MEMORANDUM

MEETING DATE: Wednesday, October 31, 2012 @ 2:00 p.m.

APPLICANT/NAME: Jefferson County Parks & Recreation Commission
CONTACT: Director, Jennifer Myers
Address: 235 Sam Michael's Lane; Shenandoah Junction, WV 25442
Phone Number: (304) 728-3207 / jmyers@jcprc.org

Property Owner: Jefferson County Commission
Address: P. O. Box 250; Charles Town, West Virginia 25414
Phone Number: (304) 728-3284

Physical Address: 235 Sam Michael's Lane; Shenandoah Junction, West Virginia

PROPOSED PROJECT: NON-RESIDENTIAL MINOR SITE DEVELOPMENT

DISTRICT: Charles Town – 02 / MAP: 3 / PARCEL: 12
DEED BOOK: 494 PAGE: 157

ZONING DISTRICT: Rural
PARCEL SIZE: 138.25


MEETING DESCRIPTION:

- The meeting attendees included Zoning Administrator, Steve Barney; County Planner, Seth Rivard; County Engineer, Jonathan Saunders; County Inspector, Mike Monaghan; County Land Development Inspector, Joe Kent; County GIS Technician, Jessica Gormont; County Maintenance Director, Bill Polk; Dean Thomas, also from the Maintenance Dept.; and Director of Parks & Recreation, Jennifer Myers.
- Overview: The proposed project consists of the construction of a 1,500 – 1,800 sq. ft. addition to the back of JCCC to be used for storage and office space.
- Building plans must be prepared by a licensed West Virginia Architect.
- Potential environmental constraints and mitigation measures as required by Zoning Ordinance.
- Anticipated Time-Frame and Deadlines.
- Additional relevant information to consider includes: Site Plan Files: #S00-11 and #S04-21.
- FEES: All fees and bonding for the Community Center were waived by the County Commission on 11/04/04 and 7/14/05.
- Impact Fee verification.
- Payment(s): None Received

MEMORANDUM

Jefferson County, West Virginia Engineering Department

TO: File

FROM: Jonathan Saunders, P.E. 
County Engineer

DATE: November 2, 2011

SUBJECT: Sam Michael's Park – Relocating Future Expansion Area
(JCPC File No. S04-21)

The Parks and Recreation Commission (PRC) of Jefferson County is proposing a building addition of 1500 to 1800 square feet of storage for equipment to the Sam's Michael Park recreational building. The approved site plan shows a future expansion of 19,200 SF to the North and South of this building. PRC is proposing that the area needed for the storage be deducted from the approved future expansion area so a new site plan will not be needed. They are proposing the expansion to be placed from the back of the building to the curb. The Engineering Department is agreeable in relocating part of the future expansion area to the back side of the building.

Stormwater management appears to be provided for the future expansion area by the existing SWM structure. I discussed with Joe Kent, the author of the attached SWM memorandum, and he believes the future expansion area is included in the original SWM calculation.

As for documentation, the site plan is active and will need to be changed by a redline revision. The applicant should submit a redline drawing showing where this new area will be located and where the reductions from the future expansion area will be taken. To keep track of these changes, please provide a chart stating what the full future expansion area is at this time, how much is being used, and how much is remaining for future projects.

Therefore, no site plan is required at this time provided a redline revision is submitted and approved.

Memorandum

504-21

To: Roger Goodwin, JCPZC

From: Joe Kent

Date: December 7, 2004

Revised: January 14, 2005

Re: Sam Michaels Park Community Center, Stormwater Management Narrative

Stormwater Management for the Sam Michaels Park Community Building is provided by two facilities designed and previously approved on the Site Plan for Sam Michaels Park. Please refer to JCPZC file # S00-11.

Neither of these facilities have yet been constructed, and need to be built, per the previously approved plans, prior to construction of the community center and associated parking. Plans and details of the two ponds are shown on this Site Plan to facilitate construction.

The original design of the two facilities is conservative, and provides both quality and quantity control to current standards in Jefferson County. Quantity control is provided to control the two and ten year storm events to the Karst adjusted Pre-development flow rates. 100-year control is not required. Quality control is provided by extended detention.

Impervious area comparison:

Pond #1:

Total on-site impervious per design = 9.5 Acres.

Total existing and proposed impervious per this plan = 2.3 Acres.

Pond #2:

Total impervious per design = 4.69 Acres.

Total existing and proposed impervious per this plan = 3.81 Acres.

*excess
7.2 AC*

*excess
0.88 AC.*

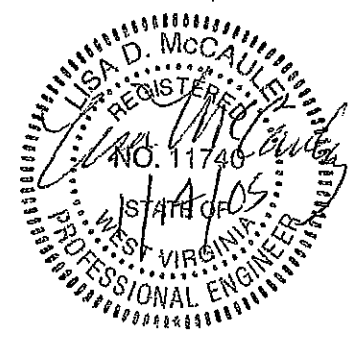
Discharge Summary:

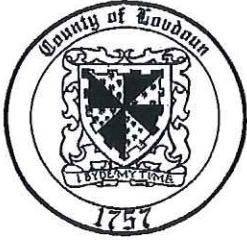
POND #1

	Pre-Dev. (adjusted for Karst)	Post-Dev.	Pond Outflow
Q2	3.25cfs	9.81cfs	2.74cfs
Q10	13.51cfs	32.43cfs	13.19cfs
Q100	32.40cfs	65.01cfs	52.46cfs

POND #2

	Pre-Dev. (adjusted for Karst)	Post-Dev.	Pond Outflow
Q2	1.59cfs	14.25cfs	1.59cfs
Q10	15.12cfs	46.98cfs	13.05cfs
Q100	34.03cfs	93.63cfs	51.65cfs





Loudoun County, Virginia

Department of Planning
1 Harrison Street, S.E., 3rd Floor, P.O. Box 7000, MSC #62
Leesburg, VA 20177-7000
Telephone (703) 777-0246 • Fax (703) 777-0441

November 7, 2012

Debbie Keyser, County Administrator
Jefferson County, West Virginia
PO Box 250
Charles Town, WV 25414-0250

Dear Ms. Keyser:

As part of the legal notice requirements contained in Section 15.2-2204 (amended) of the Code of Virginia, the following regulations must be addressed relating to notification of adjacent localities:

“When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use ..., involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as above required, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.”

In accordance with these regulations, this is to inform you that on **November 28, 2012** the Loudoun County Planning Commission will hold a public hearing on a Comprehensive Plan Amendment (CPAM) regarding the Purcellville Urban Growth Area Management Plan (PUGAMP).

On March 20, 2012 the Loudoun County Board of Supervisors initiated CPAM 2012-0002 to amend the policies of the Revised General Plan to revise and supersede policies with regard to the Purcellville Urban Growth Area Management Plan (PUGAMP). The Board's action was in response to recommendation by the Purcellville Joint Policies Review Committee (JPRC) at their February 21, 2012 meeting which called for the repeal of the PUGAMP and Town/County Annexation Agreement. The JPRC's recommendation was reaffirmed by the Town of Purcellville at its Town Council Public Hearing on August 14, 2012.

This public hearing will take place in the Board of Supervisors Meeting Room, County Government Center, 1 Harrison Street, S.E., Leesburg, VA, on **Wednesday, November 28, 2012**, at **6:00 p.m.** Written comments can be provided to the Loudoun County Planning Commission, c/o Loudoun County Department of Planning, 1 Harrison St., S.E., 3rd Floor, P.O. Box 7000, MSC #62, Leesburg, Virginia, 20177-7000 (attention: Pat Giglio).

The proposed policies are enclosed for your review; the planning commission staff report and all attachments will be available online at <http://www.loudoun.gov/pc> after November 7, 2012. A second notification letter will be sent to you on November 21, 2012.

Should you have any questions, please do not hesitate to contact me at 703-777-0246.

Sincerely,

Pat Giglio, Project Manager

RECEIVED

NOV 06 2012

Jefferson County Commission
Jefferson County Commission

Enclosure: CPAM 2012-0002, AMENDMENTS TO THE POLICIES OF THE REVISED GENERAL PLAN TO REVISE AND SUPERSEDE POLICIES IN REGARD TO THE PURCELLVILLE URBAN GROWTH AREA MANAGEMENT PLAN (PUGAMP)

NOV 09 2012

RECEIVED

ATTACHMENT 2

CPAM 2012-0002, AMENDMENTS TO THE POLICIES OF THE REVISED GENERAL PLAN TO REVISE AND SUPERSEDE POLICIES IN REGARD TO THE PURCELLVILLE URBAN GROWTH AREA MANAGEMENT PLAN (PUGAMP)

New text blue font, underlined; deleted text ~~red font, strike-through~~. Proposed revisions to the Planned Land Use Map, Town of Purcellville Map, and Town of Hamilton Map are attached.

Chapter 1 Introduction

Relationship to Other County Planning Documents

The County's Comprehensive Plan consists of several related documents, including the *Revised General Plan* and amendments thereto, specific area plans, strategic plans, and the *Revised Countywide Transportation Plan* (Revised CTP). The transportation plan, which superseded previous transportation policies embedded in earlier County documents, was adopted in 1995 and has undergone concurrent revision during the Comprehensive Plan Review and update.

The 1991 *General Plan* replaced the County's 1979 *Resource Management Plan* (RMP) and the 1984 *Rural Land Management Plan* (RLMP) as the "umbrella" document for the County's planning efforts. The 2000-2001 Comprehensive Plan revision process reinforced and refined countywide goals and policies not only for the *General Plan*, but also for subsequent area plans. Area plans supplement the *Revised General Plan* with customized planning policies for particular areas or communities. The existing area plans are: *Eastern Loudoun Area Management Plan* (ELAMP, 1980); *Leesburg Area Management Plan* (LAMP, 1982); *Dulles North Area Management Plan* (DNAMP, 1985); *Waterford Area Management Plan* (WAMP, 1988); *Cub Run Area Management Plan* (CRAMP, 1989); *Round Hill Area Management Plan* (RHAMP, 1990); *Dulles South Area Management Plan* (DSAMP, 1993); *Toll Road Plan* (TRP, 1995); *Purcellville Urban Growth Area Management Plan* (PUGAMP, 1995 amended 1999) and the *Comprehensive Plan for the Town of Hamilton and Urban Growth Area*, 1995. The County's strategic plans contain policies affecting specific land use categories. The three strategic plans include the *Countywide Retail Policy Amendment* (1997), the *Strategic Land Use Plan for Telecommunication Facilities* (1996) and the *Greenways and Trails Policies* (1994).

Many of the policies included in these area and strategic plans coincide with the *Revised General Plan* policies. However, as with any update or revision of a major planning document, conflicts may arise between previously adopted policies and new policies. The policies and guidelines in the *Revised General Plan* will supersede any conflicting policies and/or guidelines contained in any of the plans mentioned above, ~~with the exception of the PUGAMP. The PUGAMP is unique because the Town and County jointly adopted it. The jointly adopted PUGAMP establishes detailed land use and growth management policies for the area surrounding the Town. As such, any policies or amendments of the Revised Plan that conflict with the PUGAMP must be reviewed and approved by both the Town and the County.~~ At a future date, some of the area plans will be replaced by community plans or area plans for new subareas established within the major policy areas defined in this Plan. In 2013, the *Purcellville Urban Growth Area Management Plan* (PUGAMP) was superseded by revision included with CPAM 2012-0002.

Chapter 2

Planning Approach

A. Wastewater and Water Treatment

LCSA, created in 1959, is responsible for providing wastewater treatment services to unincorporated, developing areas of the County. The LCSA provides wastewater collection services through a network of interceptor and collection sewers in the eastern part of the County. Sewage from the eastern portion of the County is treated at the Blue Plains advanced Wastewater Treatment Plant in the District of Columbia. In 1999, the LCSA provided service to approximately 33,000 residential and business customers discharging approximately 8 million gallons of sewage per day. The County currently relies on Fairfax City's Goose Creek impoundment facility and the Fairfax County Potomac River intake as the major central water supply.

The LCSA is constructing an additional advanced wastewater treatment (AWT) facility on Broad Run to serve the eastern portion of the County and neighboring jurisdictions. The Dulles Area and Occoquan Watershed policies, which apply to the Goose Creek, Occoquan, and Broad Run watersheds, require advanced wastewater treatment to facilitate high removal rates for phosphorous, nitrogen, and biological oxygen demand. Although the Broad Run AWT will have an ultimate treatment capacity of 40 to 60 million gallons per day (mgd), the initial phase will accommodate approximately 10 mgd. A new trunk line, the Broad Run Interceptor, serves both the Occoquan and Upper Broad Run watersheds of Loudoun County. Sewage flow from the Occoquan Watershed is conveyed to the Broad Run plant through a system of pump stations to protect that drinking water watershed. The Blue Plains Treatment Facility and the Broad Run Treatment Facility will be able to accommodate the Suburban Policy Area's sewage treatment needs within the time frame of this Plan.

Water and wastewater treatment service levels and needs are not the same throughout the County, since proposed land uses, development densities and community character differ from area to area. The County will plan for the development of central sewer and water facilities and allow for the orderly extension of these facilities in the Suburban and Transition Policy Areas. The County will encourage LCSA to serve this area in the most efficient and effective manner possible. In particular, the County will work with LCSA to encourage the extension of central utilities to existing communities within the Suburban Policy Area and promote the use of the best utility system in the Transition Policy Area. (Refer to LCSA Water and Sewer Lines Map, pg. 2-17.) Town central systems will continue to be the major service providers for the Towns' JLMAs, with the exception of the Town of Purcellville.

In the Transition Policy Area and in the Rural Policy Area (including the Landfill Water Service Area District), the County will continue to focus its efforts on protecting public health by maintaining groundwater quality and quantity. Groundwater will continue to be the major source of water for most rural residents and therefore should be protected from the contamination threat of a proliferation of septic tanks and drainfields. As such, on-site, high-level pre-treatment, individual alternative systems and small advanced wastewater treatment systems for clustered development will be the primary methods of sewer service in the Rural Policy Area. The County will seek to establish guidelines and oversight authority to ensure that these facilities function in an environmentally sound manner. Central and communal utility systems are encouraged over individual wells and septic systems in the Transition Policy Area. Surface land application using communal or individual systems will be discouraged in the Transition Policy Area subareas proximate to the Goose Creek and Beaverdam reservoirs. The table below (Wastewater Approach) more simply portrays the wastewater strategy by policy area.

Chapter 9

The Town

Growth Management

The strategy of the Plan is to encourage compatible development within the Towns and the adjoining areas. The 1991 *General Plan* established Urban Growth Areas (UGAs) for the Towns of Leesburg, Hamilton, Purcellville, Round Hill, and Lovettsville. The UGAs would provide an expansion area around the Towns that would concentrate development in order to maintain viable communities, limit development sprawl, and ensure that public facilities adequately and efficiently serve the Towns and surrounding areas. The UGA boundaries set the limits of municipal water and sewer extension that the Towns control and mark the edge of future town limits.

Since the adoption of the 1991 General Plan, residential growth has boomed in the areas around the Towns. The towns have reassessed their ability to serve the areas in the UGAs with public water and sewer and some Towns have decided to reduce the UGAs. The following revisions to these boundaries are made through this revised Plan:

- Eliminate the Lovettsville UGA and concentrate development within the Town's boundaries.
- Reduce portions of the Hamilton and Round Hill UGAs.
- Retain Purcellville UGA in a phased development program with phase 1 in the south to accommodate growth for ten years.
- Reduce the Leesburg UGA in the north and southwest.
- Middleburg and Hillsboro have matured to their ultimate corporate limits and will not expand beyond the existing corporate limits.

Along with the reassessment of boundaries, the County recognizes that the term "Urban Growth Area" no longer reflects the intent of either the County or the Towns. Therefore, "Urban Growth Area" has been changed to "Joint Land Management Area" (JLMA). The boundary of the JLMA, with the exception of the Town of Purcellville, sets the limits of municipal water and sewer extension and in that respect, it continues to serve as an urban growth boundary. It defines a significant change in land use between the areas within the JLMA and that which is outside of the boundary.

In the Joint Land Management Areas, there is the potential for 11,498 additional housing units, including 3,316 units in the pipeline. It is anticipated that by the end of the twenty-year planning period, 9,227 housing units will have been absorbed, and a total of 11,562 housing units will exist. At that time, the JLMAs are projected to have a population of 31,171 persons, an increase of 512 percent over the year 2000 population estimate¹.

In the incorporated Towns, there is the potential for 6,816 additional housing units, including 3,385 units in the pipeline. It is anticipated that by the end of the twenty-year planning period, 5,011 housing units will have been absorbed, and a total of 18,154 housing units will exist. At that time, the incorporated Towns are projected to have a total population of 46,544 persons, an increase of 35 percent over the year 2000 population estimate².

The County will continue to work closely with each Town on development proposals within the JLMAs in order to

¹With CPAM 2012-0002 Purcellville retains its JLMA, however, further central utility extension is not anticipated.

² The projected housing units and population is inclusive of higher residential densities within the Purcellville JLMA that were originally envisioned by PUGAMP.

the repeal of the PUGAMP. Accordingly, the County has revised and superseded policies in regard to the PUGAMP and the Town of Purcellville (CPAM 2012-0002) to include retaining the Purcellville JLMA as a planning area by the County that will develop in accord with the underlying County zoning designations ascribed to the area.

The County will continue to work cooperatively with the Town on issues of importance to Purcellville. ~~The Joint Review Committee will continue to play a key role for coordination on issues between the Town and the County.~~ Established planning procedures and processes will be used to coordinate on issues between the two jurisdictions.

Purcellville Joint Land Management Area Policies

1. ~~Development within the JLMA will comply with the Purcellville Urban Growth Area Management Plan as amended;~~ The County will work with ~~Town officials on annexation, development, and other issues~~ the Town, when requested, on corporate boundary- line adjustments pursuant to State Code provisions for properties within the JLMA being annexed into the Town.
2. The County encourages a mix of residential and business uses in and around the Town that are compatible in scale with the small-town character of Purcellville.
3. The County will work with the Town to plan for a trail extension to Franklin Park that connects the W&OD Trail with the park.
4. The County will retain the southern circumferential road south of the Town that connects Routes 287 and 690. The southern circumferential road is designated in the *Revised Countywide Transportation Plan* as a rural collector with limited access.
5. Developments along Route 7 and Route 287 and the Route 7 Bypass will include setbacks, height limitations, and landscaping to preserve town character.
6. The County will encourage the use of frontage roads, coordinated development plans, and other means of minimizing the number of driveways along Route 7 and Route 287.

Chapter 11

Implementation

Implementation Strategy

A work program for implementing the policies included in the *Revised General Plan* will be initiated upon adoption of the Plan. The implementation strategy provides an outline of the key actions that must occur to implement the *Revised General Plan's* policy direction. It gives broad general guidance as to the regulations, guidelines, future planning efforts, and programs that will be developed and implemented to achieve the Plan's objectives. The work program and action schedule will continue to be amended, added to, and refined. The Board will use the Action Schedule of implementation steps recommended by the Planning Commission as the framework for developing the work program.

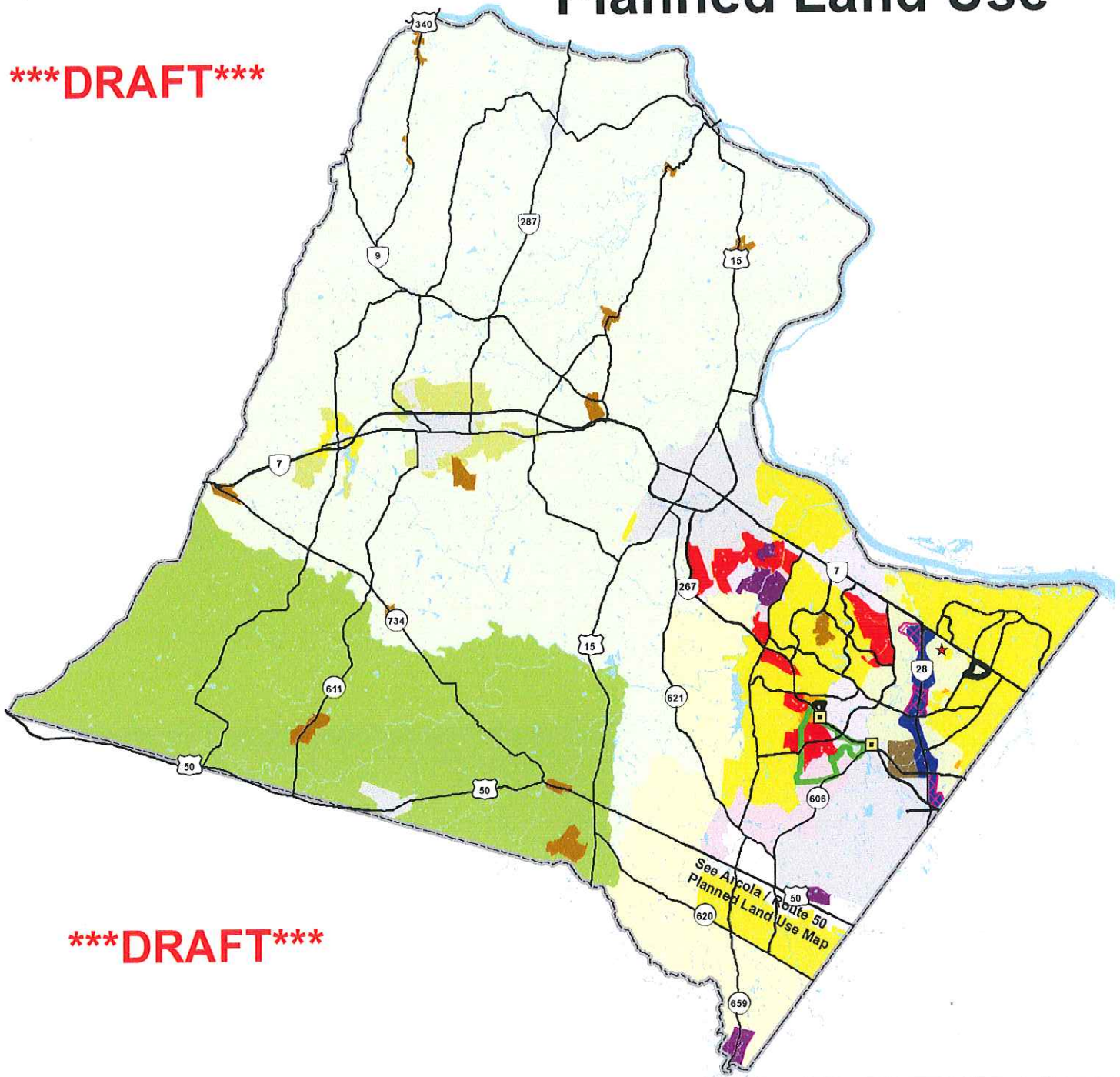
This implementation strategy defines the future tasks that should be undertaken to fully implement the *Revised General Plan*. Necessary implementation actions include studies, mapping, area plans, ordinances, design guidelines, programs, and regional forums. Many of these actions are explicitly identified in the policies and text of the Plan.

The following list identifies key implementation actions:

- Design and adoption of a program for public participation in the area plan and implementation process.
- Preparation and completion of a comprehensive remapping of the County and adoption of a new Zoning Map and new Zoning Ordinance consistent with Plan policies.
- Preparation and adoption of an updated Land Subdivision and Development Ordinance consistent with Plan policies.
- Preparation and adoption of an updated Facility Standards Manual consistent with Plan policies.
- Preparation and adoption of illustrated design guidelines and incentives to include conservation design.
- Preparation and adoption of area plans to include the Sterling Community Plan, Potomac Community Plan, Ashburn Community Plan, Dulles Community Plan, and Transition Policy Area Plan.
- Preparation and adoption of an updated ~~Purellville Urban Growth Area Management Plan~~, *Round Hill Area Management Plan*, *Comprehensive Plan for the Town of Hamilton and the Urban Growth Area*.
- Preparation and adoption of a Preservation Plan.
- Study, development and initiation of Affordable Housing incentives and programs including the establishment of a Housing Trust Fund and Housing Authority.
- Preparation and adoption of an updated County Water and Sewer Master Plan to include guidelines for the management of on-site wastewater systems and new technology, alternative individual and communal wastewater facilities.
- Preparation and adoption of Public Water Supply Watershed Protection program and associated ordinances.
- Preparation and adoption of updated Service Plans.
- Study and map Green Infrastructure components and develop the Resource Management Data Base.
- Preparation and adoption of a long-range integrated transit and land use plan for designated transit corridors.

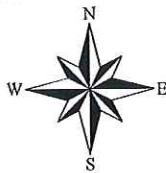
Planned Land Use








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*****DRAFT*****

-  Towns/Airport
-  Residential
-  High Density Residential
-  Business
-  Route 28 Business
-  Route 28 Core
-  Route 28 Industrial
-  Keynote Employment
-  Industrial
-  Extractive Industry
-  Existing Rural Village
-  Transition
-  Rural - (Base Density 1 du/20 acres)
-  Rural - (Base Density 1 du/40 acres)
-  Rural - (Within Town JLMA)



-  Potential Transit Node Location
-  Urban Center
-  Major Roads
-  County Boundary
-  Mixed Use Office Center Development
-  Destination Retail
-  Special Activities Area

Notes:

Revised July 23, 2001, amended through xxx xx, xxxx.
This map represents generalized planned land use and does not reflect existing zoning or land use.

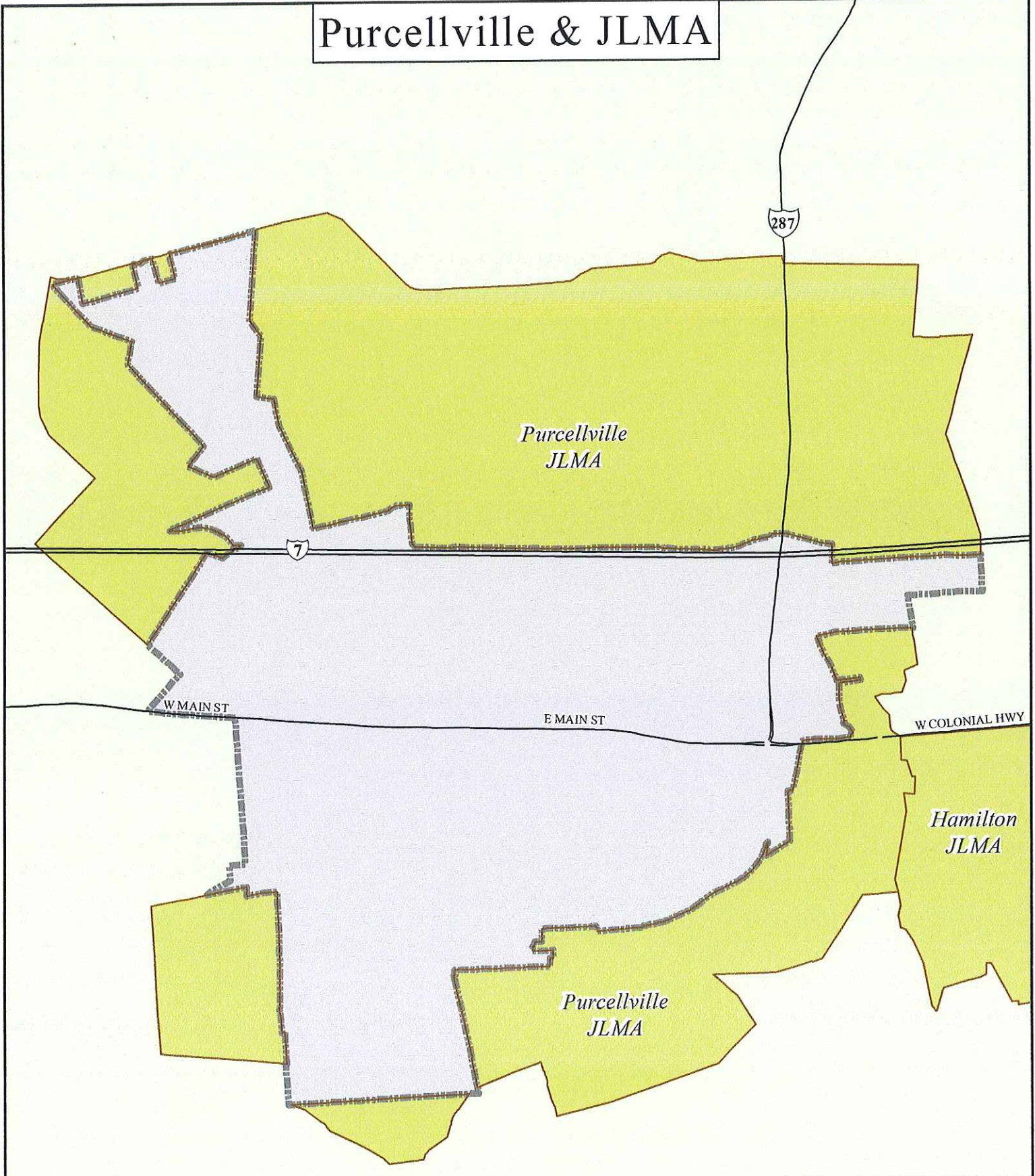
For illustrative purposes, the centerline of Highways and the Dulles Greenway are shown as boundaries between Planned Land Uses. This is not meant to imply that the Comprehensive Plan supports the development of any land use within the road right of way.

This map reflects CPAM revisions CPAM 2004-0007, CPAM 2004-0008, CPAM 2004-0009, CPAM 2004-0025, CPAM 2004-0026, CPAM 2005-0005, CPAM 2005-0007, CPAM 2006-0002, CPAM 2009-0001, CPAM 2012-0002.

For land uses in the Arcola Route 50 area please use the Arcola / Route 50 Planned Land Use Map.

Source: Loudoun County Planning Department and Office of Mapping and Geographic Information
Map Number 2012-337SM replaces 2011-468SM.

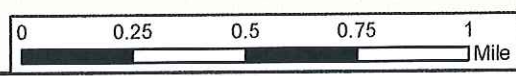
Purcellville & JLMA



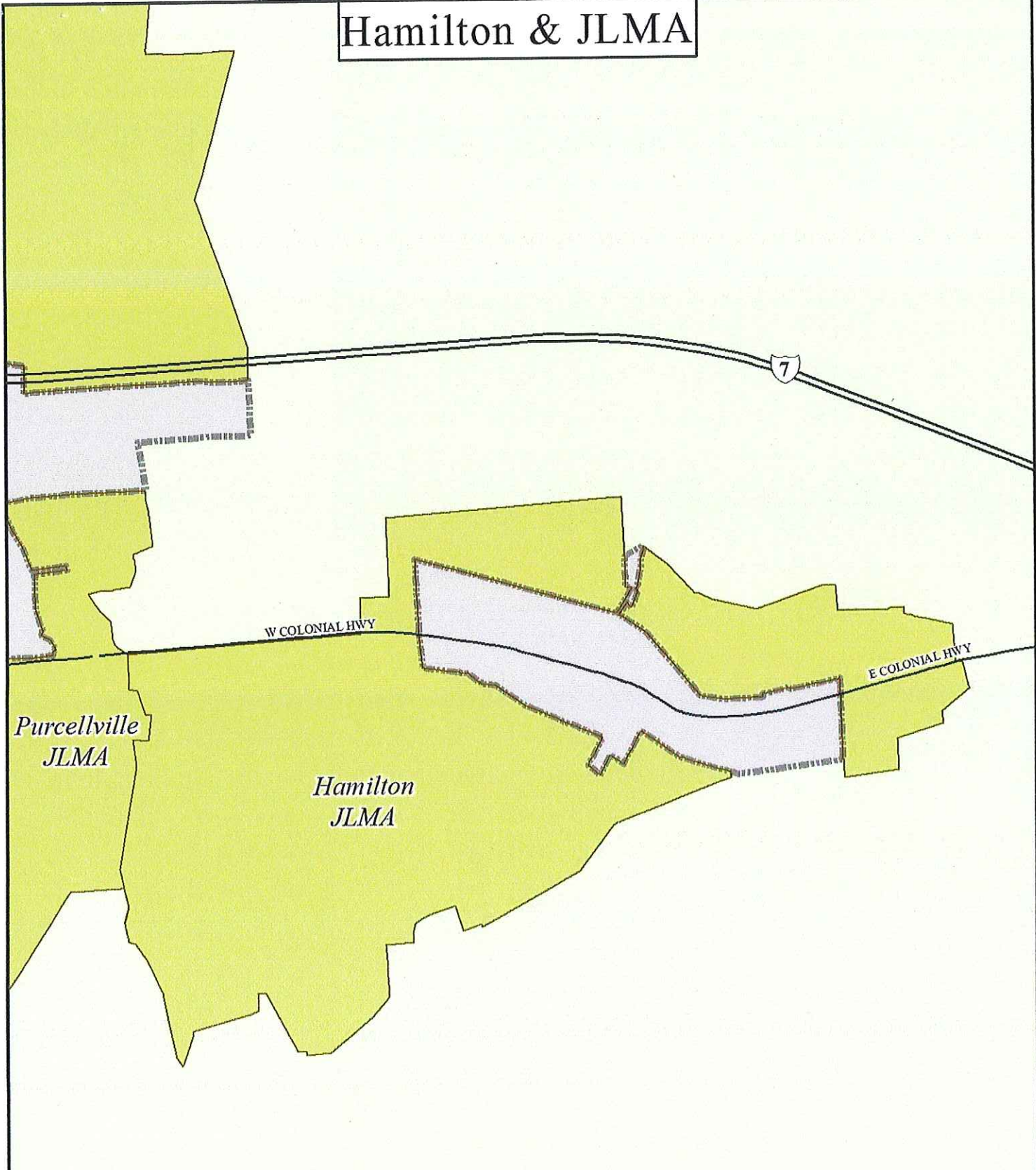
Policy Areas

-  Town JLMA
-  Rural (1du/20 acres)
-  Towns/Airport

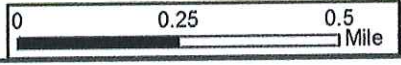
Map Created 10/16/2012
Supersedes Map Number CPRV-W-092






Hamilton & JLMA

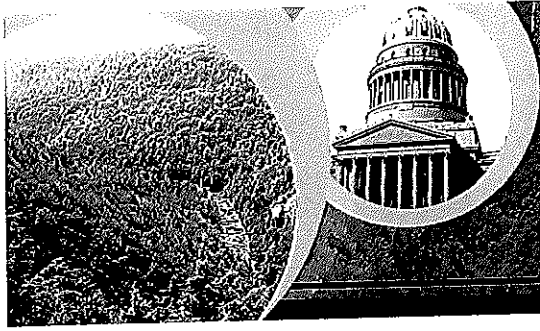


Map Created 10/23/2012
Supersedes Map Number CPRV-W-092



Policy Areas

-  Town JLMA
-  Rural (1du/20 acres)
-  Towns/Airport



Commissioners' Corner



COUNTY COMMISSIONERS' ASSOCIATION
OF WEST VIRGINIA
County Government Works

A publication of The County Commissioners' Association of West Virginia - Volume 14, Number 8 - October 2012

CCAWV Holds Regional Jail Costs Summit In Harrison County

On October 14-15, 2012 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. (The complete list of committee study topics, including the priorities, are listed on the enclosed/attached newsletter insert.)



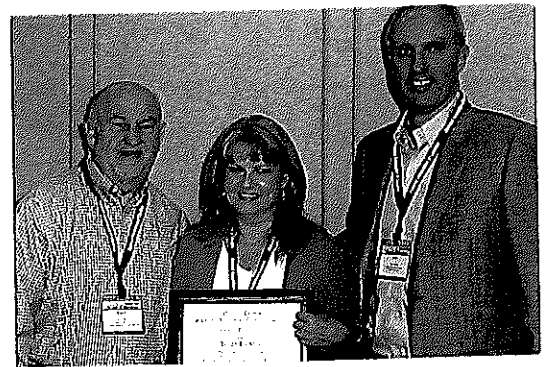
To assist CCAWV in solving these issues, the group then established a new association standing committee, the CCAWV Regional Jail Steering Committee and the following members were appointed: Chris Tatum, Cabell County Administrator, Chairman; Patsy Noland, Jefferson County Commissioner; Matt Wender, 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.

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 solutions to county concerns with regional jail issues. The newly formed committee set November 19, 2012, for their first conference call meeting.

West Virginia Association Executive Director Parsons Recognized By National and State Colleagues

Washington, D.C. - Vivian Parsons, Executive Director of the County Commissioners Association of West Virginia, was recently honored by the National Council of County Association Executives (NCCAE) and the National Association of Counties (NACo) for graduating from the Certified County Association Executive Program.

The Certified County Association Executive Program (CCAEP) is a structured continuing education curriculum for the professional development of executive directors of county state associations. The program is structured to comprehensively train county association leaders to be fully knowledgeable of leadership and association challenges and better prepare them to find ways to address emerging issues. The CCAEP is sponsored and credentialed by the NCCAE and Cornell University with the support of the National Association of Counties.



The CCAEP has a core curriculum including budgeting, human resource management, effective board relations, succession planning, advocacy, media relations and leadership skills and strategies. These are supplemented with electives, training sessions and continuing education courses designed to assist association leaders in serving their constituents their members to the best of their ability.

DIRECTOR'S DISCUSSION WITH VIVIAN PARSONS

I have just returned from my national conference for County Association Executives and one of the most attention getting presentations was "Cyber Security Education." It is amazing what computer "hackers" can do to "screw-up" our lives! They can be running programs in the background, without our knowledge, that will copy each keystroke on every computer connected to the network!!!



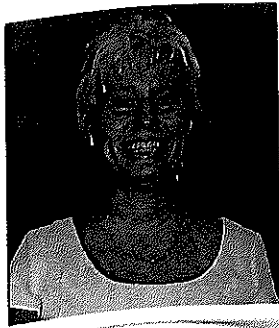
The Multi-State Information Sharing and Analysis Center (MS-ISAC) is a voluntary and collaborative effort based on a strong partnership with the National Cyber Security Division within the U.S. Department of Homeland Security (DHS). The MS-ISAC has been designated by DHS as the key resource for cyber threat prevention, protection, response and recovery for the nation's state, local territorial and tribal (SLTT) governments. Through its state-of-the-art 24/7 Security Operations Center, the MS-ISAC serves as a central resource for situational awareness and incident response for SLTT governments.

Who can join the MS-IAC? Membership is open to all state, local, territorial, and tribal government entities involved in cyber security and/or critical infrastructure protection. The only requirement to joining is the completion of a membership agreement, which sets forth the responsibilities of members to protect information that is shared.

What does it cost to join the MS-ISAC? There is no cost. It is primarily supported by the U.S. Dept of Homeland Security.

How do I join? Contact Kristin Judge, Director of Partner Engagement, Kristin.Judge@cisecurity.org or Ryan Spelman, Director of Government Affairs, Ryan.Spelman@cisecurity.org or have your IT person visit www.msisac.org to learn more and to see a list of membership benefits.

PRESIDENT'S MESSAGE BY CINDY PYLES



We'll it's just a couple of weeks until the election, and I am still hot on the campaign trail. I am sure many of you are as well! The Association has been busy this month holding the Regional Jail Summit in Harrison County as well as planning the New Commissioner's Training in November and scheduling the Regional Roundtable meetings for November and December. There are many opportunities available to all of our members to participate in and take advantage of Association endeavors and I encourage you to do so!

I know that a lot of you are busy getting ready for early voting on the 24th and the election in two weeks. I want to wish everyone good luck, and I hope everything runs smoothly for you in the Courthouse on Election Day!!!

2012-2013

Board of Directors

President

Cindy Pyles, Mineral (788-5921)

Vice-President

Tim McCormick, Ohio (234-3628)

Immediate Past President

Ron Watson, Harrison (624-8500)

Ex Officio Member(s)

Joe Coburn, Mercer (487-8306)

District 1-- Western Division

Don Mason, Marshall (845-0482)

Scott Lemley, Wetzel (455-8217)

Danny Greathouse, Hancock (564-3311)

District 1 -- Eastern Division

Chair: Janice LaRue, Mineral (788-5921)

Bernie Fazzini, Harrison (624-8500)

District 2 -- Western Division

Agnes Queen, Lewis (269-8200)

Jerry Linkinoggor, Clay (587-4259)

District 2 -- Eastern Division

Chair: Mike Taylor, Randolph (636-2057)

J.R. Keplinger, Hardy (530-0284)

Donnie Tenney, Upshur (472-0535)

District 3 -- Western Division

Chair: Mickey Brown, Boone (369-1561)

Nancy Cartmill, Cabell (526-8634)

District 3 -- Eastern Division

Chuck Armentrout, Webster

(847-5780)

Jack Woodrum, Summers (466-7100)

Denise Scalph, Fayette (574-4290)

CCA WV

2309 Washington Street East

Charleston, WV 25311

(304) 345-4639

info@ccawv.org

Vivian Parsons

Executive Director

vivian@ccawv.org

Jennifer Webb

Administrative Assistant

jennifer@ccawv.org



CCAWV Regional Jail Summit Priority Issues

- 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
 - 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

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)

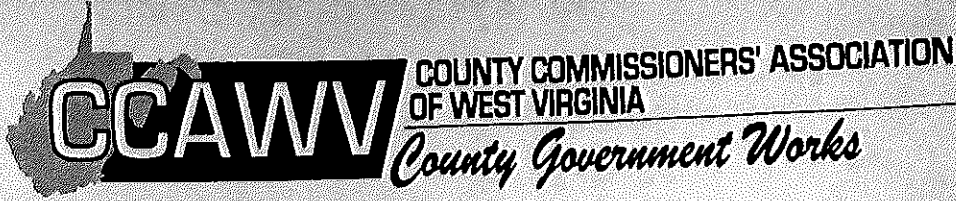
Sentencing re-structuring – making punishments more closely fit the crime

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



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: _____	

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

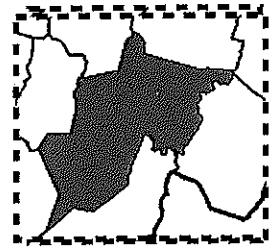
Spotlight on a County Commission: Randolph County

Crowning achievement: The Wees Annex. We had a 20 year loan and paid it off in 3 years. We saved \$1.7 million in interest.

Biggest debacle or most embarrassing moment: Finding out we had a check for 911 Fees of \$200,000 in the State Treasurer's Unclaimed Property Division.

Best advice for other County Commissions: Proof read all of your material before Commission meeting!

Commission Staff: Donna Haddix, Administrative Assistant.



Michael Taylor

Place where I grew up: Elkins, WV.

Real Life Occupation: WV State Trooper.

Years Experience as a County Commissioner: 5 1/2 years.

You would be surprised to know that I: Enjoy outdoor Barbecue cooking.

My personal philosophy: "A man's word is his bond."

What I like most about being a County Commissioner: Being involved with citizens and organizations of the community.

What I like least about being a County Commissioner: The worry of always trying to do the right thing for citizens.

Who I would invite (living or dead) to the next County Commission meeting and what I would discuss: My father to discuss the values that he gave me during my growing years.



Joyce Johns

Place where I grew up: Elkins, WV.

Real Life Occupation: Worked 21 years with Randolph County's Sheriff's Office as Chief Tax Deputy and Bookkeeper.

Years Experience as a County Commissioner: 2 years

You would be surprised to know that I: Grew up with 6 brothers and no sisters and I survived.

My personal philosophy: "What goes around comes around."

What I like most about being a County Commissioner: Helping the citizens of Randolph County.

What I like least about being a County Commissioner: The political aspects of the job.

Who I would invite (living or dead) to the next County Commission meeting and what I would discuss: My parents who passed away 19 years ago. It doesn't matter what we discussed, they would just be here.



Chris See

Place where I grew up: Valley Bend, 14 miles south of Elkins.

Real Life Occupation: Business Owner & Mechanic.

Years Experience as a County Commissioner: 4 years

You would be surprised to know that I: Enjoy cooking and coached little league and basketball for 20 years..

My personal philosophy: "If you are going to do something, do it right!"

What I like most about being a County Commissioner: Having the ability to help the citizens of Randolph County.

What I like least about being a County Commissioner: The politics and all the red tape that makes it take so long to get anything accomplished.

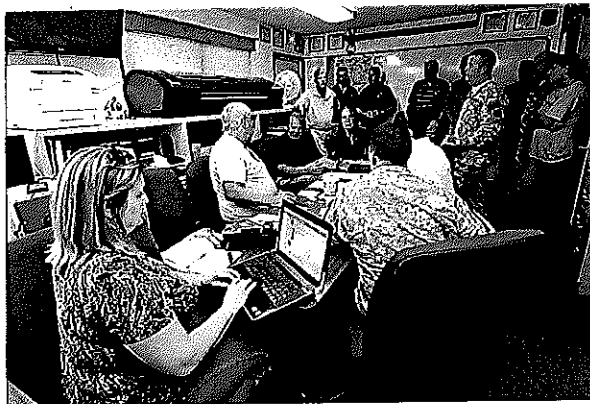
Who I would invite (living or dead) to the next County Commission meeting and what I would discuss: My mom who passed away when I was 18. We would discuss everything.

County Commission Outreach

Bringing public awareness to the office of County Commissioner



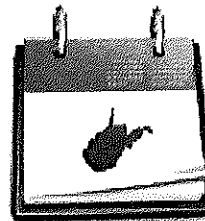
Anyone that works in county government knows that the biggest public fallacy is that a County Commissioner only works part time. This statement is proven erroneous every day by Lewis County Commissioner, Agnes Queen. She is a 24/7 Commissioner and one particular example of her dedication, work ethic and vision for advancing Lewis County was seen during the June 29, 2012 derecho that devastated West Virginia and surrounding areas.



with medical needs, food/water needs and hazardous conditions due to down power lines contacted her.

As the power began to be restored, Commissioner Queen was able to give updates from the power company to the citizens. This was extremely helpful for those who had left their homes or families who lived outside of the area. It provided a way to disseminate restoration projections thus decreasing the call volume to the OEM, as well as, a venue to stop rumors before they spread.

Comments from all over WV were received praising this cohesive integrated use of technology with the functions of OEM. In fact, when Lewis County received a visit from the Governor and Adjunct General they spent time looking at her project and taking notes to pass along to other agencies.



Calendar of Events

Interim Meetings

November 26 - 28, 2012

December 10 - 12, 2012

January 7 - 9, 2013

November 28-30, 2012

CCAWV Basic Training
Bridgeport, WV

February 24-27, 2013

CCA Legislative Association
Meeting
Marriott, Charleston

May 19-20, 2013

CCAWV Spring Board
Meeting
The Blennerhassett
Parkersburg, WV



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"This is a monthly publication for county commissioners and their staff, Associate members and other interested parties."