



**NOTICE OF
JEFFERSON COUNTY COMMISSION MEETING
THURSDAY, May 16, 2013
9:30 A.M.**

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

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

PRESENTATIONS:

1. 9:30 a.m. Senator Snyder, Senator Unger, Delegate Lawrence and Delegate Skinner
Legislative Updates

APPROVAL OF MINUTES

- Mannings Public Hearing Minutes May 2, 2013
- May 9, 2013 Minutes

APPROVAL OF PURCHASE ORDERS

- May 16, 2013

APPROVAL OF ACCOUNTS PAYABLE

- May 16, 2013

PUBLIC COMMENT

PRESENTATIONS CONTINUED:

2. 11:15 a.m. **BREAK**
3. 11:25 a.m. Laura Storm, Circuit Clerk
- Hiring of a Full Time Deputy Clerk - Discussion/Action
4. 11:35 a.m. Roger Goodwin, Chief Engineer
- Bond/Surety Call-in-Request - Summit View Estates Subdivision (JCPC File 03-21) - Discussion/Action
5. 11:45 a.m. Barbara Miller, Director of Homeland Security
- National Weather Service "StormReady" Accreditation 2013-2016 letter and Certificate received from the National Weather Service Office.
- Adoption of the 2013 Jefferson County All Hazards Risk Assessment and Mitigation Plan - Discussion/Action

6. 11:55 a.m. Jennifer Myers, Parks & Recreation
- Approval of Resolution - FY2014 Cultural Facilities & Capital Resources Grant for Jefferson County Parks & Recreation for Sam Michael's Park Amphitheater - Discussion/Action
7. 12:00 p.m. Jennifer Brockman, Director of Planning & Zoning
- Update on the Comprehensive Plan - Discussion/Action
8. 12:10 p.m. Jeff Polczynski, ENP - Director of Communications
- Appointment of Deputy Director to fill vacancy at Emergency Communications Center - Discussion/Action
9. 12:15 p.m. Stephanie Grove, Assistant Prosecuting Attorney on behalf of John Quinn
- Reimbursement for Sheep Destroyed by Dogs and Vet Bill
- Discussion/Action

UNFINISHED BUSINESS:

10. Letter from the National Park Service addressing statements made by applicants to County Commission on rezoning of Aticheson Family Trust property - Discussion/Action (LW)
11. Mannings Petition Certification - Discussion/Action (JT)

NEW BUSINESS:

12. Request to postpone Public Hearing for the Jefferson County Emergency Services Agency Fee Schedule - Discussion/Action (PN)
13. Rezoning Development Plans for Rezoning Applications to Residential-Light Industrial-Commercial Zone and/or Commercial-Industrial Zone - Discussion/Action (LW)
14. Approval of Resolution for John Allen for his service on the Jefferson County Historic Landmarks Commission - Discussion/Action (LW)

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

15. Break for Lunch

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

16. 1:30 p.m. Ed Hannon/Marty Freeman - Jefferson County Emergency Services Agency  
- Jefferson County Emergency Services Agency feedback on Commissioner Noland's proposal for paid Firefighters/Paramedics/EMTS  
- Discussion/Action

17. 2:00 p.m. Discussion with the Board of Jefferson County Emergency Services Agency regarding the alternative proposal for paid Firefighters/Paramedics/EMTS proposed by Commissioner Noland - Discussion/Action (PN)

18. **ADJOURN**

**CORRESPONDENCE:**

Notice of Public Hearing - May 23, 2013, 7p.m., Input on Draft Fee Ordinance proposed by the Jefferson County Emergency Services Agency.

Flyer for American Red Cross Blood Drive - May 22, 2013, 10 a.m. - 4 p.m..

Notice of County Commission Offices closed on Monday, May 27, 2013 for Memorial Day.

Notice of County Commission rescheduling of meetings due to holidays.

Letter from Robert Shackelford regarding thoughts on the Jefferson County Emergency Services Agency.

Letter from Pete Kelley, EMSARN in regards to Jefferson County Emergency Services Agency fee proposal.

Letter from Nicola Bastian regarding issues with electric company.

Letter from David Tabb regarding issues with the Spirit newspaper.

Copy of letter sent to Senator Jeffery V. Kessler and Delegate Rick Thompson regarding concerns over the Sunshine Law being followed in Jefferson County.

West Virginia Association of Counties Newsletter for April, 2103.

West Virginia Ethics Reporter for April 2013.

West Virginia Lottery, weekly settlement for Charles Town, week ending May 4, 2013.

*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.*

SPECIAL SESSION:

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

At a Special Session of the County Commission of said County and State continued and held at The Blue Ridge Elementary School, 18666 Charles Town Road, Harpers Ferry, WV 25425 thereof on Thursday, May 2, 2013, beginning at 7:00 o'clock p.m.

PRESENT: Dale Manuel, President,  
Walt Pellish, Vice President  
Patsy Noland and Jane Tabb; Commissioners.  
Debbie Keyser, County Administrator, Stephanie Grove, Assistant Prosecuting Attorney and Cynthia Schott, Administrative Assistant.

RE: **PUBLIC HEARING - TO HEAR EVIDENCE FOR AND AGAINST THE PROPOSED INCORPORATION OF MANNINGS, WEST VIRGINIA AS A CLASS IV TOWN AND TO DETERMINE WHETHER THE REQUIREMENTS OF WEST VIRGINIA CODE SECTIONS 8-2-1 AND 8-2-2 HAVE BEEN MET. THE PETITION FOR INCORPORATION IS FILED UNDER WEST VIRGINIA COAD 8-2-1 ET SEQ.**

A sign in sheet was provided for anyone wishing to address the Commission.

Commissioner Manuel called the meeting to order at 7:05 p.m.

Stephanie Grove, Jefferson County Commission legal counsel, addressed concerns voiced to the Commission prior to the Public Hearing. Ms. Grove stated the purpose of the Public Hearing is for the Commission to hear evidence on the sections of the State Code 8-2-1- and 8-2-2, to determine if the petition is valid.

- 8-2-1 concerns the requirements that the petition must address including but not limited to issues as to how the proposed town is going to provide certain services, and is the incorporation in the best interest of the County.
- 8-2-2 addresses the issue of the validity of the petition. Has it been signed by 30% of the freeholders of the purposed territory to be incorporated? Does it have a map that has been signed off on by a certified engineer that shows the boundaries of the area to be incorporated?

By holding a Public Hearing, it does not mean the Commission has deemed the petition valid. The validity of a petition is determined once the Commission has heard evidence from those opposing the petition. Once a petition is submitted to the Commission, it is considered to be on its face a valid petition, it then becomes the burden of those opposing the petition to prove the petition is not valid.

Burden of proof – without evidence the County Commission must move the petition to a vote. The County Commission acts in a fact-finding, ministerial role.

Ms. Grove explained the reason for the delay in holding the Public Hearing within thirty days. Due to the school holiday and the procedure for renting the school facility, the Commission requested of the Petitioner to waive the 30 day timeframe for the Public Hearing.

Commissioner Manuel introduced Delegate Stephen Skinner.

Ms. Keyser read a statement submitted by Commissioner Lyn Widmyer explaining her absences at the Public Hearing.

Ms. Keyser explained anyone wishing to make a public statement will be given three (3) minutes and has the ability to submit as many written comments as desired.

The following citizens addressed the Commission:

1. Scott Tatina, Harper Ferry - Mr. Tatina opposes the petition based on the fact the signatures on the petition are from six (6) years ago and many of the signers have moved. Mr. Tatina also stated this is not the same map presented six (6) years ago.
2. Rachel Douglas, Shenandoah North – Mrs. Douglas opposes the petition and does not believe the Shenandoah North should be included in the area to be incorporated. Mrs. Douglas stated she and her husband do not wish to deal with another layer of government. Mrs. Douglas questions the validity of the signatures on the petition, as it is the same petition presented in 2009. Even though the target area has been reduced by 170 acres. How can the same signatures be valid?
3. Allen Douglas, Shenandoah North – Mrs. Douglas spoke on behalf of her husband, with his consent, as he was having difficulty with his voice. Mrs. Douglas stated the petition should be rejected on many grounds. Mrs. Douglas stated the map is not the same as the map submitted in 2009 although the signatures on the petition are the same. Mr. & Mrs. Douglas submitted a lengthy letter to the Commission outlining their concerns with the legitimacy of the petition. This letter is included in the Manning's file.
4. Terri Van Doren, Shenandoah North – Ms. Van Doren lives in the proposed area of incorporation and opposes the petition. Ms. Van Doren stated even though her name appears on the petition, she was never asked to sign the petition and it is not her signature. Ms. Van Doren offered her passport of proof of the forged signature on the petition. Ms. Van Doren stated this is not a valid petition.

5. Jeff Lloyd, Shenandoah North – Mr. Lloyd opposes the petition. Mr. Lloyd believes the petition is not valid due to forged signatures on the petition, the fact the petition is so old and the false representation of services that will never happen.
6. Hal Van Doren , Shenandoah North – Mr. Van Doren opposes the petition. Mr. Van Doren state he signed the petition six (6) years ago and believes the project was misrepresented. He would like his name removed from the petition.
7. Kathy Lloyd, Harpers Ferry – Ms. Lloyd opposes the petition. Ms. Lloyd believes some of the signatures are forged, the petition has old signatures on it, the mission and vision statements are a cut and paste from the mission and vision statements of Charles Town. Ms. Lloyd does not believe this petition can stand up to judicial scrutiny.
8. Gary Cogle, Harpers Ferry – Mr. Cogle opposes the petition. Mr. Cogle stated the community does not need what they are purposing and they are satisfied with the way things are already.
9. John Maxey, represented the Board of Directors of St. Andrews Mountain Community Center. Mr. Maxey stated it was unclear as to whether or not the Community Center is included in the boundaries for incorporation, if they are, they do not want to be. Mr. Maxey stated the Board of Directors opposes the incorporation and do not believe it is a legal petition.
10. Mason Carter, Harpers Ferry – Mr. Carter opposes the petition as do a number of residence who were unable to attend the Public Hearing this evening. Mr. Carter stated many of the residents of Mannings live on fixed incomes and are very concerned about the financial burden this will place on them. Mr. Carter also expressed concerns about being forced to hook up to water and sewer that will be another added expense for a service they do not need.
11. Doug Marshall, Harpers Ferry – Mr. Marshall opposes the petition and stated he would be interested in seeing a financial impact statement of the proposal.
12. Joyce Woodward, Harpers Ferry – Ms. Woodward opposes the petition and stated although she would like to see improvements in the area, she is on disability and cannot afford the expense of higher taxes.
13. Tony Reaker, Shenandoah North – Mr. Reaker opposes the petition and chose to live where he does because he does not want to live in a town. Mr. Reaker stated he doesn't understand how someone who doesn't even live in Mannings is able to petition to incorporate.

14. Joe Thompson, Shannondale – Mr. Thompson opposes the petition and believes the map has been altered. Mr. Thompson asserts the map has not been certified by an engineer. Mr. Thompson stated the seal is the same from the last submission although the map has been altered
15. Fred Blackmer, non-resident – Mr. Blackmer stated he started the project years ago to help create a sustainable environment. Mr. Blackmer believes the residents of Mannings should have control of their environment and incorporating is the way to achieve that goal. Mr. Blackmer stated if this petition is denied, another one can be submitted the following day and each time the petition is denied a new petition can be submitted. Mr. Blackmer stated the best way to come to a conclusion with this petition is to let it go to a vote of the public.

With there being no further citizens to address the Commission, Commissioner Manuel called the Public Hearing closed.

Upon rising, the Commission recessed at 8:04 p.m. until Thursday morning next beginning at 9:30 o'clock a.m.

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DALE MANUEL, COMMISSION PRESIDENT

Respectively submitted  
Cynthia C. Schott  
Administrative Assistant

## Minutes

### Jefferson County Commission

Thursday, May 9, 2013

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A meeting of the Jefferson County Commission was held on Thursday, May 9, 2013 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 Dale Manuel, Patsy Noland, Walter Pellish, Jane Tabb and Lyn Widmyer. Also present were Debbie Keyser, County Administrator, Cynthia Schott, Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of the May 9, 2013 meeting is available through the Jefferson County Commission Office.)

#### PLEDGE OF ALLEGIANCE

Commissioner Widmyer led the Pledge of Allegiance.

#### PRESENTATIONS:

1. Delegate Stephen Skinner spoke to the Commission regarding the billing issues with First Energy, the electric company serving the Eastern Panhandle. Customers are seeing large increases in electric bills due to the fact meters have not been read for many months and have only been estimated. Once the actual meter reading is read the bill reflects the difference between the actual cost and the under-estimated cost. Delegate Skinner related that the Public Service Commission (PSC) has not declined to open an investigation; they have not gotten to the point of making a decision yet. Delegate Skinner is recommending to customers to write the PSC and request an investigation. Delegate Skinner also recommended the County Commission write a letter to the PSC, on behalf of the residents, that they open an investigation of the billing practices.

- **Motion by Mr. Manuel that the County Commission work with Delegate Skinner and our Legal Counsel to draft a letter to the Public Service Commission asking and supporting Delegate Skinner's request of an investigation, with all the Commissioners signing the letter. Motion seconded and unanimously approved.**

#### APPROVAL OF MINUTES:

**Motion by Ms. Widmyer to approve amendments to the County Commission meeting minutes of April 18, 2013. Motion is seconded and fails on a vote of 3-2 with Ms. Tabb, Ms. Noland, and Mr. Pellish opposing.**

**Motion by Ms. Noland to approve the minutes of the May 2, 2013 County Commission meeting with noted correction. Motion seconded and unanimously approved.**

#### APPROVAL OF PURCHASE ORDERS:

**Motion by Ms. Tabb to approve Purchase Orders in the amount of \$7,663.35 to include P. O. Nos. 51606, 51608, 51612, 51569, 51571, 50329 and 50390. Motion seconded and unanimously approved.**

**APPROVAL OF ACCOUNTS PAYABLE:**

| CHCKN O | DEPT    | VENDOR                   | PONUM | POAMT       | NOAMT        | CHECK AMOUNT |
|---------|---------|--------------------------|-------|-------------|--------------|--------------|
| 069814  | GRANT   | AFRICAN AMERICAN COMMUNI |       | \$ -        | \$ 24,400.00 | \$ 24,400.00 |
| 069815  | 413     | APPLE VALLEY OFF.PRODUCT | 49966 | \$ 73.59    | \$ -         | \$ 73.59     |
| 069816  | 425     | BIEDLERS ELEC MOTOR REP  | 51563 | \$ 20.57    | \$ -         | \$ 20.57     |
| 069817  | 425     | B-K OFFICE SUPPLY INC    | 51560 | \$ 699.25   | \$ -         | \$ 699.25    |
| 069817  | 425     | B-K OFFICE SUPPLY INC    | 51566 | \$ 653.25   | \$ -         | \$ 653.25    |
| 069818  | PAYROLL | BUREAU F/CHILD SUPPORT   |       | \$ -        | \$ 49.85     | \$ 49.85     |
| 069819  | PAYROLL | BUREAU F/CHILD SPPRT ENF |       | \$ -        | \$ 212.31    | \$ 212.31    |
| 069820  | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -        | \$ 461.54    | \$ 461.54    |
| 069821  | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -        | \$ 23.08     | \$ 23.08     |
| 069822  | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -        | \$ 290.31    | \$ 290.31    |
| 069823  | 402     | WV ASSOC OF COUNTY CLERK | 50282 | \$ 650.00   | \$ -         | \$ 650.00    |
| 069824  | 424     | CHARLES TOWN UTILITY BRD |       | \$ -        | \$ 128.62    | \$ 128.62    |
| 069824  | 425     | CHARLES TOWN UTILITY BRD |       | \$ -        | \$ 742.91    | \$ 742.91    |
| 069825  | 405     | MARCIA L. CHANDLER, RPR  | 50389 | \$ 577.50   | \$ -         | \$ 577.50    |
| 069826  | 425     | CREAMERS WRECKER SVC     | 51568 | \$ 65.00    | \$ -         | \$ 65.00     |
| 069827  | PAYROLL | CHILD SUPPORT ENFORCE AG |       | \$ -        | \$ 27.69     | \$ 27.69     |
| 069828  | 425     | COVENANT BUILDING MAINT  |       | \$ -        | \$ 11,827.43 | \$ 11,827.43 |
| 069829  | 424     | DAYCON                   | 51565 | \$ 200.56   | \$ -         | \$ 200.56    |
| 069829  | 425     | DAYCON                   | 51562 | \$ 1,362.06 | \$ -         | \$ 1,362.06  |
| 069830  | PAYROLL | DIVERSIFIED COLLECTION   |       | \$ -        | \$ 154.83    | \$ 154.83    |
| 069831  | 717     | DONALD B. RICE TIRE CO.  | 51561 | \$ 584.00   | \$ -         | \$ 584.00    |
| 069832  | 433     | D & S CONSTRUCTION       | 50866 | \$ 706.88   | \$ -         | \$ 706.88    |
| 069833  | 712     | LEIH DAFFRON             |       | \$ -        | \$ 229.50    | \$ 229.50    |
| 069834  | 433     | DUNCAN & PARNELL         | 51371 | \$ 795.00   | \$ -         | \$ 795.00    |
| 069835  | 424     | J.C.EHRLICH              |       | \$ -        | \$ 34.00     | \$ 34.00     |
| 069835  | 425     | J.C.EHRLICH              |       | \$ -        | \$ 604.78    | \$ 604.78    |
| 069836  | 424     | 84 LUMBER                |       | \$ -        | \$ 139.02    | \$ 139.02    |
| 069837  | 717     | FISHER AUTO PARTS        |       | \$ -        | \$ 629.57    | \$ 629.57    |
| 069838  | 711     | GUEST SERVICES           |       | \$ -        | \$ 125.20    | \$ 125.20    |
| 069839  | 401     | RICOH USA, INC           |       | \$ -        | \$ 29.06     | \$ 29.06     |
| 069839  | 403     | RICOH USA, INC           |       | \$ -        | \$ 58.14     | \$ 58.14     |
| 069839  | 404     | RICOH USA, INC           |       | \$ -        | \$ 29.07     | \$ 29.07     |
| 069839  | 405     | RICOH USA, INC           |       | \$ -        | \$ 87.21     | \$ 87.21     |
| 069839  | 406     | RICOH USA, INC           |       | \$ -        | \$ 29.07     | \$ 29.07     |
| 069839  | 425     | RICOH USA, INC           |       | \$ -        | \$ 29.07     | \$ 29.07     |
| 069839  | 433     | RICOH USA, INC           |       | \$ -        | \$ 29.07     | \$ 29.07     |
| 069839  | 440     | RICOH USA, INC           |       | \$ -        | \$ 29.07     | \$ 29.07     |

|        |         |                             |       |             |              |              |
|--------|---------|-----------------------------|-------|-------------|--------------|--------------|
| 069839 | 700     | RICOH USA, INC              |       | \$ -        | \$ 58.14     | \$ 58.14     |
| 069839 | 712     | RICOH USA, INC              |       | \$ -        | \$ 29.07     | \$ 29.07     |
| 069840 | PAYROLL | ING NATIONAL TRUST          |       | \$ -        | \$ 2,945.00  | \$ 2,945.00  |
| 069841 | 402     | JEFFERSON PUBLISH CO INC    | 51611 | \$ 294.26   | \$ -         | \$ 294.26    |
| 069842 | PAYROLL | JEFFERSON SECURITY BANK     |       | \$ -        | \$ 4,818.00  | \$ 4,818.00  |
| 069842 | PAYROLL | JEFFERSON SECURITY BANK     |       | \$ -        | \$ 40.00     | \$ 40.00     |
| 069843 | 425     | V.E. MAUCK PLUMBING SPPL    | 51558 | \$ 627.25   | \$ -         | \$ 627.25    |
| 069844 | 700     | RONALD J. MOLTERE           |       | \$ -        | \$ 11.75     | \$ 11.75     |
| 069845 | PAYROLL | HELEN M. MORRIS, TRUSTEE    |       | \$ -        | \$ 150.00    | \$ 150.00    |
| 069846 | PAYROLL | NATIONWIDE RETIREMENT       |       | \$ -        | \$ 774.00    | \$ 774.00    |
| 069847 | 424     | NEOPOST USA INC.            |       | \$ -        | \$ 79.98     | \$ 79.98     |
| 069848 | 402     | PIFER OFFICE SUPPLY, INC    | 50279 | \$ 314.68   | \$ -         | \$ 314.68    |
| 069848 | 402     | PIFER OFFICE SUPPLY, INC    | 50280 | \$ 1,637.25 | \$ -         | \$ 1,637.25  |
| 069848 | 406     | PIFER OFFICE SUPPLY, INC    | 51398 | \$ 606.11   | \$ -         | \$ 606.11    |
| 069849 | 712     | LAURA POPE                  |       | \$ -        | \$ 20.90     | \$ 20.90     |
| 069850 | 424     | POTOMAC EDISON/OH           |       | \$ -        | \$ 1,724.46  | \$ 1,724.46  |
| 069850 | 425     | POTOMAC EDISON/OH           |       | \$ -        | \$ 17,672.15 | \$ 17,672.15 |
| 069851 | GRANT   | EASTERN PANHANDLE REGION    |       | \$ -        | \$ 7,602.67  | \$ 7,602.67  |
| 069852 | 405     | TRACY P. RICE, CCR          | 50388 | \$ 608.30   | \$ -         | \$ 608.30    |
| 069853 | 402     | RECORD MANAGEMENT<br>SOLUTN | 49696 | \$ 35.00    | \$ -         | \$ 35.00     |
| 069854 | PAYROLL | RETIREE HLTH BENEFIT TRS    |       | \$ -        | \$ 6,916.00  | \$ 6,916.00  |
| 069855 | 403     | SOFTWARE SYSTEMS, INC       | 49897 | \$ 392.00   | \$ -         | \$ 392.00    |
| 069855 | 403     | SOFTWARE SYSTEMS, INC       | 49904 | \$ 262.74   | \$ -         | \$ 262.74    |
| 069855 | 424     | SOFTWARE SYSTEMS, INC       | 49897 | \$ 452.88   | \$ -         | \$ 452.88    |
| 069856 | PAYROLL | SHERIFF OF JEFFERSON CO     |       | \$ -        | \$ 101.66    | \$ 101.66    |
| 069856 | PAYROLL | SHERIFF OF JEFFERSON CO     |       | \$ -        | \$ 23.78     | \$ 23.78     |
| 069856 | PAYROLL | SHERIFF OF JEFFERSON CO     |       | \$ -        | \$ 9,664.72  | \$ 9,664.72  |
| 069856 | PAYROLL | SHERIFF OF JEFFERSON CO     |       | \$ -        | \$ 41,325.04 | \$ 41,325.04 |
| 069856 | PAYROLL | SHERIFF OF JEFFERSON CO     |       | \$ -        | \$ 38,676.51 | \$ 38,676.51 |
| 069856 | PAYROLL | SHERIFF OF JEFFERSON CO     |       | \$ -        | \$ 118.12    | \$ 118.12    |
| 069857 | 424     | SHERWIN-WILLIAMS            |       | \$ -        | \$ 30.86     | \$ 30.86     |
| 069858 | 425     | SHENANDOAH VALLEY WATER     |       | \$ -        | \$ 724.05    | \$ 724.05    |
| 069859 | PAYROLL | SHERIFF OF JEFFERSON CO     |       | \$ -        | \$ 24,972.47 | \$ 24,972.47 |
| 069860 | 424     | CAPITAL TRISTATE            |       | \$ -        | \$ 633.11    | \$ 633.11    |
| 069861 | 712     | TELTRONIC                   | 51609 | \$ 2,350.00 | \$ -         | \$ 2,350.00  |
| 069862 | 700     | CLIFFORD E. TAYLOR          |       | \$ -        | \$ 12.94     | \$ 12.94     |
| 069863 | 403     | UNITED SYSTEMS & SOFTWARE   |       | \$ -        | \$ 199.00    | \$ 199.00    |
| 069864 | PAYROLL | UNICARE EAP                 |       | \$ -        | \$ 322.20    | \$ 322.20    |
| 069865 | 451     | VITAL SIGNS                 | 50328 | \$ 406.00   | \$ -         | \$ 406.00    |
| 069866 | 424     | VERIZON                     |       | \$ -        | \$ 1,130.95  | \$ 1,130.95  |
| 069867 | 717     | NAPA AUTO PARTS             |       | \$ -        | \$ 703.71    | \$ 703.71    |

|              |     |                          |       |                     |                      |                      |
|--------------|-----|--------------------------|-------|---------------------|----------------------|----------------------|
| 069868       | 425 | WM OF WEST VIRGINIA, INC |       | \$ -                | \$ 672.77            | \$ 672.77            |
| 069868       | 716 | WM OF WEST VIRGINIA, INC |       | \$ -                | \$ 95.93             | \$ 95.93             |
| 069869       | 412 | WPS,INC                  | 52133 | \$ 212.92           | \$ -                 | \$ 212.92            |
|              |     |                          |       |                     |                      |                      |
| <b>TOTAL</b> |     |                          |       |                     |                      | <b>\$ 217,237.39</b> |
| <b>TOTAL</b> |     |                          |       | <b>\$ 14,587.05</b> | <b>\$ 202,650.34</b> | <b>\$ 217,237.39</b> |

- **Motion by Ms. Tabb to approve the accounts payable for May 9, 2013 in the amount of \$217,237.39. Motion seconded.**
- **Ms. Tabb requested clarification of a check made out to "Guest Services" under reimbursement/Per Diem. Ms. Tabb withdrew her motion, Ms. Noland withdrew her second. Ms. Fields was contacted for an explanation.**
- **Motion by Ms. Tabb to approve the accounts payable for May 9, 2013 in the amount of \$217,237.39. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:**

David Tabb, resident – Spoke on his experience with First Energy. Mr. Tabb stated although he was overcharged, First Energy resolved his issue in hours.

Patience Wait, resident – Requested the Commission adopt a resolution regarding the Harrison Plant Transfer. Ms. Wait will deliver a copy of the resolution, understanding the Commission will make changes as they deem necessary.

Paula Hardy, resident – Spoke regarding the incorrect billing of her Church by First Energy. Although the problem was corrected, she believes it shows a management issue.

Angie Banks, resident – Spoke regarding her daughter's issues with incorrect billing by First Energy. Ms. Banks stated it puts an unfair burden on customers.

**PRESENTATIONS (continued):**

2. VoIP Presentation – Bill Polk & Tom Reilly presented a power point presentation outlining their recommendation for the installation and implementation of a Voice Over IP telephone system for the County. After the review of seven (7) proposals from various vendors, the VoIP Committee selected two (2) vendors to meet with. After reviewing their proposals, seeing demonstrations of their products and having their questions answered, the VoIP Committee selected ShoreTel. This selection was based on cost, quality of service and best fit for the County.

- **Motion by Ms. Tabb to approve the proposal from IPC Technologies to provide the ShoreTel Voice Over IP telephone system and to approve the quote from CDWG for the replacement of network switches, as recommended by the VoIP Committee with the funding coming from the Capital Fund and the Coal Severance Fund. Motion seconded and unanimously approved.**

Ms. Widmyer requested the VoIP Committee develop a procedure for evaluating the VoIP system in one year, based on cost analysis and performance.

3. Mike Manley, Software Systems, Inc. – Mr. Manley outlined what he believed to be the critical issues the Commission faces with their IT arena. Mr. Manley believes the critical issues facing the County are failures in

infrastructure, lack of bandwidth, network integrity and a lack of policies and procedures for use of IT.

Ms. Keyser was asked, after meeting with Mr. Manley, county staff and elected officials and reading Mr. Manley's report, what her recommendations were, based on priorities. Ms. Keyser listed the following: Hardware costs at \$12,000., Firewall at a cost of \$8,000, Back-up storage for the Commission, Engineering, and GIS/Addressing server at a cost of \$25,000 and training on the budgetary accounting and payroll abilities at a cost of \$3,000. Ms. Keyser stated based on the quotes Mr. Manley has provided, this work should cost approximately \$48,000. Ms. Keyser stated there is \$50,000 in the IT budget to deal with these issues.

- **Motion by Ms. Noland to proceed with the recommendation outlined by Ms. Keyser and implement the recommendations, not to exceed \$48,000. Motion seconded and unanimously approved.**

Ms. Widmyer expressed her concern the Commission was not putting this work out for bid. Ms. Keyser stated everything must integrate with the AS400 and Software Systems, Inc. is the vendor for that system. As these issues are at an emergency state, Software Systems, who is already under contract, would be fixing emergency problems. It was felt by the majority of the Commissioners this was a case were the Commission was fixing emergency issues with an existing vendor and was permissible. Ms. Keyser will confirm with legal counsel this is permissible. Ms. Widmyer requested Software Systems, Inc. provide a detailed explanation of the work to be performed along with specific costs. Ms. Widmyer also requested a copy of the contract between Software Systems and the Commission. Mr. Pellish requested from Mr. Manley a one page summary of what the next step ought to be to look at the broader picture of policy and procedures as the Commission moves forward in the future.

A discussion ensued regarding the direction of the IT Department and if an IT Director or a short term contracted IT person should be hired to pull together the IT direction for the County. It was Mr. Manley's feeling this would be beneficial if the right person is put in the position. He did not believe the County needed a permanent IT Director at this point in time, but someone to help direct the Commission in the future of the needs of the IT department. It was the consensus of the Commission to place this subject on the May 16, 2013. Interviews and Appointments – Home Consortium Board, three (3) – three (3) year terms ending June 30, 2016.

- **Motion by Ms. Noland to reappoint the three candidates, Ms. Annette van Hilst, Ms. Katie See and Mr. Dale Manuel to a three year term ending June 30, 2016. Motion seconded and unanimously approved.**

## NEW BUSINESS

4. Approval of Resolution – Community Participation Grant Program for the Contemporary American Theater Festival in the amount of \$5,000.

### JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

#### RESOLUTION

The Jefferson County Commission met on the 16<sup>TH</sup> day of May, 2013, with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, hereby authorizes Dale Manuel, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive and administer grant funds pursuant to provisions of the Community Participation Grant Program in the amount of \$5,000. The funds from this project will be used to further expand the reach and visibility of the Contemporary American Theater Festival.

Dated : \_\_\_\_\_

\_\_\_\_\_  
DALE MANUEL  
PRESIDENT  
JEFFERSON COUNTY COMMISSION

ATTESTED: \_\_\_\_\_  
County Clerk

- **Motion by Ms. Widmyer to approve the Community Participation Grant Program Resolution for the Contemporary American Theatre Festival in the amount of \$5,000, and to authorize the President of the Commission to affix his signature to the appropriate documents. Motion seconded and unanimously approved.**
5. Approval to send a letter of endorsement to the West Virginia Alcohol Beverage Control Administration in support of the “Non-intoxicating Beer Floor Plan Extension” under a tented area at Hollywood Casino for a special event.
- **Motion by Ms. Noland to approve the letter of support to the West Virginia Alcohol Beverage Control Administration and to allow the president to affix his signature on the letter for the “Non-intoxicating Beer Floor Plan Extension”. Motion seconded and unanimously approved.**
6. The Commission recessed for break at: 11:10 a.m.  
The Commission reconvened at: 11:20 a.m.

#### COUNTY ADMINISTRATOR REPORT:

Ms. Keyser requested the Commission approve, per our policy, to allow Sandy McDonald to perform the duties of Paul Shroyer, due to his retirement, through July 31, 2013 for the necessary fiscal year-end budget requirements needed for the first payroll in July.

- **Motion by Mr. Manuel to approve a temporary job assignment, in compliance with our policy, to Sandy McDonald effective May 9, 2013, through July 31, 2013. Motion seconded and unanimously approved.**

#### COUNTY COMMISSIONERS REPORTS:

Dale Manuel:

- Attended the Mannings Public Hearing.
- Attended the presentation by Senator Rockefeller to the WWII hero Mr. Mayer.
- Attended the Teen Court meeting.
- Announced a Public meeting, May 21<sup>st</sup>, with Allegheny Energy Supply, LLC, regarding re-licensing the Millville Hydroelectric Project.
- Announced the Jefferson County Community Choir – spring 2013 concert on May 13<sup>th</sup> with proceeds going to the “Cougars go to College” fund.

Patsy Noland:

- Attended the Mannings Public Hearing.
- Have been working on the proposal for the alternative for paid Firefighters/Paramedics/EMTS.
- Met with various firefighters.
- Attended a 4-H meeting.

- Requested a postponement of the Public Hearing on the Jefferson County Emergency Services Agency Fee Schedule until there is a second option for the public to hear. Ms. Noland will request this as an agenda item.

Walt Pellish:

- Attended the Mannings Public Hearing.
- Attended Town Hall meeting held by the Attorney General.

Jane Tabb

- Attended the presentation by Senator Rockefeller to the WWII hero Mr. Mayer.
- Attended the PSD meeting.
- Attended the Farmland Protection Board Easement Committee meeting.
- Attended the Mannings Public Hearing.
- Met with Volunteer Fire Fighters.
- Attended the Mannings Public Hearing.

Lyn Widmyer:

- Attended the NAACP Forum regarding Potomac Edison.
- Attended an all-day retreat for Community Ministries.
- Attended the League of Women's Voters State Conference.
- Talked with the Director of the Regional Jail regarding inmates picking up litter on the roadsides. Ms. Widmyer would like to invite him to come and speak to the Commission.
- Ms. Widmyer requested we come up with someone to represent Jefferson County in the parade for the 250 Anniversary per the Governor's request. It was decided the schools would be contacted regarding band participation.

**COUNTY ADMINISTRATORS REPORT (continued):**

- **Motion by Ms. Noland to enter into Executive Session pursuant to §6-9A-4(6), possible litigation. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to come out of Executive Session.**
- **Motion by Ms. Noland to approve back pay, overtime and benefits in the amount of \$27,569.17 to the Emergency Management non-exempt employees. Motion seconded and unanimously approved.**

The Commission meeting was adjourned at 12:36 a.m. on a motion by Ms. Noland. Motion was seconded and unanimously approved.

---

DALE MANUEL, PRESIDENT

Respectively submitted  
Cynthia C. Schott  
Administrative Assistant

**PURCHASE ORDERS TO BE APPROVED**

**May 16, 2013**

| DEPARTMENT        | PURCHASE ORDER | AMOUNT       | VENDOR                            | DESCRIPTION                        |
|-------------------|----------------|--------------|-----------------------------------|------------------------------------|
| ANIMAL CONTROL    | 50360          | \$ 367.00    | Valley Pet Cemetery               | Carcass Disposal                   |
|                   | 50361          | \$ 1,132.42  | Alpha Tech Pet, Inc.              | Kennel Cleaning Supplies           |
|                   | 50363          | \$ 194.08    | Hillside Vet Hospital             | Veterinary Care                    |
| CENTRAL GARAGE    | 51567          | \$ 250.90    | Millers Chrysler-Jeep             | Hydraulic Control                  |
| COMMUNICATIONS    | 51595          | \$ 225.00    | Jefferson County Fair             | Exhibit Space                      |
|                   | 51596          | \$ 1,500.00  | Panhandle Accident Reconstruction | Background Investigation           |
|                   | 51597          | \$ 125.00    | Sencommunications, Inc.           | Warranty Repair                    |
| COUNTY CLERK      | 51613          | \$ 5,727.50  | BK Office Systems                 | Office Furniture - Indexing Office |
|                   | 51614          | \$ 114.47    | Pifer Office Supply               | Material/Supplies                  |
|                   | 51615          | \$ 892.50    | Charles Town Copying Services     | Printing - Courthouse brochures    |
| COUNTY COMMISSION | 50070          | \$ 79,495.20 | WV Regional Jail                  | April Billing                      |
| COURTHOUSE        | 51572          | \$ 133.19    | Grainger                          | Material/Supplies                  |
| GIS/ADDRESSING    | 51372          | \$ 3,079.09  | Dell Marketing                    | Computer                           |
| OTHER BUILDINGS   | 51573          | \$ 2,250.00  | RCS Security                      | Annual Inspection                  |
|                   | 51575          | \$ 170.00    | Winchester Security               | Service Call                       |
|                   | 51576          | \$ 430.00    | Reese's Landscape Nursery         | Repair pond- Sam Michaels          |
|                   | 51577          | \$ 280.06    | Eastern Lift Truck Company        | Service Inspection                 |
| PLANNING & ZONING | 50331          | \$ 1,065.01  | Dell                              | Computers                          |

|                     |       |                      |                              |                          |
|---------------------|-------|----------------------|------------------------------|--------------------------|
| PROSECUTOR'S OFFICE | 50391 | \$ 162.98            | Staples                      | Office Supplies          |
|                     | 50392 | \$ 1,370.92          | Specialty Business Supplies  | Office Supplies          |
|                     |       |                      |                              |                          |
| Sheriff - LAW       | 51307 | \$ 3,583.50          | Galls                        | Uniforms                 |
|                     | 51310 | \$ 2,523.21          | Superior Auto Body           | Sheriff's Cars - repair  |
|                     | 51312 | \$ 211.86            | Specialty Bussines Supply    | Printing                 |
|                     | 51313 | \$ 473.51            | The Journal                  | Advertize for employment |
|                     | 51314 | \$ 494.00            | West Virginia Sigman & Light | Vehicle Equipment        |
|                     | 51315 | \$ 369.47            | Enhanced Printing & Promo    | uniform accessories      |
|                     |       |                      |                              |                          |
|                     |       |                      |                              |                          |
| <b>GRAND TOTAL</b>  |       | <b>\$ 106,620.87</b> |                              |                          |

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Laura Storm

Department or Entity: Circuit Clerk

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice May 16, 2013

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

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

Subject:

Hiring of a Full Time Deputy Clerk

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

Due to the departure of a full time employee, I ask that you approve the hiring of Lisa Renee Walters to a full-time position as Deputy Clerk within my office effective May 13, 2013. Her grade will be II D with a salary of \$30,000.00 with full benefits afforded to Jefferson County Commission employees. This position has previously been approved by the commission and the funds are within my budget so no additional monies are being requested.

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

Approve the hiring Lisa Renee Walters to a full-time position as Deputy Clerk within the Circuit Clerks office. Her grade will be II D with a salary of \$30,000.00 with full benefits as afforded to Jefferson County Commission employees effective May 13, 2013.

**JEFFERSON COUNTY**

**Personnel Requisition**

Department Name Circuit Clerk Date 5-13-2013 Date Needed 5-13-2013

Job Title Deputy Clerk Salary 28,500 Criminal History Check  Yes  No

Suggested Recruitment Source(s) \_\_\_\_\_

Applicants Interviewed By Laura Storm Position Reports To \_\_\_\_\_

Minimum Education Required \_\_\_\_\_

Minimum Experience Required \_\_\_\_\_

Job Duties \_\_\_\_\_

**Budget Information**

Addition  Replacement  Explain or For Whom Alicia Rickard -

Position Budgeted  Yes  No Proposed Salary \_\_\_\_\_ Date of Hire 5-13-2013

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

Safety/Security \_\_\_\_\_ Hours Per Week \_\_\_\_\_

**Approvals**

Elected Official Approval \_\_\_\_\_ Date \_\_\_\_\_

Department Head Approval \_\_\_\_\_ Date \_\_\_\_\_

County Commission Approval \_\_\_\_\_ Date \_\_\_\_\_

Comments \_\_\_\_\_

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: 10 minutes

Date Requested – 1<sup>st</sup> Choice: May 16, 2013

Date Requested – 2<sup>nd</sup> Choice: May 30, 2013 (we are not available for the May 23<sup>rd</sup> meeting)

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

Subject: **Summit View Estates Subdivision (JCPC File 03-21) – Bond/Surety Call-in Request**

Please provide the County Commission with a description of your request or presentation, including any background information: The Summit View Estates Subdivision is a 27 lot subdivision that began in 2003. The developer of Summit View Estates Subdivision is in default of the Bonding Agreement by failing to complete all the site improvements by the required deadline. The Bonding Administrator and the Chief County Engineer present the attached memorandum outlining the status of the project and the justification for this request for the County Commission to call-in the bond and the bond surety.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): See attached memorandum for the recommended motion.

Attachments: Memorandum dated May 7, 2013 outlining the status of the project.

## MEMORANDUM

### Jefferson County, West Virginia Engineering Department

TO: Jefferson County Commission

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

DATE: May 7, 2013

SUBJECT: Summit View Estates Subdivision (JCPC File No. 03-21)  
Lots 1 through 26 and Residue (27 lots)  
Calling-In of Bond for Completion of Site Improvements

#### Project Information:

Developer: Araby Homes, LLC  
Melynda S. Wilcom-Stone  
349 Keith Drive  
Summit Point, WV 25446

Status with WV Secretary of State for Araby Homes, LLC:  
Control Number 60060,  
Effective Date: 9/25/2003,  
Termination Date: 9/10/2008,  
Termination Reason: Revoked

Original Bond/Surety Amount: \$618,526.00

Bond Expiration Date: November 2, 2007

Surety: United Bank, Inc. – Irrevocable Letter of Credit #0404  
Remaining Bond/Surety Amount: \$250,000.00  
Surety Expiration Date: July 15, 2013

Surety Contact/Address: Chris Colbert, Vice President  
7867 Martinsburg Pike  
Shepherdstown, WV 25443  
Phone: 304-876-6002

Summit View Estates HOA:

Official Name: Summit View Estates Homeowner Association, Inc.  
HOA President/Director: Melynda S. Wilcom-Stone  
Street: 349 Keith Dr.  
City/St./Zip Summit Point, WV 25446

Phone: 304-725-8141  
Email: Unknown

HOA Board Member Names:

There are no elected board officers at this time.

Several phone calls were made to the director Melynda Wilcom-Stone with no response. After discussion with some of the lot owners in the development, it appears that the lot owners have tried to schedule an HOA meeting but was discouraged by the director. The lot owners did mention that they did hire an attorney, but no documentation of this was received by this office.

Engineering Firm: Name/Address/Phone/Engineer-of-Record:

Appalachian Surveys of West Virginia, LLC  
PO Box 35  
Charles Town, WV 25414  
304 725-4572  
Lisa D. McCauley PE, #11740

General Project Description:

The Summit View Estates Subdivision is a twenty-six lot residential subdivision and a residue lot for a total of 27 lots. The project encompasses 109 acres with no lot under three acres in size. The project is located on the west side of Shirley Road, approximately 1 mile north of the intersection of Summit Point Road and Shirley Road.

## Status of Site Improvements:

Based on information in the project file and observations made during recent site visits, the following is the status of completion of site improvements and work that remains to be completed:

### 1. Road Culverts & Drainage Swales:

Based on visual observations, the road culverts, end sections, and riprap appear to be installed in the correct locations as shown on the preliminary plat. However, the as-built certification remains to be submitted by the developer.

### 2. Water System:

The project proposed individual wells for potable water for each lot. Locations are shown on the preliminary plat. Individual wells are to be installed by the lot owner; therefore, this item is not required to be bonded.

### 3. Sanitary Sewer System:

The project proposed individual septic fields for waste water disposal for each lot. Locations are shown on the preliminary plat. Individual septic systems are to be installed by the lot owner; therefore, this item is not required to be bonded.

### 4. Traffic Signs:

The eight "25 MPH" signs, three "Stop" signs and a "Private Drive" sign, shown on the preliminary plat, are not installed at this time and remain to be installed. The street signs appear to be in place in accordance with the preliminary plat.

### 5. Storm Water Management Basin:

The Jefferson County Engineering Department staff visited the site to verify the status of the storm water management facility. The SWM concrete weir walls appear to be in place for both ponds with the temporary sediment and erosion control (SEC) devices still in place. The temporary SEC devices need to be removed and the water quantity and quality devices installed as shown on the Preliminary Plat, Sheet 19.

Also shown on Sheet 19 is a detail for the water quality swale, which is also shown in a plan view on Sheet 8. Due to the overgrown vegetation and the wet weather, staff could not verify if the water quality swale is in place.

Satisfactory as-built plans and certifications for the stormwater management facilities remain to be submitted by the developer demonstrating that they are

properly constructed.

#### 6. Streets:

The roadway plan and profiles are shown in the Preliminary Plat plans and the pavement section detail is shown on Sheet 18. Letters of certification are on file (dated October 7, 2004, July 20, 2005, and September 29, 2005) by Triad Engineering Inc., (signed and sealed by Bradley A. Reynolds, P.E.), certifying that the roadway work "was performed in accordance with the project plans/specification and Jefferson County inspection requirements" for all roads except Keith Drive from station 42+00 to the end. The roadway to that point appears to be in place and functioning properly.

For work from station 42+00 on, the subgrade appears to be in place and stabilized with vegetation. The vegetation needs to be removed and the roadway subgrade needs to be proof-rolled and the vertical profile elevations checked prior to placement of the stone and asphalt.

The Preliminary Plat plans, Sheet 3, shows road frontage improvements along Shirley Road at the subdivision entrance. The improvements include 3' wide shoulder widening with a 1' deep ditch, for a length of a length of 960 feet. The roadway improvements remain to be constructed.

Under the bonding policy, the developer is responsible for making good on any work that fails prior to the final bond release. Subdivision street repairs remain to be completed.

#### 7. Property Corners

A certification letter from Dewberry & Davis LLC (signed and sealed by Karen K. Brill, PS) dated October 6, 2004 states that lots 1 through 10 property corners are set. A certification letter for the remaining 17 lots remains to be submitted by the developer.

#### 8. Site Stabilization

All eroded areas need to be re-graded and stabilized with permanent seed and mulch in accordance with the construction plans.

#### 9. Common Areas

Common areas need to be mowed prior to turning over to HOA.

Common areas (e.g., road right-of-way, SWM areas, hiking trail areas, etc.) remain to be deeded over to the HOA by the developer.

**Justification for Calling-In the Bond:**

1. The Engineering Department bonding administrator received a letter on June 7, 2012, from a property owner of the residue lot requesting the bond/letter of credit be called-in and the funds used to finish the site improvements for the project. The property owner cannot utilize his property until the remaining infrastructure is in place.
2. The last know date that the developer, Araby Homes, LLC, performed work on the project was on December 2, 2008.
3. According to the Secretary of State's office, Araby Homes, LLC's business license was terminated on September 10, 2008 and is listed as "Revoked." The developer/company is not in good standing with the State of West Virginia.
4. The developer, Araby Homes, LLC, was sent a letter on March 25, 2013, informing them they are in default of the bonding agreement. The developer was informed that unless a written response was received from them by Friday, April 19, 2013, justifying a stay on the recommendation to call-in the bond, the Engineering Department will move forward with the recommendation to the County Commission.

The Engineering Department received a letter from the developer dated April 17, 2013, requesting another time extension with no indication of when the work will be completed and/or justification for why a stay should be placed on calling-in the bond. The developer had 2-1/2 years to complete the site improvements and was granted two time extensions resulting in a total of 4-1/2 years to complete the site improvements. Little progress was made during that time period. To date, the developer has had almost ten years to complete the site improvements on a 27 lot subdivision but has failed to do so.

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**Recommended Motion by County Commission:**

Move to formally "call-in" the bond due to the developer being in default of the bonding agreement and non-responsive in completing the site improvements required by the Preliminary Plat (construction plans); and that:

1. The Engineering Department Staff notify the surety provider in writing that the developer is in default of the bonding agreement and has been non-responsive and therefore has forfeited the bond; and
2. The Bonding Administrator shall pull the Letter-of-Credit (surety) before the July 15, 2013 expiration date and the Bonding Administrator shall

place the funds in an escrow account at a local bank for use in completing the site improvements; and

3. The Engineering Department staff shall give the surety provider the opportunity to redeem the escrowed surety funds by giving the surety provider reasonable opportunity to complete the site improvements in accordance with the Preliminary Plat. If the surety provider fails to complete the site improvements within a reasonable amount of time, or declines the opportunity to complete the improvements, then the Engineering Department staff shall obtain bids and proposals on behalf of the homeowner's association for completion of the site improvements; and
4. The County Administrator and the County's civil attorney shall provide guidance and assistance to the Engineering Department staff, as deemed necessary, in getting the site improvements completed.



Summit View  
Estates

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Barbara Miller

Department or Entity: Homeland Security and Emergency Management

Estimation of amount of time needed for appointment: 10 Minutes

Date Requested – 1<sup>st</sup> Choice: May 16, 2013

Date Requested – 2<sup>nd</sup> Choice: June 6, 2013

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

Subject:

- 1) National Weather Service "StormReady" Accreditation 2013-2016. Letter and certificate received from the National Weather Service Office.
- 2) Adoption of the 2013 Jefferson County All Hazards Risk Assessment and Mitigation Plan.

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

- 1) Jefferson County was first designated as a "StormReady" Community in 2004 and has met all of the criteria to be re-accredited every 4 years since that time. This designation proves our ability to monitor weather conditions, receive National Weather Service watches and warnings, and can disseminate life-saving information to the public in a timely fashion. This designation earns Jefferson County additional points on the Community Rating System of the National Flood Insurance Program.
- 2) The JCHSEM Risk Assessment and Mitigation Committee has worked over the past year to update the County's All Hazards Risk Assessment and Mitigation Plan, that is updated every 5 years, per the rules and regulations of the Disaster Mitigation Act of 2000. The final draft of document was put out for public comment in March, was available for review on-line, and at our office, as well as, the County Commission's Office. After the comment period, it was sent to WV Division of Homeland Security and Emergency Management's Mitigation Department for their review and upon their approval, was sent to the Federal Emergency Management Agency for

their review and approval. On May 6, an email was received from the state and FEMA that the plan has been approved, pending adoption by the County Commission and the Municipalities within Jefferson County. The document in its entirety is available online at [http://www.jeffersoncountywv.org/uploads/homeland/JCHMP2013%20Final%20Draft%203\\_29\\_13.pdf](http://www.jeffersoncountywv.org/uploads/homeland/JCHMP2013%20Final%20Draft%203_29_13.pdf)

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

- 1) No motion required.
- 2) I move to approve the adoption of the 2013 Jefferson County All Hazards Risk Assessment and Mitigation Plan, and authorize the President of the Jefferson County Commission to sign the presented Resolution.

Attachments:

- 1) Letter from the National Weather Service, Sterling and the certificate.
- 2) Copy of Resolution.



U.S. DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
National Weather Service  
Baltimore/Washington Weather Forecast Office  
43858 Weather Service Road  
Sterling, Virginia 20166-2018

APR 16 2013

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

Dear Mr. Manuel:

It is with great pleasure that NOAA's National Weather Service recognizes the Jefferson County as StormReady. This recognition clearly shows your dedication to providing the residents of the Jefferson County exceptional preparedness for weather events. Your ability to monitor weather conditions, receive National Weather Service watches and warnings, and disseminate life-saving information to the public is exceptional.

I would also like to specifically commend your Director of Emergency Management, Barbara Miller, who has been a driving force in maintaining the level of excellence needed for StormReady recognition. Together with the Jefferson County Homeland Security and Emergency Management staff, their initiative and hard work in training citizens and government agency workers, as well as maintaining strong ties with the National Weather Service, have been instrumental maintaining Jefferson County's StormReady status.

As a StormReady community, the Jefferson County is authorized to use the StormReady logo in brochures or other county documents. You are also authorized to order additional StormReady signs, like those already provided by the National Weather Service to Ms. Miller. Your current StormReady recognition will be valid for three years, expiring in March 2016. We recommend the county apply for renewed recognition three months prior.

Finally, if the Jefferson County is a participant in the National Flood Insurance Program, the county continues to be eligible for additional ISO community rating system points. It is recommended that StormReady recognition be applied during the next ISO rating, if appropriate.

Again, congratulations, on this notable achievement. The National Weather Service is proud to have you as a part of the growing StormReady family. Our office looks forward to continue to work closely with the Jefferson County to safeguard its people from weather events.

Sincerely,

James E. Lee  
Meteorologist-In-Charge

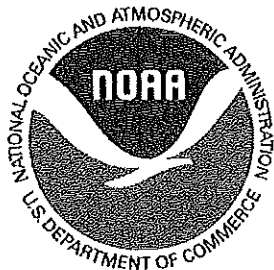





# Jefferson County West Virginia

Jefferson County has met all of the StormReady communications, safety and preparedness requirements necessary to help people within the community to receive weather warnings and to respond to future weather events.

Recognized 2013-2016



  
Christopher Strong, Warning Coordination Meteorologist  
National Weather Service; Baltimore/Washington  
4 March 2013



**RESOLUTION – JEFFERSON COUNTY COMMISSION**

WHEREAS natural, technological, and man-made hazards can affect Jefferson County;  
and

WHEREAS significant structural, historical, and economic losses could result from an  
occurrence of a natural, technological, or man-made hazard event; and

WHEREAS undertaking mitigation projects during pre-disaster periods could decrease  
the total losses Jefferson County incurs as a result of said hazard occurrences.

THEREFORE the Jefferson County Commission has undertaken a project to update the  
existing *Jefferson County Multi-Jurisdictional All-Hazard Mitigation Plan*, adopted in  
2008, in an effort to further identify, define, and characterize the hazards affecting  
Jefferson County as well as to continue identifying and prioritizing projects that could  
lessen hazard vulnerability.

WHEREAS the Jefferson County Commission has a strong interest in reducing losses  
from future hazard occurrences; and

WHEREAS the hazard mitigation plan is a federal and state requirement to maintain  
eligibility for hazard mitigation funding, and, by that requirement, must be updated a  
minimum of every five (5) years; and

WHEREAS a cooperative, joint effort is a proven, efficient way to plan for and reduce  
hazard susceptibility in all government jurisdictions in Jefferson County, West Virginia.

THEREFORE the Jefferson County Commission joined the Cities of Charles Town and  
Ranson, the Towns of Bolivar and Harpers Ferry, and the Corporation of Shepherdstown  
in the completion of this plan update.

NOW BE IT RESOLVED THAT the Jefferson County Commission does hereby adopt  
the updated *Jefferson County Multi-Jurisdictional All-Hazard Mitigation Plan* (as  
presented and with any state/federally-required modifications) this \_\_\_\_ day of  
\_\_\_\_\_, 20\_\_.

SIGNED: \_\_\_\_\_  
President, Jefferson County Commission

**AGENDA REQUEST FORM**

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



Name: Jennifer Myers

Department or Organization: Jefferson County Parks & Recreation Commission

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

Date Requested – 1<sup>st</sup> Choice: May 16, 2013

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

If a specific date is needed, please provide reason for specific date: Grant is due June 1st.

Subject (Wording to be placed on agenda): Resolution of support for JC

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

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

The Jefferson County Comr

Are documents attachments? Yes  No

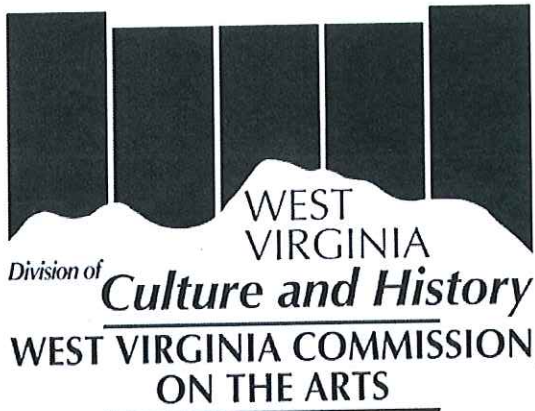
If not, explain: Grant is in progress, not fini

Is a projector needed? Yes  No

Contact information:

Email address: jmyers@jcprc.org

Phone number: 304-433-4049



West Virginia Division of Culture and History  
Commission on the Arts  
The Culture Center  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0300  
Phone: 304-558-0240 • TDD: 304-558-3562  
Fax: 304-558-3560  
[www.wvculture.org](http://www.wvculture.org)  
EEO/AA Employer

**FY2014**  
**CULTURAL FACILITIES &**  
**CAPITAL RESOURCES GRANT**  
**POSTMARK DEADLINE JULY 1**

Contact: Rose McDonough, [rose.a.mcdonough@wv.gov](mailto:rose.a.mcdonough@wv.gov)

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**ENCLOSED**

- ✓ Introduction; Goals & Priorities; Application Timeline
- ✓ General Information
- ✓ Application Forms and Instructions
- ✓ Submission Checklist
- ✓ Review Criteria
- ✓ National Standard Coding Sheet
- ✓ *Before applying, download and read the West Virginia Commission on the Arts [General Guidelines](#)*



All publications and application forms are available in alternate formats.  
Contact Rose McDonough, Accessibility Coordinator at  
304-558-0240 x. 152 (voice) 304-558-3562 (TDD)

# Cultural Facilities & Capital Resources Grant

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## ***Introduction***

The Cultural Facilities and Capital Resources Grant (CFCRG) program offers competitive grant funding opportunities for WV Arts organizations as a first priority and WV History organizations as a secondary priority. Funding for this program comes from the WV Legislature and the WV Lottery. Specific guidelines have been set by the WV Commission on the Arts (WVCA) and the WV Division of Culture and History to comply with WV Legislative Rule Title 82, Series 7. Funds available for granting will fluctuate from year to year. Each application is reviewed by a panel made up of experts in facilities management and by members of the WVCA. Final funding decisions are made by the WVCA.

Awards provide for the purchase of buildings and property, renovations to existing facilities, improvements in accessibility and safety, artistic equipment for visual and performing arts, and durable equipment to make mechanical services more efficient and economical.

## ***Goals & Priorities***

- The goals of these efforts are the same as the priorities originally set in the guidelines:
  - o Increase or assure public access arts and history
  - o To encourage collaborations and partnerships to invest in cultural experiences
  - o Service to multi-county regions
  - o Contribute to economic development
  - o Further cultural development in rural, under-served, or minority communities
  - o Address known health and safety improvements
  - o Access to facilities for artists and others with disabilities
  - o Improve, expand, or rehabilitate existing buildings to provide for handicapped accessibility
  - o Reduce an organization's operating costs

## ***Application Timeline***

- Letter of Intent Deadline: Postmark April 1
- Draft Review Deadline: Postmark June 1
- Application Deadline: Postmark July 1
- Panel Review: August
- WVCA Approval: September
- Notification of Award: By October 1
- Grant Year: October 1<sup>st</sup> -September 30<sup>th</sup>
- All expenses to be paid for with grant funds must be dated October 1, 2014 or later
- Final Report: 30 days after receipt of final payment

## General Information

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### ***Eligibility Requirements***

- Must be an agency of municipal or county government including county school boards or
- A not-for-profit, tax-exempt West Virginia corporation as defined in 501 (c) (3) and 501 (c) (4) of the Federal Internal Revenue Code of 1954 and as designated in compliance with s.70 of that code at the time of application and prior to release of funds. Arts organizations (as a first priority for funding) and history organizations (as a second priority for funding) may apply.
- Received funding from the WVCA in each of the three previous years. Requests for exemption will be considered if submitted in writing no later than 30 days prior to the application deadline.
- Applicant must demonstrate the capacity of the applicant organization to fulfill the arts/history administrative purposes and requirements of the project.
- Must have satisfied any administrative requirements required to complete other grants from the WVDCH, including final reports of grants received from the WVCA.
- Applicants other than multi-phased applicants who have received an award at \$300,000 or above are not eligible to apply for a period of three years following the end of the grant year when they last received funding. A re-application must demonstrate significant public arts and history museum programming benefit beyond the achievements of the earlier project.
- A private individual/group or for profit organization are NOT eligible.
- Public and private institutions of higher education are NOT eligible.
- Any capital project receiving more than \$3 million from any agency or department of state government during five years previous to the application is not eligible.

### ***Grants will be awarded for:***

- Acquisition of real property
- Renovation and/or construction including alteration needed in order to comply with Section 504 of the 1974 Rehabilitation Act, 1990 Americans with Disabilities Act, and 2010 Standards for Accessible Design.
- Durable equipment such as assistive listening devices, dance floors, sound and lighting equipment, projection systems that will expand accessibility and availability of programming, furnishings which contribute to the artistic/historic museum experience and equipment that will enhance earned income of the arts organization/history museum.

### ***Priority given to projects that:***

- Increase or assure public access to the arts
- Involve collaborations or partnerships that leverage additional public/private investment
- Are supported by and serve more than one county.

### ***Emphasis shall be on projects that:***

- Provide ongoing public experience of the arts.
- Improve sustainable fiscal operation of arts organizations.
- Advance artistic excellence.

***A secondary priority given to history-focused projects that:***

- Increase public programming.
- Secure permanent collections.
- Advance historical museum presentation and practice.
- Can be a public or private nonprofit institution, which is organized on a permanent basis for essentially historical, educational or aesthetic purposes.
- Uses a professional staff, either paid or volunteer, primarily engaged in the acquisition, care or public exhibition of objects owned or used by the institution.
- Owns or uses tangible objects.
- Cares for objects and exhibits them to the general public on a regular basis.
- Must be opened to the public at least 120 days a year.

***Additional weight given to projects that:***

- Contribute to economic development.
- Include requests from organizations that further cultural development in rural, under-served or minority communities.
- Address known health and safety deficiencies.
- Create or improve access to facilities for working artists and historians with disabilities.
- Improve, expand or rehabilitate existing buildings to provide for physical and programmatic accessibility.
- Reduce an organization's operating costs.

***Grants will not be awarded for/to:***

- Operating costs or Mortgage payments.
- Office equipment.
- Bad debt.
- Endowment campaigns.
- Projects restricted to private or exclusive participation which include restricted access on basis of sex, race, color, religion, national origin, disability, age, handicap or marital status.

***Funding Levels***

- The funding levels shown here are those provided in the Legislative Rule. The availability of funds as determined by other changes to the CFCRG Program may make upper level award amounts unlikely to be approved. Please inquire with Arts Staff; applicants make decisions about level of requests, the WVCA approves all awards.
  - o \$2500 to \$500,000 for single phased projects.
  - o Multi-phase projects may apply for funding for up to three consecutive years not to exceed \$750,000 cumulative.

***Matching Funds***

- Applicants are required to match on an equal dollar-for-dollar (1:1) match basis from federal, foundation, corporate and local private contributions.
- No funds from any state government sources may be counted as match.
- All funds used for the match requirement must be in cash.
- Mortgage interest may **NOT** be used as match.
- Fundraising costs may **NOT** be used as match.

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- Loan proceeds may **NOT** be used as match.
- Operational funds may **NOT** be used as match.
- Previous expended funds may be used if spent within 5 years previous to the application. This must be documented and directly related to the project described in the application.
- If the project is multi-phased, the applicant must designate matching funds only to the project phase presented in the application and may not use them in a previous or succeeding application or in any other arts or historic preservation grant proposal.
- An applicant may not use revenue from bond issues that have not been passed at the time of application as match. Cash proceeds from bond issues must be expended by the end of the grant period in order to qualify as match.
- Building or land costs to be used as match must be owned by the applicant and purchased or acquired within five years of the date of application. Purchase price or documented value at the date of acquisition may be used. Current market value may not be used.

***Appeal Process***

- Any applicant denied a grant under the provisions of this rule may appeal by writing to the Director of Arts, requesting that the application be reconsidered.
- The letter of appeal must be received no later than sixty days after receipt of notice of denial.
- The WVCA will consider appeals only if the applicant can document specific examples that demonstrate the application was misrepresented or improperly reviewed.
- The Director of Arts shall review the letter and submit it along with a copy of the application to the WVCA for consideration at the next regular meeting.
- The Director of Arts shall notify the applicant within ten days of the decision of the WVCA.
- If an appeal presents new material or adds new purposes to the project which is the subject of the appeal, the request will be treated as a new application by the WVCA. New applications shall be reviewed in the next grant cycle.

***Additional Information***

- Complete the checklist and submit all required materials.
- Sign the original application in blue ink.
- Remember to send the original and one additional single-sided copy complete with attachments.
- Do not staple or bind application materials. Use paperclips if necessary. No additional folders or notebooks are needed.
- Do not hole punch your application.

## Application Instructions

*Read all instructions and forms thoroughly.*

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### Getting Started

- ✓ Read all instructions and forms thoroughly.
  - ✓ All sections of the application must be typewritten. Handwritten applications will not be considered.
  - ✓ Do not staple or bind materials. Use paper clips to separate projects and sections.
  - ✓ Submit ORIGINAL and ONE complete single-sided copy of your grant application packet including all supporting documents.
  - ✓ If you are completing the application using the Microsoft Word format:
    - Forms are compatible with most versions of Microsoft Word 1997 to 2012.
    - Save your application often while you work.
    - Form fields are highlighted in gray.
    - Spell Check does not recognize text in the form fields, so be sure to review and proofread carefully.
    - There are no character limits in the form fields. As you type, it will automatically advance to the next page.
    - Text is automatically formatted in the form fields – applicant cannot change the font, its size, or color, or paragraph spacing.
    - If you have any issues with the form, call the Arts staff at (304)558-0240.
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### Part I: Applicant Cover Sheet

- This form requires the organization's legal name as recognized by the IRS and the WV Secretary of State. This is the organization legally responsible for the project and having undisturbed use of the facility at time of application. Make sure that the street address is included if using a PO Box for mailing. (Note: at time of application, undisturbed use does not apply to acquisition projects.)
- For Contact Person, enter the name and title of the person responsible for the supervision of the project and administration of the grant. List daytime and evening phone numbers, e-mail, and website if applicable. All correspondence concerning the application will be addressed to the Contact Person. It is the responsibility of the applicant to notify the Director of Arts if there is a change in the Contact Person.
- Enter your Federal Employer Identification Number in the blank labeled FEIN. Enter your date of incorporation. If you are not a tax-exempt organization under IRS code 501, you are not eligible for grants.
- Confirm your non-profit status by attaching your IRS determination letter to your application.
- Code your organization using the national coding standards included with these instructions. Code ALL blanks in relation to your organization. If you are unsure, contact staff for assistance.
- Type of organization: Check the category that best describes your organization or check *other* and provide a short description.
- *Project scope*: Check only one category and indicate single or multi-phase project.
- *Historical significance*: If you have received or applied for funds from the WV State Historic Preservation Office, attach a description of prior, current or pending grants.

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- *Ownership:* Address facility ownership here. If the facility is being leased, the lessor must be named and the length of the lease disclosed (the lessor must be a non-profit entity). If the application is for acquisition of a property, clearly indicate and list the current owner. Documentation of intent to sell and the purchase price must be provided in the original application.
  - *WV Legislative Districts:* Provide information based on the location of the project.
  - *Project title:* Include the type of project proposed (for example: Construction of Education Room; Art Studio Renovation, or Control Board for Lighting System). If the applicant name is different from the facility name add the facility name to the title. Do not repeat the applicant name in the title.
  - *Application Summary:* List Grant Amount Requested in this application. Total Applicant Match Achieved is the amount that has been raised or being claimed to match the request. Applicant Match Remaining is the amount left to be secured toward the match of the project.
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**Part II: Project Narrative**

All CFCRG applicants must submit a narrative. Be concise and thorough. Answer ALL questions. Attach separate sheets typed in at least 12 point font with no less than 1" margins, and retype headings in bold before each section of the narrative.

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**Part III: Budget Summary**

PROJECT BUDGET SUMMARY: Record request, applicant funds, and total project cost. Prior to application, projects requesting \$50,000 or more may be evaluated on-site.

**(a) Expenses**

1. *Land Acquisition:* Amount paid by the applicant for purchasing land involved in the projects, or documented in-kind value of land donated for the project according to a certified property appraiser. Use the acquisition date value. Lease value is not eligible for match.
  2. *Building Acquisition:* Amount paid by the applicant for purchasing building involved in the project, or documented in-kind value. Use the acquisition date value.  
*Note: The following restrictions apply:*
    - a. The time limit for claiming building or site acquisition as match (if cash was expended), shall be for an acquisition that occurred no earlier than July 1, 1997 or 5 years before the application deadline, whichever is the shorter period of elapsed time.
    - b. Must be applicant-owned, or be acquired as part of the grant.
    - c. Lease value not eligible for match
  3. *Architectural Services:* Amount paid (or documented in-kind) for total services involved with project. These may include design work, schematics, design development, bidding and negotiation, consultant services, and contract administration by the architect. Remember, you may use grant dollars (WVCA approved grant funds) only for those line item expenses that are incurred after a contract with the WV Division of Culture and all parties have signed History.
  4. *General Requirements (Division I):* Cost may include the following contractor services; field engineering, shop drawing, allowances, construction photographs, quality control, and contract closeout.
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5. *Site Construction (Division 2)*: May include: building demolition, site clearing, sewerage and drainage, underground ducts and utility structures, termite control, irrigation systems, earthwork, and landscaping.
6. *Concrete (Division 3)*: May include cast-in-place concrete, architectural cast-in-place concrete formwork, structural precast concrete, and special concrete toppings and finishes.
7. *Masonry (Division 4)*: May include unit masonry; stone masonry veneer, restoration, and cleaning; and glass masonry assemblies.
8. *Metals (Division 5)*: May include structural steel, metal fabrication, metal stairs, pipe and tube railings, gratings, and ornamental metalwork.
9. *Wood and Plastic (Division 6)*: May include rough carpentry, finish carpentry, interior and exterior architectural woodwork, panel work, and plastic fabrications.
10. *Thermal and Moisture Protection (Division 7)*: May include waterproofing, fireproofing, shingles and roofing, siding, and sealants.
11. *Doors and Windows (Division 8)*: May include steel, wood, glass, and aluminum doors; frames; automatic or revolving doors; steel, wood, glass, and aluminum windows; decorative or mirrored glass, and door and window hardware.
12. *Finishes (Division 9)*: May include plaster, sheathing, ceramic tile, wood or brick flooring, carpet, painting, and wall coverings. Acoustical treatments such as panel or tile ceilings will apply only to theatres, performing art centers, and auditoriums.
13. *Specialties (Division 10)*: May include louvers and vents, signs, lockers, metal storage shelving, partitions, and mobile storage units.
14. *Equipment (Division 11)*: May include such items as theatre and stage equipment, stage curtains, and projector screens. Note: Do not include expenses for office equipment in the state column. Match funds that are spent of these items must be directly related to the project.
15. *Furnishings (Division 12)*: May include casework, window treatment hardware, louver blinds, and theatre seating. Note: Do not include expenses for furniture in the state column. Match funds that are spent on these items must be directly related to the project.
16. *Special Construction (Division 13)*: May include metal building systems.
17. *Conveying Systems (Division 14)*: May include elevators, moving walkways, wheelchair lifts, and vertical conveyors.
18. *Mechanical (Division 15)*: May include pumps, motors, sprinkler systems, plumbing fixtures, water heaters, HVAC pumps and controls, boilers, furnaces, liquid coolers, and evaporators, air conditioning units, humidifiers, fans, metal ductwork, and air filters.
19. *Electrical (Division 16)*: May include wires and cables, transformers and switchgear, panel boards, fuses, disconnect switches and circuit breakers, interior and exterior lighting (including theatrical lighting), fire alarm systems, and lighting control equipment.

**(B) Income:** *Indicate Sources of Funds for the project.*

1. *CULTURAL FACILITIES PROGRAM (this grant request)*: Enter amount requested from the State on this line.
2. *Private Support*: (matching) Private donations, including foundation grants, given for this project, or a proportionate share of such grants allocated to this project, and cash donations.

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3. *Corporate Support:* (matching) Cash support derived from contributions given for this project by businesses, corporations, and corporate foundations, or a proportionate share of such contributions allocated to this project.
4. *Local Government:* (matching) Cash support derived from grants or appropriations given for this project by city, county, or other local government agencies, or a proportionate share of such grants or appropriations allocated to this project.
5. *Other State Government Support:* (non-matching) Cash support derived from grants or appropriations given for this project by other state government agencies, or a proportionate share of such grants or appropriations allocated to this project.
6. *Federal Government Support:* (matching) Cash support derived from grants or appropriations given for this project by agencies of the federal government, or a proportionate share of such grants or appropriations allocated to this project.
7. *In-Kind Private Support:* (non-matching) All documented non-cash contributions provided to the applicant by individuals and non-corporate, non-government parties. These contributions may be in the form of the fair market value of goods and services directly benefiting and specifically identifiable to the project or program.
8. *In-Kind Corporate Support:* (non-matching) All documented non-cash contributions provided to the applicant by corporate parties. The contributions may be in the form of fair market value of goods and services directly benefiting and specifically identifiable to the project or program.
9. *In-Kind Local Government Support:* (non-matching) All documented non-cash contributions provided to the applicant by city, county, or other local government agencies. The contributions may be in the form of the fair market value of goods and services directly benefiting and specifically identifiable to the project or program.
10. *In-Kind State Government Support:* (non-matching) All documented non-cash contributions provided to the applicant by other state government agencies. These contributions may be in the form of the fair market value of goods and services directly benefiting and specifically identifiable to the project or program.
11. *In-Kind Federal Government Support:* (non-matching) All documented non-cash contributions provided to the applicant by units of the federal government. These contributions may be in the form of the fair market value of goods and services directly benefiting and specifically identifiable to the project or program.
12. *Applicant Cash:* (matching) This line item is often used to “balance the budget” when expenses exceed all other revenues listed. For the proposal budget, these are general funds the applicant will dedicate to the project.
13. *TOTAL NON-MATCH:* The sum of all cash and in-kind resources that is not eligible to be recognized as matching funds for the purposes of this project proposal.
14. *TOTAL MATCH:* The sum of all cash resources that is eligible to be recognized as matching funds for the purposes of this project proposal. (MUST be equal to or greater than the grant request amount.)
15. *TOTAL PROJECT INCOME:* The sum of all cash, contributions, and in-kind resources, including this grant request amount dedicated to this project. Must be equal to total project expenses.

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**Part IV: Project Budget Narrative**

This narrative provides an opportunity to enhance and clarify your financial information. Addressing all points in your narrative will strengthen your score. Be concise and thorough. Answer ALL questions. Attach separate sheets typed in at least 12 point font with no less than 1" margins, and retype headings in bold before each section of the narrative.

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#### **Part IV: Certification**

Provide certification of completeness and accuracy of information included in the application. Organizational certification will require signatures of the official with the legal ability to contract for the applicant, the chief fiscal officer, and the person listed as the contact person. Professional certification must be obtained from the project architect or engineer and the project contractor.

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#### **Accessibility Requirements Form and Questionnaire**

The WV Division of Culture & History/ WV Commission on the Arts requires that you to address accessibility thoroughly for the program year.

- You (the legal authority to obligate the applicant) will be required to submit the signed Americans with Disabilities Act Compliance Assurance Form that indicates your programmatic and facility accessibility as described by the Americans with Disabilities Act (ADA).
  - All applicants must complete the Diversity and Accessibility Questionnaire relating to your programs and facilities.
  - The expectations for quality accessible programs are the same for schools and arts organizations. Schools are urged to use The Arts Accessibility Checklist and Transition Plan as a tool to improve awareness and promote accessibility, but it is not required as part of the grant application. Schools are required to complete the Diversity & Accessibility Questionnaire.
  - Accessibility forms and documentation must be included with your grant application at the time of submission and will factor into the grant review process. Forms and accessibility resources are available at [www.wvculture.org/arts](http://www.wvculture.org/arts) or contact Rose McDonough, Accessibility Coordinator at 304/558-0240 ext. 152, [rose.a.mcdonough@wv.gov](mailto:rose.a.mcdonough@wv.gov).
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#### **Attachment s**

##### *Support Documents*

- Provide the required attachments as listed. Label each submission with its number and description.
- Two copies of all supporting documents must be submitted as one-sided copies. No two-sided copies will be copied or included in the grants distributed to reviewers. Brochures, annual reports, financial audits, etc. will be provided for the first panel reader and available in grant file, but will not be copied for distribution. Use the checklist to assure that all appropriate documents are included.
- NOTE: All correspondence regarding this application will be addressed to the Contact Person identified in this application. The applicant shall be responsible for notifying the Arts Section of the Division of Culture and History of any changes in address or Contact Person.

**PART I: Applicant Cover Sheet**

*Completed by all applicants*

*Do not write in this space*

Date received: \_\_\_\_\_

Application #: \_\_\_\_\_

PRN: \_\_\_\_\_

Applicant Legal Name (Organization): **Jefferson County Parks & Recreation Commission**

Mailing Address: **235 Sam Michael's Lane** City: **Charles Town** County: **Jefferson** State: **WV** Zip: **25414**

Contact Person: **Jennifer Myers** Telephone (daytime): **304-728-3207** Telephone (non-bus. hours): **304-433-4049**

E-mail address: **jmyers@jcprc.org** Website: **www.jcprc.org**

FEIN Number: **55-0676727** Date of Incorporation: **1970**

**Coding:** Use the national coding key to code your organization's status, institution, discipline, and race.

Applicant Status: \_\_\_\_\_ Applicant Institution: \_\_\_\_\_

Discipline (number and letter): \_\_\_\_\_ Grantee Race: \_\_\_\_\_

**Type of Arts Organization**

- Multiple Mission Org.  Arts Council  Dance Company  Theatre Company  
 Art Museum  History Museum  Art & history Museum  Presenting Venue  
 Other: **Recreation Department**

**Project Scope** Check all that apply

- Acquisition  Renovation  New Construction  Capital Equipment Purchase  
 Single-Phase  Multi-Phase

**Historical Significance** How old is the facility? \_\_\_\_\_

Is the facility on the National Register of Historic Places?  Yes  No

Have you received funding from WV State Historic Preservation Office for this project?  Yes  No

**Ownership** Is the building owned by the applicant?  Yes  No (if 'yes', include copy of deed)

**Is the building leased?**  Yes  No If 'yes', what is the length of the lease? \_\_\_\_\_

**WV Legislative District**

Senate: (Name/District) **16<sup>th</sup>** House: (Name/District) \_\_\_\_\_

**Project Title: Sam Michael's Park Ampitheatre**

| <b>Application Summary</b>                  | <b>Amount</b> |
|---------------------------------------------|---------------|
| Grant Amount Requested                      | \$ _____      |
| Applicant Match Achieved                    | \$ _____      |
| Applicant Match Remaining                   | \$ _____      |
| Total Project Costs (this application only) | \$ _____      |

## PART II: Narrative

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*All CFCRG applicants must submit a narrative. Attach separate sheets typed in at least 12 point type. Retype the headings in bold before each section of the narrative. Be concise and thorough.*

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**Section A: Project Synopsis** Give a clear description of the project for which funds are being requested. Specifically what work is to be accomplished, how will requested funds be used, the major work items involved and what the end product will be. Keep in mind that after reading the narrative, a reader should have a general knowledge of your project. If the project is multi-phase give a description of what the phasing will be in future applications.

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### **Section B: Readiness**

#### **Feasibility:**

*For new construction:* Submit a complete, independently prepared feasibility study with an executive summary as the first section. The summary should address information about the facility's use and project programming including revenues, analysis of operations and a forecast budget analysis. People or organizations that possess the experience and expertise in such areas as socioeconomic, cultural, marketing and financial analysis should conduct the study.

*For all other applicants:* The applicant may conduct the study. It should consist of a discussion of the applicant's ability to complete that project or specific phase of the project and to implement the proposed programs for the completed project. The study should include the number of staff and their responsibilities assigned for the completion of the project/phase as well as any new or expanded programs.

**Project Planning:** Clearly indicate the status of architectural planning. Also, indicate when construction documents are expected to be completed. The project must be past the initial planning stage to be considered for funding. This is the Professional Certification Letter.

**Project Team:** The project must have a project team established to be considered for funding. The Project Team shall include the names and addresses of the architect, engineer, design consultants and general contractor. Certification forms confirming the project status follow in the application. If the Project Team is "in-house," the form must be signed by the "in house" architect, designer, engineer or contractor. If the project does not require an architect, the appropriate equivalent must sign the form. Do not write "NA" on the form.

**Prior Phases:** Describe prior completed phases of this project. Be sure to include the completion date of each phase. If you have received prior funding for this project, give a complete explanation of what grant funding was received and how the monies were spent.

**Current Phases:** Describe any phases of this project that are in process and not complete at the time of application. Include an estimated schedule for completion, amount of the grant requested, how much match has been expended and how the phase(s) relate to this application.

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**Section C: Organization and Program Description** In a maximum of five pages please describe the following:

**History:** Provide a brief programming history of the applicant. Include the applicant's organization date, mission, goals and significant achievements.

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**Programs:** Indicate the relation between the project and the applicants programming activities and mission.

**Professional Staff:** Provide a brief description of all full-time paid professional staff or position descriptions directly responsible for the applicant's programming. Include organizational changes to be made upon completion of the project.

**Grant Administration:** List grant awards for the past three years received from the Division of Culture and History as approved by the West Virginia Commission on the Arts. The West Virginia Commission on the Arts will consider requests for exemption from this requirement submitted in writing no later than 30 days prior to the grant deadline. The request must demonstrate to the satisfaction of the West Virginia Commission on the Arts, the capacity of the applicant organization to fulfill the arts and administrative purposes and requirements of the project.

**Governance:** List the current governing board for the applicant organization, board of directors or trustees, including terms of office, addresses and professional and/or community service affiliations.

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### **Section D: Scope**

**Project Narrative** (Do not exceed two pages):

Describe your project. Include information on: (a) how the project will serve the municipality, county or multi-county area especially regarding new or improved arts and/or history programming and community services, (b) what collaborations/partnerships are there with other community organizations and will it leverage additional public and private investment, (c) how will this project contribute to economic development, (d) how the project will address known health and safety deficiencies, (e) how does this project create or improve access to facilities for working artists with disabilities, (f) how the project improves, expands or rehabilitates the facility to provide for accessibility, (g) how does the project address cultural development in rural underserved or minority communities and (h) if this is a phased project, describe how this phase fits into the overall project.

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### **Section E: Project Impact**

**Impact Narrative:** Provide a brief narrative to explain the following points that pertain to the project. Do not write "NA"; briefly state why a certain point does not apply to the project scope or goals. Answer in two pages or less. Restate the letter and goal, then your response.

- a) Provides opportunities for West Virginia artists and cultural presenters
  - b) Expands educational opportunities;
  - c) Enhances community cultural planning;
  - d) Contributes to economic development;
  - e) Provides for increased access to arts activities by minority groups;
  - f) Improve access to facilities for working artists with disabilities;
  - g) Improves, and/or expands handicapped accessibility
  - h) Provides access to arts activities in rural communities;
  - i) Has state, multi-county region, county, or municipality impact;
  - j) Has historical or architectural significance;
  - k) Will be a multi-purpose facility serving more than one type of cultural organization;
  - l) Reflects energy efficient use in design and operation;
  - m) Results in combinations of community resources—artists, arts organizations, schools, other community service agencies
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- n) Enhances the public's understanding and appreciation of West Virginia's rich cultural traditions and contemporary expressions of the arts

**Other Facilities:** Provide information about similar facilities or lack of facilities operating within your geographic service area. Define your geographic area and address both competing and complementary forces within your community and surrounding areas.

**Local Cultural Plans:** Check with other local and regional arts organizations for the status of cultural action plans that have been completed or are underway. Remember to include cultural planning that has taken place within the context of economic development or tourism planning. Cite how this project relates to these plans.

## PART III: Project Budget Summary

Provide the project budget summary in the format shown. Do not omit any items. Enter a "-0-" (zero) for any expenses or revenue items that do not apply to this project or phase. (See Instructions for definitions.) Indicate the budget for this phase only. The itemizations should match the description given in Scope of Work. This budget refers only to the project for which this grant is requested. The categories used below, beginning with General Requirements, are patterned after those found in Masterspec®; © 1998, American Institute of Architects. Note: If this budget reflects a "phased" project, you may wish to attach a budget detail of the entire project.

Applicant Name: \_\_\_\_\_

| <b>Expenses</b>                                       | <b>Non-Grant</b> | <b>Grant</b> |
|-------------------------------------------------------|------------------|--------------|
| 1. Land acquisition                                   | \$               | \$           |
| 2. Building acquisition                               | \$               | \$           |
| 3. Architectural services                             | \$               | \$           |
| 4. General requirements                               | \$               | \$           |
| 5. Site construction                                  | \$               | \$           |
| 6. Concrete                                           | \$               | \$           |
| 7. Masonry                                            | \$               | \$           |
| 8. Metals                                             | \$               | \$           |
| 9. Wood and plastic                                   | \$               | \$           |
| 10. Thermal/moisture protection                       | \$               | \$           |
| 11. Doors and windows                                 | \$               | \$           |
| 12. Finishes                                          | \$               | \$           |
| 13. Specialties                                       | \$               | \$           |
| 14. Equipment                                         | \$               | \$           |
| 15. Furnishings                                       | \$               | \$           |
| 16. Special construction                              | \$               | \$           |
| 17. Conveying systems                                 | \$               | \$           |
| 18. Mechanical                                        | \$               | \$           |
| 19. Electrical                                        | \$               | \$           |
| <b>SUBTOTALS OF EXPENSES</b>                          | \$               | \$           |
| CONTINGENCY (not part of match)                       | \$               |              |
| <b>TOTAL PROJECT EXPENDITURES = Non-Grant</b>         |                  |              |
| + Grant (should equal the total project income in B.) |                  | \$           |

**Cultural Facilities & Capital Resources *Must be typewritten***

**Income**

|                                                                                            |                  | \$           |
|--------------------------------------------------------------------------------------------|------------------|--------------|
|                                                                                            |                  | \$           |
|                                                                                            | <b>Non-match</b> | <b>Match</b> |
| 1. Cultural Facilities & Capital Resources Program <i>(this grant)</i>                     |                  | \$           |
| 2. Private Support (Cash)                                                                  |                  | \$           |
| 3. Corporate Support (Cash)                                                                |                  | \$           |
| 4. Local Government Support (Cash)                                                         |                  | \$           |
| 5. Other State Government Support (Cash)                                                   | \$               |              |
| 6. Federal Government Support (Cash)                                                       |                  | \$           |
| 7. In-kind Private Support                                                                 | \$               |              |
| 8. In-Kind Corporate Support                                                               | \$               |              |
| 9. In-Kind Local Government Support                                                        | \$               |              |
| 10. In-Kind State Government Support                                                       | \$               |              |
| 11. In-Kind Federal Government Support                                                     | \$               |              |
| 12. Applicant Cash                                                                         |                  | \$           |
| 13. TOTAL NON-MATCH                                                                        | \$               |              |
| 14. TOTAL MATCH<br><i>(must equal or be greater than grant request)</i>                    |                  | \$           |
| 15. TOTAL PROJECT INCOME<br><i>(all funds, cash, in-kind, grant) (must equal expenses)</i> |                  | \$           |

## PART IV: Budget Narrative

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*All CFCRG applicants must submit a budget narrative. Attach separate sheets typed in at least 12 point type. Retype the headings in bold before each section of the narrative. Be concise and thorough.*

---

### **Income: Sources of Funds**

Include a detailed explanation of your matching funds: the source of funds, your fundraising plan including the history, accomplishments and projections. State and explain the match that is achieved at the time of the application and match that is remaining.

---

### **Fiscal Stability**

Provide a statement on the organization's sustained fiscal stability. Explanations for all deficits, losses or negative trends should also be provided. It is the responsibility of the applicant to demonstrate here why something that would normally be a cause for concern is not a problem for this organization.

---

### **Operating Budget Forecast: Narrative (1 page) and Detail (1 page)**

Give both an operating budget narrative and budget detail of the organization's plans for maintenance and operation of the facility when completed and for the next two years. Be as specific as possible and be sure to address funding and monitoring of maintenance and operational needs. The budget forecast should include detail, by line item of the funds to be expended and the corresponding sources of revenues. It should be shown that the applicant has taken into account the operational financial impact the project will have on the organization's operations, maintenance and programming.

## PART V: Certification

---

### **Certification of Information and Compliance**

We certify that all the information contained within this application, attachments, and subsequent submissions are true and correct to the best of our knowledge, and that the project for which the application is made is in compliance with the Americans with Disabilities Act of 1990. If a grant is awarded, the organization agrees to comply with all of the conditions of the grant award agreement.

*Note: The same person cannot sign all three spaces.*

---

### **Official with authority to contract for the applicant**

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

Typed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_

---

### **Chief fiscal officer for the applicant**

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

Typed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_

---

### **Contact person as listed on applicant cover sheet**

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

Typed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Phone Number: \_\_\_\_\_

---

## PART V: Certification – continued

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### Professional Certification

Name and Address of Project Architect/Engineer: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Project Title: \_\_\_\_\_

The following preparatory documents for Project Planning have been completed:

- Preliminary and schematic drawings
- Design and development documents
- Construction documents

I certify that I have reviewed this application and that the technical project information is correct as cited.

Signature of Architect/Engineer: \_\_\_\_\_ Date: \_\_\_\_\_

---

### Professional Certification

Name and Address of Project Contractor: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Project Title: \_\_\_\_\_

The following preparatory documents for Project Planning have been completed:

- Preliminary and schematic drawings
- Design and development documents
- Construction documents

I certify that I have reviewed this application and that the technical project information is correct as cited.

Signature of Project Contractor: \_\_\_\_\_ Date: \_\_\_\_\_

---

## Accessibility Requirements Form

*Completed by all applicants*

**Americans with Disabilities Act Compliance Assurance Form is required for a complete application.**

All organizations that are not in full compliance must complete the [transition plan](#). Please contact the Rose McDonough, Accessibility Coordinator at (304) 558-0240 ext. 152, or visit our website at [www.wvculture.org/arts](http://www.wvculture.org/arts).

We are in full compliance with the American's with Disabilities Act (ADA).

We are not in full compliance with the American's with Disabilities Act (ADA) and have completed the transition plan.

Organization: \_\_\_\_\_

Location of Project/Facility Represented: \_\_\_\_\_

Name (person with the authority to legally obligate "applicant"): \_\_\_\_\_

Title: \_\_\_\_\_

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

The WVCA asks each applicant to describe efforts to improve programmatic and physical access in its organization as a means to evaluate the degree to which it is proactively working on these issues. The WVCA is not in the position to determine whether an applicant is in compliance with any State and Federal laws governing this subject. A WVCA grant should not be interpreted as an opinion on that organization's compliance with its legal obligations. Each organization is responsible for complying with all applicable laws, rules, and regulations.

## Program Diversity & Accessibility Questionnaire - FY2014

*Completed by all applicants*

---

The following questions pertain to the applicant's programs, artists, staff, volunteers, and board members.

1. **Tell us about your community. Include demographic information on cultural/ethnic makeup, economy and employment, education level, and average age of your population.**
  
2. **How does your organization let the community know about programs and services? How do you invite the community to participate? How do you make all members of the community feel welcome at your facilities and programs?**
  
3. **What accommodations are available to address the following disabilities? Describe access to both facilities and programs for each.**
  - a. **Mobility disabilities:**
  - b. **Visual disabilities:**
  - c. **Hearing disabilities:**
  - d. **Speech disabilities:**
  - e. **Learning disabilities:**
  - f. **Developmental disabilities:**
  
4. **How do you reach out to community members with disabilities? Does your organization target this population for participation?**
  
5. **Are the universally accepted disability symbols used on your website, print materials and signage to inform the public that accommodations are available? Are these materials accessible?**
  
6. **Describe your organization's policy on accessibility. How is the policy publicized? Is there an access committee? Is there staff assigned to address accessibility?**

For resources, help with this questionnaire, and how you can improve access to your programs and facility, contact the Accessibility Coordinator, Rose McDonough at [Rose.A.Mcdonough@wv.gov](mailto:Rose.A.Mcdonough@wv.gov), (304)558-0240 ext. 152.

## Part VII: Required Attachments

### 1. Audit, Review or Attestation:

*Not-For-Profit, Tax-Exempt West Virginia Corporations:*

- a) If the organization's budget is less than \$100,000, the organization must submit either an independent, certified financial audit or review for the organization's last completed fiscal year.
- b) If the organization's budget is \$100,000 or greater, the organization must submit an independent, certified financial audit for the organization's last completed fiscal year.
- c) Compilations are not acceptable.
- d) Insert the requested materials in this section along with the copy of your IRS

### 2. Architectural Drawings

- All applicants must submit an 8 1/2" x 11" reduction schematic of current architectural plans for the facility. Do not send full size architectural plans or drawings.
- *Note:* if the application includes requests for capital expenditures, you must submit drawings and detailed specifics of the equipment from the supplier/manufacturer including an explanation of installation, training on usage of equipment and maintenance schedules.

### 3. Ownership/Lease of Property/Facility

- Applicant organizations must document ownership or undisturbed use as follows:

**I. Legal proof of unrestricted ownership of property.** Unrestricted shall mean unqualified ownership and power of disposition. Property that does not meet the unrestricted ownership criterion will not be eligible for match. Documentation may include a deed, title, or copy of a recent tax statement. Provisional sales contracts, cinders or letters of intent are not acceptable documentation of ownership.

**OR**

**II. Undisturbed use of property for a specific period of time.** This specific period of time must begin no later than the deadline date for the application in which funding is requested, and must continue for the minimum period of time required according to the Project Scope.

#### **Project Scope and minimum lease periods required of the applicant:**

| <i>Project Scope</i>                                      | <i>Minimum</i> |
|-----------------------------------------------------------|----------------|
| Lease: Equipment, capital fixtures (not office furniture) | 10 years       |
| Building Renovation:                                      |                |
| Improvements                                              | 20 years       |
| Increase of square footage                                | 30 years       |
| Building Construction (land is leased)                    | 40 years       |

Documentation must include an executed copy of a lease and a written explanation of any easements, covenant, or other conditions affecting the use of the site or facility, or both. The owner lessor may be a not-for profit entity

**III. For Acquisitions only:** Acquisition applicants will automatically be considered exempt from this ownership eligibility requirement. If the application is for an acquisition, the applicant must provide a description of the facility, purchase price and a letter of intent to sell signed by the seller.

**4. Endorsements for the project:**

- Provide letters of support from individuals and organizations that will benefit and support the project now and for future use. The letter should include how the individual/organization will support and the effects of the project within the community. No letters with dates older than one year should be submitted.

***AND/OR***

- Provide a list of supporters including their name, title and signature

**5. Historic Preservation:**

- Within the Division of Culture and History, the State Historic Preservation Section (SHPO) reviews all undertakings permitted, funded, licensed or otherwise assisted, in whole or in part, by the state for the purposes of furthering duties outlined in WV code d 29-1-8a. The SHPO reviews the potential effect state funded projects may have on resources eligible for the state register. Contact the SHPO to begin consultation regarding your proposed project. Include a list of contacts you have made in this process with this application.

**6. Proof of insurance for the facility:**

- Include documentation demonstrating current insurance on the facility referenced for funding support in this application.

## Review Criteria

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*The following criteria, taken from Legislative Rule, will give priority in awarding grants.*

### 30 Points

- Overall impact on the community
  - o Does this project increase or assure public access to the arts or to history programming?
  - o Does this project serve more than one county?
  - o Does this project contribute to economic development?
  - o Does this project further cultural development in rural, underserved or minority communities?

### 30 Points

- Is there a need for this project in the community and does the community to support it?
- Does this project make changes/purchases to create/improve access to facilities/programming for patrons, students, artists and/or historians with disabilities?

### 15 Points

- Have all required forms and attachments been submitted?
  - o Completed application form, IRS letter, Deed/lease, audit/financial statement, contact and compliance if applicable to State Historic Preservation Office, Accessibility documents including Compliance Signature Page, Transition Plan, Diversity and Accessibility Questionnaire and feasibility study as stated in the application

### 15 Points

- Is this grant well written? Is the intent clear?

### 10 Points

- Does this project involve collaborations and partnerships that leverage additional public and private investment?

## Application Checklist

*Attach this checklist to the front of the original application only.*

---

Application pages and materials should be assembled in the order specified in the application. Label one application with original signature as "original" with the copy behind. Do not bind, hole punch or staple documents. Do not place documents in notebooks or folders. Paperclip documents together.

All materials must be single-sided.

---

A single-sided original and one single-sided copy of the application containing the following items must be presented in compliance with the postmark deadline to be eligible for funding:

- Part I - Applicant Cover Sheet
  - Part II - Applicant Narrative
  - Part III - Project Budget Summary
  - Part IV - Project Budget Narrative
  - Part V - Certification (signed in blue ink)
  - Part VI - Accessibility Requirements
    - Compliance Assurance
    - Diversity and Accessibility Questionnaire
    - Arts Accessibility Transition Form (Available as a separate document)
  - Part VII - Including the following attachments:
    - Audit, Review, or Attestation
    - Architectural drawings - An 8 ½" by 11" reduction schematic
    - Legal proof of ownership or lease
    - Endorsements for the project
    - Proof of compliance with State Historic Preservation criteria (for historic properties)
    - Proof of insurance
    - IRS letter documenting 501 (c) (3) status
- 

*Applications must be complete when submitted.  
Materials will not be accepted after the application deadline.*

## NATIONAL STANDARD CODING SHEET

### APPLICANT STATUS

- 01 Individual
- 02 Organization - Nonprofit
- 03 Organization - Profit
- 04 Government - Federal
- 05 Government - State
- 06 Government - Regional
- 07 Government - County
- 08 Government - Municipal
- 09 Government - Tribal
- 99 None of the Above

### TYPE OF ACTIVITY

- 01 Acquisition
- 02 Audience Services
- 03 Fellowships
- 04 Artwork Creation
- 05 Concert/Performance/Reading
- 06 Exhibition
- 07 Facility Construction/Maintenance
- 08 Fair/Festival
- 09 Identification/Documentation
- 10 Organization Development
- 11 Operating Support
- 12 Arts Instruction
- 13 Marketing
- 14 Professional Support/Administrative
- 15 Professional Support/Artistic
- 16 Recording/Filming/Taping
- 17 Publication
- 18 Repair/Restoration/Conservation
- 19 Research Planning
- 20 School Residency
- 21 Other Residency
- 22 Seminar/Conference
- 23 Equipment Acquisition
- 24 Distribution of Art
- 25 Apprenticeship
- 26 Re-granting
- 27 Translation
- 28 Writing About Art
- 29 Professional Development/Training
- 30 Student Assessment
- 31 Curriculum Development/Implementation
- 32 Stabilization/Endowment/Challenge
- 33 Building Public Awareness
- 34 Technical Assistance
- 35 Web Site/Internet Development
- 36 Broadcasting
- 99 None of the Above

### APPLICANT INSTITUTION

- 01 Individual Artist
- 02 Individual Non-Artist
- 03 Performing Group
- 04 Performing Group - College/Univ.
- 05 Performing Group - Community
- 06 Performing Group - Youth
- 07 Performance Facility
- 08 Art Museum
- 09 Other Museum
- 10 Exhibit/Gallery Space
- 11 Cinema
- 12 Independent Press
- 13 Literary Magazine
- 14 Fair/Festival
- 15 Arts Center
- 16 Arts Council/Agency
- 17 Arts Service Organization
- 18 Union/Professional Organization
- 19 School District
- 20 Parent - Teacher Association
- 21 Elementary School
- 22 Middle School
- 23 Secondary School
- 24 Vocational/Technical School
- 25 Other School
- 26 College/University
- 27 Library
- 28 Historical Society
- 29 Humanities Council
- 30 Foundation
- 32 Community Service Organization
- 33 Correctional Institution
- 34 Health Care Facility
- 35 Religious Organization
- 36 Seniors' Center
- 37 Parks and Recreation
- 38 Government - Executive
- 39 Government - Judicial
- 40 Government - Legislative (House)
- 41 Government - Legislative (Senate)
- 42 Media - Periodical
- 43 Media - Daily Newspaper
- 44 Media - Weekly Newspaper
- 45 Media - Radio
- 46 Media - TV
- 47 Cultural Series Organization
- 48 School of the Arts
- 49 Arts Camp/Institution
- 50 Social Services Organization
- 51 Child Care Provider
- 99 None of the Above

### DISCIPLINES (APP& PROJ)

- 01 Dance
  - A Ballet
  - B Ethnic/Jazz
  - C Modern
- 02 Music
  - A Band
  - B Chamber
  - C Choral
  - D New
  - E Ethnic
  - F Jazz
  - G Popular
  - H Solo/Recital
  - I Orchestral
- 03 Opera/Musical Theater
  - A Opera
  - B Musical Theater
- 04 Theater
  - A General
  - B Mime
  - D Puppet
  - E Theatre for Young Audiences
- 05 Visual Arts
  - A Experimental
  - B Graphics/Printmaking
  - D Painting
  - F Sculpture
- 06 Design Arts
  - A Architecture
  - B Fashion
  - C Graphic
  - D Industrial
  - E Interior
  - F Landscape Architecture
  - G Urban/Metropolitan
- 07 Crafts
  - A Clay
  - B Fiber
  - C Glass
  - D Leather
  - E Metal
  - F Paper
  - G Plastic
  - H Wood
  - I Mixed media
- 08 Photography
- 09 Media Arts
  - A Film
  - B Audio
  - C Video
  - D Technology/Experimental

### 10 Literature

- A Fiction
- B Non-Fiction
- C Playwriting
- D Poetry

### 11 Interdisciplinary

### 12 Folklife/Traditional Arts

- A Folk/Traditional Dance
- B Folk/Traditional Music
- C Folk/Traditional Crafts & Visual Arts
- D Oral Traditions (include folk/trad.storytelling)

### 13 Humanities

### 14 Multidisciplinary

### 15 Non-Arts/Non-Humanities

### ARTS EDUCATION

#### 01 50% or more of project activities

are arts education directed to:

- A K-12
- B Higher education
- C Pre-Kindergarten
- D Adult learners

#### 02 Less than 50% of project activities

are arts education directed to:

- A K-12
- B Higher education
- C Pre-Kindergarten
- D Adult learners

#### 99 No arts education

### PROJECT DESCRIPTORS

- A Accessibility
- I International
- P Presenting/Touring
- T Technology
- Y Youth at Risk

### GRANTEERACE

- A Asian
- B Black/African American
- H Hispanic/Latino
- N American Indian/Alaska Native
- P Native Hawaiian/Pacific Islander
- W White
- 99 No single group (organizations only)

### PROJECT RACE

- A Asian
- B Black/African American
- H Hispanic/Latino
- N American Indian/Alaska Native
- P Native Hawaiian/Pacific Islander
- W White
- 99 No single group (organizations only))

**AGENDA REQUEST FORM**

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



Name: Jennifer Brockman

Department or Organization: Planning and Zoning

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: May 16, 2013

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

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

Subject (Wording to be placed on agenda): Comprehensive Plan Update

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

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

Are documents attachments? Yes  No

If not, explain:

Is a projector needed? Yes  No

Contact information:

Email address: jbrockman@jeffersoncountywv.org

Phone number: 304.728.3228

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

**JEFFERSON COUNTY COMMISSION  
AGENDA REQUEST FORM**

Name: Jeffrey A. Polczynski, ENP – Director of Communications

Department or Entity: Emergency Communications

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: 5/16/2013

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

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

Subject: **Appointment of Deputy Director to fill vacancy at Emergency Communications Center**

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

**The emergency communications center received the resignation of the Deputy Director in March 2012. After an extensive search, interview process, and research, this appointment fills the vacated position.**

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

**Motion to approve the recommendation of a candidate as the Deputy Director of Communications at Grade V Step A with a starting date to be determined by the Director of Communications. The candidate is not named as they are currently employed.**

Attachments:

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

## AGENDA REQUEST FORM

**Name:** John Quinn

Valley View Farm - John Quinn  
5665 Engle Molders Rd  
Shepherdstown, WV 25442

**Department or Entity:** Cell: 304 582-4656

**Estimation of amount of time needed for appointment:** 10 minutes

**Date Requested -- 1<sup>st</sup> Choice:** May 16, 2013

**Date Requested -- 2<sup>nd</sup> Choice:** May 23, 2013

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

**Subject:** Reimbursement for Sheep Destroyed by Dogs and Vet Bill

**Please provide the County Commission with a description of your request or presentation, including any background information:** Five of my sheep were recently killed by dogs. My insurance company reimbursed me for the loss but for the \$500.00 deductible, of which I am now seeking recovery from the Dog and Kennel fund as provided for in W.Va. Code § 19-20-10. Also, incurred a \$250 vet bill due to the dogs.

**Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):** Pursuant to the provisions of W.Va. Code § 19-20-10, I move that we approve the expenditure of \$750.00 from the dog and kennel fund to John Quinn to compensate him for the loss of his sheep by dogs.

April 26, 2013  
1517 Billmyer Mill Road  
Shepherdstown, WV 25443  
Cell # 304-702-1590

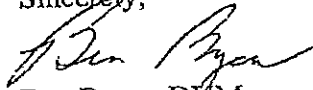
Bennett Brown  
Farm Family Insurance  
Owner: John Quinn Jr  
Claim # 4719G1793-04241  
Fax # 518-533-6125

Dear Mr. Brown,

I was called to John Quinn Jr. farm on Thursday April 25, 2013 for a dog attack on his sheep at a pasture housing 5 ewes. Two ewes were dead already. The other 3 were euthanized do to muscle tears, large wound, and udder damage from bites. There were 3 yearling ewes, 1 (2-yr old) ewe, and 1 (6-yr) old ewe.

Veterinary bill \$ 250.00. (itemized call charge \$45.00, Exams \$24.00, Euthanasia of 3 adult sheep \$180)

Sincerely,

  
Ben Byers, DVM

## Quinn, John J CIV

---

**From:** Bennett\_Braun@farmfamily.com on behalf of Braun, Bennett  
[Bennett\_Braun@farmfamily.com]  
**Sent:** Wednesday, May 08, 2013 8:59 AM  
**To:** Quinn, John J CIV; John Quinn  
**Cc:** kim@thebennettagency.com  
**Subject:** RE: Claim # 4719G1793-042413

Yes, I received the report from the appraiser. He puts a value between \$500.00 and \$600.00 on the sheep. I was going to call you and offer \$2,750.00 less your \$500.00 deductible, or \$2,250.00

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

**From:** John.J.Quinn@uscg.mil [mailto:John.J.Quinn@uscg.mil]  
**Sent:** Wednesday, May 08, 2013 8:49 AM  
**To:** Braun, Bennett; John Quinn  
**Cc:** kim@thebennettagency.com  
**Subject:** RE: Claim # 4719G1793-042413

Good morning Bennett,

Any updates??

Thank You,  
John J. Quinn III  
Chief, Info. Systems and Telecomm Branch USCG/National Vessel Documentation Center  
792 T J Jackson Dr  
Falling Waters, WV 25419  
(800) 799-8362

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

**From:** Bennett\_Braun@farmfamily.com [mailto:Bennett\_Braun@farmfamily.com]  
**Sent:** Wednesday, May 01, 2013 11:33 AM  
**To:** Quinn, John J CIV; John Quinn  
**Cc:** kim@thebennettagency.com  
**Subject:** RE: Claim # 4719G1793-042413

John, I spoke with your agents office and they are faxing me some paperwork. Once I receive the paperwork I will take another look at the pricing.

Bennett B Braun  
Senior Claim Representative  
Farm Family Casualty Insurance Company  
PO Box 22091  
Albany, NY 12201

Phone: 800-948-3276 extension 7608  
Fax: 518-533-6125  
Email: Bennett\_Braun@FarmFamily.Com

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

**From:** John.J.Quinn@uscg.mil [mailto:John.J.Quinn@uscg.mil]

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Lyn Widmyer

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

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: May 16, 2013

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

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

Subject:

Letter from National Park Service addressing statements made by applicants to County Commission on rezoning of Aitcheson Family Trust property

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

**During the rezoning of the 3.94 acre property owned by the Aitcheson Family Trust and Frederica Adkinson, the applicants made statements that the National Park Service had never shown any interest in said property. The attached letter addresses that misconception. This letter should be added to the Public Hearing record and the County Commission minutes.**

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

**Add the letter from the National Park Service to the County Commission public hearing record on this rezoning request.**

Attachments:

---

**NPS discussions with property owners of acreage near Harpers Ferry National Historical Park**

---

Lee, Andrew &lt;andrew\_lee@nps.gov&gt;

Tue, Apr 9, 2013 at 4:17 PM

To: Lyn Widmyer &lt;lynwidmyer@gmail.com&gt;

Cc: brian\_woodbury@nps.gov, Rebecca Harriett &lt;Rebecca\_Harriett@nps.gov&gt;

Dear Ms. Widmyer,

In response to your recent inquiry, and in consultation with Brian Woodbury's office, I was able to obtain information pertaining to the National Park Service's past efforts to acquire the Perry/Adkinson property located on Campground Road in Harpers Ferry. You indicated that a representative of the owners said on the record at a public hearing that the NPS had not expressed interest in the property until the 2012 rezoning petition. That statement is not true. In fact, the NPS has been working diligently to acquire it since as early as 2005, shortly after the property was included within our Congressionally-legislated boundary. Since that time, three formal offers to purchase have been made: May 23, 2005, November 6, 2007, and most recently on February 3, 2012. The last formal communication regarding acquisition efforts is a phone record dated April 24, 2012 wherein the owners' agent, Mr. Jeff Spickler, advised that his clients are not interested in the amount offered.

I hope the above is sufficient to answer your question. I would certainly appreciate any efforts you make to set the record straight. Please don't hesitate to contact me or Mr. Woodbury should you have additional questions.

with kind regards,

Andrew

\*\*\*\*\*

Andrew S. Lee  
Resource Management Specialist (Lands)  
Harpers Ferry National Historical Park  
P.O. Box 65, Harpers Ferry, WV 25425

office: (304) 535-6038, cell: (304) 671-7871

Andrew\_Lee@nps.gov

[Quoted text hidden]

Fax 304-725-7916

**AGENDA REQUEST FORM**

[www.leffersoncountywv.org](http://www.leffersoncountywv.org)



Name: Jane Tabb

Department or Organization: \_\_\_\_\_

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

Date Requested - 1<sup>st</sup> Choice: May 9, 2013

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

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

Subject (Wording to be placed on agenda):

Mannings petition certification

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

Research validity of all signatories.

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

Are documents attachments? Yes  No   
If not, explain:

Is a projector needed? Yes  No

Contact information:

Email address: \_\_\_\_\_

Phone number: \_\_\_\_\_

## Cindy Schott

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**From:** Todd Fagan [tfagan@jeffersoncountywv.org]  
**Sent:** Thursday, May 02, 2013 1:57 PM  
**To:** Debby Keyser  
**Cc:** cschott@jeffersoncountywv.org; 'Sandy McDonald'  
**Subject:** Mannings Plat Review

Ms. Keyser,

Per Mr. Manuel's request, Cindy Schott asked me to review the current Mannings proposed territory and compare with the original submission at public hearing on February 4, 2009.

First, I must state that I am operating on one assumption because I could not find the original 2009 Public Hearing agenda nor attachments online. Our website only goes back to June 11, 2009. I will assume that a plat signed by John Stroud Kusner, 11/28/08, and titled "Territory Proposed for Incorporation as Mannings" found in the County Commission's file is the original submission. A Draft Findings Report, 2/10/09, from County Planning staff also references the same plat.

This original map appears to be different than the current proposal to be discussed at this evening's Public Hearing, 5/2/13.

Two parcels, TD2-M21-P26 (95.14 ac) and TD2-M21-P37 (65.4 ac) were included on the original plat and are now excluded.

The original petition (710.5 ac) and plat (709.349) cited similar total acreage.

Due to the removal of these two parcels, the current total acreage is ~550 acres, as stated in the current petition and application.

One additional observation is that the current proposal appears to be a copy of Mr. Kusner's original plat only with boundaries adjusted to exclude the two parcels mentioned above as well as "white out" redactions of Mr. Kusner's Surveyor's Seal, signature, metes and bounds, and other map elements like title, north arrow and scale.

I trust this response satisfies the Commission's request,

Sincerely,

Todd

Todd Fagan, GISP  
GIS/Addressing Office Director  
Jefferson County Commission  
116 E. Washington St. Suite 201  
Charles Town, WV 25414  
Office: 304.724.6759

## Cindy Schott

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**From:** Laurie McLaughlin Ward [lauriemclward@gmail.com]  
**Sent:** Sunday, May 12, 2013 9:15 PM  
**To:** webmaster@jeffersoncountywv.org; cschott@jeffersoncountywv.org;  
sandy@jeffersoncountywv.org; nhosby@jeffersoncountywv.org;  
chernandez@jeffersoncountywv.org  
**Subject:** Opposed to motion to incorporate

## Your submission:

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**Your Name:** Laurie McLaughlin Ward

**Your Email Address:** [lauriemclward@gmail.com](mailto:lauriemclward@gmail.com)

**Subject:** Opposed to motion to incorporate

**Message:** Sending the following via snail mail tomorrow but not sure it will arrive by the May 15 deadline:  
I am the largest property owner in the Shenandoah North Subdivision in Jefferson County. The land has been in my family for several generations. It has recently come to my attention that there has been a motion to incorporate the area of the county in which my property lies. I want to go on record as being OPPOSED to incorporation. Not only is incorporation a bad idea for the community (and I have spoken with neighbors and am far from alone in this opinion) but the way Paul Ashbaugh has gone about the whole process is unethical and I suspect illegal.

Thank you for your attention. I am hoping the County makes the right decision in this matter.

From: **Carol Acree** carol.acree@gmail.com  
Subject: **Petition to Incorporate Mannings, West Virginia as a Class IV Town**  
Date: April 30, 2013, 7:22 PM  
To: info@jeffersoncountywv.org, dmanuel@frontiernet.net  
Cc: walterpellish@mac.com, lynwidmyer@gmail.com, vinemont@frontiernet.net, pnoland@jeffersoncountywv.org

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Mr. Dale Manuel, President  
County Commission of Jefferson County

Dear Mr. Manuel:

We are longtime landowners in Shenandoah North and wish to register our opposition to the incorporation of Mannings, West Virginia as a Class IV Town. We believe there are no benefits to us and other landowners in Shenandoah North and that the incorporation will only lead, amongst other negative effects, to increased taxes.

Please reject this Petition.

Sincerely,

Darrell Acree  
Carol Acree  
Shenandoah North Lots #25, 26 and 59

Sent from my iPad

313 Branchy Road  
Harpers Ferry, WV 25425  
May 2, 2013

Dear Commissioners,

My husband Gordon Allen Douglas and I own and reside on Lot 37/36B of the Shenandoah North subdivision in Jefferson County — Parcel 22, Map 20A, Charles Town District II. We have lived here since March 2000. Our property, like all of Shenandoah North, lies within the boundaries of the 2013 map publicized by the people attempting to incorporate “Mannings.”

We oppose the incorporation of “Mannings” and do not want to live in a new “municipality” with a new town government. If, however, the County Commission allows this application to go forward, we request that you exclude our subdivision, Shenandoah North, from the “Mannings” map and incorporation area.

Because our home and 100% of the real property we own is in the target district, for us this is a serious matter with far-reaching implications. That’s why I have written a lengthy letter, which I hope you will take time to read, along with its attachments.

**Our reasons for opposing the incorporation of “Mannings” include these:**

- 1 We do not want another layer of government, a Mannings town government, in addition to the Federal, West Virginia, and Jefferson County governments that affect us already (and would continue to do so in equal measure, according to the applicants’ site [www.manningswv.org](http://www.manningswv.org)).
- 2 The promotional material for incorporation describes no new services or benefits that residents of the area targetted to become “Mannings” would actually receive, in case incorporation succeeded.
- 3 The “Resident’s [sic] Q&A” contains open-ended statements, such as: “There will be some change in taxes. County taxes will continue as before. Mannings town council will determine what additional money may be needed, if any. Town taxes will be base [sic] on the cost of service needed or items the residents feel that the neighborhood should have.” Mr. Blackmer stated before the County Commission on March 21 that nothing would be imposed in the proposed new town unless “the residents” voted it up; but non-property-owner residents substantially outnumber property-owners, according to the applicants’ own figures. Therefore we feel unprotected against new taxation for future schemes that “the residents” might “feel” they needed. And we do not want to be forced to spend our valuable time getting entangled in town government, in order to have a say on such issues.
- 4 It appears to us that the applicants are acting in bad faith. This impression is based on direct personal experience, as follows:
  - In 2007 Mr. Ashbaugh approached me in our yard, asking me to sign his petition to incorporate “Mannings.” He stated that success would lead to having “our own Post Office,” “our own police force,” and “a new shopping center” on then-Route 9. In the applicants’ publicly posted version of the relevant sections of the WV Code, annotated to demonstrate that their bid is supposedly in compliance with the Code, under 8-2-1 (a)(5)(C)(i) it is stated that “*Police protection will be continued by written agreement with State, County and Municipal law enforcement*”

agencies.” (See my Attachment A, page 9.) This flatly contradicts what the petitioner said to me in his attempt to obtain my signature. Meanwhile, the USPS is closing post offices in small towns, not opening them. If such statements were also made to others, then I believe that some people may have signed on the basis of misrepresentation of what incorporation of “Mannings” would definitely be able to provide.

- The map the petitioners have publicized with their 2013 application differs from the one they submitted in 2007-2009. The target area has been reduced by 170 acres (bringing it to below 1 sq mi, thereby changing the population requirement from 500 to 100). It doesn't seem right to gather signatures for one proposal in 2007-2008, submit them in 2009, then resubmit the same signatures four years later in support of a *different proposal*.
- The Vision Statement on [www.manningswv.org](http://www.manningswv.org) is copied almost verbatim from the published *City of Charles Town, WV Comprehensive Plan 2006-2026*. Please see Attachment B for a comparison of these documents. We think that heisting “vision” from a different, much bigger town and presenting it as one's own “vision” for “Mannings” reeks of cynicism toward the County Commission, the target area's residents, and the general public. See Attachment A, pages 2-7, for observations on specific points of this apparently cribbed text.
- Vision Statement #9 as submitted to the County Commission has one sentence that is absent in the version posted at [www.manningswv.org](http://www.manningswv.org). It is: “*Creation and expansion of central waste water treatment and water systems are also included as key services.*” Does this sentence point to a hidden commercial agenda?
- When I asked Mr. Ashbaugh in 2007 who would pay for an independent police force and town government, he stated that he was going to build a shopping center that would attract new businesses to “Mannings.” He said that the shopping center would be like Mystic Seaport in Connecticut. Here's a link to a map of the Mystic Seaport museum-town:  
[http://www.mysticseaport.org/index.cfm?fuseaction=home.viewPage&page\\_id=375A3B15-1E4F-379B-60C3BE60A6448B38](http://www.mysticseaport.org/index.cfm?fuseaction=home.viewPage&page_id=375A3B15-1E4F-379B-60C3BE60A6448B38). It has 50-some restored historic buildings, 19<sup>th</sup>-century tall ships docked at the pier, and is located 1 mile off heavily travelled Interstate-95! (It generates whopping traffic jams.) We think that making such a comparison in an attempt to obtain my signature showed bad faith. Saying in the 2013 documentation that Mannings is “the gateway community for Jefferson County” is also dishonest because the opening of the new Route 9 from the Virginia border to Charles Town in late 2012 has radically reduced traffic on Route 115 (Old Route 9), so previous projections about booming business activity and tourism go out the window.
- We are alarmed about the vehemence of Mr. Blackmer, who is not a resident of the target area (neither is Mr. Ashbaugh), which I witnessed at the County Commission on March 21 when he expressed zeal “to get this thing done.” Since no clear benefits to residents or property-owners of the target area have been identified in the offered documentation, we believe that the lead applicants may have a personal agenda, possibly a narrow commercial one. We are aware of unfinished projects in the target area belonging to Mr. Ashbaugh, though we don't know why they were suspended. (During the period of excavation above then-Route 9, north of the Hostler Road intersection, our Shenandoah North community pond became silted up and dirty, a reminder of the sensitive geology and fragile

environment of the mountain.) If the applicants' campaign to incorporate "Mannings" is motivated by a desire for conditions that would allow them to complete those or other projects, we believe that the particulars of this interest should be openly stated to the public.

- We think that it shows contempt for the public and the County Commission, to submit a petition with 5- or 6-year-old signatures without diligently checking whether they are still valid. The "Verification Review" (a list of names) on page 183 of the March 21 County Commission agenda packet failed to note many changes that have occurred since the signatures were gathered. Information about these is readily available in the public domain. In addition, the underlying petition blanks were of poor quality, not corresponding to the actual parcels and their owners in the target area. I think that serious inspection of these petitions will turn up at least the following problems, if not more:
  - The petition sheets are missing pages 1 and 4 of "59 pages"; omit the names of some people with a freehold interest in a parcel of real property in the target area, including me (Rachel B. Douglas); appear to omit at least one parcel and its owner altogether, County Tax Map 21 46.2, listed by the County as owned by the same physical person in 2008 – 2012.
  - Two parcels and the names of their owners are completely crossed out by hand, although those owners are still listed by the County as the owners of record (p. 5, Map 20A 68.1, p. 18, Map 21B 44.1).
  - 21 unexplained handwritten changes in owner names (substitutions and additions), column 1. At least one handwritten "same as" notation in error.
  - 9 cases where the signed name doesn't match the name of the listed owner.
  - At least 2 signers who have died since 2008, besides the 3 included on the "verification" page.
  - A household (2 signatures) in Shenandoah North that no longer owns property here, but is not mentioned on the verification page.
  - Failure to record net increases in the number of freeholders in the target areas, such as the purchase of Map 20A parcels 42 and 51 by individuals who were not previously landowners here, from a seller who remains a landowner. A larger number of freeholders may raise the number of valid signatures required.
  - At least 5 cases where a signature on the petition does not resemble the listed person's signature as it appears on other County documents available for inspection in the County Clerk's office.
  - At least 2 people who we are supposed to believe did not know how to spell their own names when they signed.

While there might be reasonable explanations for some of these flaws individually, taken together they raise huge questions in our minds about the validity of this petition. We think that if even one single forged signature was notarized by the applicant, that should disqualify the entire petition; for example, we believe that legal scrutiny of the petitions will notice the first two signatures on page 53, where the correct landowners are listed (handwritten) in column 1, but the signature for the first one does not match his name (it is the name of a relative who lived in the house at that time), and the signature for the second co-owner appears to be in the same handwriting as the first.

**Shenandoah North should be excluded from “Mannings.”** If, despite all the above-noted problems, the County Commission were to set the incorporation process in motion, we strongly request that you exercise your discretionary authority under WV Code 8-2-1 (c) to change the boundary lines, excluding the Shenandoah North subdivision from “Mannings.” Shenandoah North is the large bulge toward the left (north) on the applicants’ current “Mannings” map, including (to the best of my knowledge and visual inspection) County Tax Map 20A parcels 1 – 45, 48 – 56, 60 – 61, and 74 – 77. Its total land area is approximately 160 acres, or around 30% of the total target area; it was ~22.5% of the different total target area, submitted in 2009.

Shenandoah North is distinct in several ways from the thickly settled area along Route 115 known as “Mannings.” By no stretch of the imagination does Shenandoah North have the physical characteristics of a town. My husband and I are opposed to the applicants’ Vision Statement, which would define our property as “urban forest.”

Shenandoah North is separated from Mannings by the deep Forge Run ravine. Because of its topography of steep slopes, Shenandoah North includes unbuildable lots. I personally know at least 5 Shenandoah North property owners who hold undeveloped lots (and pay County taxes on them) as a woodland buffer or for other personal reasons. Out of the 21 houses in Shenandoah North, only 17 are inhabited year-round, with about 45 year-round residents including children. The population density of Shenandoah North is approximately 0.3 people per acre, below the average for Jefferson County as a whole as stated in the applicants’ documentation.

Shenandoah North has never had urban characteristics and does not have them now. In the 19<sup>th</sup> Century, it was farmland (heirs of Mary Herbert as of 1852, B.W. Herbert tract thereafter – maps on file at Library of Congress, [http://lcweb2.loc.gov/cgi-bin/map\\_item.pl](http://lcweb2.loc.gov/cgi-bin/map_item.pl)). It was still mostly farmland in 1956, when James M. McLaughlin and Louis Nyman purchased and consolidated the 112.3-acre core of the subdivision (Deed Book 211, page 319; personal recollection of one of Mr. McLaughlin’s heirs). In the 1960s and 1970s, Mr. McLaughlin acquired additional, adjacent lots; in 1972 he bought out Mr. Nyman’s interest.

Shenandoah North has been well-defined as a subdivision since at least 1980 (Plat Book 5, p. 73, March 17, 1980 – Slide 151B; Plat Book 6, p. 12, Oct. 19, 1981 – Slide 203B). The Shenandoah North Community Association has existed since 1980; the SNCA maintains the commonly owned recreation area around our pond, which is Parcel 60, County Tax Map 20A. The Shenandoah North Maintenance Association, chartered in 1997, is exclusively dedicated to road maintenance of the private Shenandoah North roads, paid for by dues from Shenandoah North landowners. Within the past decade, the SNMA formally considered and voted to reject paving our roads or seeking to have them shifted to state maintenance. We have 10 mph suggested speed limit signs on our roads, which are very lightly trafficked; many residents, including one family with small children, enjoy walking on the roads and find it safe to do so. These are private roads and the community has the private, commonly owned recreation area and pond; my husband and I are alarmed at the numerous references in the “Mannings” Vision Statement to identifying and acquiring space for town parks, etc., which sounds like an unlimited opening to attempts by developers – operating through their future “Mannings” Town Council – to claim parts of Shenandoah North.

The applicants’ petition makes no mention of what the relationship would be between the 33-year-old (arguably 57-year) Shenandoah North subdivision, and its institutions the SNCA and SNMA, and the rest of “Mannings,” in the event that a municipality were incorporated and Shenandoah North were declared part of it. Their “Vision” makes no reference to this issue.

Inspection of the applicants' petitions indicates that it was *not* signed by 30% of the current freeholders in Shenandoah North. Decreeing that Shenandoah North owners and residents should be subject to the views of 30% of the landowners (if valid) of an area in which we are a minority, is a slick trick. Even if the text of the law allows it, the County Commission has the authority to override this sleight of hand on the basis of topography, demographic realities, and fairness – and exclude Shenandoah North.

At the March 21 County Commission session, Mr. Blackmer stated that “the landowners” (by which he apparently meant those who may be planning commercial development, not resident-landowners like us) could not impose any measures not approved by “the residents” through a Town Council. But, it must be taken into account that Shenandoah North, with approximately 160 acres, 40 landowners (counting households as “1”, as the petitioners’ count of “158” freeholders evidently does; the number of individual persons with a freehold interest is greater), and 45 residents including children, represents about 30% of the target land area and 25% of the landowners, but only 7% of the population (if 650 is a correct estimate; if the real population is closer to 500, then around 9%). Therefore owners in Shenandoah North, including owner-residents, would never be able to prevail as a group against the far greater numbers of voters from the distinctly different, thickly-settled area along Route 115 known as Mannings.

For the above reasons, please remove Shenandoah North from this project. We moved here because we like the rural, secluded setting. We do not want to be forced to tangle with a town government that might try to tax us and/or gain authority over our property, neighborhood, and way of life.

Additionally, we believe that the May 2, 2013 Public Hearing is out of order and the “Mannings” petition should have been dismissed already because the applicants and the County Commission collectively violated the 30-day time period after the March 21 vote, as defined in WV Code 8-2-3, during which the Public Hearing should have been held. According to published minutes of County Commission proceedings, this was done because “Ms. Keyser” reported that “Mr. Blackmer” had waived the 30-day requirement. Section 8-2-3 does not specify conditions for waivers of the 30-day requirement. We do not believe that Mr. Blackmer had standing to grant such a waiver. On March 21 the County Commission made known to the public by its vote, that a Public Hearing was to take place within 30 days. Members of the public had the right to expect that the Code-mandated time period would be honored. I changed my business and personal travel plans, in order to make sure I would be here to attend the hearing. I then had to change these plans again, inconveniencing my elderly mother, after the County Commission violated the time period requirement. This action appears to us to have been improper on the part of the County Commission.

Sincerely yours,

Rachel Douglas  
Shenandoah North resident and  
homeowner since 2000

Attachments:

A – Text from [www.manningswv.org](http://www.manningswv.org) with my annotations.

B – MS Word Compare Documents results from [www.manningswv.org](http://www.manningswv.org) Visions Statement and 2006 Charles Town Comprehensive Plan 2006-2026.

## Attachment A

Comments on “Mannings” “Vision Statement” and WV Code compliance claims

Rachel Douglas

Shenandoah North homeowner and resident

May 2, 2013

The main text in this file is copied from [www.manningswv.org](http://www.manningswv.org), which Fred Blackmer at the March 21 County Commission hearing directed people to visit for info on the “Mannings” project. My notes are in red (+ bold for the printed-out copies).

Mannings

West Virginia's Newest Town

Mannings incorporation information

Documents provided on this site are intended to fulfill the basic requirements to request incorporation as identified in West Virginia Code.

Proposed Vision Statement

*THE NEED FOR A SHARED VISION*

**As demonstrated in Attachment B, this “Vision Statement” for “Mannings” was obviously not composed for Mannings, but was lifted whole cloth from the Charles Town Comprehensive Plan for 2006 – 2026, with only a few words changed. The source is the four-page Chapter 3 of that 79-page document, beginning on page 13 of the pdf or 10 of the plan pamphlet: [http://www.charlestownwv.us/vertical/sites/%7B497B4BB1-9A1F-47D0-AF93-611C825E6674%7D/uploads/Comp\\_Plan\\_Final\\_January\\_19\\_2010%282%29.pdf](http://www.charlestownwv.us/vertical/sites/%7B497B4BB1-9A1F-47D0-AF93-611C825E6674%7D/uploads/Comp_Plan_Final_January_19_2010%282%29.pdf). Below I'll point out elements that I think are patently inappropriate for Mannings and/or represent open-ended threats to property-owners and residents in the target area. Was this “Vision” presented to the people who were induced to sign the petitions in 2007-2008?**

Fostering a shared vision is a critical ingredient needed for Mannings to successfully manage community development in the 21st century. A shared vision is not to be mistaken for a uniform vision - for this would be unobtainable. Mannings is a community with citizens that have a diversity of beliefs and opinions. Ultimately, a shared vision will include compromises that are made for the best interest of all citizens, rather than a few. Although this document may be changed or amended from time to time, and must be reviewed within 10 years, the shared vision described herein is intended to endure for a period of at least 20 years.

### *A SHARED VISION FOR MANNINGS*

The following vision statements lay down the foundation for the goals, objectives, policies and action plans established in **this comprehensive plan**.

**There is no “comprehensive plan” for Mannings. The language is an artefact of the CT Comprehensive Plan.**

**[To save space, I have deleted the one-line vision statements here, displaying only the full versions.]**

### *VISION STATEMENT #1: HISTORY*

As Mannings's landscape changes in the years ahead we do not want to forget the rich history that brought our ancestors to Mannings in the first place. If we are creative and pro-active we can preserve

the best of our past while enhancing our future. This will certainly involve creating new ordinances & policies, finding new financial resources, such as incentive programs, grants, fees, donations, and the use of other methods that will encourage or require property owners to preserve historic resources and/or adaptively reuse historical buildings and structures.

**Where are these historical resources and buildings? The Jefferson County Historical Society identifies 14 “historical” houses in the target area, all of them south of the Mannings Assembly of God Church, and all merely being houses in which some of the framing dates from 1900-1940. North of the MAGC there is only a 1920 stone well identified on Charles Town Rd. and, up Hostler Rd., an 1890 partially log house, which may not even be within the target area.**  
<http://jeffersoncountyhlc.org/googlemaps.html>

The intent is not to create a collection of museums, but to resist the temptation to prematurely declare a building, a block, or a neighborhood obsolete and remove it. Adaptive re-use should be looked at first.

**Does this mean that the “visionaries” anticipate the eventual declaration of entire neighborhoods – overwhelmingly built in the 20<sup>th</sup> and 21<sup>st</sup> centuries – as “obsolete” and in need of removal?**

#### ***VISION STATEMENT #2: COMMERCE AND INDUSTRY***

Mannings will strive to maintain its position as the gateway community for Jefferson County, West Virginia.

**The bend in Old Route 9 known as “Mannings” used to be one of several major routes of entry into Jefferson County. As of the opening of New Route 9 in late 2012, Rt. 115/Charles Town Road is not a “gateway” to anywhere, except possibly Shannondale – a community of ~1250 homes and ~3500 population located just southwest of the target area.**

Mannings will encourage existing businesses to stay and grow in the Town while attracting new businesses that offer new opportunities for jobs and local revenues. The Town of Mannings will strive to become a center of commerce and industry for new and existing businesses so new job opportunities and local revenues grow in relationship with population.

**Visual inspection reveals possibly ONE (1) business in “Mannings,” a junk yard. There used to be a store, but it closed last year. It appears to be under reconstruction. The balance of this paragraph bears absolutely no correspondence to the reality of the bend in the road known as Mannings.**

#### ***VISION STATEMENT #3: DOWNTOWN***

The existing downtown district should continue as the historic center of business and government in Mannings. Mannings will work to maintain and enhance a vibrant downtown. The downtown will consist of businesses that focus on niche markets, provide office and retail services, cater to local residents, and provide government services. Bringing new residents and businesses to downtown, as well as finding ways to attract tourism will be top priorities. Other uses that should be supported downtown shall include cultural, recreational, non-profit and institutional uses.

**There is no “existing downtown district.” There is no “historic center of business and government.” The rest of the paragraph is relevant to a large town like CT, but not to the bend in the road known as Mannings. Concerning the visionaries’ desire to “attract tourism”: there is nowhere in the target area one could tour; there are no sights to see, unless one thinks that attracting tourists to stare at our residences is a good idea.**

#### ***VISION STATEMENT #4: SAFETY***

Mannings will continue to combat crime and other hazards so that it can continue to be a community where families, friends, and visitors can walk, ride and drive in a safe and comfortable environment.

Mannings will strive to maintain a high quality service from the police, fire and emergency service providers. Mannings will work with local, state and federal entities to prepare mitigation plans for natural and man-made calamities.

**The FAQ on the same website states that provision of all these services will be arranged with the agencies which already provide them. Nothing new is planned or offered, except in theory.**

#### ***VISION STATEMENT #5: WALKABILITY***

The Town of Mannings has traditional neighborhoods that are walkable with paths to most home sites. Mannings recognizes the importance of providing citizens with sidewalks, bike paths, and public transit. Therefore, it shall be the Town's goal to promote high quality development that utilizes design concepts that encourage walkability.

**“Paths to most home sites” is false, a result of substituting “paths” for the “sidewalks” mentioned in the Charles Town Comprehensive Plan. In Shenandoah North, ~30% of the target land area, we do not have either sidewalks or paths to our homes, though some of us have manually cleared extra paths in our woods. What we do have is privately owned and maintained dirt/gravel roads, which are also walkable because of our very low population density (0.3 per acre, lower than the County average); we have posted an unofficial 10 mph speed limit and many of us enjoy walking on our roads. This is a benefit I would not like to see changed through Shenandoah North’s becoming part of a “municipality.”**

#### ***VISION STATEMENT #6: COMMUNITY PRIDE***

Mannings will promote community pride among residents by supporting social activities and organizations, holding Town events, promoting tourism and business, improving ordinances impacting social welfare, and encouraging voting.

**I already take pride in Shenandoah North with its nice neighbors, pretty gardens, undeveloped wooded lots, friendly dogs, resident Red-shouldered Hawk, Great Blue Heron at the pond, and Pileated Woodpeckers, and Community Association which maintains our pond and common recreational area. We feel no need to pile on additional pride in the area up the road known as Mannings.**

#### ***VISION STATEMENT #7: AFFORDABLE LIVING***

Maintaining a complete community with diverse age, background, race, ethnicity, social status, and income is important to Mannings's overall vitality. Mannings will identify means and methods for fostering this diversity and recognize that a continuing effort will be needed to ensure that the needs and wants of all citizens are recognized and represented.

**This statement is hardly relevant to the bend in the road known as Mannings.**

#### ***VISION STATEMENT #8: JOBS***

Mannings has a vision for its residents to find good jobs at home. There are many Mannings residents that commute out of the community. With long commutes, the time and participation in community activities is greatly reduced. Greater potential for citizens to obtain a job with good wages necessary to live and raise a family, or to be independent, is a major part of this vision. Mannings will focus on expanding its economic base with the kind of employment that will utilize the skill levels of our citizens. Mannings also will attempt to attract companies who treat their employees with respect and are willing to train, retain, and educate them.

**This statement does not correspond to the economic, sociological, or demographic character of the target area.**

### ***VISION STATEMENT #9: INFRASTRUCTURE***

The quality of life for current and new residents and businesses of the Mannings community is dependent upon the infrastructure of the community being adequate to handle the demands of growth. As demands change, Mannings envisions that local and state government will work together to recognize what must be accomplished to provide for new or expanded infrastructure. The Town of Mannings expects new developments to pay for the majority of the new infrastructure that will be needed to support this growth. This begins with developers providing the necessary transportation infrastructure on site and working collaboratively with the Town of Mannings and other entities to improve the overall transportation systems off-site. Other infrastructure may include, but is not limited to, parks, municipal facilities, storm water facilities, community facilities, emergency services, open spaces, and various utilities. [SENTENCE OMITTED HERE.] The Town of Mannings will collaborate with all interested parties to facilitate these improvements.

**The most stunning thing about this paragraph is the omitted sentence. In the version of this statement submitted to the County Commission on March 21, 2013, but not included on the website, there is an additional sentence, which states: "Creation and expansion of central waste water treatment and water systems are also included as key services." The inclusion of this element of the "vision" in the text submitted to the Commission, but its omission in what was posted online for the public, raises the question: Is this sentence a key to part of the hidden agenda of the primary initiators of the incorporation filing?**

### ***VISION STATEMENT #10: BEAUTIFICATION***

The Town has unique neighborhoods, an established downtown, and a road network that brings a great number of people to it, or through it, during any given year. It should be a distinctive and attractive Town. Unmanaged and unattractive development can forever change the character and appeal of the Town. For some people the first and perhaps the only view of the Town that they can encounter is along the major roadway corridors. Maintaining the good, and improving the inadequate appearance of Mannings, its entrances, the natural environment, and the urban forest are important elements of the Town's overall vision.

**"Established downtown" is false. "Road network" is false. Reference to "the urban forest" having an inadequate appearance sounds like a threat to barge in and start imposing conditions on the woodland buffer areas that some Shenandoah North property owners choose to maintain (and pay taxes to the County on).**

### ***VISION STATEMENT #11: PLANNING***

The Town endeavors to be proactive in planning for future infrastructure, public services and land use needs to compose a better future for all Town residents. To accomplish this goal the Town will need to utilize many different policy tools, such as, but not limited to, the Comprehensive Plan. The statements and descriptive data and illustrations within the Comprehensive Plan shall serve as a guide for the Town's Planning Commission to consider and make recommendations to Town Council regarding future land use decisions that affect the Town. Although they will not be the sole basis for making decisions, the Comprehensive Plan and "Smart Code" land use concepts <http://www.smartcodecentral.org/> will help the Town focus on future needs and provide a foundation on which the Town can build.

**All of these references to the Comprehensive Plan come from the Charles Town vision and refer to the Charles Town Comprehensive Plan. There is no Comprehensive Plan for the bend in the road known as Mannings. There is no tax revenue base for creating a Town Planning Commission. I have read the "Smart Code" link provided on the same website. Its provisions are clearly designed for large towns and are irrelevant to the bend in the road known as Mannings or the adjacent and nearby residential areas.**

## ***VISION STATEMENT #12: GOVERNMENT***

Mannings will strive to provide the best government services possible. Cooperative intergovernmental relations between Charles Town, Ranson, and Jefferson County is indispensable for creating common goals that work in the best interest of the region. Likewise, cooperation with the West Virginia Department of Transportation, Jefferson County Board of Education, Economic Development Authority, and other local, state and federal government entities is necessary. Open government that encourages participation of all citizens, and other impacted individuals and groups, enhances a government's ability to serve its public. Therefore, one of the Town's goals is to ensure that an open and fair forum is provided, so the opinions of the minority and majority are both considered when making future decisions and educating the public. The writing of new ordinances, public visioning exercises, amendments to this comprehensive plan, annexations and public improvement projects are all examples of processes that need to be evaluated to ensure that the Town's procedures accomplish this goal.

**What are “intergovernmental relations between CT, Ranson, and Jefferson County” doing in the vision of “Mannings”?**

## ***VISION STATEMENT #13: PARKS, TRAILS, GREENSPACE, AND RECREATIONAL AREAS***

Mannings recognizes that parks, open space, trails and recreational facilities are important ingredients to local quality of life and to attracting and retaining high quality businesses. Mannings will identify and target areas for recreation areas that are interconnected with trails and parkland, beyond the required floodplain and wetland areas, and layout a strategy for green space protection with multiple purposes, including ensuring clean water, abundant clean air and healthy landscapes for our citizens and wildlife.

**This sounds like a threat to Shenandoah North property-owners, insofar as our subdivision accounts for about 30% of the land area targetted by the incorporators (but only around 7 to 9 % of the potential voters! – so we would be defenseless).**

To view the Parks and Recreation suggestions from a Shepherd University class project on the incorporation of Mannings, [Click Here](#)

**The images of parks contained in this document are based on designs from Japan, the habitable parts of which are one of the most compactly settled regions in the world. Such designs do not in any way mesh with the bend in the road called Mannings, unless somebody is planning to seize Shenandoah North as an area in which to set up parks with gigantic brightly colored plastic equipment in them.**

\* \* \*

### Provision of Services

In this portion, the sections of West Virginia code that apply to the process of incorporation are given. The responses for the Mannings incorporation are shown in italics.

## CHAPTER 8. MUNICIPAL CORPORATIONS.

### ARTICLE 2. CREATION OF MUNICIPALITIES.

#### PART I. GENERAL.

##### **Sec.8-2-1. Requirements for incorporation; size and character of territory; population.**

(a) Any part of a county or counties may be incorporated as a city, depending upon the population, either as a Class I, Class II or Class III city, or as a Class IV town or village, as classified in section three, article one of this chapter if the area proposed for incorporation meets the following conditions:

(1) The area is not currently within any municipality urban in character;

Territory to be incorporated is not within any of the five current Jefferson County incorporated municipalities. Refer to the [County Locator Map](#)

(2) For areas that are more than one square mile there must be an average of not less than five hundred inhabitants or freeholders per square mile;

Territory to be annexed is .86 square miles (550 +/- acres) Inhabitants per square mile does not apply.

**According to applicants' correspondence with County staff (see March 21 CC Agenda Packet), the area is 539 acres or 0.84 square miles. The land area on the map drafted in 2006 and used with the 2009 application, and when the signatures were gathered (2007-2008), was a different and larger area of 709 acres, or 1.11 square miles. Thus the originally planned "municipality" would have required 500+ residents. There is reason to suspect that this threshold would not have been met because with 252 "addressable structures" and an average number of people per household for the 25425 zip code of only 1.94, that would be 488 residents. Additionally, in Shenandoah North alone, out of 21 "addressable structures" 4 of them have zero year-round residents because they are weekend cabins, summer houses, or vacant.**

(3) For areas less than one square mile there must be at least one hundred inhabitants or freeholders;

The number of addressable structures in the area proposed for incorporation indicates that the minimum of one hundred inhabitants has been met.

(4) The total area to be incorporated must not include an amount of territory disproportionate to its number of inhabitants; and

Inhabitants per acre is similar to the other five incorporated areas of Jefferson County. Refer to [JC Municipal Data](#)

**I believe there is a sleight of hand here. The two towns shown at <1.0 person/acre are Harpers Ferry (a National Park!) and Ranson (contains huge expanse of commercial properties). Mannings density is stated as 1.18. If the population turns out to be closer to 500 than 650, then the density would be 1.08. But, look at the distribution. The Oak Hill Mobile Home park has around 52 mobile homes (number of rooftops visible on current Google Maps satellite view) on 4 parcels totalling 11 acres. At 1.94 persons per household (?), that's ~9.0 people per acre. Across the Forge Run ravine in Shenandoah North, in contrast, we have ~45 permanent residents on 160 acres, for a population density of 0.3 per acre — less than the 0.4 per acre density stated in the chart for the County as a whole. This is not a town!**

(5) The proponents of incorporation shall provide to the county commission a proposal which shall include:

(A) A map or maps of the area to be incorporated showing the following information:

Refer to the [County Locator Map](#).

The present boundaries of nearby municipalities and the proposed boundaries of the area to be incorporated; and

**As noted above, the "proposed boundaries of the area to be incorporated" were stated differently in 2006–2009 than they are being stated now, so in fact those "proposed boundaries" are being proposed by only some of the petition-signers and may well be unknown to others who signed the petition (very likely they are not known to the 5 or more signers who have died since the signatures were collected).**

Boundaries of "nearby" municipalities and the proposed boundaries of Mannings are displayed in the [County Locator Map](#). Survey description is included in the [Plat](#).

(ii) The proposed extensions of water mains and sewer outfalls to serve the incorporated area, if such utilities are to be operated by the municipality. The water and sewer map must bear the seal of a registered professional engineer or a licensed surveyor.

*There are no plans for Mannings to own or operate central sewer or water systems on the date of incorporation. Provision and expansion of these services are addressed in Vision Statement #9: Infrastructure.*

**See note above, concerning the sentence in Vision Statement #9 which was concealed from the public.**

(B) A statement that the area to be incorporated meets the applicable requirements of this article.

*Every effort has been made to meet WV Code requirements for initial incorporation application.*

(C) A statement setting forth the plans of the proposed municipality for providing to the area to be incorporated each major municipal service and whether the service will be provided by the municipality or by contract with a public or private entity. The plan shall:

*Specific major municipal services and how they will be provided are detailed in this section. These issues will be addressed to provide services similar to the practice of the County and Municipal jurisdictions.*

(i) Provide for police protection, fire protection, solid waste collection, public water and sewer services and street maintenance services to the area to be incorporated on the date of incorporation;

*1. Police protection will be continued by written agreement with State, County and Municipal law enforcement agencies.*

**For this it is not necessary to have a new town.**

*2. Fire protection will be through requirement of WV Code and similar practices of current Jefferson County Municipalities.*

**For this it is not necessary to have a new town.**

*3. Solid waste collection will be addressed as required in WV Code and similar practices of current Jefferson County and Municipalities.*

**For this it is not necessary to have a new town.**

*4. Public water and sewer services will be continued at their current level. New and/or expanded service will be provided in accordance with WV PSC, WV DEP, JC Health Department and Mannings ordinance.*

**This vague statement leaves the incorporators' intentions unclear, but taken in combination with the "concealed sentence" of Vision Statement #9 it appears to raise the prospect of property-owners within the target area being pressured to accept and pay for unneeded (as far as our residential usage goes, as opposed to what somebody might need for a shopping center project) "new and/or expanded service," or else to have to spend time and effort to fight it through a "Mannings" town government in which by definition we would have only a minority voice.**

*5. Street maintenance services will begin based on funding availability.*

**Shenandoah North, accounting for ~160 acres or 30% of the targetted area, already has its own Shenandoah North Maintenance Association, which maintains our private roads. Within the past decade, the SNMA voted against paving the roads and against seeking state takeover of their maintenance. The community has made clear that a change in the road maintenance set-up we already have is not desired.**

(ii) A statement of the impact of the incorporation on any rural fire department providing service in the area to be incorporated and a statement of the impact of the incorporation on fire protection and fire insurance rates in the area to be incorporated; and

1. Rural fire department impact: Mannings is currently served directly by Blue Ridge Fire Company (BRFC). It is a volunteer, non-profit corporation. BRFC funding is primarily through private donations and fund raising activity. County and Municipal jurisdictions contribute to volunteer services based on budget considerations. This process is expected to include Mannings.

**No change... no need for a town.**

2. Fire protection and insurance rate impact: There will be no negative impact to the proposed incorporated area or surrounding areas. It is anticipated that as services and infrastructure are enhanced, fire protection will improve. Fire insurance rates will be reduced as service improvements are made.

**This sounds like pie in the sky. Do the incorporators intend to use possible future control of a Mannings town government to come into Shenandoah North and start installing hydrants and making us pay for them?**

(iii) A statement showing how the proposed incorporation will affect the proposed municipalities [sic] finances and services.

1. Proposed municipal finances: Finances will be considered by the Town Council. That body will determine municipal needs and availability of funds. Tax rates, levy and service needs will be determined by the residents of the area to be incorporated through their elected officials.

**I have yet to find a single one of my neighbors who wants new taxes imposed by a town, or even the existence of a town government with the power to levy such taxes, especially given that no new services are being offered and current County taxes would continue as they are. Given that residents of the target "Mannings" area outside of Shenandoah North would far outnumber potential voters who reside within Shenandoah North, I believe that we Shenandoah North residents and property-owners would be left with no effective way to resist such burdens.**

2. Provision of major services has been detailed in section C(i). Additional services, amenities and funding sources will be at the discretion of residents and their elected representatives

3. County services will remain unchanged or enhanced.

**Further demonstration that there is no need for a town. No means by which the town would influence the quality of county services ("enhance" them) is demonstrated.**

(b) The creation of any new municipality is prohibited if:

(1) The area to be incorporated is within close proximity to an existing municipality and the existing municipality is capable of more effectively and efficiently providing services to the area; or Close proximity is not defined.

*The area to be incorporated is separated from any other incorporated municipality by the Shenandoah River and a minimum of 2.25 miles.*

(2) The creation of a new municipality is not in the best interest of the county as a whole.

*This particular provision requires that there be a finding of negative impact on county residents as a group. A simple loss of some authority by County government is not sufficient. There will be no negative fiscal impact to county residents through the incorporation of Mannings. All current county taxes will continue.*

**The highlighted statement is false because, from the program described above, many “county residents” who have the misfortune of living in the area targetted to become “Mannings” would experience a negative fiscal impact.**

(c) It is within the reasonable discretion of the county commission to determine the exact area or portions thereof to be included or excluded in the new municipality, considering the following:

(1) The topography of the area;

**Shenandoah North should be excluded because its topography differs from the rest of the target area (as well as its having developed historically in a different way) and is divided from the thickly settled area along Rt. 115, commonly known as Mannings, by the deep ravine of Forge Run. There are several unbuildable lots in Shenandoah North because of steep slopes. In addition, I personally know five SN property-owners who deliberately keep some of their lots undeveloped, because they like the woodland buffer or for other personal reasons. These are some of the factors contributing to our low, 0.3 people per acre density.**

(2) The benefits of incorporation;

**For residents of Shenandoah North, I believe there would be no benefits. Shenandoah North is not an urban area by any stretch of the imagination, but it is a *settled* area with low population density; it is also a long-established subdivision (since 1980, see Plat Book 5, p. 73 – Slide 151B dated 3/17/1980 and Plat Book 6, p. 12 – Slide 203B dated 10/19/81, in the County Clerk’s office), with its own Community Association since 1980 and its own Maintenance Association for the private roads since 1997. The petitioners, in 2007, misrepresented what they could offer, by stating that this petition would lead to incorporation, which would lead to the appearance of “our own police force” and “our own post office” and the opportunity to have “a shopping center” nearby on Rt. 9 (now Rt. 115).**

(3) The amount of uninhabited land required for parks and recreational use;

**Shenandoah North should be excluded also for the protection of its property-owners, who bought land and/or moved here in order to enjoy the secluded woodland; we need protection against possible future attempts by a “Mannings” town government to seize Shenandoah North for town recreational use, or other encroachments which we would not be able to prevent by voting, because of our relatively small population.**

and

(4) Normal growth and development and the present and possible future uses so as to prevent hardships and inequities.

#### JC Municipal Data

The [JC Municipal Data](#) lists the population densities of Jefferson County and each of its municipalities, including the proposed municipality of Mannings.

**Apparent sleight of hand, see comment under 8.2.1 (a) (4), above.**

#### Resident's Q&A

Q-1. Post Office? Get our own, or continue to use Harpers Ferry? Build our own?

Answer: Initially, all mail will remain as it is. Current postal addresses will continue as they are. Mail delivery will remain as it is. Residents, through the local town government will be able to work with the postal service if a change is desired.

**The petitioner who approached me in my yard in 2007 stated flatly: You will have your own local post office when this goes through. N.B. The USPS is closing many smaller post offices currently.**

Q-2. Change in taxes? Still pay county taxes but pay additional Mannings city taxes?

Answer: There will be some change in taxes. County taxes will continue as before. Mannings town council will determine what additional money may be needed, if any. Town taxes will be base [sic] on the cost of service needed or items the residents feel that the neighborhood should have.

**I do not want to be subject to paying taxes to an additional entity besides the County, based on what "the residents" (who would greatly outnumber those residents who are landowners/potential taxpayers) "feel" they need. When I asked the petitioner who approached me in 2007 how a new "town" would pay for anything, he stated that money would flood in because he was going to build an equivalent of Mystic Seaport (Connecticut) in Mannings. Mystic Seaport is a few miles off heavily trafficked Interstate-95 and has 50+ restored historic buildings and permanently docked 19<sup>th</sup>-century tall ships!**

Q-3. What about town police? Who's rules does he/she abide by? Mannings alone? Jefferson County? State of WV? Do we make our own rules?

Answer: The issue of Mannings having its own police department will be a significant discussion item. A police officer (if created) will serve Mannings as directed by policy created by the town council. All existing County, State and Federal laws would still be in effect. There are several advantages of having a local law enforcement function. Response times may be better when law enforcement is needed. There may also be an opportunity for more personal evaluations of certain situations.

**The 2007 petitioner who approached me mentioned having "our own police department," as a firm statement of what the incorporation would achieve. He was unable to explain who would pay for this (see "Mystic Seaport" remarks, above). Now, it turns out (see above, in the responsiveness-to-code section, the content of which differs from this FAQ) that police services are to be provided by the County – i.e., what we're already paying for. So here we have a dangled fantasy about a separate police department, but no solid information about who would pay for this, except that it is to be a "discussion item." I do not have time to get involved in such discussions, nor do I want others to be discussing such things on my behalf.**

Q-4. What happens to school funding and maintenance?

Answer: Incorporation of Mannings will have no impact on the county school system. Blue Ridge Elementary may be in the incorporated area of Mannings but would still be run by the county and state Boards of Education. Current funding, maintenance and operation would remain unchanged.

Q-5. What if we try to Incorporate and cannot do it? What if it is too much financial burden on our small community? Can we un-incorporate?

Answer: Can the residents "un-incorporate" if it doesn't work out? The simple answer is yes. It should be pointed out that the benefit and cost of incorporating will be known before the incorporation takes place. Establishment of a local town government structure and town charter are required BEFORE an incorporation takes place. These things will be know and voted on by residents of the area to be incorporated.

**Incorporation is a cumbersome process, which anybody wishing to have a say in what happened in "Mannings" would have to get involved in. The neighbors I know are very busy with their jobs and lives and are ill-prepared to take this on, especially in a situation where no visible benefits to average residents have been identified.**

Q-6. Will there be impact studies on how this incorporation will affect the area? Environmental, more waste from water/sewer, shopping centers, etc...? What kind of population increase would this cause?

Answer: There will be many discussions about what **could** happen with the incorporation of Mannings. Those conversations all end with a simple fact: **Mannings residents will determine what impact incorporation has on the neighborhood. Residents through their own town government will set the standard for any change to the existing community.** It needs to be clear that a vote to seek incorporation doesn't mean there will be a new town full of strangers, shopping malls, sewer plants and out of control tax bills the day after your vote. It is almost the opposite. A yes vote will empower neighbors to have some say in how and what happens in their own community.

**Shenandoah North, a well-defined community that differs substantially from the other parts of the target area, has approximately 25% of the property-owners, 30% of the land, but only 7% of the population (if the 650 figure is correct; if the population is around 500, SN would have 9%) of the target area. Thus residents of Shenandoah North would be unable to have a decisive influence through any vote on decisions affecting what happens in our community.**

There are many questions that need to be addressed. Some of your neighbors have asked that I help provide answers. Please call or email with questions, concerns, comments and suggestions. Watch for notices of neighborhood meetings.

304 536 3983

[mannings@fredblackmer.com](mailto:mannings@fredblackmer.com)

Fred Blackmer

[www.fredblackmer.com](http://www.fredblackmer.com)

**Who is he? Does he live here? Does he own property here? What is his interest in the project to incorporate "Mannings"?**

**Many other provisions of the WV Code on incorporating municipalities appear to me to present serious problems for landowners and residents of a prospective "Mannings," which will not be itemized here for reasons of space and time. But one of them is worth noting. Were people who signed the petitions made aware that the new "town" would have to reimburse the costs of incorporation, right off the bat?**

### PART III. EXPENSES OF INCORPORATION.

#### Sec.8-3-10. Expenses of incorporation.

The first governing body of any municipality incorporated under the provisions of article two of this chapter shall provide for reimbursement to the county court of all costs of incorporation, including, but not limited to, the cost of publishing notices, of taking the enumeration of inhabitants, of ascertaining the qualification of electors, and of holding, conducting and superintending the elections called for thereunder and the returning, certifying and canvassing of the results thereof. The first governing body of any city incorporated under said article two shall also provide for reimbursement of the charter board or boards and the members thereof for all reasonable and necessary expenses actually incurred in the performance of its and their duties.

## Comparison of Charles Town Comprehensive Plan and “Mannings” “Vision Statement”

Prepared April 30, 2013 by Rachel Douglas (homeowner in the target area) through an electronic comparison of two documents, using MS Word “Compare and Merge Documents.” It shows that the Mannings “Vision Statement” was copied from the Charles Town Comprehensive Plan with only a few of words changed. Crossed-out words appear in the CTCP but not in the MVS.

Sources:

The 2006-2026 Charles Town Comprehensive Plan, chapter on “Vision” - [http://www.charlestownwv.us/vertical/sites/%7B497B4BB1-9A1F-47D0-AF93-611C825E6674%7D/uploads/Comp\\_Plan\\_Final\\_January\\_19\\_2010%282%29.pdf](http://www.charlestownwv.us/vertical/sites/%7B497B4BB1-9A1F-47D0-AF93-611C825E6674%7D/uploads/Comp_Plan_Final_January_19_2010%282%29.pdf)

The “Mannings Vision Statement” at [www.manningswv.org](http://www.manningswv.org).

### ~~CHAPTER 3: CHARLES TOWN'S A SHARED VISION FOR THE FUTURE MANNINGS~~

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#### ~~A SHARED VISION FOR CHARLES TOWN~~

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The following vision statements lay down the foundation for the goals, objectives, policies and action plans established in this comprehensive plan.

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#### ~~VISION STATEMENT #1: HISTORY~~

~~Charles Town • VISION STATEMENT #1: HISTORY~~

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~~Mannings~~ will strive to be a community that honors its past.

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#### ~~VISION STATEMENT #2: COMMERCE AND INDUSTRY~~

~~Charles Town • VISION STATEMENT #2: COMMERCE AND INDUSTRY~~

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~~Mannings~~ will strive to be a center of commerce and industry.

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#### ~~VISION STATEMENT #3: DOWNTOWN~~

~~Charles Town • VISION STATEMENT #3: DOWNTOWN~~

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~~Mannings~~ will strive to have a vibrant downtown.

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#### ~~VISION STATEMENT #4: SAFETY~~

~~Charles Town • VISION STATEMENT #4: SAFETY~~

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~~Mannings~~ will strive to be a safe place to live.

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#### ~~VISION STATEMENT #5: WALKABILITY~~

~~Charles Town • VISION STATEMENT #5: WALKABILITY~~

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~~Mannings~~ will strive to have alternative means of mobility to the automobile to improve upon the quality of life of its citizens.

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#### ~~VISION STATEMENT #6: COMMUNITY PRIDE~~

~~Charles Town • VISION STATEMENT #6: COMMUNITY PRIDE~~

Mannings will strive to have goals and programs that instill community pride.

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◆VISION STATEMENT #7: AFFORDABLE LIVING  
Charles Town • VISION STATEMENT #7: AFFORDABLE LIVING

Mannings will strive to be a place where our children and parents can afford to live.

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◆VISION STATEMENT #8: JOBS  
Charles Town • VISION STATEMENT #8: JOBS

Mannings will strive to be a community with good jobs near home.

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◆VISION STATEMENT #9: INFRASTRUCTURE  
Charles Town • VISION STATEMENT #9: INFRASTRUCTURE

Mannings will strive to be a place where infrastructure keeps pace with development and new development pays its own way.

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◆VISION STATEMENT #10: BEAUTIFICATION  
Charles Town • VISION STATEMENT #10 BEAUTIFICATION

Mannings will strive to preserve and enhance the overall appearance of the City-Town.

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◆VISION STATEMENT #11: PLANNING  
Charles Town • VISION STATEMENT #11 PLANNING

Mannings will strive to influence future decisions that will affect City-Town residents.

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◆VISION STATEMENT #12: GOVERNMENT  
Charles Town • VISION STATEMENT #12 GOVERNMENT

Mannings will strive to be a place where local government works efficiently and effectively.

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◆VISION STATEMENT #13: PARKS, TRAILS, GREENSPACE, AND RECREATION  
Charles Town • VISION STATEMENT #13 PARKS, TRAILS, GREENSPACE, AND RECREATION

Mannings will strive to be a place with ample parks, trails, ~~green~~green space and recreational opportunities.

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VISION STATEMENT #1: HISTORY

VISION STATEMENT #1: HISTORY

As Charles Town's Mannings's landscape changes in the years ahead we do not want to forget the rich history that brought our ancestors to Charles Town-Mannings in the first place. If we are creative and proactive we can preserve the best of our past while enhancing our future. This will certainly involve creating new ordinances & policies, finding new financial resources, such as incentive programs, grants, fees, donations, and the use of other methods that will encourage or require property owners to preserve historic

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resources and/or adaptively reuse historical buildings and structures. The intent is not to create a collection of museums, but to resist the temptation to prematurely declare a building, a block, or a neighborhood obsolete and remove it. Adaptive re-use should be looked at first.

**VISION STATEMENT #2: COMMERCE AND INDUSTRY**

**Charles Town VISION STATEMENT #2: COMMERCE AND INDUSTRY**

Mannings will strive to maintain its position as the County Seat gateway community for Jefferson County, West Virginia. Charles Town Mannings will also encourage existing businesses to stay and grow in the City-Town while attracting new businesses that offer new opportunities for jobs and local revenues. In addition to being the County Seat-The Town of government, the City of Charles Town Mannings will strive to become a center of commerce and industry for new and existing businesses so new job opportunities and local revenues grow in relationship with population.

**VISION STATEMENT #3: DOWNTOWN**

**Downtown is VISION STATEMENT #3: DOWNTOWN**

The existing downtown district should continue as the historic center of business and government in Charles Town and Jefferson County. Charles Town Mannings. Mannings will work to maintain and enhance a vibrant downtown. The downtown will consist of businesses that focus on niche markets, provide office and retail services, cater to local residents, and provide government services. Bringing new residents and businesses to downtown, as well as finding ways to attract tourism will be top priorities. Other uses that should be supported downtown shall include cultural, recreational, non-profit and institutional uses.

**VISION STATEMENT #4: SAFETY**

**Charles Town VISION STATEMENT #4: SAFETY**

Mannings will continue to combat crime and other hazards so that it can continue to be a community where families, friends, and visitors can walk, ride and drive in a safe and comfortable environment. Charles Town Mannings will strive to maintain a high quality service from the police, fire and emergency service providers. Charles Town Mannings will work with local, state and federal entities to prepare mitigation plans for natural and man-made calamities.

**VISION STATEMENT #5: WALKABILITY**

**VISION STATEMENT #5: WALKABILITY**

The City-Town of Charles Town Mannings has traditional neighborhoods that are walkable with sidewalks paths to most home sites. Charles Town Mannings recognizes the importance of providing citizens with sidewalks, bike paths, and public transit. Therefore, it shall be the City's-Town's goal to promote high quality development that utilizes design concepts that encourage walkability.

**VISION STATEMENT #6: COMMUNITY PRIDE**

**Charles Town VISION STATEMENT #6: COMMUNITY PRIDE**

Mannings will promote community pride among residents by supporting social activities and organizations, holding City-Town events, promoting tourism and business, improving ordinances impacting social welfare, and encouraging voting.

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**VISION STATEMENT #7: AFFORDABLE LIVING**

**VISION STATEMENT #7: AFFORDABLE LIVING**

Maintaining a complete community with diverse age, background, race, ethnicity, social status, and income is important to Charles Town's Mannings's overall vitality. Charles Town Mannings will identify means and methods for fostering this diversity and recognize that a continuing effort will be needed to ensure that the needs and wants of all citizens are recognized and represented.

**VISION STATEMENT #8: JOBS**

**Charles Town VISION STATEMENT #8: JOBS**

Mannings has a vision for its residents to find good jobs at home. There are many Charles Town Mannings residents that commute out of the community. With long commutes, the time and participation in community activities is greatly reduced. Greater potential for citizens to obtain a job with good wages necessary to live and raise a family, or to be independent, is a major part of this vision. Charles Town Mannings will focus on expanding its economic base with the kind of employment that will utilize the skill levels of our citizens. Charles Town Mannings also will attempt to attract companies who treat their employees with respect and are willing to train, retain, and educate them.

**VISION STATEMENT #9: INFRASTRUCTURE**

**VISION STATEMENT #9: INFRASTRUCTURE**

The quality of life for current and new residents and businesses of the Charles Town Mannings community is dependent upon the infrastructure of the community being adequate to handle the demands of growth. As demands change, Charles Town Mannings envisions that local and state government will work together to recognize what must be accomplished to provide for new or expanded infrastructure. The City Town of Charles Town Mannings expects new developments to pay for the majority of the new infrastructure that will be needed to support this growth. This begins with developers providing the necessary transportation infrastructure on site and working collaboratively with the City of Charles Town Town of Mannings and other entities to improve the overall transportation systems off-site. Other infrastructure may include, but is not limited to, parks, municipal facilities, storm water facilities, community facilities, emergency services, open spaces, and various utilities. The City Town of Charles Town Mannings will collaborate with all interested parties to facilitate these improvements.

**VISION STATEMENT #10: BEAUTIFICATION**

**VISION STATEMENT #10: BEAUTIFICATION**

The City Town has unique neighborhoods, a historican established downtown, and a road network that brings a great number of people to it, or through it, during any given year. It is should be a distinctive and attractive City Town. Unmanaged and unattractive development can forever change the character and appeal of the City Town. For some people the first and perhaps the only view of the City Town that they can encounter is along the major roadway corridors. Maintaining the good, and improving the inadequate appearance of Charles Town Mannings, its entrances, the natural environment, and the urban forest are important elements of the City's Town's overall vision.

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## Cindy Schott

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**From:** Thomson von Stein [tvs2@aol.com]  
**Sent:** Monday, April 22, 2013 1:50 PM  
**To:** webmaster@jeffersoncountywv.org; cschott@jeffersoncountywv.org;  
sandy@jeffersoncountywv.org; nhosby@jeffersoncountywv.org;  
chernandez@jeffersoncountywv.org  
**Subject:** Mannings petition

## Your submission:

---

**Your Name:** Thomson von Stein

**Your Email Address:** [tvs2@aol.com](mailto:tvs2@aol.com)

**Subject:** Mannings petition

**Message:** I own 4 properties in the proposed area to be incorporated. It is a bad idea.

I request time to speak at the hearing.

I request to be informed when there is a hearing on the petition

MAY 1, 2013

Mr. Manual,

My wife Dian and I were unable to attend the hearing, therefore we both are voicing our opinion on paper.

We live in the Mannings area and are very much against Mannings being incorporated into a town.

We are asking that the proposal be a no go.

Thank you  
VERY MUCH,

Kenneth L. Childress  
Dian A. Childress

Jefferson County West Virginia County Commission  
124 E. Washington St., Charles Town, West Virginia 25414

The petition to incorporate an area in Jefferson County to be named as Mannings is an amateurish confused, confusing, contradictory mishmash of buzzwords and misleading statements. The petition is legally defective, will never withstand judicial review, and contains several apparent violations of the law. The County Commission should reject it as insufficient and refer it to the County Attorney for prosecution for its forgeries and to determine how many other forgeries there are..

1. The form of the printed list of names and properties is incomplete, missing pages, is not signed or verified by any attorney or governmental agency. Thus cannot be relied on.
2. The "verification sheet" of the printed list of names and properties is inadequate, non-self-explanatory, not understandable, not signed, does not explain what was verified or how, and not verified by any competent authority, and has a simple arithmetic mistake. Thus cannot be relied on.
3. The signatures in the printed list of names and properties contain several apparent forgeries and two easily provable forged signatures, and has different names written in and/or crossed out with no explanation or verification.
4. The promoter of the scheme to incorporate the area, Paul Ashbaugh, has a conflict of interest in notarizing signatures. He has a motive to make misleading statements to get persons to sign the petition as well as to notarize questionable signatures.
5. The petition does not contain the information required by state law. It lists not one service the proposed town will provide. It merely lists "visions" and "strivings" and maybes. It states that it will NOT PROVIDE certain common municipal services, namely water and sewer, fire protection, police department, It holds out the hope for a post office for 650 people when an actual real community nearby, Shannondale, with a population five times the size of the area proposed to be incorporated has no post office and when the US Postal Service is closing hundreds of small post offices.
6. The information given to residents of the area is misleading, such as those parts regarding visions and striving. Misleading information is false information. The petition is contradictory. It promises no fiscal impact on residents and also says taxes will "change." Thus the only things the scheme actually promises are a new layer of government and higher taxes.
7. A overwhelming majority of the petition signatures are six years old, and therefore unreliable as to current intentions of the signers. The signers' current intentions were not verified.
8. The area proposed to be incorporated was gerrymandered to specifically to include areas owned or developed by Paul Ashbaugh and exclude neighboring properties. Thus the petition is divisive.
9. The area proposed to be incorporated is simply a undifferentiated piece of residential land with no commercial establishments, with no physical cohesiveness, no civic associations, or any other unifying characteristic. The promoters of this scheme tout it as "the Gateway to Jefferson County." With the new bridge to Charles Town, the area is simply "the Gateway to Shannondale.",
10. The only organized "community" in the area picked to be incorporated, Shenandoah North Subdivision, already has a community organization and a road maintenance association.
11. The Council has already rejected it,
12. The proposed town will take casino revenue from the county, thus is not in the county's best interest, violating W V Code 8-2-1 (b) (2).
13. The "visions" for the proposed town are vague and laughable. The petition flatly promises lower fire insurance rates, without any reasonable basis whatsoever. This is misleading and most likely false.

I am a property owner in the affected area. I request that this be made a part of the record of the hearing on the petition to incorporate an area to be called Mannings.

Thomson von Stein

*Thomson von Stein*

Dated

*April 30, 2013*

Kathleen s. Lloyd

650 Main Drag way

Harpers Ferry, WV 25425

Dear Jefferson County Commissioners,

April 30, 2013

I am writing you to urge that you deny the petition before you to incorporate Mannings. I am a long time resident and landowner of the area to be affected and I oppose it.

The petition is too old, too incomplete, contains obvious forgery and irregularities. The map of the area has been changed since the people signed it in 2007 and 2008, the plan for the town has changed and the information accompanying the petition has changed. Multiple properties have changed hands by sale or death of owners thus the list of landowners is grossly incomplete.

This petition has not been updated and thus it does not reflect what is currently on the table.

Twice this same petition has been turned down twice by the Commission. Why is it getting a third hearing?

This petition will not withstand judicial scrutiny.

This is a shortcut taken by a developer using unsubstantiated promises to landowners that will benefit the developer, not the residents who will be left carrying the financial burden of higher taxes.. The promises made in the Vision and Mission statement are unsubstantiated...there are no cost estimates; it is not even clear what he promises to offer. Per Article 2 8-2-1"the creation of the new municipality is not in the best interest of the county as a whole", the petition should be denied. There is no water and sewer map: there are multiple reasons why this should be denied.

Please deny this petition once and for all and spare more wasted time and taxpayer funds.

Sincerely,



Kathy Lloyd

304 2790748

## Cindy Schott

---

**From:** Thomson von Stein [tvs2@aol.com]  
**Sent:** Monday, April 22, 2013 1:50 PM  
**To:** webmaster@jeffersoncountywv.org; cschott@jeffersoncountywv.org;  
sandy@jeffersoncountywv.org; nhosby@jeffersoncountywv.org;  
chernandez@jeffersoncountywv.org  
**Subject:** Mannings petition

## Your submission:

---

**Your Name:** Thomson von Stein

**Your Email Address:** [tvs2@aol.com](mailto:tvs2@aol.com)

**Subject:** Mannings petition

**Message:** I own 4 properties in the proposed area to be incorporated. It is a bad idea.

I request time to speak at the hearing.

I request to be informed when there is a hearing on the petition

## Cindy Schott

---

**From:** Linda Roberts [LRoberts@emcmgmt.com]  
**Sent:** Monday, April 29, 2013 5:57 PM  
**To:** info@jeffersoncountywv.org; dmanuel@frontiernet.net  
**Cc:** walterpellish@mac.com; lynwidmyer@gmail.com; vinemont@frontiernet.net; pnoland@jeffersoncountywv.org  
**Subject:** Petition to Incorporate Mannings, West Virginia as a Class IV Town

Mr. Dale Manuel  
President  
County Commission of Jefferson County

Dear Mr. Manuel:

I have been a home owner in Shenandoah North since 1990 and would like to express my concern and opposition to the proposed petition to incorporate Mannings as a class IV town. I and other home owners in Shenandoah North would like your assistance in stopping this petition for incorporation. It is my belief that this will simply increase our taxes and offer us no benefits. Also, some of the signatures on the petition are from 2007. I'm not certain that this information, which is over 6 years old, is still valid. For these reasons, I recommend that the petition be denied. Please pass on my concerns to the other County Commissioners and thank you for your time in reviewing this matter.

Sincerely,  
Linda Roberts  
Home Owner - Sheneadoh North  
431 Branchy Road  
Harpers Ferry, WV 25425

## Cindy Schott

---

**From:** Carol Acree [carol.acree@gmail.com]  
**Sent:** Tuesday, April 30, 2013 7:22 PM  
**To:** info@jeffersoncountywv.org; dmanuel@frontiernet.net  
**Cc:** walterpellish@mac.com; lynwidmyer@gmail.com; vinemont@frontiernet.net; pnoland@jeffersoncountywv.org  
**Subject:** Petition to Incorporate Mannings, West Virginia as a Class IV Town

Mr. Dale Manuel, President  
County Commission of Jefferson County

Dear Mr. Manuel:

We are longtime landowners in Shenandoah North and wish to register our opposition to the incorporation of Mannings, West Virginia as a Class IV Town. We believe there are no benefits to us and other landowners in Shenandoah North and that the incorporation will only lead, amongst other negative effects, to increased taxes.

Please reject this Petition.

Sincerely,

Darrell Acree  
Carol Acree  
Shenandoah North Lots #25, 26 and 59

Sent from my iPad

## Cindy Schott

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**From:** Pete Smith N4ZR [n4zr@contesting.com]  
**Sent:** Monday, April 22, 2013 4:52 PM  
**To:** info@jeffersoncountywv.org  
**Subject:** Mannings Petition to Incorporate - Thursday, May 2 hearing

Please incorporate my written comments below in the record of this hearing:

I strongly oppose the proposal to incorporate Mannings. This county has a long and complex history of seeking reasonable compromise on land use regulation and planning; allowing Mannings to incorporate would simply allow the sponsors of this petition to opt out of the county's land use program. This would:

1. Create an undesirable precedent for other small localities in the county, contributing to the fragmentation of land use patterns and Inwood-style blight.
2. Deprive the county of the benefit of impact fees for properties in Mannings, unless a prior agreement were made similar to that in effect with Charles Town. Without that, new Mannings residents would get a free ride on our county's schools and other services funded in part by impact fees.
3. Open the likelihood of further blighting old Route 9; while it is no longer the principal commuting route into and out of the county, the road through Mannings remains a pleasant alternative route for tourists and others.
4. Run the real risk that old Route 9 will deteriorate significantly once its maintenance inside the new town limits becomes the town's responsibility. Note that the petition says that Street maintenance services "will begin based on funding availability."

Please reject this petition pursuant to WV Code 8-2-1, as "not in the best interest of the county as a whole."

Sincerely,

Peter G. Smith  
96 Willow Well Ln  
Kearneysville, WV 25430

Jefferson County West Virginia County Commission  
124 E. Washington St., Charles Town, West Virginia 25414

The petition to incorporate an area in Jefferson County to be named as Mannings is an amateurish confused, confusing, contradictory mishmash of buzzwords and misleading statements. The petition is legally defective, will never withstand judicial review, and contains several apparent violations of the law. The County Commission should reject it as insufficient and refer it to the County Attorney for prosecution for its forgeries and to determine how many other forgeries there are..

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Thomson von Stein

*Thomson von Stein*

Dated

*April 30, 2013*

5-02-13

To The Jefferson County WV Commission -

I, Harold Van Doren hereby formally request that my name be removed from the petition to incorporate Mannings. I no longer wish to be a signatory.

Thank you,

Harold Van Doren

**True and accurate copy of original signature document previously submitted**

Verification and Review Update Included

Administrative Contact information regarding this application

Paul Ashbaugh  
1100 Chestnut Hill Road  
Harpers Ferry, WV 25425  
304.725.6754

and

Fred Blackmer  
9628 Moncove lake Road  
Gap Mills, WV 24941  
304.536.3743  
[mannings@fredblackmer.com](mailto:mannings@fredblackmer.com)

Additional Documents and Exhibits

On Request or On Line

[www.manningswv.org](http://www.manningswv.org)

# MANNINGS

West Virginia's Newest Town

June 20, 2013

County Locator Map

Plat

Vision Statement

Provision of Services

JC Municipal Data

Resident Q&A





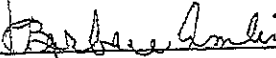
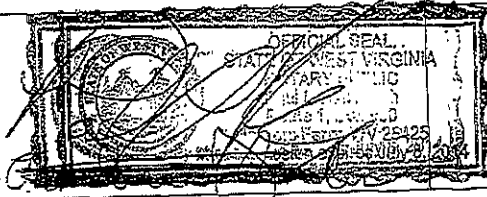
Lottery Information

Land Owner Petition


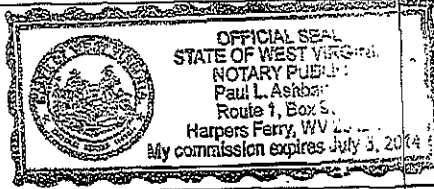

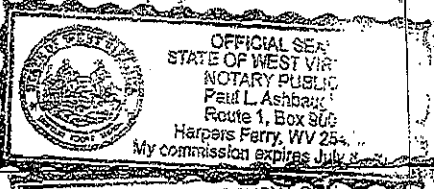
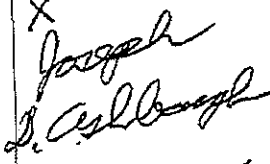
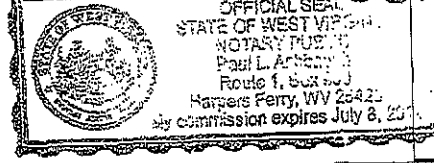
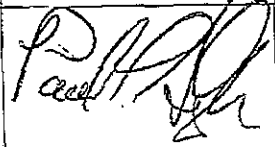
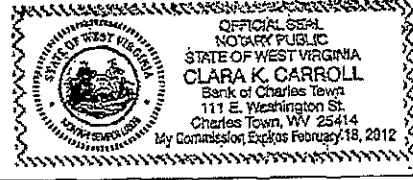

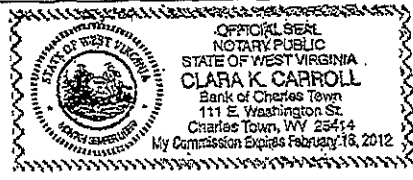
West Virginia Code Process

March 21, 2013


# MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                | MAP | PCL  | BK  | PG  | SIGNATURE                                                                           | DATE                                                                                                                                                                                                           | SEAL                                                                                 |
|-----|---------------------|-----|------|-----|-----|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 41  | ACREE DARRELL       | 20A | 6    | 628 | 351 |    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                           |                                                                                      |
| 43  | ACREE CAROL         | 20A | 7    | 553 | 107 |    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                           |                                                                                      |
| 65  | ACREE V DARRELL III | 20A | 28   | 739 | 553 |    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                           |                                                                                      |
| 108 | AMLIN GREGORY A     | 20A | 68.2 | 424 | 276 |    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                           |                                                                                      |
| 108 | AMLIN BARBARA B     | 20A | 68.2 | 424 | 276 |  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>28</u> by <u>April 11 - 2014</u><br>My commission expires <u>7/3/2014</u><br>Notary Public |  |

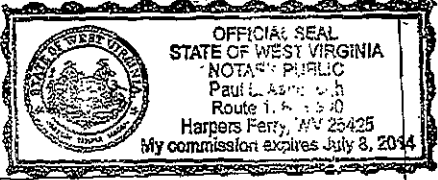
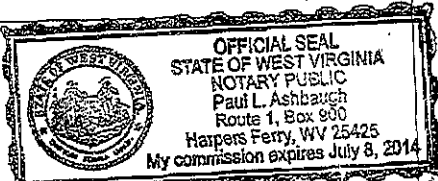
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                 | MAP | PCL | BK  | PG  | SIGNATURE                                                                              | DATE                                                                                                                                                                                                                                                       | SEAL                                                                                 |
|-----|----------------------|-----|-----|-----|-----|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 122 | ARNOLD CHRISTOPHER L | 20A | 79  | 997 | 736 |       | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>29</u> by <u>April 2007</u><br>My commission expires <u>7-8-2014</u><br><u>Paul L. Ashbaugh</u><br>Notary Public                       |   |
| 122 | ARNOLD LEANNE        | 20A | 79  | 997 | 735 |       | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>29</u> by <u>April 2007</u><br>My commission expires <u>7-8-2014</u><br><u>Paul L. Ashbaugh</u><br>Notary Public                       |   |
| 123 | ASHBAUGH JOSEPH D JR | 20A | 80  | 717 | 78  | X<br> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>12/16/08</u> by <u>Paul L. Ashbaugh</u><br>My commission expires <u>7-8-2014</u><br><u>Paul L. Ashbaugh</u><br>Notary Public           |   |
| 9   | ASHBAUGH PAULL       | 20  | 13  | 555 | 25  |       | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>12/16/08</u> by <u>Paul L. Ashbaugh</u><br>My commission expires <u>February 18, 2012</u><br><u>Clara K. Carroll</u><br>Notary Public  |   |
| 11  | ASHBAUGH DONNA K     | 20  | 14  | 555 | 25  |      | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>12/16/08</u> by <u>Donna K. Ashbaugh</u><br>My commission expires <u>February 18, 2012</u><br><u>Clara K. Carroll</u><br>Notary Public |  |

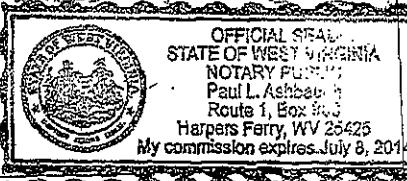
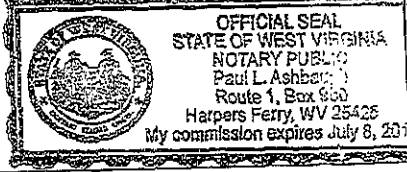
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #              | NAME                           | MAP            | PCL             | BK             | PG             | SIGNATURE                         | DATE                                                                                                                                                                                                                                          | SEAL                                                                                |
|----------------|--------------------------------|----------------|-----------------|----------------|----------------|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <del>107</del> | <del>ESTHER P. MANNING</del>   | <del>20A</del> | <del>66.1</del> | <del>935</del> | <del>264</del> | <del>[Signature]</del>            | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                                          |                                                                                     |
| 5<br>26        | BELL CLEVELAND<br>EUGENE ET AL | 20             | 56              | WBII           | 557            | <i>Cleveland Eugene Bell</i><br>X | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>6/10/13</u> by <u>Paul L. Aschbach</u><br>My commission expires <u>7/8/14</u><br><i>Paul L. Aschbach</i><br>Notary Public |  |
| 26             | BELL CLEVELAND<br>EUGENE ET AL | 20             | 56              | WBII           | 557            | [Signature]                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                                          |                                                                                     |
| 26             | BELL CLEVELAND<br>EUGENE ET AL | 20             | 56              | WBII           | 557            | [Signature]                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                                          |                                                                                     |
| 26             | BELL CLEVELAND<br>EUGENE ET AL | 20             | 56              | WBII           | 557            | [Signature]                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                                          |                                                                                     |

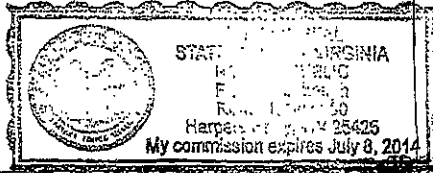

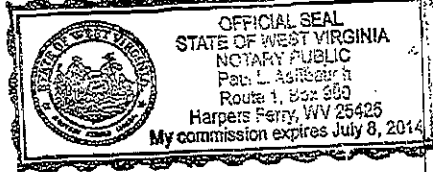
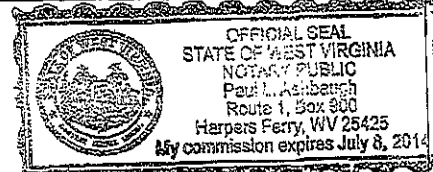
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                                             | MAP              | PCL | BK  | PG  | SIGNATURE                                           | DATE                                                                                                                                                                                                                                                | SEAL                                                                                |
|-----|------------------------------------------------------------------|------------------|-----|-----|-----|-----------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 193 | BELL EVA MAY                                                     | 21B              | 20  | 452 | 726 | X<br>Mattha<br>Blacet                               | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>12-16-07</u> by <u>Paul L. Ashbaugh</u><br>My commission expires <u>7-8-2014</u><br><u>Paul L. Ashbaugh</u><br>Notary Public |  |
| 4   | 57                                                               | BIGELOW JOHN K   | 20A | 19  | 985 | 433                                                 | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                                    |                                                                                     |
| 138 | <del>BOYD BILLY LEE</del><br>Aronhalt<br>Mark A.<br>Vicki L. (6) | 21               | 24  | 948 | 375 | <u>Mark A. Aronhalt</u><br><u>Vicki L. Aronhalt</u> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>May</u> by <u>6-2007</u><br>My commission expires <u>7-3-2014</u><br><u>Paul L. Ashbaugh</u><br>Notary Public                |  |
| 5   | 185                                                              | BREEDEN CARRIE M | 21B | 15  | 541 | 128                                                 | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                                    |                                                                                     |
| 6   | 170                                                              | BROWN GWEN       | 21  | 53  | 992 | 37                                                  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                                    |                                                                                     |

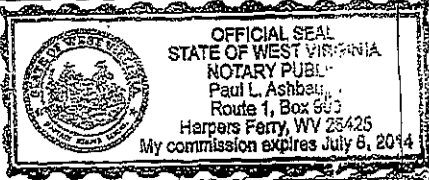
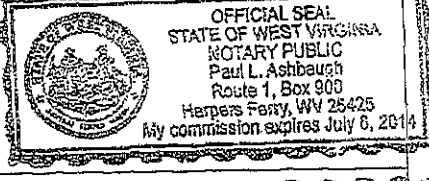
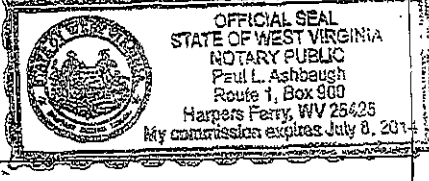

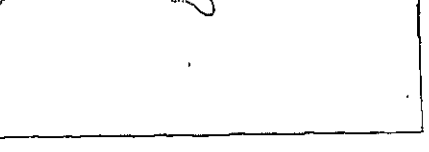
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME           | MAP | PCL | BK  | PG  | SIGNATURE              | DATE                                                                                                                                                                                                                             | SEAL                                                                                |
|-----|----------------|-----|-----|-----|-----|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
|     |                |     |     |     |     |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |                                                                                     |
| 170 | BROWN SAMUEL   | 21  | 59  | 952 | 37  |                        |                                                                                                                                                                                                                                  |                                                                                     |
|     |                |     |     |     |     |                        | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>May 7 2007</u><br>My commission expires <u>7/8/2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |  |
| 172 | BROWN ROBERT H | 21  | 61  | 952 | 473 | <i>Robert H. Brown</i> |                                                                                                                                                                                                                                  |                                                                                     |
|     |                |     |     |     |     |                        | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>May 7 2007</u><br>My commission expires <u>7/8/2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |  |
| 173 | BROWN SUSAN E  | 21  | 62  | 952 | 457 | <i>Susan E. Brown</i>  |                                                                                                                                                                                                                                  |                                                                                     |
|     |                |     |     |     |     |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |                                                                                     |
| 81  | BRUNNER HELEN  | 20A | 43  | 432 | 185 |                        |                                                                                                                                                                                                                                  |                                                                                     |
|     |                |     |     |     |     |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |                                                                                     |
| 82  | BRUNNER ROBERT | 20A | 44  | 409 | 94  | <i>Robert</i>          |                                                                                                                                                                                                                                  |                                                                                     |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #  | NAME             | MAP | PCL | BK  | PG  | SIGNATURE              | DATE                                                                                                                                                                                                                                             | SEAL                                                                                 |
|----|------------------|-----|-----|-----|-----|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 83 | BRUNNER JOYCE J  | 20A | 46  | 427 | 271 |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                                             |                                                                                      |
|    |                  |     |     |     |     | <i>Robert</i>          |                                                                                                                                                                                                                                                  |                                                                                      |
| 94 | BURGESS SCOTT G  | 20A | 56  | 929 | 511 | <i>Scott Burgess</i>   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>12</u> by <u>May 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public               |   |
| 94 | KAREN L GRUBBS   | 20A | 56  | 929 | 511 | <i>Karen Grubbs</i>    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>12</u> by <u>May 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public               |   |
| 90 | BUTCHER THOMAS A | 20A | 52  | 517 | 544 | <i>Thomas Butcher</i>  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>12-11-09</u> by <u>Paul L. Ashbaugh</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |   |
| 90 | BUTCHER MARIA R  | 20A | 52  | 517 | 544 | <i>Maria R Butcher</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>12-11-09</u> by <u>Paul L. Ashbaugh</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |  |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

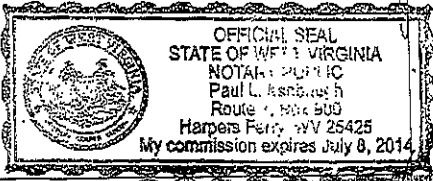
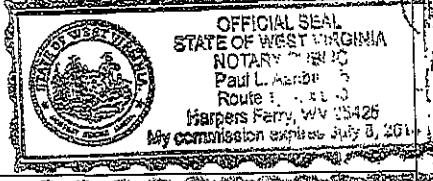
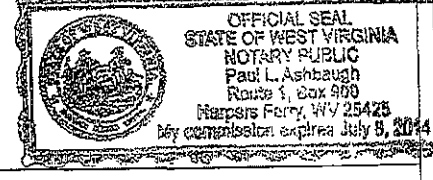
| #   | NAME                              | MAP | PCL | EK  | PG  | SIGNATURE                     | DATE                                                                                                                                                                                                                                  | SEAL                                                                                             |
|-----|-----------------------------------|-----|-----|-----|-----|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| 175 | Linda L. Butler<br>Butler JD      | 21  | 84  | 965 | 169 | <i>Linda L. Butler</i>        | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>20</u> by <u>May 2007</u><br>My commission expires <u>7/8/2014</u><br><i>Paul P. Ashbaugh</i><br>Notary Public    |               |
| 127 | <br>CARLSON TED J ET AL           | 20A | 84  | 762 | 58  | <i>Ted Carlson</i>            | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>20</u> by <u>May 2007</u><br>My commission expires <u>7/8/2014</u><br><i>Paul P. Ashbaugh</i><br>Notary Public    |               |
| 127 | L. Dorinda<br>CARLSON TED J ET AL | 20A | 84  | 762 | 58  | <i>Dorinda K. Carlson</i>     | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>20</u> by <u>May 20 2007</u><br>My commission expires <u>7/8/2014</u><br><i>Paul P. Ashbaugh</i><br>Notary Public |               |
| 127 | <del>CARLSON TED J ET AL</del>    | 20A | 84  | 762 | 58  | <del><i>Ted Carlson</i></del> | <del>STATE OF WEST VIRGINIA<br/>COUNTY OF<br/>The foregoing instrument was acknowledged before me this<br/>by<br/>My commission expires<br/>Notary Public</del>                                                                       | <del></del>  |
| 127 | <del>CARLSON TED J ET AL</del>    | 20A | 84  | 762 | 58  | <del><i>Ted Carlson</i></del> | <del>STATE OF WEST VIRGINIA<br/>COUNTY OF<br/>The foregoing instrument was acknowledged before me this<br/>by<br/>My commission expires<br/>Notary Public</del>                                                                       | <del></del> |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

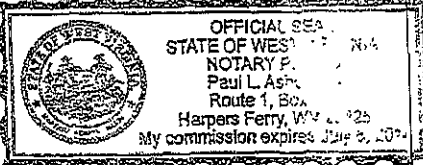
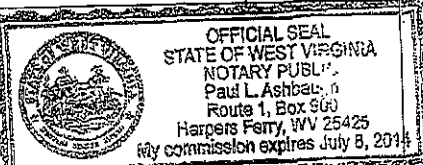
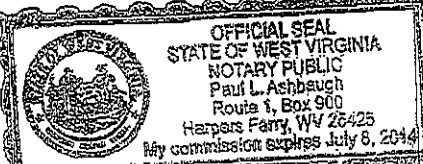
| #  | NAME                    | MAP | PCL  | BK  | PG  | SIGNATURE                  | DATE                                                                                                                                                                                                                                  | SEAL                                                                                                                                                               |
|----|-------------------------|-----|------|-----|-----|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 12 | 190 CARPER GARLAND L JR | 21B | 19   | 797 | 325 | X <i>Garland L. Carper</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>8</u> by <u>Aug - 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Aspinwall</i><br>Notary Public  | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Aspinwall<br>Route 1, Box 600<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |
|    | 190 CARPER CYNTHIA A    | 21B | 19   | 797 | 325 | X <i>Cynthia A. Carper</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>8</u> by <u>Aug - 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Aspinwall</i><br>Notary Public  | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Aspinwall<br>Route 1, Box 600<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |
| 13 | 145 CARPER RONALD I     | 21  | 29.1 | 484 | 567 | X <i>Ronald I. Carper</i>  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>8</u> by <u>July - 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Aspinwall</i><br>Notary Public | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Aspinwall<br>Route 1, Box 600<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |
|    | 145 CARPER DONNA J      | 21  | 29.1 | 484 | 567 | X <i>Donna J. Carper</i>   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>8</u> by <u>July - 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Aspinwall</i><br>Notary Public | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Aspinwall<br>Route 1, Box 600<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |
| 20 | CARTER DAVID M          | 20  | 50   | 78B | 753 |                            | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                         |                                                                                                                                                                    |

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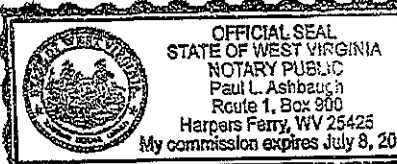
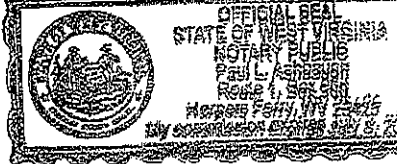
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #         | NAME                        | MAP | PCL  | BK   | PG  | SIGNATURE               | DATE                                                                                                                                                                                                                            | SEAL                                                                                 |
|-----------|-----------------------------|-----|------|------|-----|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 20        | CARTER TRIDANA T            | 20  | 50   | 788  | 753 |                         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                            |                                                                                      |
| X         | 14<br>71 CHILDRESS KERMIT L | 20A | 33   | 908  | 268 | <i>Kermit Childress</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>July 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |   |
| X         | 71 CHILDRESS DIAN G         | 20A | 33   | 908  | 268 | <i>Dian Childress</i>   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>July 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |   |
| 15<br>154 | CLARK SCOTT A               | 21  | 36.2 | 1004 | 135 | <i>Scott Clark</i>      | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>Paul L. Ashbaugh</u><br>My commission expires _____<br><i>Paul L. Ashbaugh</i><br>Notary Public    |  |
| 10<br>148 | CLINE JASON                 | 21  | 29.4 | 950  | 150 |                         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                            |                                                                                      |

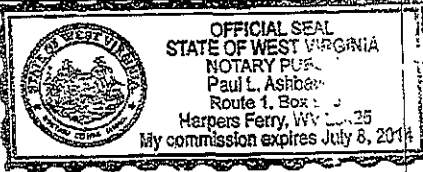
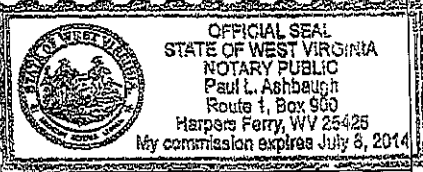
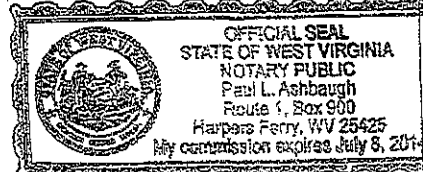
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                 | MAP | PCL | BK  | PG  | SIGNATURE                      | DATE                                                                                                                                                                                                  | SEAL                                                                                  |
|-----|--------------------------------------|-----|-----|-----|-----|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 144 | Diave,<br>Cline<br>CLINE MELVIN W JR | 21  | 29  | 428 | 116 | Deave Cline<br>Melvin W. Cline | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>8</u> by <u>July 2007</u><br>My commission expires <u>7-8-2014</u>             |    |
| 167 | CLIPP ROLAND S                       | 21  | 56  | 778 | 626 |                                | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____                                                |                                                                                       |
| 164 | 17<br>CLIPP MARGARET R               | 21  | 46  | 237 | 405 | X Margaret R. Clipp            | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>8-1-08</u> by <u>Paul L. Ashbaugh</u><br>My commission expires <u>7-8-2014</u> |    |
| 8   | Dec'd<br>COGLEY KATHY M              | 20  | 12  | 407 | 601 |                                | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____                                                |                                                                                       |
| 8   | 18<br>COGLEY KATHY M                 | 20  | 12  | 407 | 601 | X Kathy Cogle                  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>12-15-08</u> by <u>Paul L. Ashbaugh</u><br>My commission expires _____         |  |

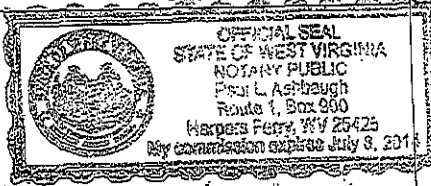
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #  | NAME             | MAP | PCL  | BK   | PG  | SIGNATURE               | DATE                                                                                                                                                                                                                                | SEAL                                                                                 |
|----|------------------|-----|------|------|-----|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|    |                  |     |      |      |     |                         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public                                                            |                                                                                      |
| 14 | COGLE GARRY W SR | 20  | 48.2 | 465  | 556 |                         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public                                                            |                                                                                      |
| 14 | COGLE BRENDA G   | 20  | 48.2 | 465  | 556 |                         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public                                                            |                                                                                      |
| 17 | COGLE GLENN S    | 20  | 48.5 | 985  | 308 | <i>Glenn S Cogle</i>    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>17</u> by <u>June 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |   |
| 17 | COGLE PATRICIA A | 20  | 48.5 | 985  | 308 | <i>Patricia A Cogle</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>17</u> by <u>June 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |  |
| 13 | COGLE TIMOTHY E  | 20  | 48.1 | W6 S | 88  |                         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public                                                            |                                                                                      |

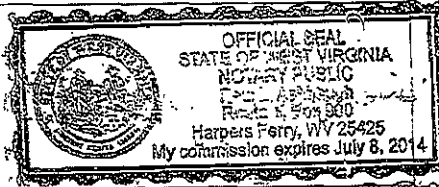
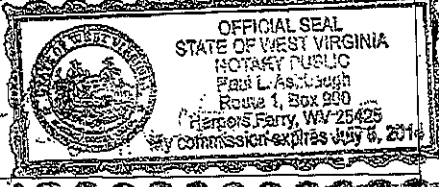
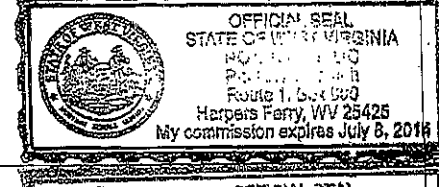
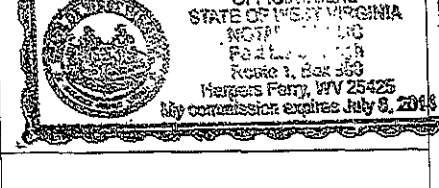
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME            | MAP | PCL  | BK   | PG  | SIGNATURE           | DATE                                                                                                                                                                                                                                | SEAL                                                                                  |
|-----|-----------------|-----|------|------|-----|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 13  | COGLE SARAH L   | 20  | 48.1 | WS 9 | 88  | <i>Sarah Cogle</i>  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>17</u> by <u>June 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul P. Ashbaugh</i><br>Notary Public |    |
| 16  | COGLE VICTOR L  | 20  | 48.4 | 484  | 384 | <i>Victor Cogle</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>17</u> by <u>June 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul P. Ashbaugh</i><br>Notary Public |    |
| 15  | COGLE WILLIAM G | 20  | 48.3 | 465  | 553 | <i>[Signature]</i>  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                       |                                                                                       |
| 15  | COGLE SHARON L  | 20  | 48.3 | 465  | 553 | <i>[Signature]</i>  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                       |                                                                                       |
| 132 | DOOK CYNTHIA D  | 21  | 22.2 | 821  | 555 | <i>Cyndi Cook</i>   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>22</u> by <u>July 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul P. Ashbaugh</i><br>Notary Public |  |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT


| #   | NAME                | MAP | PCL  | BK  | PG  | SIGNATURE            | DATE                                                                                                                                                                                                                            | SEAL                                                                                |
|-----|---------------------|-----|------|-----|-----|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 133 | COOK TEDDY R        | 21  | 22.3 | 821 | 555 | <i>Teddy R. Cook</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>7/7</u> by <u>July-2007</u><br>My commission expires <u>7-9-2014</u><br>Notary Public <i>[Signature]</i> |  |
| 31  | COOPER ROY F JR     | 20  | 58.3 | 453 | 18  |                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br>Notary Public _____                                                   |                                                                                     |
| 31  | COOPER CAROLYN F    | 20  | 58.3 | 453 | 18  |                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br>Notary Public _____                                                   |                                                                                     |
| 29  | COOPER ROY FRANK    | 20  | 58.1 | 693 | 23  |                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br>Notary Public _____                                                   |                                                                                     |
| 28  | COOPER ROY FRANK SR | 20  | 58   | 453 | 18  |                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br>Notary Public _____                                                   |                                                                                     |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

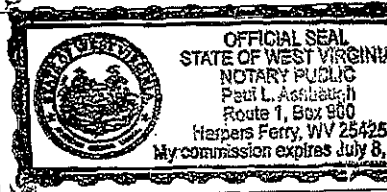
| #   | NAME               | MAP | PCL  | BK  | PG  | SIGNATURE                | DATE                                                                                                                                                                                                                                      | SEAL                                                                                 |
|-----|--------------------|-----|------|-----|-----|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 93  | DAVIS CLIFFORD G   | 20A | 55   | 871 | 20  | <i>Cliff G. Davis</i>    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>10</u> by <u>June - 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Aschbaugh</i><br>Notary Public |   |
| 93  | DAVIS MARGARET L   | 20A | 55   | 871 | 20  | <i>Margaret L. Davis</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>10</u> by <u>June - 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Aschbaugh</i><br>Notary Public |   |
| 181 | DESKINS STEVEN P   | 21B | 19.1 | 989 | 322 | <i>Steven P. Deskins</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>7</u> by <u>SEP 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Aschbaugh</i><br>Notary Public     |   |
| 131 | DESKINS GAIL M     | 21B | 19.1 | 989 | 322 | <i>Gail M. Deskins</i>   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>2</u> by <u>SEP 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Aschbaugh</i><br>Notary Public     |  |
| 178 | DILLOW ELWOOD S JR | 21B | 8.1  | 285 | 320 |                          | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                          |                                                                                      |

15


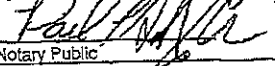

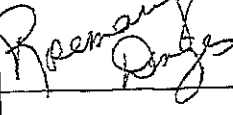
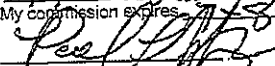


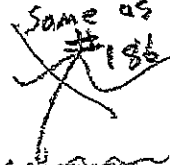
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                            | MAP | PCL  | BK  | PG   | SIGNATURE          | DATE                                                                                                                                                                                                                             | SEAL                                                                                |
|-----|---------------------------------|-----|------|-----|------|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 219 | DILLOW JERRY L                  | 21B | 44.2 | 942 | 90   | <i>[Signature]</i> | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |                                                                                     |
| 212 | DILLOW JERRY L SR               | 21B | 41.1 | 948 | 253  | <i>[Signature]</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>Aug - 2011</u><br>My commission expires <u>July 8 - 2014</u><br><i>[Signature]</i><br>Notary Public |  |
| 216 | DILLOW JERRY L SR               | 21B | 42.1 | 948 | 253  | <i>[Signature]</i> | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |                                                                                     |
| 199 | DILLOW JERRY LEE                | 21B | 26   | 979 | 687  | <i>[Signature]</i> | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |                                                                                     |
| 136 | <i>Paul L. Douyak, Ashbaugh</i> | 21B | 23   | 133 | 0052 | <i>[Signature]</i> | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |                                                                                     |

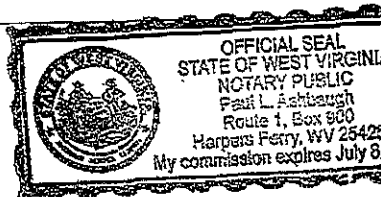
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                                | MAP | PCL  | BK  | PG  | SIGNATURE                   | DATE                                                                                                                                                                                                                             | SEAL                                                                                  |
|-----|-----------------------------------------------------|-----|------|-----|-----|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 208 | <i>Paul &amp; Donna Ashbaugh</i><br>DILLOW TOWNSEND | 21B | 38   | 265 | 70  |                             | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |                                                                                       |
| 218 | <del>DILLOW ROGER FRANKLIN</del>                    | 21B | 44.1 | 942 | 93  |                             | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |                                                                                       |
| 198 | DILLOW RONALD C                                     | 21B | 25   | 978 | 477 |                             | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |                                                                                       |
| 187 | DILLOW RONALD C SR                                  | 21B | 24   | 982 | 284 |                             | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |                                                                                       |
| 215 | <b>26</b><br>DILLOW STELLA LOUISE                   | 21B | 42   | 940 | 93  | <i>Stella Louise Dillow</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>17</u> by <u>June 2007</u><br>My commission expires <u>7/8-2014</u><br><i>Paul Ashbaugh</i><br>Notary Public |  |


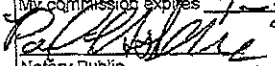



MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME             | MAP | PCL | BK  | PG   | SIGNATURE                                                                           | DATE                                                                                                                                                                                                                                                                                           | SEAL                                                                                                                                                                                                                                                     |
|-----|------------------|-----|-----|-----|------|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 104 | DINGES CHARLES R | 20A | 66  | 45S | 0014 |    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>17</u> by <u>June 2007</u><br>My commission expires <u>7-7-2014</u><br><br>Notary Public | <br>OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashbaugh<br>Route 1, Box 900<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |
| 105 | DINGES ROSEMARY  | 20A | 67  | 489 | 0014 |    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>17</u> by <u>June 2007</u><br>My commission expires <u>7-7-2014</u><br><br>Notary Public | <br>OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashbaugh<br>Route 1, Box 900<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |
| 61  | DOUGLAS GORDON A | 20A | 22  | 936 | 74   |    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                                                                                  |                                                                                                                                                                                                                                                          |
| 61  | DOUGLAS GORDON A | 20A | 22  | 936 | 74   |                                                                                     | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                                                                                  |                                                                                                                                                                                                                                                          |
| 185 | REWER STANLEY S  | 21B | 16  | 933 | 45   |  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                                                                                  |                                                                                                                                                                                                                                                          |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

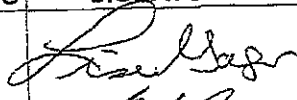
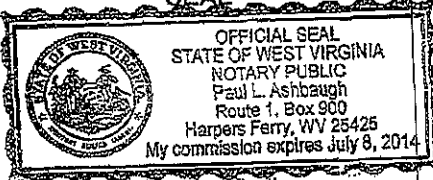

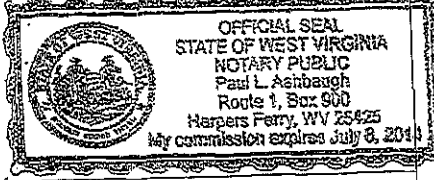
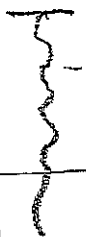

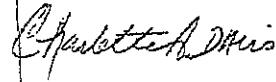
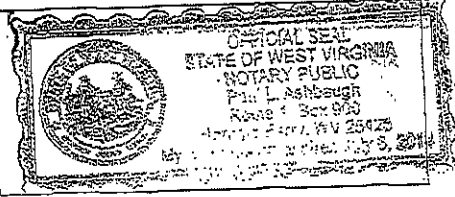
| #   | NAME                                             | MAP | PCL | BK   | PG  | SIGNATURE          | DATE                                                                                                                                                                                                               | SEAL                                                                                  |
|-----|--------------------------------------------------|-----|-----|------|-----|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 185 | Paper of same<br>Stanley S.<br>FEWELL PATRICIA L | 21B | 16  | 933  | 45  |                    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                      |                                                                                       |
| 3   | FIRST BORN PENTECOSTAL CHURCH                    | 20  | 9.2 | 682  | 96  |                    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                      |                                                                                       |
| 4   | FIRST BORN PENTECOSTAL CHURCH                    | 20  | 9.9 | 682  | 94  |                    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                      |                                                                                       |
| 73  | FISHER ROBERT                                    | 20A | 35  | 666  | 265 |                    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                      |                                                                                       |
| 7   | 20<br>FLORIAN DEBORAH A                          | 20  | 11  | 1008 | 435 | Deborah A. Florian | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>17</u> by <u>June 2007</u><br>My commission expires <u>7-03-2014</u><br>_____<br>Notary Public |  |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME               | MAP | PCL  | BK   | PG  | SIGNATURE                                                                           | DATE                                                                                                                                                                                                                                                                                            | SEAL                                                                                |
|-----|--------------------|-----|------|------|-----|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 136 | FRALEY RONALD W SR | 21  | 23.1 | 798  | 410 |    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                                                                                   |                                                                                     |
| 136 | FRALEY JOYCE L     | 21  | 23.1 | 798  | 410 | <i>X Joyce L Fraley</i>                                                             | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>Joyce L Fraley</u><br>My commission expires <u>7-8-2014</u><br><br>Notary Public |  |
| 254 | FRAZIER WILLIAM    | 21C | 26   | 941  | 548 |    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                                                                                   |                                                                                     |
| 254 | FRAZIER SANDY      | 21C | 26   | 941  | 548 |                                                                                     | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                                                                                   |                                                                                     |
| 125 | GAGNON GREGORY R   | 20A | 82   | 1008 | 524 |  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                                                                                   |                                                                                     |

21

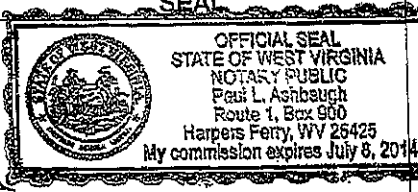
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                         | MAP | PCL | BK   | PG  | SIGNATURE                                                                           | DATE                                                                                                                                                                                       | SEAL                                                                                  |
|-----|----------------------------------------------|-----|-----|------|-----|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 125 | 30<br>Greg R.<br>GAGNON LISA M.              | 20A | 82  | 1008 | 524 |    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>17</u> by <u>June 2007</u><br>My commission expires <u>7-8-2014</u> |    |
| 12  | 31<br>GIBSON ROYCE                           | 20  | 15  | 957  | 152 |    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>6</u> by <u>May 2007</u><br>My commission expires <u>7-8-2014</u>   |    |
| 75  | GILKESON SAMUEL T III                        | 20A | 37  | 981  | 628 |    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____                                     |                                                                                       |
| 75  | GILKESON KAREN S                             | 20A | 37  | 981  | 628 |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____                                     |                                                                                       |
| 232 | 32<br>Davis<br>Charlotta A.<br>GILL JOHN E D | 21C | 6   | 818  | 370 |  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>24</u> by <u>June 2007</u><br>My commission expires <u>7-8-2014</u> |  |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME              | MAP | PCL | BK   | PG  | SIGNATURE                                                                                                                                                                                                                                | DATE                                                                                                                                                                                                                                  | SEAL |
|-----|-------------------|-----|-----|------|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 235 | GILL JOHN ELLWOOD | 21C | 7.2 | 948  | 26  | <p>Page 22</p>                                                                                                                                                                                                                           | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF _____<br/> The foregoing instrument was acknowledged before me this _____ by _____<br/> My commission expires _____</p> <p>Notary Public</p>                                                 |      |
| 161 | GRAY MARY J       | 21  | 44  | WE T | 182 |                                                                                                                                                                                                                                          | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF <u>Jefferson</u><br/> The foregoing instrument was acknowledged before me this _____ by _____<br/> My commission expires <u>Aug 7 2007</u></p> <p><u>Mary J. Gray</u><br/> Notary Public</p> |      |
| 169 | GROVE JACKIE E SR | 21  | 58  | 942  | 291 | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF _____<br/> The foregoing instrument was acknowledged before me this _____ by _____<br/> My commission expires _____</p> <p>Notary Public</p>                                                    |                                                                                                                                                                                                                                       |      |
| 169 | GROVE SHARON M    | 21  | 58  | 942  | 291 | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF _____<br/> The foregoing instrument was acknowledged before me this _____ by _____<br/> My commission expires _____</p> <p>Notary Public</p>                                                    |                                                                                                                                                                                                                                       |      |
| 236 | HARDING WARREN D  | 21C | 8   | 470  | 726 | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF <u>Jefferson</u><br/> The foregoing instrument was acknowledged before me this _____ by _____<br/> My commission expires <u>7-7-2014</u></p> <p><u>Warren D. Harding</u><br/> Notary Public</p> |                                                                                                                                                                                                                                       |      |

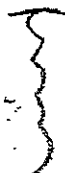


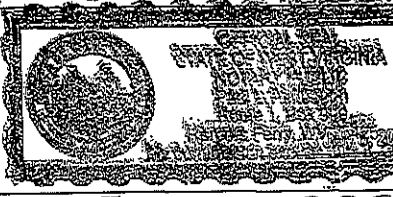
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME               | MAP | PCL | BK   | PG  | SIGNATURE            | DATE                                                                                                                                                                                              | SEAL                                                                                |
|-----|--------------------|-----|-----|------|-----|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 236 | HARDING VICKY LYNN | 21C | 8   | 470  | 726 | <i>Vicky Harding</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>9 <sup>th</sup> by <u>9-2007</u><br>My commission expires <u>July 8, 2014</u> |  |
| 195 | HARDY FRANK E SR   | 21B | 22  | 1001 | 693 |                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br><br>Notary Public                       |                                                                                     |
| 195 | HARDY DIANE L      | 21B | 22  | 1001 | 693 |                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br><br>Notary Public                       |                                                                                     |
| 87  | HIERS THEODORE D   | 20A | 49  | 811  | 76  |                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br><br>Notary Public                       |                                                                                     |
| 87  | HIERS MARILYN J    | 20A | 49  | 811  | 76  |                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br><br>Notary Public                       |                                                                                     |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME               | MAP | PCL  | BK   | PG  | SIGNATURE                 | DATE                                                                                                                                                                                                                            | SEAL                                                                                                                                                           |
|-----|--------------------|-----|------|------|-----|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 54  | HOLLAND DARREN M   | 20A | 16   | 941  | 700 | <i>Darren M Holland</i>   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>3</u> by <u>June 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashby</i><br>Notary Public | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashby<br>Route 1, Box 900<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |
| 55  | HOLLAND KATHLEEN M | 20A | 17   | 941  | 700 | <i>Kathleen M Holland</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>3</u> by <u>June 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashby</i><br>Notary Public | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashby<br>Route 1, Box 900<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |
| 114 | HOSTLER JERRY L    | 20A | 72.1 | 836  | 117 | <i>Jerry L Hostler</i>    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>3</u> by <u>June 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashby</i><br>Notary Public | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashby<br>Route 1, Box 900<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |
| 114 | HOSTLER BEVERLY K  | 20A | 72.1 | 636  | 117 | <i>Beverly K Hostler</i>  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                   |                                                                                                                                                                |
| 113 | HOSTLER LEONA M    | 20A | 72   | WS W | 115 | <i>Leona M Hostler</i>    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>12-9-08</u> by <u>Paul L. Ashby</u><br>My commission expires _____<br><i>Paul L. Ashby</i><br>Notary Public | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashby<br>Route 1, Box 900<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |

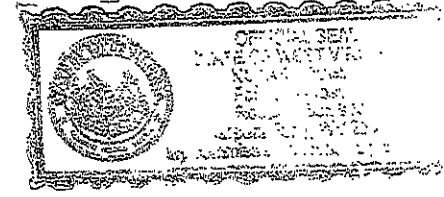
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                           | MAP | PCL  | BK  | PG  | SIGNATURE                                                                           | DATE                                                                                                                                                                                                      | SEAL                                                                                  |
|-----|------------------------------------------------|-----|------|-----|-----|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 102 | HOSTLER NORMAN H                               | 20A | 64   | 295 | 101 |    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                      |                                                                                       |
| 102 | HOSTLER LOIS M                                 | 20A | 64   | 295 | 101 |    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                      |                                                                                       |
| 58  | HOSTLER R LEROY &<br>ROSIE<br>C/O ANNIE MARINE | 20A | 20   | 402 | 179 |                                                                                     | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                      |                                                                                       |
| 112 | HOSTLER RAYMOND R<br>EST<br>%ANNIE MARINE      | 20A | 71   | 205 | 318 |                                                                                     | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                      |                                                                                       |
| 137 | HOUGH JAMES H                                  | 21  | 23.2 | 828 | 418 |  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>17</u> by <u>June 7 2007</u><br>My commission expires <u>8-20-14</u><br>Notary Public |  |

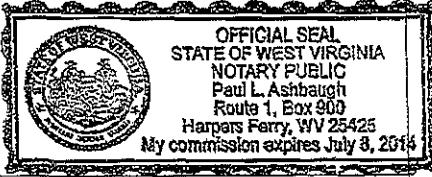
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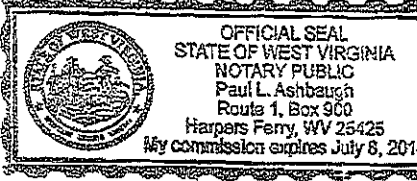
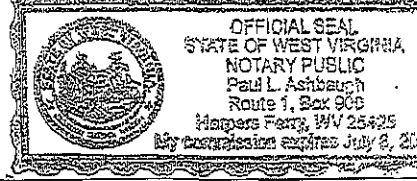
38



MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME               | MAP | PCL  | BK  | PG  | SIGNATURE                                                                                                                                                                                                                                                         | DATE | SEAL                                                                                |
|-----|--------------------|-----|------|-----|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-------------------------------------------------------------------------------------|
| 137 | HOUGH SHELLY S     | 21  | 23.2 | 928 | 418 | <i>Shelly S. Hough</i><br>STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>17</u> by <u>June 2007</u><br>My commission expires <u>7-18-2011</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |      |  |
| 242 | HOWELL MELISSA     | 21C | 14   | 995 | 684 | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                                                  |      |                                                                                     |
| 91  | HUTTO GEORGE DAVID | 20A | 53   | 819 | 544 | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                                                  |      |                                                                                     |
| 91  | HUTTO KAREN L      | 20A | 53   | 819 | 544 | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                                                  |      |                                                                                     |
| 98  | JACOBSON SHIRLEY B | 20A | 60   | 843 | 135 | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                                                  |      |                                                                                     |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                  | MAP | PCL  | BK   | PG  | SIGNATURE              | DATE                                                                                                                                                                                                   | SEAL                                                                                 |
|-----|---------------------------------------|-----|------|------|-----|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 156 | JEFFERSON COUNTY BOARD OF EDUCATION   | 21  | 38.2 | 641  | 702 |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                   |                                                                                      |
| 237 | JENKINS LESTER W<br>C/O JOANNE VIANDS | 21C | 9    | 298  | 41  |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                   |                                                                                      |
| 189 | X 39<br>JOHNSON PRESTEEN T            | 21B | 18   | 941  | 398 | X <i>Paul Ashbaugh</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>6</u> by <u>May 2007</u><br>My commission expires <u>4-8-2014</u><br>Notary Public |   |
| 189 | X<br>JOHNSON KERRA J                  | 21B | 18   | 941  | 398 | X <i>Paul Ashbaugh</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>6</u> by <u>May 2007</u><br>My commission expires <u>4-8-2014</u><br>Notary Public |  |
| 126 | KAETZEL MARK A                        | 20A | 83   | 1008 | 477 |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                   |                                                                                      |


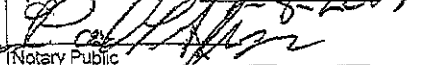


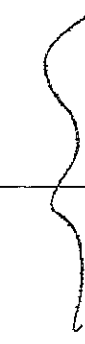

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #         | NAME           | MAP | PCL | BK   | PG  | SIGNATURE | DATE                                                                                                                                                                          | SEAL |
|-----------|----------------|-----|-----|------|-----|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 32<br>126 | KAETZEL LISA J | 20A | 83  | 1008 | 477 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 128       | KIRSCH JOHN T  | 21  | 18  | 857  | 555 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 33<br>128 | KIRSCH JULIE L | 21  | 18  | 857  | 555 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 86        | KOVACH FRANK L | 20A | 48  | 872  | 404 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 34<br>86  | KOVACH SANDYA  | 20A | 48  | 872  | 404 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME              | MAP | PCL | BK   | PG  | SIGNATURE | DATE                                                                                                                                                                          | SEAL |
|-----|-------------------|-----|-----|------|-----|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 131 | KUEBBELER FRANK A | 21  | 22  | 995  | 531 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 131 | KUEBBELER DONNA J | 21  | 22  | 995  | 531 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 158 | LALLY JESSIE      | 21  | 41  | WSII | 475 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 72  | LAMBERT DAVID H   | 20A | 34  | 101D | 225 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 72  | LAMBERT LAURIE A  | 20A | 34  | 101D | 225 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |

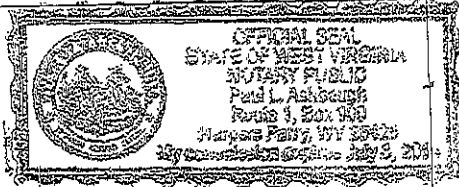
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                       | MAP | PCL  | BK  | PG  | SIGNATURE                                                                                                | DATE                                                                                                                                                                                                    | SEAL                                                                                |
|-----|----------------------------|-----|------|-----|-----|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 168 | <del>LANDMESSER CLEK</del> | 21  | 57   | 731 | 75  |                         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                    |                                                                                     |
| 168 | LANDMESSER CAROL R         | 21  | 57   | 731 | 75  | x Carol R. Landmesser  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>5</u> by <u>July 2007</u><br>My commission expires <u>7-8-2014</u><br>Notary Public |  |
| 51  | LLOYD JEFFREY W            | 20A | 13.1 | 681 | 78  |                         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                    |                                                                                     |
| 51  | LLOYD KATHY S              | 20A | 13.1 | 681 | 78  |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                    |                                                                                     |
| 62  | LLOYD JEFFREY W ET UX      | 20A | 24   | 622 | 125 |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                    |                                                                                     |

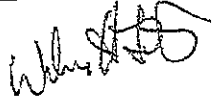
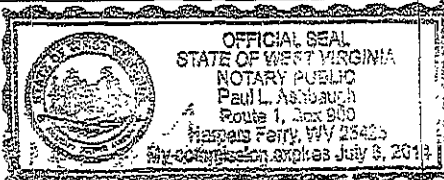
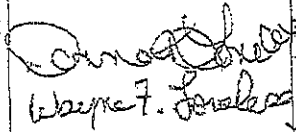
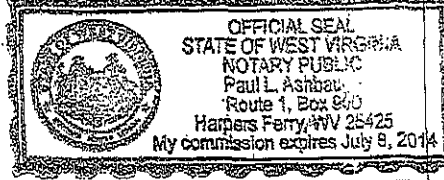
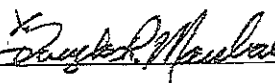
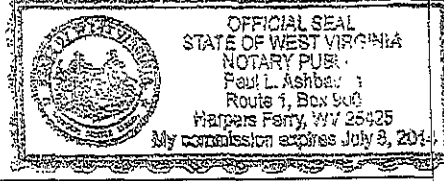

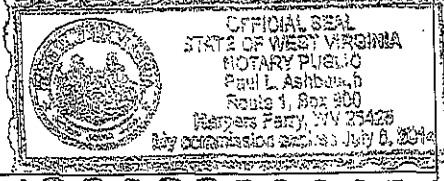
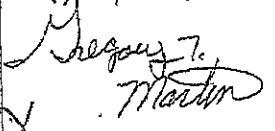
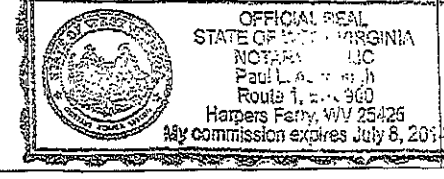
58

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #  | NAME                  | MAP | PCL  | BK  | PG  | SIGNATURE | DATE                                                                                                                                                                                   | SEAL |
|----|-----------------------|-----|------|-----|-----|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 62 | LLOYD JEFFREY W ET UX | 20A | 24   | 622 | 125 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____.<br>My commission expires _____.                                  |      |
| 62 | LLOYD JEFFREY W ET UX | 20A | 24   | 622 | 125 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____.<br>My commission expires _____.                                  |      |
| 22 | LONGERBEAM BRUCE      | 20  | 52   | 846 | 80  |           | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>July 12 2007</u><br>My commission expires <u>7-8-2014</u> |      |
| 18 | LONGERBEAM TAMMY J    | 20  | 49.1 | 850 | 348 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____.<br>My commission expires _____.                                  |      |
| 60 | LORD SHANE J          | 20A | 21   | 937 | 708 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____.<br>My commission expires _____.                                  |      |



MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT


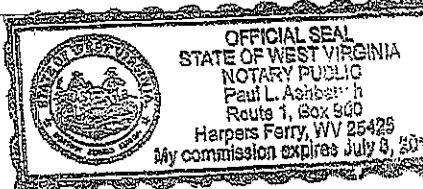


| #   | NAME                            | MAP | PCL  | BK   | PG  | SIGNATURE                                                                           | DATE                                                                                                                                                                                               | SEAL                                                                                  |
|-----|---------------------------------|-----|------|------|-----|-------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 106 | 42<br>LOTZ WILSON H             | 20A | 88   | 316  | 62  |    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>9</u> by <u>July 2007</u><br>My commission expires <u>8-2014</u>               |    |
| 251 | Donna K<br>Loveless<br>WFF      | 21C | 22   | 730  | 388 |    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>10</u> by <u>June 2007</u><br>My commission expires <u>7-8-2014</u>            |    |
| 178 | 43<br>MARSHALL DOUGLAS R<br>TRS | 21  | 65   | 1000 | 50  |    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>15</u> by <u>July 2007</u><br>My commission expires <u>7-8-2014</u>            |    |
| 176 | MARSHALL KRISTEN J<br>TRS       | 21  | 65   | 1000 | 50  |   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>15</u> by <u>July 2007</u><br>My commission expires <u>7-8-2014</u>            |   |
| 185 | Gregory T.<br>MARTIN<br>WFF     | 21  | 46.1 | 622  | 471 |  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>3-1-08</u> by <u>Paul L. Ashbaugh</u><br>My commission expires <u>7-8-2014</u> |  |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT




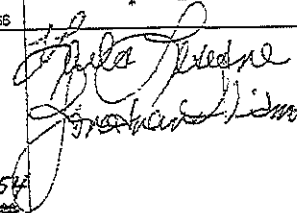

| #   | NAME                              | MAP | PCL  | BK  | PG  | SIGNATURE             | DATE                                                                                                                                                                                          | SEAL |
|-----|-----------------------------------|-----|------|-----|-----|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 165 | MARTIN DEBRA K                    | 21  | 48.1 | 622 | 471 | <i>Debra K Martin</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>2-10-14 by <u>Debra K Martin</u><br>My commission expires <u>7/8/2014</u> |      |
| 45  | MCLAUGHLIN JAMES M                | 20A | 9    | 458 | 444 |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                             |      |
| 42  | MCLAUGHLIN LAURIE                 | 20A | 6.1  | 351 | 342 |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                             |      |
| 89  | MCLAUGHLIN JENNINE<br>WOODS ET AL | 20A | 51   | 527 | 392 |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                             |      |
| 89  | MCLAUGHLIN JENNINE<br>WOODS ET AL | 20A | 51   | 527 | 392 |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                             |      |

2-5-14  
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MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #  | NAME                                 | MAP | PGL  | BK  | PG  | SIGNATURE                                                                           | DATE                                                                                                                                                                                                   | SEAL                                                                                |
|----|--------------------------------------|-----|------|-----|-----|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
|    | MCLAUGHLIN JENNINE<br>99 WOODS ET AL | 20A | 51   | 527 | 392 |    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                   |                                                                                     |
| 49 |                                      |     |      |     |     |                                                                                     | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                   |                                                                                     |
|    | 177 MILLER DAVID L                   | 21B | 8    | 882 | 242 |                                                                                     | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                   |                                                                                     |
| 15 |                                      |     |      |     |     | <i>Charles H. Paul</i>                                                              | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>8</u> by <u>AUG-2017</u><br>My commission expires <u>7/8-2017</u><br>Notary Public |  |
|    | 192 NEWLIN CHARLES H                 | 21B | 19.2 | 512 | 755 |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                   |                                                                                     |
| 0  |                                      |     |      |     |     |                                                                                     | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                   |                                                                                     |
|    | 18 OAKHILL MHC LLC                   | 20  | 49   | 972 | 354 |  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                   |                                                                                     |

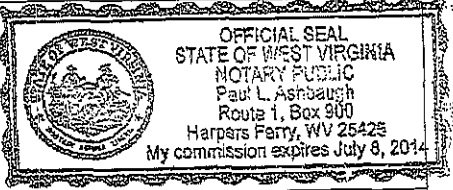
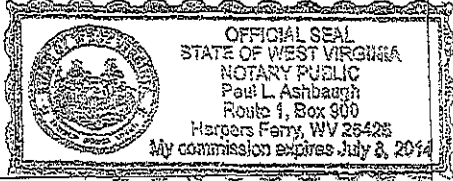
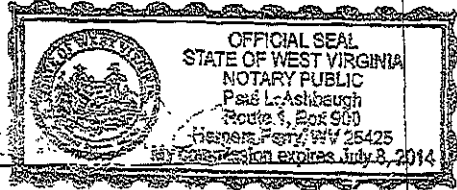
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                         | MAP | PCL | BK   | PG  | SIGNATURE                                                                          | DATE                                                                                                                                                                                                  | SEAL                                                                                 |
|-----|----------------------------------------------|-----|-----|------|-----|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 139 | OAKHILL MHC LLC                              | 21  | 25  | 972  | 354 |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                  |                                                                                      |
| 140 | OAKHILL MHC LLC                              | 21  | 26  | 972  | 354 |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                  |                                                                                      |
| 141 | OAKHILL MHC LLC                              | 21  | 27  | 972  | 366 |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                  |                                                                                      |
| 40  | SKidmore<br>Jawhan G.<br>Lesesne<br>Karla G. | 23A | 5   | 1018 | 354 |  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>May 7 2007</u><br>My commission expires <u>7 5 2014</u><br>Notary Public |  |
| 247 | ODEN PHILLIP N                               | 21C | 19  | 494  | 591 |                                                                                    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                  |                                                                                      |

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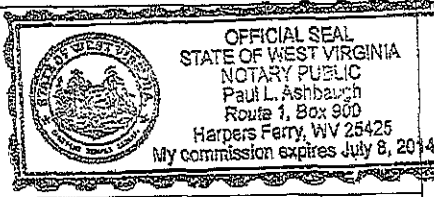
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                        | MAP | PCL  | BK  | PG  | SIGNATURE                                   | DATE                                                                                                                                                                                                                           | SEAL                                                                                 |
|-----|---------------------------------------------|-----|------|-----|-----|---------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 248 | ODEN ADELINE E                              | 21C | 20.1 | 358 | 367 |                                             | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                     |                                                                                      |
| 258 | 47<br>ODEN SAMUEL M                         | 21C | 29   | 386 | 386 | <i>Samuel M Oden Sr</i>                     | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>July 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L Ashbaugh</i><br>Notary Public |   |
| 115 | 49<br>OTT ALMA JUNE                         | 20A | 73   | 882 | 663 | <i>Alma June Ott</i>                        | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>July 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L Ashbaugh</i><br>Notary Public |   |
| 32  | OTT Sharon A.<br>408<br>OTT DANIEL C        | 20  | 59   | 524 | 426 | <i>Sharon A. Ott</i><br><i>Daniel C Ott</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>July 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L Ashbaugh</i><br>Notary Public |  |
| 248 | <i>Paul L Ashbaugh</i><br>OTHER SIDE OF PET | 21C | 20   | 957 | 310 |                                             | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                     |                                                                                      |

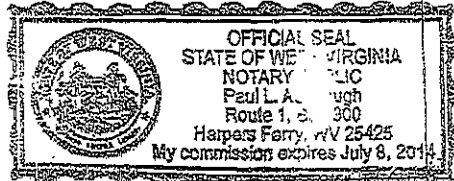
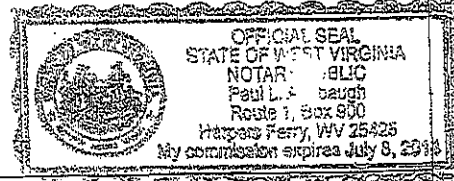
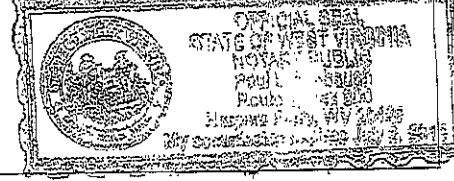
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                                       | MAP | PCL  | BK  | PG   | SIGNATURE | DATE                                                                                                                                                                 | SEAL |
|-----|------------------------------------------------------------|-----|------|-----|------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 248 | Paul L.<br>Donna K.<br>Ashbards<br>OTT GLADYS P. LEE ET AL | 21C | 20   | 987 | 310  |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |      |
| 248 | Paul L.<br>Donna K.<br>Ashbards<br>OTT GLADYS P. LEE ET AL | 21C | 20   | 987 | 310  |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |      |
| 188 | <del>OTT JEFFREY E</del>                                   | 21B | 17.1 | 490 | 0017 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |      |
| 23  | <del>OTT JOHN W. ELWOOD<br/>HRS</del>                      | 20  | 53   | 120 | 317  |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |      |
| 24  | <del>OTT MARY M</del>                                      | 20  | 54   | 571 | 77   |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |      |

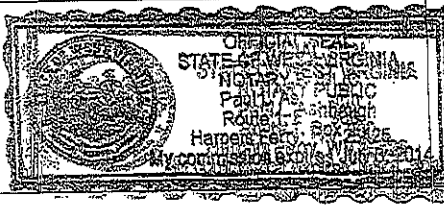
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #         | NAME                                                     | MAP | PCL | BK  | PG  | SIGNATURE             | DATE                                                                                                                                                                                                                                                  | SEAL                                                                                |
|-----------|----------------------------------------------------------|-----|-----|-----|-----|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 50<br>245 | OTT MILLARD & RUBY<br>ESTATE<br>% SHEILA JAGUIRRE        | 21C | 17  | 555 | 145 | <i>Sheila J. Peck</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>12-15-2013</u> by <u>Paul L. Ashbaugh</u><br>My Commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |  |
| 245       | OTT MILLARD D & RUBY R<br>ESTATE<br>% SHEILA JAGUIRRE    | 21C | 15  | 218 | 218 |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br>Notary Public                                                                               |                                                                                     |
| 149       | OTT MILLARD D & RUBY R<br>ESTATE<br>C/D SHEILA J AGUIRRE | 21  | 32  | 509 | 533 |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br>Notary Public                                                                               |                                                                                     |
| 45<br>229 | OTT RICKY A                                              | 21C | 3   | 584 | 19  |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br>Notary Public                                                                               |                                                                                     |
| 46<br>227 | OTT SUSAN C                                              | 21C | 2   | 944 | 352 |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>_____ by _____<br>My commission expires _____<br>Notary Public                                                                               |                                                                                     |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME             | MAP | PCL  | BK  | PG  | SIGNATURE           | DATE                                                                                                                                                                                                                             | SEAL                                                                                  |
|-----|------------------|-----|------|-----|-----|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 44  | OVEREND JOHN J   | 20A | 8    | 323 | 434 |                     | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |                                                                                       |
| 225 | PAINTER CHARLES  | 21B | 49.1 | 357 | 319 |                     | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |                                                                                       |
| 226 | PAINTER STELLA   | 21B | 50   | 357 | 324 | X<br>Stella Painter | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>July 8 - 2007</u><br>My commission expires <u>7-8-2014</u><br><u>Paul L. Baugh</u><br>Notary Public |    |
| 259 | PAINTER DONALD W | 21C | 30   | 330 | 657 | X<br>Donald P       | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>July 2007</u><br>My commission expires <u>7-8-2014</u><br><u>Paul L. Baugh</u><br>Notary Public     |   |
| 258 | PAINTER ANNE E   | 21C | 30   | 330 | 657 | X<br>Anne Painter   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>July 2007</u><br>My commission expires <u>7-8-2014</u><br><u>Paul L. Baugh</u><br>Notary Public     |  |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

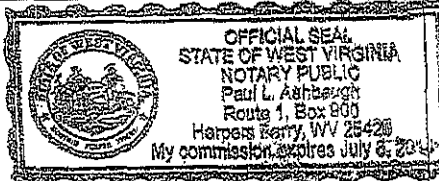
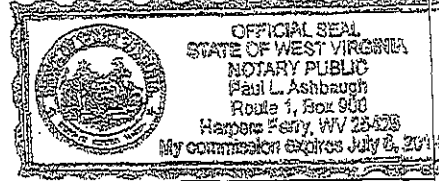
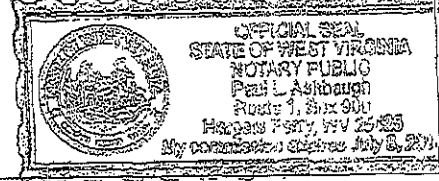
| #   | NAME                | MAP | PCL  | BK  | PG  | SIGNATURE                | DATE                                                                                                                                                                                              | SEAL                                                                                |
|-----|---------------------|-----|------|-----|-----|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 166 | PAINTER DONALD W JR | 21  | 47   | 928 | 534 | <i>Donald W. Painter</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>7-10-08</u> by <u>Paul Eastwood</u><br>My commission expires <u>7-10-2014</u> |  |
| 224 | PAINTER GOLDIE      | 21B | 49   | 357 | 343 | <i>Goldie Painter</i>    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____                                               |                                                                                     |
| 224 | PAINTER CHARLES     | 21B | 49   | 357 | 348 | <i>Charles Painter</i>   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____                                               |                                                                                     |
| 213 | PAINTER RALPH E     | 21B | 41.2 | 566 | 160 |                          | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____                                               |                                                                                     |
| 214 | PAINTER JUDY        | 21B | 41.3 | 566 | 160 |                          | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____                                               |                                                                                     |

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MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                                    | MAP | PCL | BK  | PG  | SIGNATURE                   | DATE                                                                                                                                                                                                                               | SEAL                                                                                |
|-----|---------------------------------------------------------|-----|-----|-----|-----|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 209 | PAINTER RALPH E JR                                      | 21B | 39  | 757 | 106 | <i>x Ralph E Painter Jr</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>29</u> by <u>July 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L Ashbaugh</i><br>Notary Public |  |
| 210 | PAINTER TERESA A                                        | 21B | 40  | 757 | 106 | <i>x Teresa Painter</i>     | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>29</u> by <u>July 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L Ashbaugh</i><br>Notary Public |  |
| 228 | PAINTER WALTER F & NELLIE L - EST<br>C/O BONNIE PAINTER | 21C | 2.1 | 271 | 132 | <i>x Bonnie Painter</i>     | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>15</u> by <u>July 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L Ashbaugh</i><br>Notary Public |  |
| 228 | PAINTER WALTER F & NELLIE L - EST<br>C/O BONNIE PAINTER | 21C | 2.1 | 271 | 132 | <i>[Signature]</i>          | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                      |                                                                                     |
| 228 | PAINTER WALTER F & NELLIE L - EST<br>C/O BONNIE PAINTER | 21C | 2.1 | 271 | 132 | <i>[Signature]</i>          | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                      |                                                                                     |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

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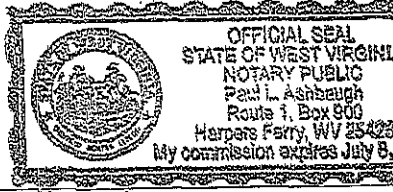
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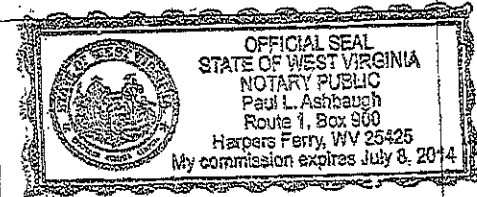
| #   | NAME                                         | MAP | PCL | BK  | PG  | SIGNATURE | DATE                                                                                                                                                                          | SEAL |
|-----|----------------------------------------------|-----|-----|-----|-----|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 74  | PALMER SARAH A                               | 20A | 36  | 729 | 33  |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 244 | PENTECOSTAL FULL GOSPEL CHURCH               | 21C | 16  | 159 | 1   |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 194 | PENWELL ELLA L                               | 21B | 21  | 175 | 226 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 184 | PENWELL ROBERT H                             | 21B | 21  | 175 | 226 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 183 | PENWELL FRANCIS F-ESTATE<br>C/O KATHY WARDEN | 21  | 45  | 477 | 104 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

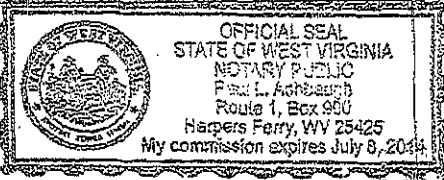
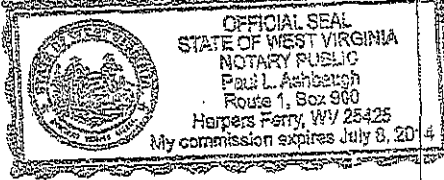
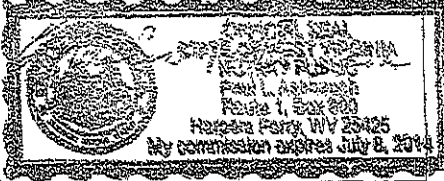

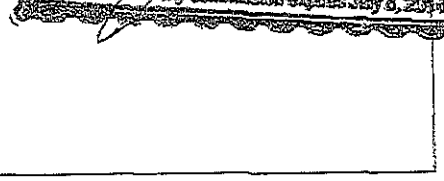
| #   | NAME                                             | MAP | PCL | BK  | PG  | SIGNATURE            | DATE                                                                                                                                                                                                                               | SEAL                                                                                  |
|-----|--------------------------------------------------|-----|-----|-----|-----|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 163 | PENWELL FRANCIS F-<br>ESTATE<br>C/O KATHY WARDEN | 21  | 45  | 477 | 104 |                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____.<br>My commission expires _____<br><br>Notary Public                                                          |                                                                                       |
| 163 | PENWELL FRANCIS F-<br>ESTATE<br>C/O KATHY WARDEN | 21  | 45  | 477 | 104 |                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____.<br>My commission expires _____<br><br>Notary Public                                                          |                                                                                       |
| 222 | PENWELL GENEVIVE                                 | 21B | 47  | 561 | 577 |                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____.<br>My commission expires _____<br><br>Notary Public                                                          |                                                                                       |
| 222 | PENWELL WILLIAM D                                | 21B | 47  | 561 | 577 |                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____.<br>My commission expires _____<br><br>Notary Public                                                          |                                                                                       |
| 230 | 56<br>PENWELL GLEN K                             | 21C | 4   | 554 | 388 | <i>Blair Penwell</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>15</u> by <u>Jeff - 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul Ashbaugh</i><br>Notary Public |  |

# MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                    | MAP | PCL  | BK  | PG  | SIGNATURE                | DATE                                                                                                                                                                                | SEAL |
|-----|-------------------------|-----|------|-----|-----|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
|     |                         |     |      |     |     |                          | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public            |      |
| 223 | PENWELL KENNETH LEE     | 21B | 48   | 208 | 470 |                          |                                                                                                                                                                                     |      |
|     |                         |     |      |     |     |                          | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public            |      |
| 180 | PENWELL MELVIN L-ESTATE | 21  | 43   | 180 | 427 |                          |                                                                                                                                                                                     |      |
|     |                         |     |      |     |     |                          | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public            |      |
| 160 | PENWELL MELVIN L-ESTATE | 21  | 43   | 180 | 427 |                          |                                                                                                                                                                                     |      |
|     |                         |     |      |     |     |                          | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public            |      |
| 180 | PENWELL MELVIN L-ESTATE | 21  | 43   | 180 | 427 |                          |                                                                                                                                                                                     |      |
|     |                         |     |      |     |     |                          | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public            |      |
| 257 | Charles E Penwell       | 57  |      |     |     | <i>Charles E Penwell</i> | 12-11-13 by <i>Paul L Ashbaugh</i><br>My commission expires <i>5-7-2014</i>                                                                                                         |      |
|     |                         |     |      |     |     |                          | STATE OF WEST VIRGINIA<br>COUNTY OF <i>Jefferson</i><br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public |      |
| 257 | PENWELL VELMA A         | 21C | 28.1 | 885 | 354 |                          |                                                                                                                                                                                     |      |

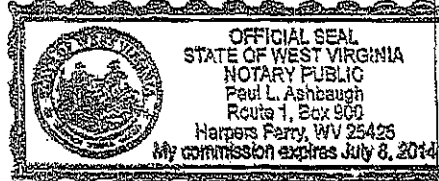
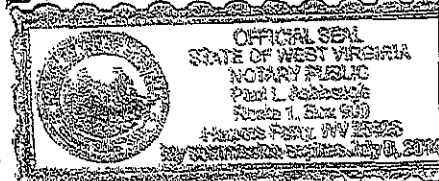


MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

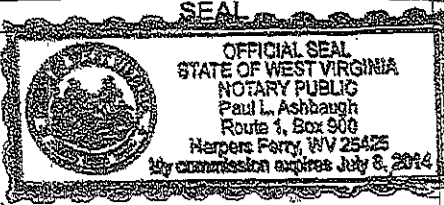
| #   | NAME              | MAP | PCL | BK   | PG  | SIGNATURE                        | DATE                                                                                                                                                                                                                                             | SEAL                                                                                  |
|-----|-------------------|-----|-----|------|-----|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 5   | PHILLIPS ROBERT D | 20  | 9.4 | 1004 | 195 | <i>Robert D. Phillips</i>        | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>12-17-08</u> by <u>Paul L. Ashbaugh</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |    |
| 6   | PHILLIPS FLORENCE | 20  | 9.4 | 1004 | 195 | <i>58<br/>Florence Phillips</i>  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>12-17-08</u> by <u>Paul L. Ashbaugh</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |    |
| 99  | PIERSON CHARLES D | 20A | 61  | 459  | 140 | <i>59<br/>Charles D. Pierson</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>10</u> by <u>June - 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public            |    |
| 100 | PIERSON ANN J     | 20A | 62  | 226  | 198 | <i>Ann J. Pierson</i>            | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>10</u> by <u>June - 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public            |   |
| 84  | PREVOST RONALD C  | 26A | 46  | 685  | 389 |                                  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                                             |  |

X

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #              | NAME               | MAP | PCL | BK  | PG  | SIGNATURE | DATE                                                                                                                                                                                                                                   | SEAL                                                                                 |
|----------------|--------------------|-----|-----|-----|-----|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
|                |                    |     |     |     |     |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                                   |                                                                                      |
| 50<br>57<br>24 | PREVOST BEVERLEE J | 20A | 46  | 965 | 388 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                                   |                                                                                      |
|                |                    |     |     |     |     |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                                   |                                                                                      |
|                |                    |     |     |     |     |           | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>3</u> by <u>June - 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Edward J. Ragozine</i><br>Notary Public |   |
| 50<br>25       | RAGOZINE EDWARD J  | 20  | 55  | 933 | 424 |           | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>3</u> by <u>June - 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Betty R. Ragozine</i><br>Notary Public  |  |
|                |                    |     |     |     |     |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                                   |                                                                                      |
| 50<br>200      | RAMSSBURG DAVID    | 21B | 29  | 977 | 20  |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                                   |                                                                                      |

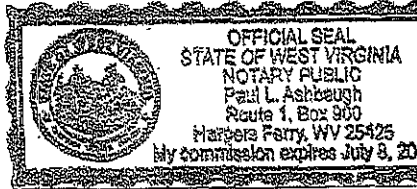
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                    | MAP | PCL  | BK  | PG  | SIGNATURE             | DATE                                                                                                                                                                                        | SEAL                                                                                |
|-----|-------------------------|-----|------|-----|-----|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 255 | RAMSBURG VELMA<br>RENEE | 21C | 28   | 953 | 561 | <i>Velma Ramsburg</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>3</u> by <u>Velma Ramsburg</u><br>My commission expires <u>7-8-2014</u> |  |
| 147 | RAY BRANDY M            | 21  | 29.3 | 945 | 78  |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____                                         |                                                                                     |
| 147 | RAY BRANDON L           | 21  | 29.3 | 945 | 79  |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____                                         |                                                                                     |
| 206 | REGISTER NANCY M        | 21B | 36   | 357 | 71  |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____                                         |                                                                                     |
| 206 | REGISTER RONALD C       | 21B | 36   | 357 | 71  |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____                                         |                                                                                     |

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MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                 | MAP | PCL  | BK  | PG  | SIGNATURE               | DATE                                                                                                                                                                                                                     | SEAL                                                                                  |
|-----|----------------------|-----|------|-----|-----|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
|     |                      |     |      |     |     |                         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                     |                                                                                       |
| 70  | RINKER TONY A        | 20A | 32   | 929 | 385 |                         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                     |                                                                                       |
| 69  | RINKER KATHY JACKSON | 20A | 32   | 929 | 385 |                         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                     |                                                                                       |
| 69  | ROBERTS LINDA        | 20A | 25   | 807 | 157 |                         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                     |                                                                                       |
| 47  | ROBERTS LINDA L      | 20A | 10.1 | 894 | 286 |                         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                     |                                                                                       |
| 101 | ROBINSON ORLANDO     | 20A | 63   | 860 | 481 | <i>Orlando Robinson</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>JEFFERSON</u><br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires <u>July 3, 2017</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |  |

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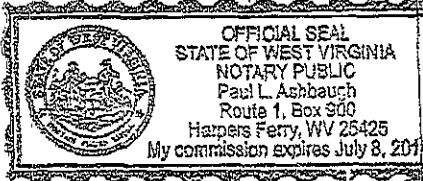
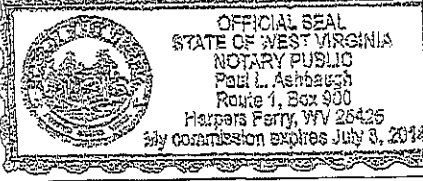
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MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                 | MAP | PCL  | BK  | PG  | SIGNATURE     | DATE                                                                                                                                                                                        | SEAL |
|-----|----------------------|-----|------|-----|-----|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
|     |                      |     |      |     |     |               | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                        |      |
| 35  | ROBISON MICHAEL W-TR | 20  | 81.5 | 974 | 557 |               |                                                                                                                                                                                             |      |
| 35  | ROBISON MICHAEL W-TR | 20  | 81.5 | 974 | 557 |               | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                        |      |
| 174 | ROGERS PATRICIA G    | 21  | 63   | 953 | 491 | <i>63</i><br> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>22</u> by <u>July 2007</u><br>My commission expires <u>7-8-2014</u><br> |      |
| 124 | ROGERS WILLIAM R     | 20A | 81   | 980 | 580 |               | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>22</u> by <u>July 2007</u><br>My commission expires <u>7-8-2014</u><br> |      |
| 124 | ROGERS JACQUELINE M  | 20A | 81   | 980 | 580 | <i>64</i><br> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>22</u> by <u>July 2007</u><br>My commission expires <u>7-8-2014</u><br> |      |
|     |                      |     |      |     |     |               |                                                                                                                                                                                             |      |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #         | NAME                                             | MAP | PCL | BK  | PG  | SIGNATURE              | DATE                                                                                                                                                                                                                                            | SEAL                                                                                 |
|-----------|--------------------------------------------------|-----|-----|-----|-----|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 55<br>97  | SHELANDOAH NORTH<br>COMMUNITY<br>ASSOCIATION INC | 20A | 59  | 478 | 705 |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public                                                                        |                                                                                      |
| 66<br>65  | SIEWICK ROBERT C                                 | 20A | 27  | 621 | 582 |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public                                                                        |                                                                                      |
| 65<br>184 | SIMMONS DALE E                                   | 21B | 14  | 614 | 630 | <i>Dale E. Simmons</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>8-10-07</u> by <u>Paul L. Ashbaugh</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |   |
| 184       | SIMMONS MARY M                                   | 21B | 14  | 614 | 630 | <i>Mary M. Simmons</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>8-10-07</u> by <u>Paul L. Ashbaugh</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |  |
| 67<br>142 | SINGER RONALD H                                  | 21  | 28  | 572 | 352 |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public                                                                        |                                                                                      |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

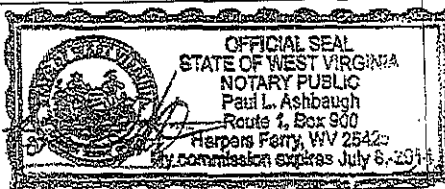
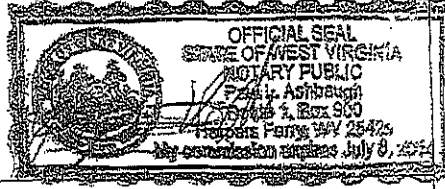

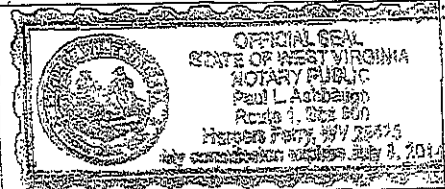
| #   | NAME            | MAP | PCL  | BK  | PG  | SIGNATURE | DATE                                                                                                                                                                          | SEAL |
|-----|-----------------|-----|------|-----|-----|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
|     |                 |     |      |     |     |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 34  | SMITH DANIEL G  | 20  | 61.4 | 874 | 552 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 34  | SMITH BRENDA L  | 20  | 61.4 | 874 | 552 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 121 | SMITH DOUGLAS W | 26A | 78   | 821 | 528 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 252 | SMITH THOMAS M  | 21C | 24   | 628 | 494 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 253 | SMITH DAWN R    | 21C | 25   | 628 | 494 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |

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MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                                                                                 | MAP | PCL  | BK  | PG  | SIGNATURE                         | DATE                                                                                                                                                                                                                                  | SEAL                                                                                 |
|-----|------------------------------------------------------------------------------------------------------|-----|------|-----|-----|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 88  | 66<br>Koplets Frank H.                                                                               | 20A | 50   | 932 | 539 | <i>Ken Koplets</i>                | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>9</u> by <u>July 7, 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |   |
| 88  | Koplets Joyce M.                                                                                     | 20A | 50   | 932 | 539 | <i>Joyce Koplets</i>              | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>9</u> by <u>July 7, 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |   |
| 151 | STAUBS GRAFTON W                                                                                     | 21  | 34   | 793 | 443 | <i>Grafton W. Stubs</i>           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                         |                                                                                      |
| 116 | <br>STAUBS THELMA M | 20A | 73.1 |     |     | <i>Thelma &amp; Grafton Stubs</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>9</u> by <u>July 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public    |  |
| 202 | STAUBS PAMELA A                                                                                      | 21B | 31   | 929 | 423 |                                   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public                                                         |                                                                                      |

**MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT**

| #   | NAME                                            | MAP | PCL | BK  | PG  | SIGNATURE | DATE                                                                                                                                                                          | SEAL |
|-----|-------------------------------------------------|-----|-----|-----|-----|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 203 | STAUBS CHRISTOPHER R                            | 21B | 32  | 929 | 428 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 103 | STAUBS THELMA G                                 | 20A | 65  | 251 | 236 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 52  | SWEENEY KATHLEEN M<br>KATHLEEN SWEENEY<br>LLOYD | 20A | 14  | 587 | 457 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 171 | TATE TOMMY J                                    | 21  | 60  | 954 | 735 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |
| 171 | TATE AVONIKA E                                  | 21  | 60  | 954 | 735 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>_____<br>Notary Public |      |

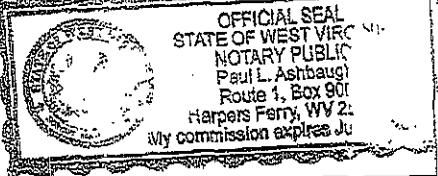
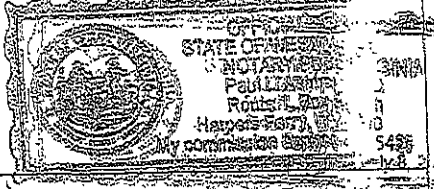
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #         | NAME                                     | MAP | PCL | BK  | PG  | SIGNATURE | DATE                                                                                                                                                                     | SEAL |
|-----------|------------------------------------------|-----|-----|-----|-----|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 73<br>250 | THREADGILL TEDDY<br>EDWARD               | 21C | 21  | 944 | 14  |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public |      |
| 74<br>2   | TRUSTEES FIRSTBORN<br>PENTECOSTAL CHURCH | 20  | 9.1 | 258 | 419 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public |      |
| 27        | TURNER DUANE L                           | 20  | 57  | 681 | 632 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public |      |
| 75<br>27  | TURNER DONNA L                           | 20  | 57  | 681 | 632 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public |      |
| 21        | TURNER RONALD L                          | 20  | 51  | 948 | 185 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br><br>Notary Public |      |

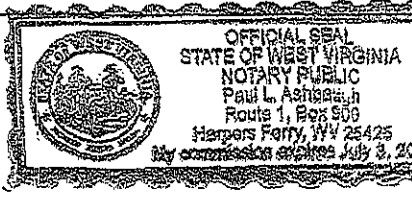
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #  | NAME                   | MAP | PCL  | BK  | PG  | SIGNATURE            | DATE                                                                                                                                                                                                                                        | SEAL |
|----|------------------------|-----|------|-----|-----|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 21 | TURNER JEANNE S        | 20  | 51   | 848 | 185 |                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                                        |      |
| 76 | 68<br>VAN DOREN HAL C  | 20A | 38   | 866 | 382 | <i>Hal Van Doren</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>10</u> by <u>May 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul Ashbaugh</i><br>Notary Public             |      |
| 77 | VAN DOREN TERRI L      | 20A | 38   | 996 | 700 | <i>Terrisa</i>       | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>70</u> by <u>May 2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul Ashbaugh</i><br>Notary Public             |      |
| 77 | VANDOREN HAROLD C      | 20A | 70.1 | 602 | 227 | -                    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                                        |      |
| 69 | 69<br>VIANDS CARL F JR | 21C | 27   | 288 | 244 | <i>Carl Viands</i>   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>4-7-08</u> by <u>Paul L. Ashbaugh</u><br>My commission expires <u>7-8-2014</u><br><i>Paul Ashbaugh</i><br>Notary Public |      |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME               | MAP | PCL  | BK  | PG  | SIGNATURE                 | DATE                                                                                                                                                                                                | SEAL                                                                                |
|-----|--------------------|-----|------|-----|-----|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 255 | VIANDS CHARLOTTE M | 21C | 27   | 288 | 244 | <i>Charlotte M Viands</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>6-15-07</u> by <u>Paul L Ashbaugh</u><br>My commission expires <u>July 2007</u> |  |
| 134 | VIANDS JEFFREY L   | 21  | 22.4 | 964 | 417 | <i>Jeffrey L Viands</i>   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>6-6-07</u> by <u>July 7 2007</u><br>My commission expires <u>July 7 2007</u>    |  |
| 234 | VIANDS LEWIS W JR  | 21C | 7.1  | 298 | 35  |                           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____                                                 |                                                                                     |
| 234 | VIANDS JENNIE J    | 21C | 7.1  | 298 | 35  |                           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____                                                 |                                                                                     |
| 38  | VON STEIN THOMSON  | 20A | 1    | 698 | 673 |                           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____                                                 |                                                                                     |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                  | MAP | PCL | BK  | PG  | SIGNATURE      | DATE                                                                                                                                                                                                          | SEAL                                                                                  |
|-----|---------------------------------------|-----|-----|-----|-----|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 53  | WARD DANIEL E                         | 20A | 15  | 475 | 19  |                | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                          |                                                                                       |
| 53  | WARD LAURIE M                         | 20A | 15  | 475 | 19  |                | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                          |                                                                                       |
| 179 | WELLER LOTTE V                        | 21B | 2   | 595 | 224 |                | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                          |                                                                                       |
| 239 | WILEY CARL WEST<br>1/4 NANCY REGISTER | 21C | 11  | 155 | 365 |                | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                          |                                                                                       |
| 135 | 71<br>WILEY PHILLIP                   | 21  | 23  | 796 | 408 | Philip M Wiley | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>13</u> by <u>Philip M Wiley</u><br>My commission expires <u>7-8-2014</u><br>Notary Public |  |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME          | MAP | PCL  | BK  | PG  | SIGNATURE | DATE                                                                                                                                                                                                         | SEAL |
|-----|---------------|-----|------|-----|-----|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 240 | WILEY MARY L  | 21C | 12   | 864 | 748 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                         |      |
| 56  | WYNN RONALD L | 20A | 18   | 914 | 582 |           | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>20</u> by <u>Mary 2007</u><br>My commission expires <u>7-8-2014</u><br><br>Notary Public |      |
| 56  | WYNN BETTY M  | 20A | 18   | 914 | 582 |           | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>20</u> by <u>Mary 2007</u><br>My commission expires <u>7-8-2014</u><br><br>Notary Public |      |
| 101 |               | 20  | 13.1 |     |     |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                         |      |

*Sheet 1*

|                   |          |                    |                                          |
|-------------------|----------|--------------------|------------------------------------------|
| # Property Owners | #Parcels | # Valid Signatures | Questionable signatures                  |
| 158               | 235      | 68                 | 10 missing, 4 questionable - see sheet 2 |

4 questionable may be admin error

|                                               |        |
|-----------------------------------------------|--------|
| Verification Review<br>(Property Tax Records) | Feb-13 |
|-----------------------------------------------|--------|

|                     |     |     |     |
|---------------------|-----|-----|-----|
| Signatures required | 30% | 34% | 37% |
| Property Owners     |     |     |     |
| 158                 | 47  | 54  | 58  |

sheet 2

| Name                       | Variation from listing                                                                                       |
|----------------------------|--------------------------------------------------------------------------------------------------------------|
| Bell Eva May               | Last record: 2010                                                                                            |
| Aronhalt Mark A, Vicki L   | No record for lots                                                                                           |
| Cook Cynthia D, Teddy R    | Parcel # is 22.2 in listing, 22.3 in county record<br>Parcel #s are 66, 67 in listing, 67 0000 6002, 67 0000 |
| Dinges Charles R, Rosemary | 6001 in county record                                                                                        |
| Florian, Deborah           | Last record: 2010                                                                                            |
| Holland Darren, Kathleen   | Last record: 2011                                                                                            |
| Landmesser Carol           | Last record: 2010                                                                                            |
| Penwell Velma, Charles     | Last record: 2010<br>Ok except both Parcel #s are incorrect. Listing: 61, 62.                                |
| Peirson                    | County record: 62, 63                                                                                        |
| Ramsburg Velma Renee       | Last record: 2010                                                                                            |
| Robinson Orlando           | Parcel # is 63 in listing, 64 in county record                                                               |
| Rogers Patricia            | Last record: 2011                                                                                            |
| Wiley Phillip, Mary        | Last record: 2009                                                                                            |
| Snider                     | Last record: 2011                                                                                            |

Verification Review

# AGENDA REQUEST FORM

Name: Patsy Noland

Department or Entity: Commissioner

Estimation of amount of time needed for appointment: 15 min.

Date Requested – 1<sup>st</sup> Choice: May 16, 2013

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

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

Subject:  
Request to postpone the Public Hearing for Jefferson County Emergency Services Agency.

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

I would like to postpone the Public Hearing for the Jefferson County Emergency Services Agency until the Commission and the Jefferson County Emergency Services Agency has the opportunity to explore my proposal for the paid Firefighters/Paramedics/EMTS in more detail.

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

Move to postpone the Public Hearing for the Jefferson County Emergency Services Agency until a future date.

Are documents attached?

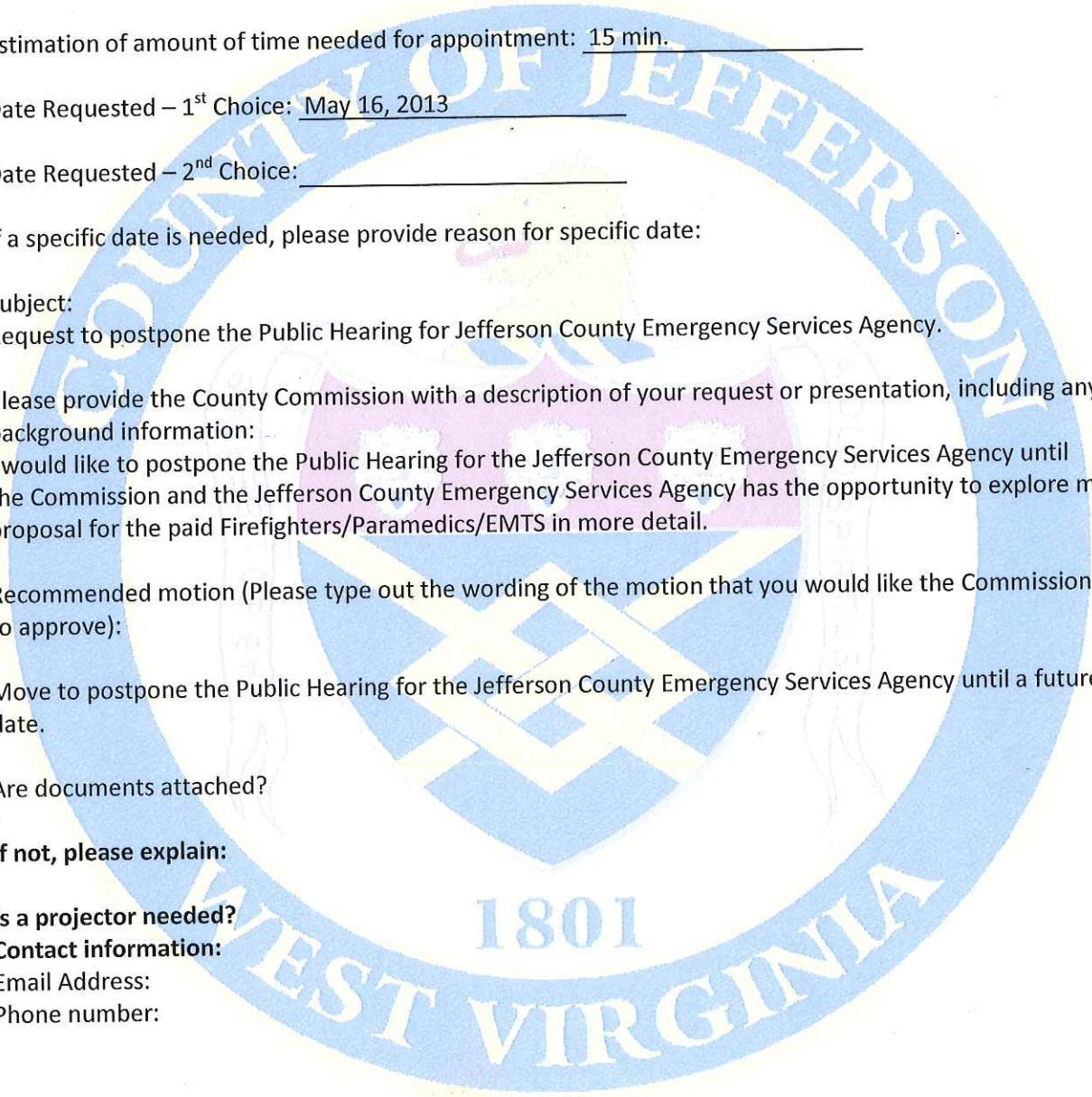
If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:



# AGENDA REQUEST FORM

Name: Lyn Widmyer

Department or Entity: Commissioner

Estimation of amount of time needed for appointment: 15 min.

Date Requested – 1<sup>st</sup> Choice: May 16, 2013

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

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

Subject: **Rezoning Development Plans for Rezoning Applications to Residential-Light Industrial-Commercial Zone and/or Commercial-Industrial Zone.**

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

**Rezoning request for these two zones has raised considerable public concern because property owner are not required to show a plan for how the property will be developed at time of rezoning. Neighbors have correctly raised issues about traffic, lighting and effect on the character of their neighborhood but none of these concerns can be addressed because the applicant is not required to show any development plans.**

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

Move to direct the Planning Commission to draft an amendment to the Residential-Light Industrial-Commercial Zone and the Commercial-Industrial Zone to require that rezoning application be accompanied by a development plan that protects neighborhoods. The requirements of the development plan should be the same as the Planning Commission proposed to be part of rezoning applications for the Planning Neighborhood District:

- i. Graphic illustration of locations of proposed land uses; landscaping areas, pedestrian amenities; interconnectivity of roads, trails, sidewalks and adjacent parcels; open space areas of undisturbed tree canopy; passive or active recreational areas; setbacks for buildings, parking, drive aisles and other features associated with the proposed development.
- ii. Proposed square footage of development by type and proposed residential densities.
- iii. Proposed building heights.
- iv. Any requested modifications to the standards of the Zoning Ordinance or the Subdivision and Land Development Regulations.

Are documents attached?

**If not, please explain:**

## Cindy Schott

---

**From:** Lyn Widmyer [lynwidmyer@gmail.com]  
**Sent:** Wednesday, May 08, 2013 12:58 PM  
**To:** Cindy Schott  
**Cc:** Debbie Keyser; Jennifer Brockman  
**Subject:** Revised wording for May 16 Agenda item on requiring development plans for certain rezoning applications

Please replace the recommended motion with following (in bold):

Move to direct the Planning Commission to draft an amendment to the Residential-Light Industrial-Commercial Zone and the Commercial-Industrial Zone to require that rezoning applications be accompanied by a development plan that protects neighborhoods. **The requirements of the development plan should be the same as the Planning Commission proposed to be part of rezoning applications for the Planning Neighborhood District:**

- i. Graphic illustration of locations of proposed land uses; landscaping areas, pedestrian amenities; interconnectivity of roads, trails, sidewalks and adjacent parcels; open space areas and areas of undisturbed tree canopy; passive or active recreational areas; setbacks for buildings, parking, drive aisles and other features associated with the proposed development.**
- ii. Proposed square footage of development by type and proposed residential densities.**
- iii. Proposed building heights.**
- iv. Any requested modifications to the standards of the Zoning Ordinance or the Subdivision and Land Development Regulations.**

Lyn Widmyer  
304 279 3201

# AGENDA REQUEST FORM

Name: County Commission

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

Estimation of amount of time needed for appointment: 5 min.

Date Requested – 1<sup>st</sup> Choice: \_\_\_\_\_

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

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

Subject: Approval and Presentation of Resolution to John C. Allen, Jr. for his service on the Jefferson County Historic Landmarks Commission

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **move to** approval and Present a Resolution to John C. Allen, Jr. for his service on the Jefferson County Historic Landmarks Commission

Are documents attached?

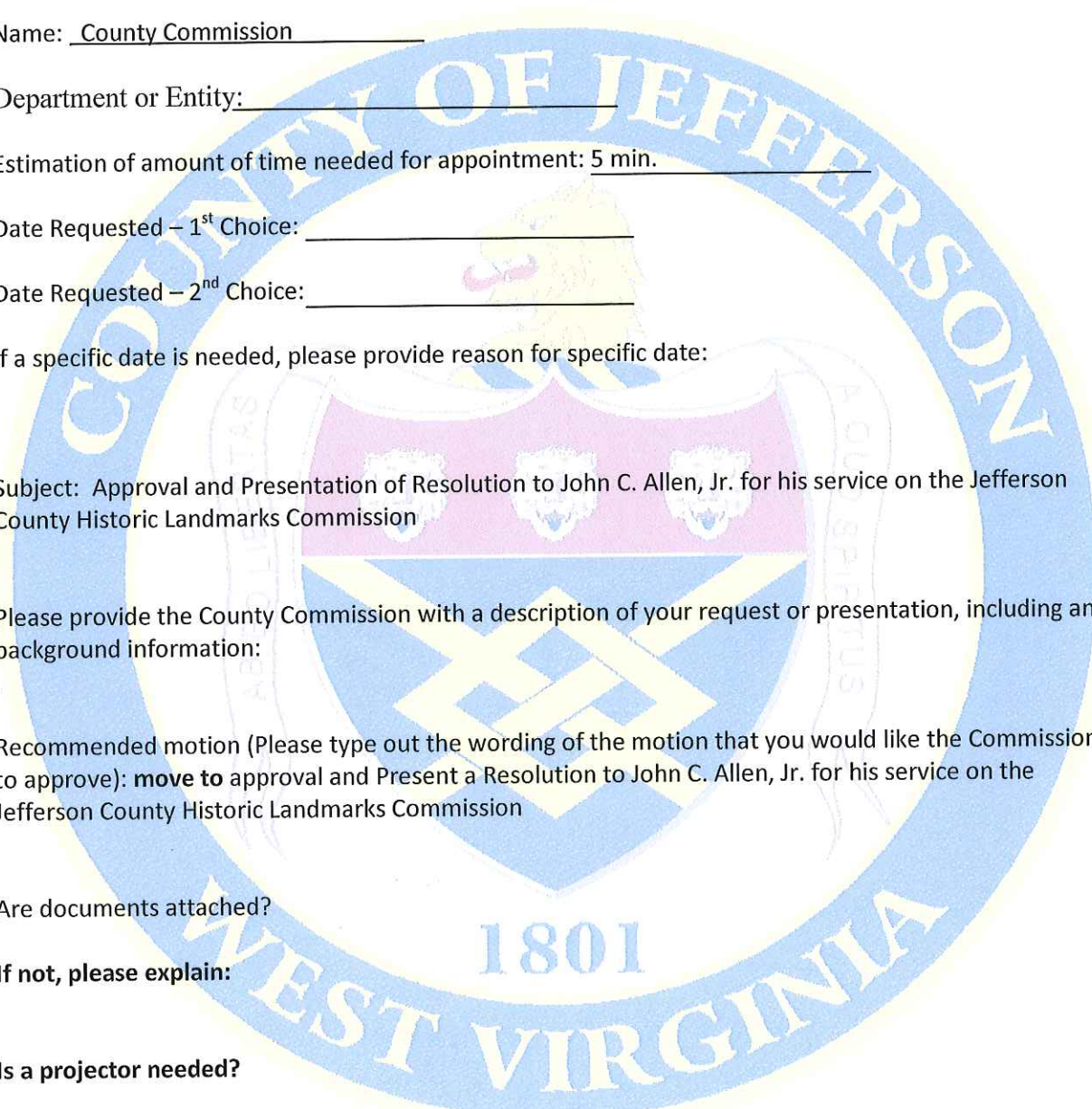
If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:



RESOLUTION IN RECOGNITION OF JOHN C. ALLEN, JR. FOR HIS SERVICE ON THE  
JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION

WHEREAS, the Jefferson County Commission formed the Jefferson County Historic Landmarks Commission on December 8, 1988,

WHEREAS, the Jefferson County Historic Landmarks is comprised of Jefferson County Citizens who volunteer are knowledgeable and committed to Serving, preserving and protecting the history of Jefferson County, WV;

WHEREAS, John C. Allen, Jr. was appointed by the Jefferson County Commission to the Jefferson County Historic Landmarks Commission on March 15, 2004 and has served in his capacity as a Volunteer since that time;

WHEREAS, John C. Allen, Jr. has continued to provide a valuable service to Jefferson County as a member of the Jefferson County Historic Landmarks Commission by providing his knowledge and applying his professional expertise in order to preserve and protect the rich history of Jefferson County, WV;

WHEREAS, the Jefferson County Commission recognizes that the people of Jefferson County will benefit from the knowledge and expertise provided by John C. Allen, Jr. for future generations to come as the result of his involvement, dedication and loyalty to the Jefferson County Historic Landmarks Commission;

THEREFORE, the Jefferson County Commission hereby recognizes John C. Allen, Jr. for his years of service as a loyal and dedicated member of the Jefferson County Historic Landmarks Commission and in appreciation for his service to the citizens of Jefferson County, West Virginia.

Given this 4<sup>th</sup> day of April in the year 2013.

By ORDER of the Jefferson County Commission:

\_\_\_\_\_  
Dale Manuel, President

\_\_\_\_\_  
Walt Pellish, Vice President

\_\_\_\_\_  
Lyn Widmyer, Commissioner

\_\_\_\_\_  
Jane Tabb, Commissioner

\_\_\_\_\_  
Patsy Noland, Commissioner

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Ed Hannon Marty Freeman

Department or Entity: JCESA

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: Thursday May 16, 2013

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

If a specific date is needed, please provide reason for specific date: **We need to provide feedback on Commissioner Noland's proposal prior to any further action taken on the current Emergency Services Fee Ordinance.**

Subject: **Feedback on Commissioner Noland's Proposal for paid Firefighters/Paramedics/EMTS**

Please provide the County Commission with a description of your request or presentation, including any background information: **May 2<sup>nd</sup> is the first we had heard about Commissioner Noland's proposal. The current Emergency Services Fee Ordinance has been vetted for about year and a half. We have had a short time to review Commissioner Noland's proposal and need to inform the Commission on the contents of our review. We would like to engage in conversation to obtain better understanding of Commissioner Noland's proposal.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **No Motion at this time, however would like to leave the lines of communications open to enable a motion be made as a result of our conversation this morning on this topic.**

Attachments: None



## JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

419 16<sup>th</sup> Avenue  
Ranson, WV 25438  
E-mail – jeffcoamb@citlink.net  
Telephone – 304-728-3287  
Fax – 304-728-6221

---

Thursday May 9, 2013

After reviewing Commissioner Noland's proposal there are some interesting concepts and ideas that bear further review. In our Power Point Presentation we will explore ways to capitalize on all the information presented to provide the highest level of service. Areas for exploration include but not limited to:

- I. Coverage Hours during the week
- II. Funding For Volunteer Companies
- III. Options for Fee Collection
- IV. Work Schedules
- V. Administrative Staff
- VI. Review Base Coverage
- VII. Federal and State Mandates

# AGENDA REQUEST FORM

Name: Patsy Noland

Department or Entity: Commissioner

Estimation of amount of time needed for appointment: 15 min.

Date Requested – 1<sup>st</sup> Choice: May 16, 2013

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

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

Subject:

Discussion with the Board of Jefferson County Emergency Services Agency regarding the alternative proposal for Paid Firefighters/Paramedics/EMTS proposed by Commissioner Noland.

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

After numerous discussions with volunteer Firefighters, Paramedics and EMTS, I would like the opportunity to discuss alternatives with the Board of the Jefferson County Emergency Services Agency.

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

Are documents attached?

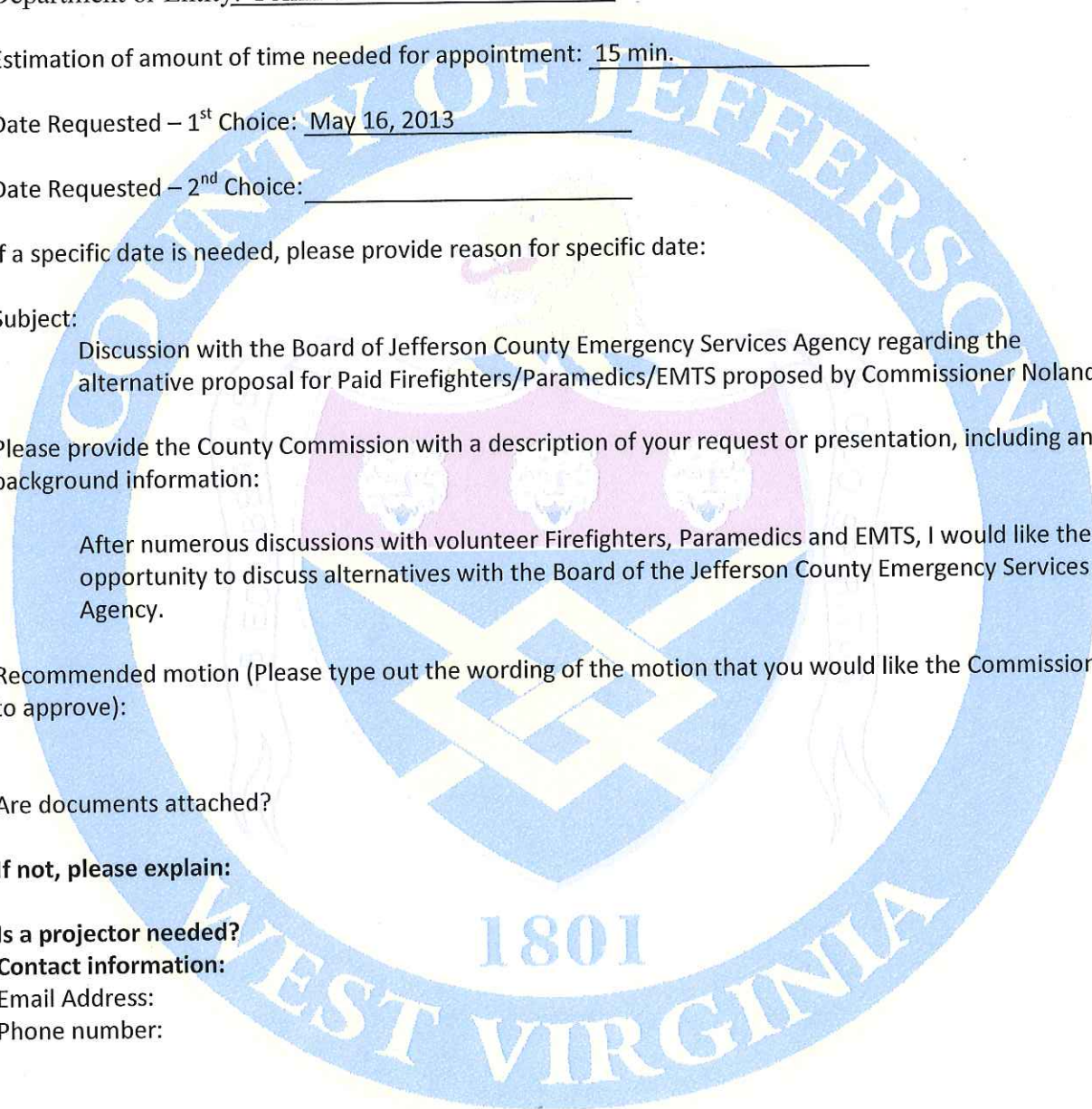
If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:



**PROPOSAL FOR PAID  
FIREFIGHTERS/PARAMEDICS/EMTS**

**EMERGENCY SERVICES FEES**

**May 2, 2013**

**Proposed by Commissioner Patsy Noland**

# PURPOSE OF PROPOSAL

page 2

Due to the increasing demand to provide fire and ambulance service for our citizens during daytime hours when volunteers are working to provide for their families, it has become necessary to create a method by which the county can provide emergency services, such as fire and other emergencies.



# PURPOSE OF PROPOSAL

page 3

- This proposal contemplates a program that will eliminate the Emergency Services Agency, thereby drastically reducing the administrative costs that consumes a large portion of the proposed fees to be collected from our citizens.

## PURPOSE OF PROPOSAL

page 4

- The purpose of this proposal is to provide funding for paid Firefighters, Paramedics and EMTs along with the funding necessary for a Computer Aided Dispatch System, firefighting equipment for each Firefighter, Paramedic and Emergency Medical Technician, as well as the training as necessary and required pursuant to West Virginia State Code.

# PURPOSE OF PROPOSAL

page 5

- ❑ The administrative costs include 2 positions for billing and collecting the fee as well as the cost of the computers and the computer program needed for billing and cost collections as well as maintenance of the computer program associated with administering to this program in addition to the office equipment purchase.

**PROPOSAL FOR IMPLEMENTING PAID FIREFIGHTERS,  
PARAMEDICS, EMTs**

**(USING FUNDS RAISED IN OPTION 3)**

page 6

- Base the number of Firefighters, Paramedics and EMTs on 12 hours of coverage Monday through Friday from 7 a.m. to 7 p.m. (6 a.m. to 6 p.m.);
- Station 1 Firefighter/Paramedic and 1 firefighter/EMT at each of 4 locations throughout the county;
- The 4 locations would be at the 4 busiest locations, including Blue Ridge to support the Mutual Aide Agreement between Jefferson and Loudoun Counties.

## **SCHEDULING**

(using funds raised in option 3)

page 7

- Base coverage at each of the 4 locations;
  
- Using modified Kelly scheduling by alternating M, W, F week one, then T, Th week two. Repeat.
  
- Station 2 people, 1 Firefighter/Paramedic and 1 Firefighter/EMT at each location on 12 hour shifts each, Monday through Friday.

## SCHEDULING

(CONT.)

page 8

- Hire a total of 2 people to cover 12 hour shift at all 4 locations (16 people total).
- Hire 4 extra people to fill in for vacations, sick leave, etc.

# COST

page 9

- Firefighter/Paramedic at the hourly rate as determined by the ESA is \$16.93.
- Firefighter/EMT at the hourly rate as determined by the ESA is \$19.21.

## COST

(CONTINUED)

page 10

- Firefighter/Paramedic @ \$16.93 x 12 hours per day x 5 days x 52 weeks (3120 hours annually) = \$52,822 annually
  
- Firefighter/EMT @ \$19.21 x 12 hours per day x 5 days x 52 weeks (3120 hours annually) = \$59,936 annually
  
- \$52,822 & \$59,936 per 12 hours Monday through Friday per station = \$112,758

## COST

(CONT.)

page 11

☐  $\$112,758 \times 4 \text{ stations} = \$451,032$

☐  $\$451,032 \times \$.38 \text{ (benefits)} = \$171,392$

☐ Total salaries and benefits = \$622,425  
annually

## COST OF EQUIPMENT

(continued)

page 12

- ❑ Cost of equipment per person = \$3800
- ❑ Two people per 4 stations = 16 people
- ❑ Four additional people to fill in for vacations, sick leave, etc.
  
- ❑ Total cost of equipment @ \$3800 x 16 people  
= \$60,800

# COST OF TRAINING

(continued)

Page 13

☐ \$300 per year x 16 people = \$5000 annually

☐ Total Cost: Salaries and benefits = \$622,425

☐ Total Cost Equipment = 60,800

☐ Total Cost Training = 5,000

☐ TOTAL = \$688,225

\*\*This estimate does not consider the cost of administration, computer program, computer equipment and space needs..

## COLLECTION AND ADMINISTRATION OF FEE

Page 14

- Add to the duties of the County Commission Financial Director the responsibility for accounting for the disbursement and expenditures of the fees collected for salaries, equipment and training of the Firefighters, Paramedics and Emergency Medical Technicians.

# COLLECTION AND ADMINISTRATION OF FEE

(continued)

Page 15

- Work with Sheriff Dougherty and Chief Tax Deputy, Hendricks to add 2 positions for the purpose of collecting and depositing the fee into a separate account. (One of the 2 positions will be seasonal.)
- Make the starting salary commensurate with the duties as outlined in the Jefferson County Salary and Compensation Plan.

# COLLECTION AND ADMINISTRATION OF FEE

(continued)

page 16

- The cost of administering, billing and collecting the fee shall be funded from the collected fees;
- The county shall work with our vendor to set up a program for collection of the fee.
- The Smoot Building may be utilized for the additional space as needed.

## FUNDING LIMITATIONS

page 17

- Purchase, maintenance and upgrades to Computer Aided Dispatch System;
- Any funds remaining in the account will be held and used only for assistance in purchasing fire equipment and maintaining current equipment.

# FUNDING LIMITATIONS

PAGE 18

- Revenue derived from the fee may not be used for buildings, maintenance of buildings, utilities or operational costs.

## Cindy Schott

---

**From:** Sandy McDonald [sandy@jeffersoncountywv.org]  
**Sent:** Monday, May 13, 2013 11:59 AM  
**To:** 'Cindy Schott'  
**Subject:** FW: JCESA

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

**From:** Robert Shackelford [<mailto:shackemtp@yahoo.com>]  
**Sent:** Monday, May 13, 2013 4:24 AM  
**To:** [webmaster@jeffersoncountywv.org](mailto:webmaster@jeffersoncountywv.org); [cschott@jeffersoncountywv.org](mailto:cschott@jeffersoncountywv.org);  
[sandy@jeffersoncountywv.org](mailto:sandy@jeffersoncountywv.org); [nhosby@jeffersoncountywv.org](mailto:nhosby@jeffersoncountywv.org); [chernandez@jeffersoncountywv.org](mailto:chernandez@jeffersoncountywv.org)  
**Subject:** JCESA

Your submission:

---

Your Name: Robert Shackelford  
Your Email Address: [shackemtp@yahoo.com](mailto:shackemtp@yahoo.com)  
Subject: JCESA

Message: as converted using <http://www.convertapi.com> Please purchase credits to remove this text <http://www.convertapi.com/prices>

To: Letter to the Editor  
Date: 5/8/13

From: Robert Shackelford  
Subject: Concerned Citizen

I would like to express my concerns regarding the Jefferson County Emergency Service Agency. In the past, when the agency started, it was able to coincide with the volunteer fire departments under the previous management. Now under its coronet management, it is trying to overtake the county and put the volunteers out of business, which is not only financially not sound but against the mission of why it was started over 13 years ago.

List of just a few of the problems under coronet management:

- 1) Went to Charleston legislature to set up fire service for the agency but never followed through with it.
- 2) Has three people as administration staff but, the previous management only required two.
- 3) Has a new building that "eats up" a good portion of the budget.
- 4) Uses the county vehicle to do personal tasks after hours at a volunteer station.
- 5) Had five people fired under current management in only two years.
- 6) Has a law suit for wrongful termination against the agency.
- 7) Had to pay back wages for the last two years to all employees for not compensating them for overtime.
- 8) Previously the agency was able to assist at fire scenes, but now they can only stand back and watch.
- 9) Uses his family to teach at the agency, when previously had an in-house instructor that was terminated.
- 10) Numerous complaints from existing employees that have never been investigated.

This is only a few of the problems with the current agency management, I think it needs to be included with the other county agencies and function with the direction of county administration. As for the current staffing, they are currently stationed in existing fire companies and using their equipment. So, why does the county need an office building that houses an average of three personnel? Originally, the agency was supposed to offer staffing to the county stations to enable them to provide services to the community, now, the county

uses their own ambulance and bills for the service, which limits funding for the local companies. Enter Your Message Here

May 8, 2013

Jefferson County Commission  
124 East Washington Street  
Charles Town, WV 25414

Attn: Commissioner Dale Manuel, President

CC: Commissioners Noland, Pellish, Tabb, Widmyer

Dear Sir:

Having more than fifty years of experience in both Fire and EMS services, (as a provider and a leader), I believe the proposal to go to 12 hour shifts would be a major mistake and would not enhance the volunteer system in a way that would improve the response to the citizens and guests of Jefferson County.

In a prior meeting, Commissioner Pellish stated he did not understand the need for all the equipment he witnessed on a call in Shepherdstown. I understand this was a cardiac arrest, which requires a rapid response and sufficient staffing. To assure this happens, several units are dispatched on the initial call.

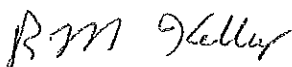
The volunteer system, because of the increase in calls as well as the decrease in volunteers (a national trend), is unable to meet the requirements without the paid staffing that is now in place. There are many reasons for the reduction in volunteers, which I could explain at another time. We need coverage 24 hours a day, 7 days a week. The time required to respond is vital to the outcome of the patient. The 911 center's Emergency Medical Dispatch determines the level of providers needed on that particular call. Four of the six response matrixes currently used require an Advanced Life Support unit to respond. To meet these criteria, we need the career staffing to maintain the level of care needed on these calls. At present, several companies are dispatched on certain calls. This has been determined according to the standards of care and has been approved by the county medical director, whose license the EMS division works under.

Several of the departments have a yearly budget of \$500,000.00 or greater, of which most is raised by their own efforts. There is a concern that the donations may decrease when a fee is enacted and the county must be in position to help make up the difference as the costs of operations continue to increase. Likewise, the expectations of the public may change as it relates to responses.

I do agree that the administrative staff could be reviewed if the management of the fee program is done at another county office, i.e. tax office. It was originally thought that the JCESA was to be responsible and the adjustments were made to be ready to do so. However, I believe that the cost of doing so will still be the same to the county as they would be to the JCESA. There appears to be several errors in the presentation monetary figures, but you may be aware of them after having a chance to review them.

Thank you for allowing me to express my concerns.

Sincerely,



R.M. (Pete) Kelley, EMSARN

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

The County Commission of Jefferson County will hold a public hearing on Thursday, May 23, 2013 at 7:00 p.m. in the County Commission meeting room located at the Old Charles Town Library, 200 East Washington Street, Charles Town, WV 25414.

At this meeting, there will be public input on the Draft Fee Ordinance proposed by the Jefferson County Emergency Services Agency.

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

No decisions will be made at this meeting.

By Order of the County Commission of Jefferson County  
Dale Manuel  
President

**RECYCLE LIFE**

**GIVE BLOOD**



**American Red Cross**



Scan and schedule an appointment to give blood.

## **Blood Drive**

# **Jefferson County Commission**

**Conference Room  
200 E. Washington Street  
Charles Town, WV 25414**

**Wednesday, May 22, 2013  
10:00 AM to 4:00 PM**



**Scan to schedule  
an appointment.**

To schedule an appointment call 1-800-RED-CROSS  
(1-800-733-2767)  
or online @ [redcrossblood.org](http://redcrossblood.org)

The background of the entire page is a close-up, slightly blurred image of the American flag, showing the red and white stripes and the blue field with white stars.

County Commission Offices

Will be closed

On

Monday, May 27, 2013

In Observation of

Memorial Day.

# **NOTICE JEFFERSON COUNTY COMMISSION MEETING RESCHEDULED**

The County Commission of Jefferson County will not meet the week of June 20<sup>th</sup>, 2013. The regular meeting scheduled on Thursday, June 20<sup>th</sup>, 2013, has been canceled due to the West Virginia Day Holiday. The Commission has reschedule its regular session on Thursday, June 27<sup>th</sup>, 2013 at 9:30 a.m. The meeting will be held at the Old Charles Town Library located at 200 E. Washington St., (Samuel Street Entrance) Charles Town, WV 25414.

BY ORDER OF THE JEFFERSON COUNTY COMMISSION,  
Dale Manuel, President

## Cindy Schott

---

**From:** Sandy McDonald [sandy@jeffersoncountywv.org]  
**Sent:** Monday, May 13, 2013 11:59 AM  
**To:** 'Cindy Schott'  
**Subject:** FW: JCESA

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

From: Robert Shackelford [<mailto:shackemtp@yahoo.com>]  
Sent: Monday, May 13, 2013 4:24 AM  
To: [webmaster@jeffersoncountywv.org](mailto:webmaster@jeffersoncountywv.org); [cschott@jeffersoncountywv.org](mailto:cschott@jeffersoncountywv.org);  
[sandy@jeffersoncountywv.org](mailto:sandy@jeffersoncountywv.org); [nhosby@jeffersoncountywv.org](mailto:nhosby@jeffersoncountywv.org); [chernandez@jeffersoncountywv.org](mailto:chernandez@jeffersoncountywv.org)  
Subject: JCESA

Your submission:

---

Your Name: Robert Shackelford  
Your Email Address: [shackemtp@yahoo.com](mailto:shackemtp@yahoo.com)  
Subject: JCESA  
Message: as converted using <http://www.convertapi.com> Please purchase credits to remove this text <http://www.convertapi.com/prices>

To: Letter to the Editor

Date: 5/8/13

From: Robert Shackelford

Subject: Concerned Citizen

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- 2) Has three people as administration staff but, the previous management only required two.
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- 4) Uses the county vehicle to do personal tasks after hours at a volunteer station.
- 5) Had five people fired under current management in only two years.
- 6) Has a law suit for wrongful termination against the agency.
- 7) Had to pay back wages for the last two years to all employes for not compensating them for overtime.
- 8) Previously the agency was able to assist at fire scenes, but now they can only stand back and watch.
- 9) Uses his family to teach at the agency, when previously had an in-house instructor that was terminated.
- 10) Numerous complaints from existing employees that have never been investigated.

This is only a few of the problems with the current agency management, I think it needs to be included with the other county agencies and function with the direction of county administration. As for the current staffing, they are currently stationed in existing fire companies and using their equipment. So, why does the county need an office building that houses an average of three personnel? Originally, the agency was supposed to offer staffing to the county stations to enable them to provide services to the community, now, the county

uses their own ambulance and bills for the service, which limits funding for the local companies. Enter Your Message Here

May 8, 2013

Jefferson County Commission  
124 East Washington Street  
Charles Town, WV 25414

Attn: Commissioner Dale Manuel, President

CC: Commissioners Noland, Pellish, Tabb, Widmyer

Dear Sir:

Having more than fifty years of experience in both Fire and EMS services, (as a provider and a leader), I believe the proposal to go to 12 hour shifts would be a major mistake and would not enhance the volunteer system in a way that would improve the response to the citizens and guests of Jefferson County.

In a prior meeting, Commissioner Pellish stated he did not understand the need for all the equipment he witnessed on a call in Shepherdstown. I understand this was a cardiac arrest, which requires a rapid response and sufficient staffing. To assure this happens, several units are dispatched on the initial call.

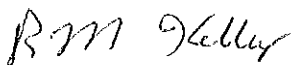
The volunteer system, because of the increase in calls as well as the decrease in volunteers (a national trend), is unable to meet the requirements without the paid staffing that is now in place. There are many reasons for the reduction in volunteers, which I could explain at another time. We need coverage 24 hours a day, 7 days a week. The time required to respond is vital to the outcome of the patient. The 911 center's Emergency Medical Dispatch determines the level of providers needed on that particular call. Four of the six response matrixes currently used require an Advanced Life Support unit to respond. To meet these criteria, we need the career staffing to maintain the level of care needed on these calls. At present, several companies are dispatched on certain calls. This has been determined according to the standards of care and has been approved by the county medical director, whose license the EMS division works under.

Several of the departments have a yearly budget of \$500,000.00 or greater, of which most is raised by their own efforts. There is a concern that the donations may decrease when a fee is enacted and the county must be in position to help make up the difference as the costs of operations continue to increase. Likewise, the expectations of the public may change as it relates to responses.

I do agree that the administrative staff could be reviewed if the management of the fee program is done at another county office, i.e. tax office. It was originally thought that the JCESA was to be responsible and the adjustments were made to be ready to do so. However, I believe that the cost of doing so will still be the same to the county as they would be to the JCESA. There appears to be several errors in the presentation monetary figures, but you may be aware of them after having a chance to review them.

Thank you for allowing me to express my concerns.

Sincerely,



R.M. (Pete) Kelley, EMSARN

Nicola Bastian  
Millville WV 25432  
Nicolabastianyaho.de  
304 535 6907

Re: Public Commission meeting  
May 9th  
Regarding Potomac Edison , s attention to problems

Honorable Commissioners,

Included two photos.

One shows makeshift „utility pole“ that my dear neoighbor erected years ago ( before my arrival ) .

There had been a fire in one of the homes above- the firetrucks had been unable to pass under the sagging electricity wires feeding into my house. They had to pump the water up from below.

After several phone calls and two „inspections on site „- no further response.  
This is a truly unsafe condition.

Photo number two: This shows an antiquated , messy, wiring , some dead some precariously alive i, into the building.

On another note: One bill I had received was over four hundred Dollars!  
„estimated“

I hardly ever pay much more than 35 Dollars a month.

After many phone calls and a possible diagnosis „ there may be something wrong with the meter“ , the figure was removed from some later bill- with no comment: neither why nor how they arrived at a new billing.

I am an elder living off savings

Thank you for your attention

nicola bastian

Nicola Bastian  
Millville WV 25432  
Nicolabastian@yahoo.de  
304 535 6907

Re: Public Commission meeting  
May 9th  
Regarding Potomac Edison's attention to problems

Honorable Commissioners,

Included two photos.  
One shows makeshift „utility pole“ that my dear neighbor erected years ago (before my arrival).  
There had been a fire in one of the homes above the firetrucks had been unable to get under the sagging electricity wires feeding into my house. They had to pump the water up from below.

After several phone calls and two „inspections on site“ no further response.  
This is a truly unsafe condition.

Photo number two: This shows an antiquated, messy wiring - some dead some precariously alive i, into the building.

On another note: On the 1st of December I received a bill for four hundred Dollars „estimated“  
I hardly ever pay more than 55 Dollars a month.  
After many phone calls and a possible „glitch“ there may be something wrong with the meter“, the figure was removed from some later bill - with no comment: neither why or how the figure was removed.

off savings

Thank you for your attention  
nicola bastian

#2



Picture #  
1

April 29, 2013

Dear Spirit;

Over the last several weeks the "Editor's Note" has expressed concerns about the paper's editor and staff making errors and how hard it is to make a once a week deadline, welcome to the real world! Employers, employees, and residence of the county face these challenges every day. The responsibility does not come with an answer "O Well", they need to do everything right the first time and every time. There businesses, jobs, family, homes, and there existence requires it every day.

Of course there's another way the "Spirit" could help take the stress of a deadline off of its employees, just print a paper every other week. This way you only have to work two days a month. This seems to have worked for the Jefferson County Commission; they only have County Commission meetings twice a month, when they previously had them every week. When they make a mistake, like with the minutes to the April 4, 2013 meeting, they just waited until May 16, 2013 to fix them. The best part is, they still get paid the same.

So, I hope this suggestion will help the paper to take the stress off the editor and staff. As far as the paper being a "Paper of Record", The Jefferson County Commission doesn't seem to be bothered about doing things right, so why should the paper be worried.



---

David C. Tabb  
107 Tabb Lane  
Harpers Ferry, WV 25425  
(304)676-5976

CERTIFIED MAIL

402 South Mildred Street  
Charles Town, WV 25414  
7 May 2013

President of the Senate  
Senator Jeffery V. Kessler  
Room 227M, building 1  
State Capitol Complex  
Charleston, WV 25305

RECEIVED

MAY 07 2013

Jefferson County Commission

Speaker of the House of Delegates  
Delegate Rick Thompson  
Room 22M, building 1  
State Capitol Complex  
Charleston, WV 25305

Re: West Virginia Code, Chapter 6, Article 9A "Sunshine Law"

Honorable Senator and Delegate:

The West Virginia "Sunshine Law" is not working, at least in Jefferson County and the City of Charles Town. Both operate in clear violation of the intent of the Legislature to provide for open government proceedings.

The Honorable David H. Sanders of the Twenty-Third Judicial Circuit refuses to exercise his power to enforce by injunctions; actions in violation of article voidables; voidability of bond issues so as to fulfill the intent of the Legislature in 6-9A-6.

Although provided a copy of my 8 March letter via Certified Mail, apparently Chief Justice Brent D. Benjamin taken no action to determine whether Judge Sanders of the Twenty-Third Judicial Circuit was acting in accordance with the mandate by the Legislature.

Sincerely,

Earl L. Jackson, Jr.

Attachments:

8 March Letter to Judge David H. Sanders  
14 May Letter to the City of Charles Town (Portion which applies)  
WV Code, Chapter 6, Article 9A "Sunshine Law"

cc:

Chief Justice Supreme Court of Appeals of West Virginia  
Jefferson County Commission  
City of Charles Town  
The Hagerstown Herald Mail  
The Martinsburg Journal  
The Spirit of Jefferson and Advocate

402 South Mildred Street  
Charles Town, WV 25414  
14 May 2012

**RECEIVED**

City of Charles Town, WV - ATTN.: City Clerk  
101 E. Washington Street  
Charles Town, WV 25414

MAY 07 2013

Mayor and Council Members:

**Jefferson County Commission**

I sincerely appreciate and commend the thoughtful and professional comments of the City Planning Commission staff in response to my comments and recommendations. Throughout the process and I do mean process, as I must have visited the City offices at least four times for various inquiries. In every instance the city staff was courteous, helpful and obviously competent.

I submitted written comments and suggested modifications to the proposed Draft Subdivision and Land Development Ordinance to the City Planning Commission on 23 April 2012 .

### **The City's "So-called" Public Hearings Violate the WV "Sunshine Law"**

I attended the Monday 23 April 2012 public hearing by the City Planning Commission.

I characterize that hearing as a "so-called" public hearing. The former bank lobby in which the City held that hearing has the worst acoustics that I have ever encountered. Until the acoustics are corrected, Until those terrible acoustics are corrected, the old bank lobby should not be used for any City meeting that is open to the public. I have been told that the City is well aware of the terrible acoustics in its meeting room, but is apparently unwilling to take the necessary corrective action.

At the "so-called" Commission public hearing , the citizens could not hear or decipher any of what was being said. We could only discern that someone on the City Planning Commission or the Zoning Administrator was speaking by noting that when one of those individuals turned on the red light on their microphone it was soon followed by and barely audible but totally unintelligible droning noise. The acoustics were so bad that I was not even be sure in which language the meeting was being held.

In my opinion, that "so-called" Commission hearing was not an open meeting. As the City knowingly and possibly purposely held its "so-called" hearing in a location that precluded the citizen's right to be fully informed as to what was being said and denied the citizens the opportunity to participate. From what I experienced at the 'so-called" public hearing, the public was effectively closed to the public and the Commission was operating in Executive session- a clear violation of the intent of the WV "Sunshine Law." - the legislative policy of the "Sunshine Law" - "It is the intent of the Legislature

... to allow government to function and the public to participate in a meaningful manner in public agency decision making."

I would suggest that the City start this public hearing process anew and move the public hears to a location with satisfactory acoustics. Should the City fail to do so, I shall ask my attorney - Mr. James T. Kratovil - attend the next "so-called" public hearing in the old bank lobby. That experience will give him the necessary knowledge to file a civil action on ny behalf with the 23rd Circuit Court Judge, the Honorable David H. Sanders, who has jurisdiction to enforce the WV "Sunshine Law", that the City Council hearing did not meet the requirements of WV Code Chapter 6, Article 9A.

As to the City Planning Commission's April 23, 2012 comments on my letter, I hereby plead GUILTY to not being intimately familiar with "... the notice of hearing procedures of the BZA under Section 1321.10", that "... these standards are specified under the Draft S/LD", etc.

Therefore, I shall follow the KISS principle.

#### NOTES:

Although my comments may not all be germane to the exact matter at hand, they are to the general subject area:

Suggested modifications are underlined. Suggested deletions are enclosed within parentheses.

#### **Sidewalks and/or Bike Paths:**

My view is that houses make subdivisions, but sidewalks and/or bike paths make neighborhoods. The citizens deserve a sidewalk along any public road the has concrete gutters. If the public road does not have concrete gutters, the citizens deserve a bike path. Preferably each will be a minimum of six (6) feet wide.

It is immaterial whether a residential development is low or high density in determining the need for sidewalks and/or bike paths. A high density residential development may be bounded by a low density residential development or even an industrial park, but there may well be a school or commercial development that the residents wish to access. Almost a third of Americans or now obese and by 2025 , unless we change our eating habits and get more exercise, 50% are expected to be obese.

As my wise, old Texas grandfather said, "It is easier to pick tourist than cotton" And he certainly he knew about cotton, as he lost that part of his left arm below the elbow in a cotton gin accident. A well developed network of bike paths will bring those tourists to be picked.

CERTIFIED MAIL

402 South Mildred Street  
Charles Town, WV 25414  
8 March 2013

Honorable David H. Sanders  
Twenty-Third Judicial Circuit  
100 East Washington Street  
Charles Town, Wv 25414

**RECEIVED**

Honorable Judge Sanders:

MAY 07 2013

Re: WV CODE 6-9A, "Sunshine Law"

**Jefferson County Commission**

The Legislature tasked the circuit court in the county, where the public agency normally meets, jurisdiction to enforce the provisions of the WV "Sunshine Law."

On 5 June 2012, I wrote to you to state that I had recently attended a City of Charles Town public hearing concerning its proposed changes to its zoning ordinance. As there was a speaker just in front of where the citizens were seated, we could clearly hear the various citizens' presentations; however, we could not hear any of the comments of those conducting the hearing. I queried those adjacent and they could not hear either. They could only discern if it was between whether a male or female was speaking. In my opinion a public hearing, at which the citizens are not fully aware of the what is going on, should be deemed in violation of the "Sun Shine" law.

To the best of my knowledge, you took no action on that complaint.

I am informed that the City has long been aware of those serious acoustical problems, but has chosen to ignore the problem because of the large cost (estimated at \$50,000) to remedy those problems.

If the City doesn't wish to correct those acoustical problems, only one block away at Charles Town Library, the Jefferson County Commission has spent thousand to install a state of the art conference room. I would think that the Commission and the City could reach an agreement for the joint use of that modern facility.

New Subject: The Sunshine Law clearly states that a governing body may only make and enforce rules for presentation at a meeting where there is not sufficient room for all members of the public who wish to attend. The County meeting room at the Charles Town Library, to date, has been more than large enough to accommodate the public that wished to attend.

The Jefferson County Commission imposes an arbitrary four minute limit on citizens' presentations at all of its meetings and hearings. The Jefferson County Planning and Zoning imposes an arbitrary three minute limit on citizen's presentation and a ten minute limitation on "group." presentations. At both hearings which I recently attended was more than ample room for all members of the public who attended.

The public hearing held by the County Commission lasted a grand total of 45 minutes

and that by the Planning and Zoning Commission barely lasted an hour! It was my observation that most of the citizens were cut short by the arbitrary 3 or 4 minute "BLEEP."

Apparently, the Jefferson County government wants to avoid overdosing on input by its citizens! The arbitrary limits imposed by government of Jefferson County is clearly in violation of the Sunshine Law.

According to the March 20, 2012 Jefferson County Emergency Services Agency (JCESA) Meeting Minutes, a concerned citizen felt that one of the seven volunteer fire companies was being improperly operated and "requested that he be heard in Executive Session."

The JCESA President "informed the concerned citizen that due to the Ethics Act of WV Sunshine Laws, his request must be denied." The individual "declined to speak in public forum." That volunteer fire company just happens to be one of two that it has been alleged has had its funds embezzled.

Actually, the West Virginia Code Chapter 6 "Sunshine Law" Article 6-9A-4b - Exceptions states, "An executive session may be held only upon a majority affirmative vote of the members present of the governing body of a public agency." And further subparagraph 7 states, "To plan or consider an official investigation or matter relating to crime prevention or law enforcement;"

By allowing the JCESA President to rule thus, it seems obvious that the members of JCESA Board were not well versed in their responsibilities nor particularly interested in hearing from any concerned citizens who have the courage to express their opinions that public funds may not being properly administered or accounted for.

I request that you take action to insure that the government of Jefferson County and the City of Charles Town comply with the West Virginia Sunshine Law to facilitate public participation.

Further, it would seem appropriate to require that the Jefferson County Commission be tasked to provide appropriate "Sunshine Law" training to all members of staff, and the appointed members of the various county agencies, authorities, boards, commissions, offices, etc.

Sincerely,

Earl L. Jackson, Jr.

cc:

Chief Justice Supreme Court of Appeals of West Virginia  
Jefferson County Commission  
City of Charles Town  
The Hagerstown Herald Mail  
The Martinsburg Journal  
The Spirit of Jefferson and Advocate

RECEIVED

West Virginia Code  
Chapter 6, Article 9A  
"Sunshine Law"

MAY 07 2013

ARTICLE 9A. OPEN GOVERNMENTAL PROCEEDINGS  
Jefferson County Commission

§ 6-9A-1. Declaration of legislative policy.

The Legislature hereby finds and declares that public agencies in this state exist for the singular purpose of representing citizens of this state in governmental affairs, and it is, therefore, in the best interests of the people of this state for the proceedings of public agencies be conducted openly, with only a few clearly defined exceptions. The Legislature hereby further finds and declares that the citizens of this state do not yield their sovereignty to the governmental agencies that serve them. The people in delegating authority do not give their public servants the right to decide what is good for them to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments of government created by them.

Open government allows the public to educate itself about government decisionmaking through individuals' attendance and participation at government functions, distribution of government information by the press or interested citizens, and public debate on issues deliberated within the government.

Public access to information promotes attendance at meetings, improves planning of meetings, and encourages more thorough preparation and complete discussion of issues by participating officials. The government also benefits from openness because better preparation and public input allow government agencies to gauge public preferences accurately and thereby tailor their actions and policies more closely to public needs. Public confidence and understanding ease potential resistance to government programs.

Accordingly, the benefits of openness inure to both the public affected by governmental decision making and the decision makers themselves. The Legislature finds, however, that openness, public access to information and a desire to improve the operation of government do not require nor permit every desire to improve the operation of government do not require nor permit every meeting to be a public meeting. The Legislature finds that it would be unrealistic, if not impossible, to carry on business of government should every meeting, every contact and every discussion seeking advice and counsel in order to acquire the necessary information, data or intelligence needed by a governing body were required to be a public meeting. It is the intent of the Legislature to balance these interests in order to allow government to function and the public to participate in a meaningful manner in public agency decisionmaking.

§ 6-9A-2. Definitions.

As used in this article:

1. "Decision" means any determination, action, vote or final disposition of a motion, proposal, resolution, order, ordinance or measure on which a vote of the governing body is required at any meeting at which a quorum is present.
2. "Executive session" means any meeting or part of a meeting of a governing body which is closed to the public.
3. "Governing body" means the members of any public agency having the authority to make decisions for or recommendations to a public agency on policy or administration, the membership of a governing body consists of two or more members; for the purposes of this article, a governing body of the Legislature is any standing, select or special committee, except the commission on special investigations, as determined by the rules of the respective houses of the Legislature.
4. "Meeting" means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:
  - a) Any meeting for the purpose of making an adjudicatory decision in any quasi-judicial, administrative or court of claims proceedings.
  - b) Any on-site inspection of any project or program;
  - c) Any political party caucus;
  - d) General discussions among members of a governing body on issues of interest to the public when held in a planned or unplanned social, educational, training, informal, ceremonial or similar setting, without intent to conduct public business even if a quorum is present and public business is discussed but there is no intention for the discussion to lead to an official action; or
  - e) Discussions by members of a governing body on logistical and procedural methods to schedule and regulate a meeting.

5. "Official action" means action which is taken by virtue of power granted by law, ordinance, policy, rule, or by virtue of the office held.
6. "Public agency" means any administrative or legislative unit of state, county or municipal government, including any department, division, bureau, office, commission, authority, board, public corporation, section, committee, subcommittee or any other agency or subunit of the foregoing, authorized by law to exercise some portion of executive or legislative power. the term "public agency" does not include courts created by article eight of the West Virginia constitution or the system of family law masters created by article four, chapter forty-eight-a of this code.
7. "Quorum" means the gathering of a simple majority of the constituent membership of a governing body, unless applicable law provides for varying the required ratio.

### **§ 6-9A-3. Proceedings to be open; public notice of meetings.**

Except as expressly and specifically otherwise provided by law, whether heretofore or hereinafter enacted, and except as provided in section four of this article, all meetings of any governing body shall be open to the public. Any governing body may make and enforce reasonable rules for attendance and presentation at any meeting where there is not room enough for all members of the public who wish to attend. This article does not prohibit the removal from a meeting of any member of the public who is disrupting the meeting to the extent that orderly conduct of the meeting is compromised: Provided, that persons who desire to address the governing body may not be required to register to address the body more than fifteen minutes prior to time the scheduled meeting is to commence.

Each governing body shall promulgate rules by which the date, time, place and agenda of all regularly scheduled meetings and the date, time, place and purpose of all special meetings are made available, in advance, to the public and news media, except in the event of an emergency requiring immediate official action.

Each governing body of the executive branch of the state shall file a notice of any meeting with the secretary of state for publication in the state register. Each notice shall state the date, time, place and purpose of the meeting. Each notice shall be filed in a manner to allow each notice to appear in the state register at least five days prior to the date of the meeting.

In the event of an emergency requiring immediate official action, any governing body of the executive branch of the state may file an emergency meeting notice at any time prior to the meeting. The emergency meeting notice shall state the date, time place and purpose of the meeting and the facts and circumstances of the emergency.

Upon petition by any adversely affected party any court of competent jurisdiction may invalidate any action taken at any meeting for which notice did not comply with the requirements of this section.

### **§ 6-9A-4. Exceptions.**

- a. The governing body of a public agency may hold an executive session during an regular, special or emergency meeting, in accordance with the provisions of this section. during the open portion of the meeting, prior to convening an executive session and present it to the governing body and to the general public, but no decision may be made in the executive session.
- b. An executive session may be held only upon a majority affirmative vote of the members present of the governing body of a public agency. A public agency may hold an executive session and exclude the public only when a closed session is required for any of the following actions:
  1. To consider acts of war, threatened attack from a foreign power, civil insurrection or riot;
  2. To consider:
    - a) Matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee, or prospective public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting; or
    - b) For the purpose of conducting a hearing on a complaint, charge or grievance against a public officer or employee, unless the public officer or employee requests an open meeting. General personnel policy issues may not be discussed or considered in a closed meeting. Final action by a public agency having authority for the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of an individual shall be taken in an open meeting;
  3. To decide upon disciplining, suspension or expulsion of any student in any public school or public college or university, unless the student requests an open meeting;
  4. To issue, effect, deny, suspend or revoke a license, certificate or registration under the laws of this state or any political subdivision, unless the person seeking the license, certificate or registration or whose license, certificate or registration was denied, suspended or revoked requests an open meeting;
  5. To consider the physical or mental health of any person, unless the person requests an open meeting;
  6. To discuss any material the disclosure of which would constitute an unwarranted invasion of an

individual's privacy such as any records, data, social service, rehabilitation, welfare, housing, relocation, insurance and similar program or institution operated by a public agency pertaining to any specific individual admitted to or served by the institution or program, the individual's personal and family circumstances;

7. To plan or consider an official investigation or matter relating to crime prevention or law enforcement;
8. To develop security personnel or devices;
9. To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state or any political subdivision: Provided, that information relied on during the course of deliberations on matters involving commercial competition are exempt from disclosure under the open meetings requirements of this article only until the commercial competition has been finalized and completed: provided, however, that information not subject to release pursuant to the West Virginia freedom of information act does not become subject to disclosure as a result of executive session;
10. To avoid the premature disclosure of an honorary degree, scholarship, prize or similar award;
11. Nothing in this article permits a public agency to close a meeting that otherwise would be open, merely because an agency attorney is a participant. If the public agency has approved or considered a settlement in closed session, and the terms of the settlement allow disclosure, the terms of that settlement shall be reported by the public agency and entered into its minutes within a reasonable time after the settlement is concluded;
12. To discuss any matter which, by express provision of federal law or state statute or rule of court is rendered confidential, or which is not considered a public record within the meaning of the freedom of information act as set forth in article one, chapter twenty-nine-b of this code.

#### **§ 6-9A-5. Minutes.**

Each governing body shall provide for the preparation of written minutes of all of its meetings. Subject to the exceptions set forth in section four of this article, minutes of all meetings except minutes of executive sessions, if any are taken, shall be available to the public within a reasonable time after the meeting and shall include, at least, the following information:

- a. The date, time and place of the meeting;
- b. The name of each member of the governing body present and absent;
- c. All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing the same and their disposition; and
- d. The results of all votes and, upon the request of a member, pursuant to the rules, policies or procedures of the governing board for recording roll call votes, the vote of each member, by name.

#### **§ 6-9A-6. Enforcement by injunctions; actions in violation of article voidable; voidability of bond issues.**

The circuit court in the county where the public agency regularly meets has jurisdiction to enforce this article upon civil action commenced by any citizen of this state within one hundred twenty days after the action complained of was taken or the decision complained of was made. Where the action seeks injunctive relief, no bond may be required unless the petition appears to be without merit or made with the sole intent of harassing or delaying or avoiding return by the governing body.

The court is empowered to compel compliance or enjoin noncompliance with the provisions of this article and to annul a decision made in violation of this article. An injunction may also order that subsequent actions be taken or no bond issue that has been passed or approved by any governing body in this state may be annulled under this section if notice of the meeting at which the bond issue was finally considered was given at least ten days prior to the meeting by a Class I legal advertisement published in accordance with the provisions of article three, chapter fifty-nine of this code in a qualified newspaper having a general circulation in the geographic area represented by that governing body.

In addition to or in conjunction with any other acts or omissions which may be determined to be in violation of this article, it is a violation of this article for a governing body to hold a private meeting with the intention of transacting public business, thwarting public scrutiny and making decisions that eventually become official action.

Any order which compels compliance or enjoins noncompliance with the provisions of this article, or which annuls a decision made in violation of this article shall include findings of fact and conclusions of law and shall be recorded in the minutes of the governing body.

#### **§ 6-9A-7. Violation of article; criminal penalties; attorney fees and expenses in civil actions.**

- a. Any person who is a member of a public or governmental body required to conduct open meetings in compliance with the provisions of this article and who willfully and knowingly violates the provisions of this article is guilty of a

misdeemeanor and , upon conviction thereof, shall be fined not more than five hundred dollars: provided, that a person who is convicted of a second or subsequent offense under this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than one thousand dollars.

- b. A public agency whose governing body is adjudged in a civil action to have conducted a meeting in violation of the provisions of this article may be liable to prevailing party for fees and other expenses incurred by that party in connection with litigating the issue of whether the governing body acted in violation of this article, unless the court finds that the position of the public agency was substantially justified or that special circumstances make an award of fees and other expenses unjust.
- c. Where the court, upon denying the relief sought by the complaining person in the action, finds that the action was frivolous or commenced with the primary intent of harrasing the governing body or any member thereof or, in the absence of good faith, of delaying any meetings or decisions of the governing body, the court may require the complaining person to pay the governing body's necessary attorney fees and expenses.

#### **§6-9A8. Acting by reference; written ballots.**

- a. Except as otherwise expressly provided by law, the members of a public agency may not deliberate, vote, or otherwise take official action upon any matter by reference to a letter, number or other designation or other secret device or method, which may render it difficult for persons attending a meeting of the public agency to understand what is being deliberated, voted or acted upon. However, this subsection does not prohibit a public agency from deliberating, voting or otherwise taking action by reference to an agenda, if copies of the agenda, sufficiently worded to enable the public to understand what is being deliberated, voted or acted upon, are available for public inspection at the meeting.
- b. A public agency may not vote by secret or written ballot.

#### **§ 6-9A-9. Broadcasting or recording meetings.**

- a. Except as otherwise provided in this section, any radio or television station is entitled to broadcast all or any part of a meeting required to be open.
- b. A public agency may regulate the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting, so as to prevent undue interference with the meeting. The public agency shall allow the equipment to be placed within the meeting room in such a way as to permit its intended use, and the ordinary use of the equipment may not be declared to constitute undue interference: Provided, That if the public agency, in good faith, determines that the size of the meeting room is such that all the members of the public present and the equipment and personnel necessary for broadcasting, photographing, filming and tape-recording the meeting cannot be accommodated in the meeting room without unduly interfering with the meeting and an adequate alternative meeting room is not readily available, then the public agency, acting in good faith and consistent with the purposes of this article, may require the pooling of the equipment and the personnel operating it.

#### **§ 6-9A-10. Open governmental meetings committee.**

The West Virginia ethics commission, pursuant to subsection (j), section one, article two, chapter six-b of this code, shall appoint from the membership of the commission a subcommittee of three persons designated as the West Virginia ethics commission committee on open governmental meetings. The chairman shall designate one of the persons to chair the committee. In addition to the three members of the committee, two additional members of the commission shall be designated to serve as alternate members of the committee.

The chairman of the committee or the executive director shall call meetings of the committee to act on requests for advisory opinions interpreting the West Virginia open government meetings act. Advisory opinions shall be issued in a timely manner, not to exceed thirty days.

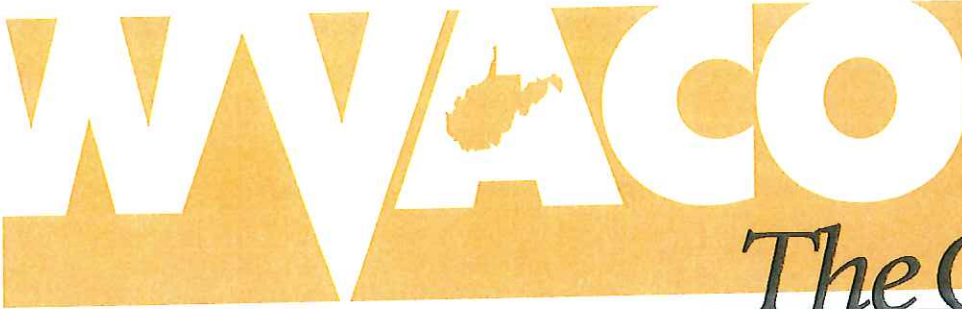
#### **§ 6-9A-11. Request for advisory opinion; maintaining confidentiality.**

- a. Any governing body or member thereof subject to the provisions of this article may seek advice and information from the executive director of the West Virginia ethics commission or request in writing an advisory opinion from the West Virginia ethics commission committee on open governmental meetings as to whether an action or proposed action violates the provisions of this article. The executive director may render oral advice and information upon request. The committee shall respond in writing and in an expeditious manner to a request for an advisory opinion. The opinion shall be binding on the parties requesting the opinion.
- b. Any governing body or member thereof that seeks an advisory opinion and acts in good faith reliance on the opinion has an absolute defense to any civil suit or criminal prosecution for any action taken in good faith reliance on the opinion unless the committee was willfully and intentionally misinformed as to the facts by the body or its representative.

- c. The committee and commission may take appropriate action to protect from disclosure information which is properly shielded by an exception provided for in section four of this article.

**§ 6-9A-12. Duty of attorney general, secretary of state, clerks of county commissions and city clerks or recorders.**

It is the duty of the attorney general to compile the statutory and case law pertaining to this article and to prepare appropriate summaries and interpretations for the purpose of informing all public officials subject to this article of the requirements of this article. It is the duty of the secretary of state, the clerks of the county commissions, joint clerks of the county commissions and circuit courts, if any, and the city clerks or recorders of the municipalities of the state to provide a copy of the material compiled by the attorney general to all elected public officials within their respective jurisdictions. The clerks or recorders will make the material available to appointed public officials. Likewise, it is their respective duties to provide a copy or summary to any newly appointed or elected person within thirty days of the elected or appointed official taking the oath of office or an appointed person's start of term.



# The County Line

## LEGISLATIVE SESSION IS OVER!

During the 2013 Regular Legislative Session, a total of 1,829 bills were introduced with 215, or about 12%, completing legislative action. We were successful in eliminating several that were detrimental to counties' property tax base, including the usual salvage value tax breaks touted as economic development.

While NRA sponsored bills were popular, the Sheriffs' Concealed Weapons Fund was saved from a well-intentioned yet very devastating House amendment that would have waived all fees (initial fees and renewals) for all active military and veterans. When the financial impact of a loss of 50% to 80% of the funds was realized, the Senate took out the House amendment. "I don't know a single veteran who would want to take this money away," said Senator Wells, who is active military, when he made the amendment on the floor of the Senate. Senator Barnes spoke in favor of the amendment, speaking as a veteran.

## That's the Good News!

Most law enforcement equipment is purchased from the concealed weapons permit fees.

The Courthouse Facilities Improvement Authority will have the ability to issue bonds with the passage of SB 331. This will allow CFIA to fund larger projects that have even more impact on courthouse needs.

In addition to the Courthouse bonding bill, several other legislation of interest to counties passed:

- ▶ A priority for Circuit Clerks, they will not have to physically seal confidential files of juvenile proceedings with the passage of SB 601.
- ▶ "Sexting" statute targeting minors who electronically disseminate sexually inappropriate messages to minors was a priority for Prosecuting Attorneys.
- ▶ The WV Contraband Forfeiture Act, an expedited procedure, was a priority for Prosecuting Attorneys.

Pictures Continued to Page 3

## COMPENSATION BILL – THANKS TO OUR SUPPORTERS!

### The Bad News – It will now be EIGHT Years of No Compensation Increase!

While there were lots of excuses for not taking up our County Officials Compensation bill, we also have many supporters to thank!

**Our House bill was sponsored by:** Delegates Dave Perry, Linda Phillips, Steve Westfall, Jim Morgan, Linda Longstreth, Mike Caputo, Dana Lynch, Stephen Skinner, Josh Stowers, Roger Romine, and Kevin Craig (maximum number of sponsors in the House allowed)

**Our Senate bill was sponsored by:** Senators Bill Laird, Truman Chafin, Daniel Hall, Mike Hall, Art Kirkendoll, Greg Tucker, Jack Yost, President Jeff Kessler, Ron Stollings, and Bob Plymale

**Our originating "vehicle" bill that we hoped to amend salary increase into was sponsored by:** Delegates Richard laquinta, Doug Skaff, Rupie Phillips, and Charlene Marshall

We chose to start the bill in the House first and were asked to "show that we have the votes." We spent many hours garnering support and we appreciate the over 60 committed bipartisan "yes" votes that we tallied.

### What were the most frequently stated excuses?

The dust-up over "the magistrate bill" is the one we heard most often and it derailed our bill from the beginning of the session due to differences between the House and Senate. Never mind that it had absolutely nothing to do with us!

Continued to Page 5

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inside

## THE President's View

*My fellow elected officials, as I sit here trying to come up with some words of wisdom to pass along, I am finding it very difficult to put into words how I feel. This year's legislative session was an emotional roller coaster to say the least. I am still amazed and discouraged at how the leadership in the House and Senate led us to believe they supported our compensation bill, but could not get the Chairmen, whom they appoint, to run the bill in their respective committees. It is very evident that the chairmen of the Finance and Judiciary committees in both the House and Senate are*

WEST VIRGINIA ASSOCIATION OF COUNTIES  
2211 WASHINGTON STREET, EAST  
CHARLESTON, WV 25311

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WVACO's County Line is published monthly by the WV Association of Counties. It is mailed to county officials, legislators, Affiliated members, & other interested parties.

Patti Hamilton EXECUTIVE DIRECTOR  
Kathy Yates MEMBER SERVICES COORDINATOR  
Crystal Young EXECUTIVE ASSISTANT  
Jack C McClung LEGAL COUNSEL

## WVACO Board of Directors

### PRESIDENT

Jeff Waybright Jackson County Clerk 373-2258

### IMMEDIATE PAST PRESIDENT

VACANT

### VICE PRESIDENTS

Chris Kessler Marshall County Assessor 845-1490  
Betsy Castle Preston County Circuit Clerk 329-0047  
Donnie Tenney Upshur County Commissioner 472-0535  
Donnie Evans Monroe County Clerk 772-3096  
Michael Sparks Mingo County Prosecutor 235-0350  
Steve Tanner Raleigh County Sheriff 255-9195

### COMMISSIONERS

Larry Barnhart Pleasants County 684-3542  
Nancy Cartmill Cabell County 526-8634  
Mike Taylor Randolph County 636-2057  
Patrick Boyle Lewis County 269-8200

### COUNTY CLERKS

Sue Morgan Pleasants County 684-3542  
Janice Cosco Marion County 367-5445  
Diana Cromley Mason County 675-1997  
Jamie Six Wood County 424-1850

### ASSESSORS

Steve Keadle Greenbrier County 647-8613  
Cheryl Romano Harrison County 624-8510  
Helen Phillips Upshur County 472-4650  
Arlene Mossor Ritchie County 643-2184

### CIRCUIT CLERKS

Donnie Kopp Harrison County 624-8728  
Brenda Miller Ohio County 234-3611  
Sue Ann Zickefoose Boone County 369-7321  
Virginia Sine Berkeley County 264-1918

### PROSECUTING ATTORNEYS

VACANT  
Chris Chiles Cabell County 526-8653  
Gerald Hough Gilmer County 462-7007  
Leckta Poling Barbour County 457-1811

### SHERIFFS

Vince Shambaugh Morgan County 258-1067  
Tom McComas Cabell County 526-8663  
John Hawkins Barbour County 457-2352  
Albert F. Marano Harrison County 624-8550

### DIRECTOR EMERITUS

David "Bugs" Stover Wyoming County Circuit Clerk 722-8000  
Barbara Core Marion County Circuit Clerk 367-5360  
Bob Pasley Wayne County Commissioner 272-635  
Jean Friend Monongalia County Circuit Clerk 291-7240

## THE President's View Continued from Page 1

*the ones who truly hold the power when it comes to passing legislation. As many of us set in committee meeting after committee meeting, we witnessed for ourselves how a lot of good bills, that could have impacted the citizens of West Virginia in a positive way, were not even taken up because some committees found it more important to take hours of precious time to discuss how self-checking scanners in grocery stores are programmed, or whether those who work in health care facilities should wear name tags or not, or the difference between drunk driving and drugged driving and the testing procedures used to prove them in court. We heard the same explanations repeated over and over again because some committee members simply could not "get it".*

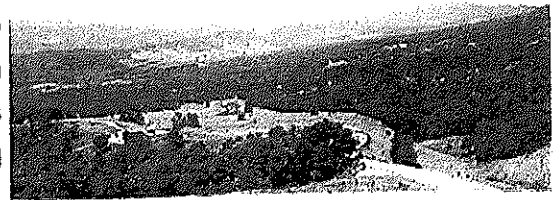
*It became very evident late in the session that our compensation bill was going to die a slow agonizing death with absolutely no debate. Not because we didn't have the votes to get the bill passed on the floor, but because we were caught in the cross fire between the House and Senate Finance Chairs. Patti, Larry, and every county elected official who came to the capitol and worked the many bills that impacted county government, showed the utmost of courtesy and professionalism when addressing Delegates or Senators, even when the response we received wasn't always pleasant. I greatly appreciate the "team effort" shown by our member associations, and enjoyed the chance to work with all of you on our legislative issues.*

*The question now is "Where do we go from here"? I know Patti and Larry have already met and are working on different strategies for next year's session, and I appreciate all the time and effort they put into working on our behalf. We fought a good clean fight, and we will continue to do our jobs to the best of our abilities as we work with our constituents on the "front lines" of government. Our mission to get a meaningful pay raise bill passed will still be on all our "to do" lists, and by working together, I believe we will be successful. Again, thank you all for your time and effort. May God richly bless each and every one of you.*

Jeff

## PENDLETON County

The picturesque county seat of Franklin is home to a significant collection of 19th century architecture for history lovers to explore. Informational brochures are available at the Pendleton County Chamber of Commerce. A section of the town is designated by the National Register of Historic Places. Driving tour CDs of the county also are available.



**Pictures Continued from Page 1—LEGISLATURE SESSION**

- ▶ Requiring that deputy sheriffs be issued ballistic vests upon law enforcement certification was a priority of the WV Sheriffs' Association.
- ▶ Authority to collect unpaid magistrate court costs through income tax withholding will help with regional jail bond payments, community corrections, law enforcement training, and many other funds that receive portions of the court costs.
- ▶ Creating Complete Streets Act which will involve local government in the planning process was supported by the WV Association of Counties.
- ▶ The Governor's bill to reduce prison overcrowding was supported by the WV Association of Counties and should help with substance abuse treatment and jail costs.

**Tobacco Status** updates should be reported to PEIA during April 2013. If you are tobacco-free, you will need to report your tobacco status during the month of April in order to continue receiving your tobacco-free discount after July 1.

**PPB Health Insurance** premiums will not increase for active employees this year! For employees of non-state agencies (such as county commissions, libraries, public service departments, and similar agencies), there will be no premium changes for 2014; the rates for PEIA PPB Plans A, B, C, and D will be the same.

**The Life Insurance Plan** underwritten by Minnesota Life will have reduced rates this year in addition to several plan enhancements. A fifth dependent life option will be offered. Accidental death and dismemberment benefits are enhanced, and the accelerated death benefit increases from 50% to 100%. There is also the addition of Legacy Planning Services.

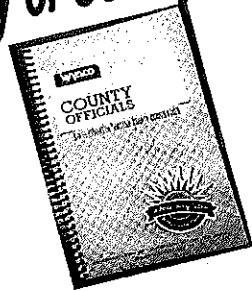
**Improve Your Score Program** participants who receive yellow or red score based on their screening can, beginning July 1, engage by: 1) receiving workplace lifestyle and/or fitness coaching with regional Health Promotion Consultant, 2) participating in Fitness Assessment through the Pathways Work It Out program, 3) attending certain classes through WVU Extension Service, 4) participating in cardiac rehabilitation program (subject to referral, deductibles, and co-pays), or 5) participating in a cardiac rehabilitation program (subject to referral, deductibles, and co-pays), or 5) participating in Weight Watchers (paid by the member). These engagement options are in addition to those currently available.

**Weight Management Program** participants who did not complete the 2-year program will be allowed a second attempt beginning in Plan Year 2014. (Restrictions apply.)

**Face-to-Face Diabetes Management Program** participants will no longer receive waived co-payments for third-tier (non-preferred) brand name diabetes medications. Copays will still be waived for participants on generic and preferred brand diabetes medications.



**2013 Directory of County Officials**



**It's available.  
Get yours today.**

Call us at 304-346-0591 or email us at [kathy@wvaco.org](mailto:kathy@wvaco.org) or [crystal@wvaco.org](mailto:crystal@wvaco.org)

**SYMPATHY**

We extend our sympathy to President Jeff Waybright and his wife Edwina on the death of her mother April 16<sup>th</sup>.

Our sympathy goes to Senator John Unger whose mother passed away in April.

*"Love me when I least deserve it, because that's when I really need it." - SWEDISH PROVERB*

# Calendar of Events

|                   |                                                                          |
|-------------------|--------------------------------------------------------------------------|
| MAY 19-20, 2013   | CCA Spring Board Meeting<br>The Blennerhassett, Wood County              |
| MAY 20-23, 2013   | AWVA Annual Conference<br>Oglebay Resort, Ohio County                    |
| JUNE 9-11, 2013   | WVCo Spring Board Meeting<br>Shepherdstown, Jefferson County             |
| JUNE 11-14, 2013  | WV County Clerks Association<br>Lakeview Resort, Monongalia County       |
| AUGUST 5-7, 2013  | County Commissioners Association of WV<br>Stonewall Resort, Lewis County |
| SEPT. 15-18, 2013 | WV Sheriffs' Assoc. Annual Conference<br>Glade Springs, Raleigh County   |
| OCTOBER 3-4, 2013 | Local Government Leadership Academy<br>Morgantown, Monongalia County     |
| OCTOBER 6-9, 2013 | WVCo Fall Board Meeting<br>Oglebay Resort, Ohio County                   |



**ROBINSON  
& McELWEE**

PLLC  
attorneys at law

Charleston | Clarksburg | Wheeling  
www.ramlaw.com

**PROPERTY TAX LAW**  
Paul Papadopoulos, Esq.  
Direct dial: 304.347.8349  
pgp@ramlaw.com

Responsible attorney: Paul Papadopoulos

## MEMBER PROFILE:

**JOE SHAFFER**

Harrison County Prosecutor



**Years in office:** 9 years plus

**Education:** BS Fairmont State College (Business), JD Thomas Cooley Law School

**My favorite sport is:** Basketball

**The hardest thing I have done:** Deal with the sudden death of my Father when I was 16.

**You would be surprised to know:** My passion is landscaping & gardening

**I'm most proud of:** my two daughters

**My favorite meal is:** my wife's minestrone soup

**The last book I read was:** "Soul Pancake" by Rainn Wilson

**Three people (living or dead) I'd invite to dinner:** My Dad, My Grandfather Howard and Grandmother Annie

**My favorite movie is:** "Rear Window" with Jimmy Stewart and Grace Kelly

**My favorite music is:** The fiddle music of Cape Breton, Nova Scotia

**My pet peeve is:** when people complain without offering possible solutions.

**My motto is:** "The harder you work, the luckier you get."

### RECIPE OF THE MONTH



old Fashioned Mayonnaise Cake

BOONE COUNTY



- 3 cups mayonnaise
- 1 cup sugar
- 2 cups flour
- 3 teaspoons soda

- 1 teaspoon salt
- 3 Tablespoons cocoa
- 3 cups milk

Mix all ingredients but do not beat. Bake in 350 oven until done.

"Never give up on yourself then you will never give up on others." - PEMA CHODRON

**Pictures Continued from Page 1—COMPENSATION**

"The State Budget" – Interestingly, much of our budget problems this year and anticipated for next year are self-inflicted. WV has lost about \$175 million due to elimination of most of the food sales tax and there was no planned replacement for the revenue loss. Business tax cuts have cost the state about \$150 million. Regardless of the cause of the budget shortfalls, county officials' compensation is entirely funded by counties and has no impact on the state budget.

Of course, we heard the old "you should start it in the Senate" and "you should start it in the House" game. It's got to start somewhere and our Legislative Committee chose the House of Delegates.

**WV Fairs & Festivals  
MAY 2013**



|                                                                |           |
|----------------------------------------------------------------|-----------|
| Scottish Festival & Celtic Gathering<br><i>Harrison County</i> | 3         |
| WV Strawberry Festival<br><i>Upshur County</i>                 | 15        |
| Cole Chevy Mountain Festival<br><i>Mercer County</i>           | 21        |
| Webster County Woodchopping Festival<br><i>Webster County</i>  | 22        |
| Lower West Fork River Fest<br><i>Marion County</i>             | 22        |
| WV Three Rivers Festival<br><i>Marion County</i>               | 23        |
| WV Veteran Reunion<br><i>Harrison County</i>                   | 23-27     |
| WV Dandelion Festival<br><i>Greenbrier County</i>              | 24        |
| Blue & Gray Reunion<br><i>Barbour County</i>                   | 30-June 2 |
| Elk River Pedal & Paddle Challenge<br><i>Clay County</i>       | 31-June 1 |

**SHERIFF AL KISNER WILL LEAD WVACO**

At the 2013 Annual Meeting, it was the Sheriffs' Association's turn, according to WVACO Bylaws, to nominate the WVACO President for the June, 2013-June 2014 term. Sheriff Al Kisner, Monongalia County was nominated and elected unanimously. The 2013-14 WVACO Board of Directors will take office at the spring board meeting in June in Jefferson County. They are:

**President**

Sheriff Al Kisner, Monongalia County

**Immediate Past President**

County Clerk Jeff Waybright, Jackson County

**Vice Presidents**

Commissioner Donnie Tenney, Upshur County  
Assessor Steve Keadle, Greenbrier County  
County Clerk Donnie Evans, Monroe County  
Circuit Clerk Betsy Castle, Preston County  
Sheriff Steve Tanner, Raleigh County  
Prosecutor Leckta Poling, Barbour County

**Board Members**

**Assessors**

Cheryl Romano, Harrison County  
Helen PHillips, Upshur County  
Arlene Mossor, Ritchie County  
Terri Funk, Preston County

**Circuit Clerks**

Virginia Sine, Berkeley County  
Brenda Miller, Ohio County  
Donnie Kopp, Harrison County  
Sue Ann Zickefoose, Boone County

**County Clerks**

Diana Cromley, Mason County  
Sue Morgan, Pleasants County  
Janice Cosco, Marion County  
Karen Cole, Cabell County

**Commissioners**

Pat Boyle, Lewis County  
Nancy Cartmill, Cabell County  
Janice LaRue, Mineral County  
Mike Taylor, Randolph County

**Prosecuting Attorneys**

Michael Sparks, Mingo County  
Gerry Hough, Gilmer County  
Chris Chiles, Cabell County  
vacancy

**Sheriffs**

Al Marano, Harrison County  
Vince Shambaugh, Morgan County  
Tom McComas, Cabell County  
John Hawkins, Barbour County

**Jan Pest, Marshall County Clerk, was re-elected as Secretary to the Board.**

"You can make it, but it's easier if you don't have to do it alone." - Betty Ford



**150th  
Birthday  
Celebration**



West Virginia Turns 150 on June 20, 2013!  
Shinnston, HARRISON County - Jan 1, 2013 - Dec 28, 2013

Liberty on the Border: A Civil War Exhibition  
Beckley, RALEIGH County - Jan 26, 2013 - Aug 25, 2013

"Our Civil War Heritage" Landes Arts Center - Escape to the Mountains 2013  
Petersburg, GRANT County - Mar 1, 2013 - Apr 30, 2013

9th Annual Mid-Ohio Valley Heritage Quilt Show - Blennerhassett Museum  
Parkersburg, WOOD County - Mar 16, 2013 - Mar 24, 2013

Mountaineer State History Expo  
Fairmont, MARION County - Apr 6, 2013 10:00AM - 2:00PM

A New Star in the Union: Abraham Lincoln and West Virginia Statehood  
Wheeling, OHIO County - Apr 20, 2013 2:00PM

Imboden Raid 150th Reenactment  
Beverly, RANDOLPH County - May 3, 2013 - May 5, 2013

Wyoming County Civil War Days  
Oceana, WYOMING County - May 10, 2013 - May 12, 2013

Good Earth Garden Series - Seed Saving Workshop  
Hillsboro, POCAHONTAS County - May 19, 2013

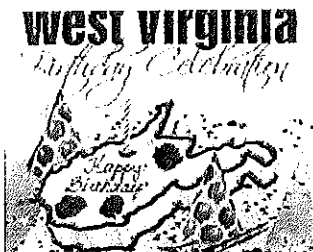
Greenbrier Valley Chorale Spring Concert  
Lewisburg, GREENBRIER County - May 19, 2013

Countdown to West Virginia Statehood  
Wheeling, OHIO County - May 23, 2013 7:00AM - 8:00PM

Greenbrier Valley Theatre - The Greenbrier Ghost  
Lewisburg, GREENBRIER County - May 24, 2013 - Jun 29, 2013

Appalachian Street Jubilee  
Marlinton, POCAHONTAS County - May 25, 2013

Julia Pierpont Day  
Fairmont, MARION County - May 25, 2013 8:00AM - 3:00PM

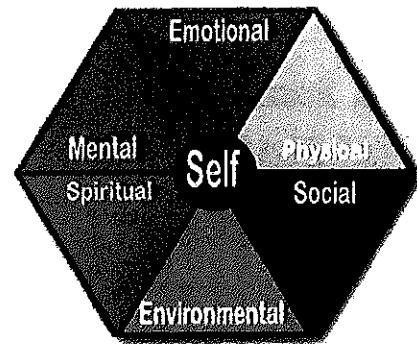


## COUNTY WELLNESS.....

### Understanding Wellness

Wellness is a state of optimal well-being that is oriented toward maximizing an individual's potential. This is a life-long process of moving towards enhancing your physical, intellectual, emotional, social, spiritual, and environmental well-being.

These six dimensions highlight important components of wellness. Take time to explore your own level of wellness and see if you have gotten "your dose of wellness" today!

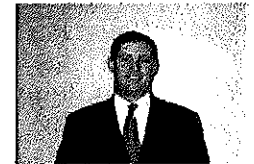


#### Nationwide



### QUESTIONS ABOUT RETIREMENT?

Call me - I'd be happy to answer your questions  
Jennifer Dirud  
540-605-4406  
dirudj@nationwide.com



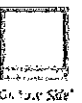
Or call my Direct Access partner, toll-free

Tom E. Lillard  
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"These days people seem to seek knowledge and not wisdom." - VERNON COOPER

## CYBER SECURITY TIP



### *Do Not Share Your Password*

Passwords are a major defense and developing good password practices will help keep your sensitive personal information and identity more secure. Below are some suggestions for developing better passwords:

- ✓ Passwords should have at least eight characters and include upper case (capital letters) and lowercase letters, numerals and symbols.
- ✓ Avoid common words: some hackers use programs that try every word in the dictionary.
- ✓ Don't use personal information-name, children's name, birthdates, etc. that someone might already know or easily obtain.
- ✓ Change passwords regularly -- at least every 90 days. If you believe you system has been compromised change passwords immediately.
- ✓ Use different passwords for each online account you access (or at least a variety of passwords).
- ✓ If you must write down passwords, under no circumstances should you store them in a document on your computer. Keep them in a secure location away from your computer.



**MULTI-STATE**  
Information Sharing & Analysis Center



STOP | THINK | CONNECT™

### ETHICS COMMISSION ISSUES ADVISORY OPINION ON LOCAL GOVERNMENT OFFICIALS AND/OR EMPLOYEES USE OF PUBLIC EQUIPMENT FOR PERSONAL PURPOSES

*By Jack McClung, WVACo Legal Counsel*

In response to a request by a municipal police chief who asked "under what circumstances, if any, may a municipality permit its officials and/or employees to use public equipment for personal purposes," the W. Va. Ethics Commission issued its Advisory Opinion No. 2012-52 on February 7, 2013. The Ethics Commission took Administrative Notice of what it called "a misconception" among local governments officials and employees in that they believe that they are permitted to use public equipment for personal purposes as long as they use it for purely personal, not commercial reasons and if their use of such equipment does not interfere with the government's need to use such equipment. The Commission cited W. Va. Code § 6B-2-5 (b) and Code of State Regulations Title 158, Series 6, Sections 5.1 and 5.2 all of which prohibit the use of public office for private gain. Regulation 5.2 expressly prohibits public officials and public employees from using government property for personal projects or activities that result in private gain. The Opinion concluded by finding that **"a governing body may not permit the use of public equipment by public employees except for public purposes"**

# 2013



The Annual Conference of the  
National Association of Counties

July 19-22

**Fort Worth Convention Center  
Tarrant County - Fort Worth, TX**

NACo's 78th Annual Conference and Exposition provides an opportunity for all county leaders and staff to learn, network and guide the direction of the association. The Annual Conference, held each July, is hosted by a member county. This year, the conference will be held in Tarrant County, (Fort Worth) Texas. The Annual Conference provides county officials with a great opportunity to vote on NACo's policies related to federal legislation and regulation; elect officers; network with colleagues; learn about innovative county programs; find out about issues impacting counties across the country; and view products and services from participating companies and exhibitors.

## BOARD Responsibilities series

### Legal Principles

**Duty of Care** requires leaders to use reasonable care and good judgement in making their decisions on behalf of the interests of the organization.

**Duty of Loyalty** requires leaders to be faithful to the organization, avoiding conflicts of interest.

**Duty of Obedience** requires leaders to comply with governing documents (i.e. bylaws, articles of inc., policies, etc.)

### Board Tools

The operating documents of the organization are available to leaders.

- Bylaws
- Articles of Incorporation
- Financial Statement (recent)
- Minutes (recent)
- Policy Manual
- Strategic Plan
- Organizational Charts

Treat information with *confidentiality* to protect goals, budget and intellectual property. ("Knowledge is power.")

"Every individual matters, every individual makes a difference." JANE GOODALL

★★★★★  
NATIONAL  
**COUNTY**  
GOVERNMENT MONTH  
■■■■■  
APRIL  
**2013**



24\*\*\*\*\*MIXED AADC 450  
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JEFFERSON COUNTY COMMISSIONER  
PO BOX 250  
CHARLES TOWN, WV 25414-0250

32

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**together**  
**WE'RE stronger**

*On Wednesday, April 27<sup>th</sup>, over 35 county officials took time to come to the Capitol to work on the county compensation issue as well as others that were on committee agendas. Speaker Thompson met with everyone in his office and expressed his support. The loss of the bill for the 2<sup>nd</sup> year in a row defies explanation (or at least one that I will put into writing!). We can only hope that "the third time's the charm" in the 2014 session. The vote on a county officials' compensation increase should be treated by the Legislature simply as a "pass-through" vote since it has no impact on state funds. As a Constitutional requirement, county officials have nowhere else to turn for a salary increase. This year is the 7<sup>th</sup> year since the last salary increase so our motto for 2014 will be **EIGHT IS ENOUGH!***

Patti Hamilton



**APRIL 2013**

# Ethics Reporter

## Since the Last Reporter

Since the March edition of the **REPORTER**, the West Virginia Ethics Commission published five Advisory Opinion interpreting provisions of the West Virginia Governmental Ethics Act and the laws governing Boards of Education.

At its April 4 meeting, the West Virginia Ethics Commission approved opinions relating to the permissibility of a municipal employee or official using public equipment for personal use under certain circumstances, the permissibility of a state agency interacting with and on behalf of a vendor in a variety of situations, the permissibility of a state university trading the use of its name and logo for access to a partner's

management information systems, the permissibility of an elected official appearing on the website of a state vendor to promote his office's successes, and the permissibility of a county leasing property to someone who is business with a county commissioner in unrelated circumstances.

### ADVISORY OPINION REPORT

**Advisory Opinion 2012-52** addressed the permissibility of a municipal employee or official having access to municipal equipment for personal use. This opinion dates from the end of 2012.

A municipality has had unwritten and written rules in place to govern the use of its equipment by employees, including rules permitting personal (non-commercial) use at rates of payment below market value. The question is whether

municipal employees may avail themselves of these preferences.

The Ethics Commission examined the language of 6B-2-5(b) prohibiting a public official from using their office to produce a private gain for themselves or another and that of the Commission's rules at Title 158, Series 6, Section 5 governing the use of government property.

In its opinion, the Commission determined that any use of public equipment by municipal employees, whether free or through the payment of below market rates, constitutes an impermissible benefit under the Ethics Act. Such a benefit is not available to taxpayers generally and provides no benefit to the public in general through employee usage of public equipment for their own personal use.

**Advisory Opinion 2013-06** concerned the permissibility of a state

agency interacting with and on behalf of vendors in a variety of situations.

The head of a state agency is requesting guidance from the Ethics Commission on the permissibility of receiving unsolicited information from vendors; whether the agency head can encourage counties to use vendor products; financially support vendors in their relationships with counties, whether the vendor has a contract with the state or not.

Of interest to the Ethics in reviewing this case were the provisions of 6B-2-5(b) prohibiting a public official from using their office to generate a private gain for themselves, except in those cases where an incidental de minimus gain may result or the performance of usual and customary duties without compensation advances the public good.

In its opinion, the Ethics Commission determined that the state agency

staff may permissibly meet with vendors in order to learn about potential services that are valuable to the public in the course of their usual and customary duties on behalf of taxpayers. With regard to whether a state agency employee may properly "encourage" others in government to use a particular vendor, the Commission ruled that it needed more information to determine the context of the activities.

The Commission further ruled that it would be impermissible for a state agency to provide financial support for a vendor to support their efforts to gain business with other government units unless state law expressly authorizes this support. Finally, the Commission reiterated previous opinions by stating that any endorsement of a vendor by a public official, unless there are extenuating circumstances such as a statewide contract in place that will provide public benefits to taxpayers, would also be impermissible under the Ethics Act.

**Advisory Opinion 2013-10** concerned the permissibility of a state university permitting the use of its name and logo in exchange for free access to a partner's management information systems.

In this case, the director of a university research laboratory seeks guidance on the permissibility of having a formal relationship with an entity that financially supports the university and the lab programs and students by permitting the partner organization to note that the university and lab have a relationship in exchange for the lab's free use of a computer management system that would greatly enhance the capabilities of the lab.

The Commission analyzed the 6B-2-5(b) prohibitions against public officials using their office to produce a private gain for themselves, , except in those cases where an incidental de minimus gain may result or the performance of usual and customary duties without compensation advances the public good.

**April, 2013**  
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In this case, the Ethics Commission ruled, after an exhaustive examination of previous Commission rulings and the policies of other major universities in this area, that the proposed partnership arrangement in this instance would be permissible because it produces an overriding public benefit for the university. The Commission cautioned that the university lab's partner may not qualitatively describe the relationship in ways that position the university as endorsing the partner's products and services.

**Advisory Opinion 2013-12** concerned the permissibility of an elected state official appearing on the website of a state vendor to promote his office's successes. In this instance, the case was publicly identified to concern State Auditor Glen Gainer.

The Auditor has appeared in a promotional video for a major vendor to his office, as do other state officials and employees of the Auditor. The

video features images of state government, the Auditor's name and office, and even campaign materials for the Auditor. Specific endorsements of the vendor's product are provided by officials in the video, and the video appears on the vendor's website, along with its logo.

The Auditor indicated that his goal for the video was to highlight the state's achievements and successes that benefited taxpayers, thus, providing an overwhelming benefit to the state.

The Commission analyzed 6B-2-5(b) prohibiting public officials from using their position to produce a private gain for themselves or another.

In this case, the Ethics Commission ruled that its previous decisions in this matter, including a definitive ruling in A.O. 2012-31 make it clear that it is a violation of the Act for public officials to endorse products. However, apparently in light of the significance of this case involving a statewide

elected official, the Commission also examined applicable areas of federal law and actions taken by other states in this issue area.

The Ethics Commission also visited past decisions where a determination was made that there was an overriding public benefit produced through the actions of the official. The Commission's view of the Auditor's appearance in a vendor's promotional video was not swayed by this secondary review. However, the Commission did state that the Auditor could place a video on his own website touting the success of the program he operates without any reference to the state vendor in question.

In fact, the Ethics Commission's opinion specifically says that the Auditor may have violated the Ethics Act by appearing in the promotional video during the course of his reelection campaign. The Commission gave the Auditor a pass on his past actions by stating that its opinions are prospective only—apparently leaving the

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door open for a complaint to be filed challenging the Auditor's behavior in this instance.

**Advisory Opinion**

**2013-13** addressed the permissibility of a county leasing a marina to an individual who is in business with a member of the county commission in unrelated circumstances.

In this case, the county commissioner and the prospective county vendor are engaged in a separate business together that is totally unrelated to the county's business or the contract at issue concerning the operation of the county marina.

The Commission examined the language of 6B-2-5(b) prohibiting a public official from using their position to produce a gain for themselves or others in connection with this request, that of 6B-2-5(d)(1) prohibiting a public official from having an interest in a contract over which they have authority or control, and the

provisions of Chapter 61-10-15 making it unlawful for a county officer to have direct or indirect pecuniary interests involved in matters where they exercise voice, influence or control.

In its opinion, the Commission determined that the county commissioner would be in violation of the Chapter 61-10-15 standards based on his indirect pecuniary relationship with the prospective bidder for the county's marina operations. The Commission cited previous precedent in this connection and indicated that the county commission could apply for a contract exemption for the situation at hand, provided that the affected commissioner recused himself from the decision-making a voting processes associated with a decision to seek an exemption.

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NONE PUBLISHED

**MISCELLANEOUS**

NONE PUBLISHED

ADVISORY OPINION NO. 2012-52

Issued On February 7 10, 2013 By The  
WEST VIRGINIA ETHICS COMMISSION

2013 APR 12 PM 10:48

SECRETARY OF STATE

OPINION SOUGHT

A **Municipal Public Servant** asks under what circumstances, if any, a municipality may permit its officials and/or employees to use public equipment for personal purposes.

FACTS RELIED UPON BY THE COMMISSION

The Requester is a municipal police chief and has been employed in that capacity for many years. According to the Requester, during his tenure, the City had an unwritten practice of allowing employees to use City equipment for personal purposes, without charge. The practice evidently did not, however, permit the use of City equipment for commercial purposes.

In addition to the unwritten practice, the City has had in place a written rule concerning the use of City resources. The Requester states that he and members of the City's governing body were unaware of the existence of the Ordinance until recently. Specifically, the Ordinance reads, in pertinent part:

[N]o municipal officer or employee shall use or authorize the use of municipal time, facilities, equipment or supplies for private gain or advantage to himself [sic] or any other person or group; provided however, that this prohibition shall not apply where Council has authorized the use of such time, facilities, equipment or supplies and the Municipality is paid at such rates as are normally charged by private sources for comparable items.

As a supplement to the Ordinance, the City has adopted a price list setting forth the hourly rate for the use of the City's equipment. Those rates are significantly lower than private commercial rates. For example, the City charges an hourly rate for the use of equipment and an additional \$12/hour charge for a City employee to operate the equipment. By contrast, the nearest private businesses charge a minimum daily rate to rent equipment.

CODE PROVISIONS AND LEGISLATIVE RULE RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(b) reads in relevant part:

A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person.

...

The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent

services, without compensation, does not constitute the use of prestige of office for private gain.

Title 158, Series 6, Section 5. Use or Removal of Government "Property" reads:

5.1 Removal - Public officials and public employees shall not remove government property from the work-place for their private benefit.

5.2. Improper Use - Public officials and public employees shall not use government property for personal projects or activities that result in private gain. This subsection does not apply to the de minimis use of government property.

**ADVISORY OPINION**

In establishing the Ethics Act, the Legislature sought to create a code of ethics to guide public officials and employees in their public service. The expressed goal was to assist public servants in avoiding conflicts between their public service and any outside personal interests. W. Va. Code § 6B-1-2(d).

The Ethics Commission takes administrative notice that there appears to be a common misconception among local governments officials and employees. They believe that they are permitted to use public equipment for personal purposes as long as: they use it for purely personal, not commercial reasons; and their use of such equipment does not interfere with the government's need to use such equipment, e.g. on weekends.

The private gain provision of the Ethics Act, however, is not limited to commercial use. Instead, if an individual derives a benefit from the use of public equipment, that constitutes private gain. Even if an individual's use does not result in a cost to the government, still the individual benefited from the use of public equipment. Absent access to the use of public equipment, the individual would have incurred the expense of renting or purchasing the equipment. See Advisory Opinion 2010-18. (Municipal public servants' private use of Sam's card obtained as a complement to the City's Sam's Club membership prohibited even when no additional cost to City).

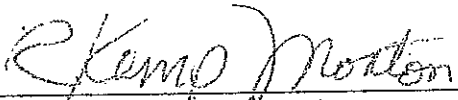
Generally, when public servants avail themselves of public resources not available similarly to the general public, this constitutes private gain. In some instances limited use of public resources by public employees constitutes a permissible fringe benefit. For example, in Advisory Opinion 2008-07, the Commission ruled that municipal employees (but not elected or appointed officials) were permitted limited free use of municipal pool, so long as they did not interfere with the public's use and enjoyment, or cause the municipality to lose money. Similarly, in a companion ruling, Advisory Opinion 2008-05, the Ethics Commission authorized County Parks Commission employees (but not appointed members of the board thereof) limited free or discounted use of the golf course and recreational facilities under certain conditions.

The Commission must determine whether a municipality may permissibly extend the use of public equipment as a fringe benefit. In considering whether a fringe benefit would create an impermissible use of public office for private gain, the Commission has looked to the benefit conferred on the employee, whether there is a rational basis for the decision, and the cost to be borne by the governmental entity in providing the benefit. The analysis herein is limited to the use of public equipment, not hand tools. The Commission recognizes the difference in value between the use of a backhoe and a hammer or screwdriver.

After discussion, the Ethics Commission tabled this opinion at its February 7, 2013 meeting. Thereafter, staff sought comments from various governing bodies to determine their thoughts on the questions posed, and to ascertain their present practices. In response, the Commission received numerous comments with a variety of opinions. For example, many expressed concerns about liability, while others mentioned wear and tear on the equipment and questioned who would be responsible for the cost of repairs if damage resulted from a non-public use of equipment. Others were concerned about the different treatment between use by employees when the general public is prohibited from using the equipment. Another commenter pointed out that employee use of the equipment may constitute a taxable fringe benefit. The commenters were unanimous, however, in opposing the adoption of any policy permitting use of public equipment for any non-public purpose. Potentially, a governing body may bear an inordinate cost by providing such a fringe benefit if an employee using public equipment: is in an accident and injures her/himself or another person; damages the property of another; or damages the equipment beyond repair.

The City's Ordinance provides for employees' use of equipment for personal – not commercial – purposes at competitive rates. This provides a convenience to employees permitting them to obtain the use of equipment without having to travel. Nonetheless, the Commission hereby finds that any benefit to public employees is far outweighed by the cost to the governing body. Therefore a governing body may **not** permit the use of public equipment by public employees except for public purposes.<sup>1</sup>

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, *et seq.*, and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public agencies unless and until it is amended or revoked, or the law is changed.

  
\_\_\_\_\_  
R. Kemp Morton, III, Chairperson

<sup>1</sup> Additionally, elected or appointed members of a governing body are similarly prohibited from using public equipment. To permit their use of public equipment would unlawfully confer additional compensation to them. See, e.g. Advisory Opinion 2009-02 (may not extend County wellness program to elected officials); Advisory Opinion 2010-08 (may not extend current term of office); and Contract Exemption 2009-01 (Mayor may not be employed as Police Chief, Head of the Street Department, and/or Assistant Fire Chief).

## ADVISORY OPINION NO. 2013-06

Issued On April 4, 2013 By The 2013 APR 12 PM 10:47

WEST VIRGINIA ETHICS COMMISSION  
OFFICE OF THE CLERK  
STATE HOUSEOPINION SOUGHT

The head of a **State Agency** asks whether:

- (1) Agency staff may meet with vendors to learn about their products and whether it matters if the vendors have existing contracts with the State agency or the counties it oversees;
- (2) He may encourage counties to utilize the services of a particular vendor;
- (3) The State Agency may provide money to vendors in order to support their existing relationships with counties;
- (4) The State Agency may send counties information about certain vendors who provide services that may assist the counties in providing services to employees or students; and,
- (5) It is ever appropriate for the head of the Agency to actively endorse a vendor.

FACTS RELIED UPON BY THE COMMISSION

The Requester is the head of State Agency. The agency he oversees has oversight responsibility for all fifty-five counties in the State.

At times, the head of the agency receives information from vendors who seek to conduct business with the State Agency or the counties it oversees. These vendors may request the agency head to: encourage counties to use their products; send information about the vendors and their products to the counties; provide vendors with money to support their existing relationships with counties, even if there is no current contract between the vendor and the State agency; or to endorse their services or products. The Requester seeks guidance on handling these requests from vendors.

CODE PROVISIONS RELIED UPON BY COMMISSION

W. Va. Code § 6B-2-5(b) provides:

- (1) A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person. Incidental use of equipment or resources available to a public official or public employee by virtue of his or her position for personal or business purposes resulting in de minimis private gain does not constitute use of public office for private gain under this subsection. The performance of usual and customary

duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

### ADVISORY OPINION

Often times State agencies purchase goods or contract for services. There is no provision in the Ethics Act which prohibits agency staff from meeting with vendors to learn more about their products or services. The action constitutes the performance of usual and customary duties associated with their public positions and does not constitute the prohibited use of public office for private gain. W. Va. Code § 6B-2-5(b). This conclusion is the same whether or not the vendors have existing contracts with the State agency or the counties it oversees.

Next, the Requester asks whether, as head of the agency, he may encourage counties to use a particular vendor. No information is provided regarding what the Requester means by the term "encourage." Without more information, the Commission is unable to authorize an agency head to recommend a particular vendor since this action may constitute a prohibited endorsement. Recently, the Commission addressed this issue in Advisory Opinion 2012-31, and found, in reliance upon its prior opinions and the plain language in the Ethics Act, that endorsing a vendor constitutes the prohibited use of public office for the private gain of another. Such an endorsement may give unfair advantage to one vendor over other equally qualified vendors.

Limited exceptions may exist. For example, if the State has a sole source contract with a vendor, then the Agency may advise the counties that the terms of a State contract require the use of a particular vendor(s) or product(s). Moreover, the Requester, if asked, is not prohibited from communicating to a county his opinion on the quality of services offered by a vendor.

The Requester also seeks guidance on providing information to counties about vendors or their products, or both. The Commission finds the Requester or agency employees may provide information to counties about vendors, as long as the State agency distributes the information in a fair and even-handed manner. Moreover, if a county uses a vendor's product and another county contacts that county about the product, then the county may give its opinion, be it favorable or unfavorable. Nevertheless, the Commission reminds the Requester and counties that even if they have a favorable view of the vendor's product, they may not provide a testimonial or letter of support unless there is an overriding public benefit. Advisory Opinion 2012-31.

The Requester also asks if his agency may provide money to vendors to support their existing relationships with counties. The Requester provides no information to assist the Commission in understanding a situation where this question may arise. As such, the Commission is unable to authorize an agency to provide money to vendors to support their existing relationships with counties. Indeed, a State Agency may only give

## ADVISORY OPINION NO. 2013-10

Issued On April 4, 2013 By The  
WEST VIRGINIA ETHICS COMMISSION

2013 APR-12 PM 10:47

OFFICE OF THE  
SECRETARY OF STATE**OPINION SOUGHT**

A **State University** asks whether its private partner in a University Program may use the State University name and logo for external marketing purposes solely related to the private partner's Program-related products and services, in exchange for free access to the private partner's information management system.

**FACTS RELIED UPON BY THE COMMISSION**

The Requester is the Director of a laboratory and applied research component of a University Program (Program). The Program partners with a private company (Partner) with which it has an ongoing relationship. The Program is only one part of that relationship. The Partner has also donated money to the Program lab, and provides internship opportunities and career mentoring for students.

The Partner has designed an information management system that allows for the rapid collection and analysis of "open source" information drawn from newspapers, other media, the Internet, and other data sources available to the public. According to the Requester, "use of the system would greatly enhance [our] ability to produce quality reports" on important issues.

The Partner has proposed a user agreement that provides, in relevant part:

Subject to and contingent upon [Partner's] compliance with the terms and conditions of the Agreement, University hereby grants [Partner] a non-exclusive, royalty-free, paid-up license to use the University name and the Program name for external marketing purposes solely in conjunction with Partner Program products and services.

The Requester states that the University name and logo will only be used to identify the University as a user or customer of the Partner Program.

**CODE PROVISIONS RELIED UPON BY COMMISSION**

W. Va. Code § 6B-2-5(b) provides:

(1) A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person. Incidental use of equipment or resources available to a public official or public employee by virtue of his or her position for personal or business purposes resulting in de minimis private gain does not constitute use of public office for private

gain under this subsection. The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

### ADVISORY OPINION

The Ethics Act prohibits public officials from endorsing products. See generally Advisory Opinions 2000-21, 2005-10 and 2007-02. In Advisory Opinion 2012-31, the Ethics Commission articulated clear standards about prohibited endorsements, and ruled:

In the abstract, the Ethics Commission is unable to envision a circumstance where a public servant could appear, or be referenced, in an advertisement for a product, service or business without violating the Ethics Act. Nonetheless, public servants and entities are encouraged to contact the Ethics Commission for advice if such a situation arises and there is an argument that there is an overriding public benefit.

Oftentimes institutions of higher education enter into agreements with private entities that are commonly referred to as Public Private Partnerships. These arrangements regularly result in significant scientific, technological and other advances. With dwindling access to public resources, universities are likely to increasingly participate in such partnerships. The issue for the Ethics Commission is to determine whether the term of the proposed user agreement between the University and its Partner, set forth above, is permissible, or instead constitutes a prohibited endorsement, in violation of the Ethics Act's prohibition against use of public office for the private gain of another. W. Va. Code § 6B-2-5(b)

Notwithstanding any benefit that inures to the University via the partnership, the University's first and only loyalty must be to the public's interest. As a result, even if the University's ability to obtain free access to the information management system results in a great benefit, allowing the Partner to use the University name and logo may still constitute the prohibited endorsement of a business, company goods or services. Instead, the University must demonstrate that there is an overriding public benefit.

The Commission has had multiple occasions to analyze whether an overriding benefit permits the use of public office for what might otherwise be construed a prohibited endorsement. For example, Advisory Opinion 2005-04 involved a State Agency responsible for promoting growth, attraction and retention of private businesses on a statewide basis. One division within the agency is dedicated to facilitating small business development, and offers specialized training courses to business people. The Commission found that the proposed agreement to link the State Agency's website with a software company was permissible because of the overriding public benefit of promoting small business growth and the State's economy.

In Advisory Opinion 98-22, a State Employee asked whether it would violate the Ethics Act for her State Agency to be referenced in a private industry brochure. The State Agency had worked in conjunction with a private company to establish a computer

program prototype that allowed the public employees of the Agency to access data and create specific reports. This "job specific" program could be used by similar agencies in other states. The private company asked the Director of the State Agency to allow it to reference its work with the Agency in a brochure distributed to potential customers. This brochure did not contain a product endorsement from the State Agency. The Ethics Commission determined that no provision in the Ethics Act prohibits a public official from permitting a public company to reference its work with a state agency in a brochure "which does not contain a product endorsement from the agency or the public official".

In Advisory Opinion 2000-21 the Commission authorized a public employee to give permission to list the employee and her agency as a previous customer of the vendor that provided training to the agency.

In Advisory Opinion 2000-19, however, the Commission ruled that a state agency may not serve as a "reference account" for a vendor's software if the endorsement tends to promote the vendor's private business, and no overriding public benefit for the state or its citizens has been demonstrated. Specifically, such a reference may not include a subjective evaluation of the product, service or company in laudatory terms.

More recently, in Advisory Opinion 2012-06, the Commission authorized an elected Member of the Board of Public Works to participate in an international forum sponsored, in part, by a business that has a financial relationship with the State. The Commission concluded that the Member's appearance at the forum provides a benefit to West Virginia by allowing our State to be recognized for its achievements in fraud control, and allowing the Member to observe first-hand how Australian state governments approach financial management and procurement. Further, the event will provide an opportunity for the Member to network with other government officials who also implement and manage electronic payments.

Finally, in Advisory Opinion 2012-31, the Ethics Commission concluded that the Ethics Act permits a public servant or entity to be listed on a vendor's promotional materials solely as a previous customer. Any language that tends to refer to the public servant or entity as a "satisfied customer" or otherwise serve to promote or endorse the vendor is expressly prohibited.

Notably, although the Ethics Act does contain what is commonly referred to as the "Higher Education Exemption", it does not apply here since the contract is between the University and the private partner, not a University employee. Specifically, W. Va. Code § 6B-2-5(n) provides:

Any person who is employed as a member of the faculty or staff of a public institution of higher education and who is engaged in teaching,

research, consulting or publication activities in his or her field of expertise with public or private entities and thereby derives private benefits from such activities shall be exempt from the prohibitions contained in subsections (b), (c) and (d) of this section when the activity is approved as a part of an employment contract with the governing board of the institution or has been approved by the employee's department supervisor or the president of the institution by which the faculty or staff member is employed.

Finally, it is helpful to review related policies of other universities. Another State University has a policy regarding the use of that institution's name by a sponsor. It reads:

Under no circumstances shall a sponsor be permitted to use its name in any publication or other published announcement to state or imply that ... University or the [University-related research unit] approves or endorses any product or service of the sponsor. Both the University and the [University-related research unit] also require that their names not be used in connection with any advertisement, press release, or other form of business promotion or publicity, or refer to a research agreement, without their prior written approval.

Harvard University permits promotional material that identifies "some unit of the University" as a customer or client but does not permit giving an opinion concerning the quality of a product. The Endorsement Guideline reads:

Promotional material that identifies some unit of the University as a customer or client but does not give an opinion concerning the quality of a product is permissible. In these cases, the name of a particular school or department may be used, but not "Harvard" or "Harvard University" more broadly. Promotional material that gives an opinion about the quality of a product or service is only permissible when done by an individual in his/her personal capacity, not when done by a school, department or other unit of the University. In the case of an individual, reference to that person's University title or position may be made only if there is explicit recognition

that the statements made do not officially represent views of the University or any of its units or officers.

The University of Texas has adopted "Guidelines for Web Site Solicitations". While not directly on point, it provides, in relevant part, as follows:

**Sponsorship acknowledgments:** A logo or identifier with a hypertext link to a person or entity's Web site, placed on a UT Web Page to acknowledge the person or entity's ... research support to UT System....  
\*\*\*

**Sponsorship Acknowledgments ...**  
\*\*\*

The text of Sponsorship Acknowledgments may not promote any service, facility or product offered by the donor or sponsor....

Here, the proposed user agreement allows the Partner the use of the University name and logo in its external marketing materials in exchange for the University's use of the Partner's information management system. Based on the totality of the foregoing facts, the Commission hereby finds that the University has demonstrated an overriding benefit of obtaining critical free access to a system that greatly enhances the University Program's ability to produce quality reports. As a result, the University may enter into a user agreement whereby its Partner uses the State University name and logo in external marketing materials solely related to Program-related products and services, in exchange for the University Program's free access to the Partner's information management system.

The Partner may only list the University's name and logo in its external marketing materials; any language that tends to refer to the University as a "satisfied customer" or otherwise serve to promote or endorse the Partner is expressly prohibited. Moreover, if another potential user contacts the University about the Partner's product and asks its opinion about this product, then the University may give its opinion, be it favorable or unfavorable. Nevertheless, the Commission reminds the Requester that even if it has a favorable view of the vendor's product, it may not provide a testimonial or letter of support unless there is an overriding public benefit, pursuant to Advisory Opinion 2012-31. Decisions on whether an overriding public benefit exists must be decided on a case-by-case basis. Advisory Opinion 2005-04.

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, *et seq.*, and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other similarly situated public servants unless and until it is amended or revoked, or the law is changed.

  
R. Kemp Morton, III, Chairperson

## ADVISORY OPINION NO. 2013-12

Issued On April 4, 2013 By The

2013 APR 12 PM 10:47

WEST VIRGINIA ETHICS COMMISSION

SECRETARY OF STATE

OPINION SOUGHT

An Elected Member of the Board of Public Works asks whether he may appear in a video on the website of a business to promote his office's electronic payment program when the business has a financial relationship with the State.

FACTS RELIED UPON BY THE COMMISSION

The Requester is an elected Member of the Board of Public Works. His office has a contract with a financial institution to provide various financial services to the State of West Virginia. The financial institution contracts with another business to provide some or all of the services. The business is a financial service provider and is hereinafter referred to as the State subcontractor.

The Requester appeared, in his official capacity, in three videos promoting his office's electronic payment program on the State subcontractor's website during the latter part of 2012 and until late February 2013. Other State officials or employees appear in the videos. The videos highlight the benefits, efficiencies and convenience of using the office's program.

The Requester describes his office's electronic payment program as a "revenue generating program". He states that the contract is with another financial entity, and that the business-- the State subcontractor--on whose website the video appears is not a direct vendor of the State. Instead, the vendor selects the business. The State subcontractor, according to the Requester, "does not advertise or solicit business from" any similar program.

The Requester notes that he has also participated in recognition of the overwhelming public benefit garnered by highlighting the State of West Virginia's tremendous success in this program area. He concludes by stating:

Highlighting our achievements and successes, rather than belaboring our perceived shortcomings, promotes our State. The public benefit is obvious. It would be unfortunate if public officials were unable to promote, or even provide factual comments concerning those successes.

In one video, the Requester states that the State subcontractor has "been an outstanding business partner...working with us to better meet the needs of our vendors." The video shows the State subcontractor's product being used at least once.

One State official mentions the State subcontractor's product by name. The video also shows the State Capitol, State flag, and the Requester's office. This same video shows an election campaign button with the Requester's name. The Requester states in the video that he is an elected official and further states, "If we tried to take [the State subcontractor's product] away, I'd be run out of office."

According to the Requester, the videos were created to highlight the State's success and to provide educational information to other governmental entities using or considering using a similar program. The Requester's "purpose was to bring attention to the State's achievements in a significant business process affecting government." The videos appeared on the State subcontractor's website, not the Requester's. The State subcontractor's logo appears prominently at the conclusion of each video.

The Requester received no compensation for appearing in the videos on the State subcontractor's website. In his advisory opinion request, the Requester states: "Promoting the State's successes is important to the [Requester] and provides an overwhelming benefit to the State as a whole."

#### CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(b) reads in relevant part:

A public official ... may not knowingly and intentionally use his ... office or the prestige of his ... office for his ... own private gain or that of another person.

#### ADVISORY OPINION

The Ethics Act prohibits public officials from endorsing products. See generally Advisory Opinions 2000-21, 2005-10 and 2007-02. In Advisory Opinion 2012-31, the Ethics Commission articulated clear standards about prohibited endorsements, and ruled:

In the abstract, the Ethics Commission is unable to envision a circumstance where a public servant could appear, or be referenced, in an advertisement for a product, service or business without violating the Ethics Act. Nonetheless, public servants and entities are encouraged to contact the Ethics Commission for advice if such a situation arises and there is an argument that there is an overriding public benefit.

As a matter of first impression, the Ethics Commission looks to federal law and the ethics laws of other states for guidance. For example, federal employees are also subject to a code of ethical conduct, and are prohibited from endorsements as follows:

**(c) Endorsements.** An employee shall not use or permit the use of his [or her] Government position or title or any authority associated with his

[or her] public office to endorse any product, service or enterprise except:

(1) In furtherance of statutory authority to promote products, services or enterprises; or

(2) As a result of documentation of compliance with agency requirements or standards or as the result of recognition for achievement given under an agency program of recognition for accomplishment in support of the agency's mission.

5 CFR § 2635.702(c)

Delaware and Kentucky have addressed similar issues to that presented here. First, in Opinion 95-36, the Delaware Public Integrity Commission considered the request from the head of a State agency who was asked to appear in a video prepared by a private enterprise. In the past it had contracted with the agency, and was expected to seek future contracts. The contracts were in a highly competitive area. In reviewing the video script, the Delaware Public Integrity Commission found that it was a promotional or marketing tool for the firm, and statements to be made by the agency head served little, if any, public purpose. The Commission found that appearance in the video might be seen by competitors and/or the public as an endorsement of that firm. While the agency said it was willing to appear in videos for all competitors, the Commission found that was not a viable solution because some firms might not have the capacity to engage in such marketing efforts. Further, because the public official participated in reviewing the contract applications, there could be a perception that the public official's judgment was impaired or that preferential treatment could result. Thus, the Delaware Public Integrity Commission held that the head of a State agency could **not** appear in the video.

Next, Kentucky's Lieutenant Governor was authorized to promote a public health project, but **not** to endorse any companies or organizations sponsoring the event. This endorsement of a project does not appear to promote a specific product or service, but rather he will be endorsing a public service product not associated with any one particular business or organization. Kentucky Ethics Advisory Opinion 01-3.

One year later, after receiving "a plethora of questions regarding public/private partnerships and the propriety of endorsements of products/companies by state agencies and state employees" Kentucky's Governmental Ethics Commission issued an advisory opinion in an attempt to answer those questions and other questions that might arise, and stated:

Active endorsement or promotion of private companies by state officials would constitute an attempt to use one's position to give an advantage to a person or business in derogation of the state at large. KRS 11A.020(1)(d).

Kentucky Ethics Advisory Opinion 02-21.

While little consensus exists amongst the other states, research reveals that the more recent opinions tend to fall in line with the more restrictive view.

Next, the Ethics Commission will examine its prior relevant advisory opinions. In Advisory Opinions 95-05, 95-28, and 2005-04, the Commission authorized a public servant or agency to enter into arrangements that provided certain benefits to private businesses. In each case, the Commission concluded that the agreements involved an overriding public benefit sufficient to legitimize any resulting private gain. Thus, even where some element of private gain is involved, the Commission has discretion to conclude that the public benefit outweighs any potential for improper private gain. In each of these Advisory Opinions, the overriding public benefit arose in the context of an economic development initiative. "Public benefit was the paramount goal. The benefit to private business interests was incidental and secondary." Advisory Opinion 2000-19

In other situations, however, the Commission has consistently prohibited public officials or agencies from endorsing private entities. For example, in Advisory Opinion 2002-18, the Commission held that a government agency should not permit the use of its dog in the production of a dog food commercial since there is no overriding public benefit.

In Advisory Opinion 2000-19, a public employee asked if she could endorse a training program that she attended in the course of her employment. According to the facts set forth in the opinion:

The employee coordinates a specialized law enforcement program for a State Agency. The employee received specialized training which provided a model for the specific program she subsequently adapted and implemented in West Virginia. The Trainer has asked the employee to provide a "letter of recommendation" for the training she received. Neither the employee nor the State Agency will receive any compensation for the recommendation provided. The Trainer plans to incorporate the employee's comments into a brochure promoting future training sessions. The employee proposes to identify the training she received from the Trainer as a "blueprint for success" and give explicit credit to the Trainer in such terms as, "by following [the Trainer's] instructions, we feel that this . . . program works!!!!!!!"

The Commission concluded that, notwithstanding the lack of compensation for the employee or the state agency, the proposed endorsement constituted the prohibited use of public office for private gain. The Commission found that such an endorsement would provide an indirect pecuniary benefit to the training program.

In Advisory Opinion 2005-10, the Ethics Commission ruled that a Division Director of a state agency that regulates motor vehicles was prohibited from appearing in an

advertisement promoting an automobile dealer. Even though the public official would not have received any compensation, nor would the dealer have used the public official's title, the Commission found that the proposed promotion constituted a prohibited endorsement by the state agency, given the prestige of the official's position.

In Advisory Opinion 2012-06, the Commission concluded that the Requester's appearance at an international forum provides a benefit to West Virginia by: allowing our State to be recognized for its achievements in fraud control; allowing the Requester to observe first-hand how Australian state governments approach financial management and procurement; and providing the Requester an opportunity to network with other government officials who also implement and manage electronic payments. The Commission authorized the Requester to attend the forum at the State subcontractor's expense, with limitations. He was required to provide a copy of the advisory opinion to the State subcontractor and to formally notify the State subcontractor that he is prohibited from endorsing its product. Moreover, at or before the forum, he was required to notify the forum participants that the West Virginia Ethics Act prohibits him from endorsing a particular product and that his presentation relating to fraud control should not be construed as an endorsement of the State subcontractor's product.

Finally, in Advisory Opinion 2012-31, the Commission ruled that a public servant could not appear, or be referenced, in an advertisement for a product, service or business unless there is an overriding public benefit.<sup>1</sup> The Commission agrees with the Requester that it does not violate the Ethics Act for him to promote his office's electronic payment program. Indeed, he has every right to be proud of its success and national recognition, and the public benefits by this successful program.

Here, however, in the course of promoting his office's electronic payment program, he lends the prestige of his public position to a private business for which there is no overriding public benefit. References to the State subcontractor by name (verbally and visually) promote the State subcontractor, not the Requester's office's electronic payment program. As a result of the foregoing, because the State subcontractor would derive benefit from his action, the Requester may not appear in a video on the State subcontractor's website to promote his office's electronic payment program. Instead, the Requester may appear in a video on his own website promoting his office's electronic payment program without any reference, verbally or visually, to the State subcontractor.

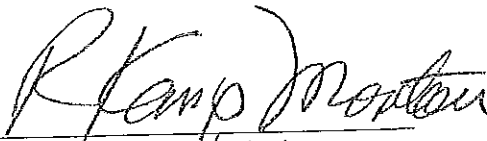
Additionally, even though the Requester did not get paid for appearing in the videos, he may have violated the Ethics Act's prohibition against use of office for his own private

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<sup>1</sup> The Requester distinguishes between a vendor with the State and the business which produced the videos, i.e. the State subcontractor. The Commission has consistently applied the Ethics Act's prohibitions to relationships with subcontractors as well as contractors. See Advisory Opinions 94-22, 95-44, and 2012-40. Regardless, the prohibition against endorsing a private entity is not limited to a vendor. It applies to any private, commercial concern. A public official may not lend the prestige of public office to a for-profit enterprise whether or not the business has a relationship with the State.

gain by appearing in his official capacity in an online video produced by the State subcontractor during a contested election campaign. Although it may not be possible to quantify the benefit that may have inured to him as a result of this publicity, it is an intrinsic benefit that his opponent did not have access to during the campaign. Nonetheless, since advisory opinions are prospective only, the Commission is unable to opine as to whether the Requester used his public office for his own private gain.

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, *et seq.*, and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other similarly situated public servants unless and until it is amended or revoked, or the law is changed.



R. Kemp Morton, III Chairperson

ADVISORY OPINION NO. 2013-13

Issued On April 4, 2013 By The

WEST VIRGINIA ETHICS COMMISSION

2013 APR 12 PM 10:47

SECRETARY OF STATE

OPINION SOUGHT

A **County Commissioner** asks whether the County may lease a county marina to an individual with whom he is a partner in an unrelated private business.

FACTS RELIED UPON BY THE COMMISSION

The Requester states that he is business partners with an individual who submitted a bid to lease a county marina. The shared business is unrelated, and is limited to one endeavor: holding a lease interest in real property located in the same county. The intended purpose of the leasehold is to sublease the land to an oil and gas company for water consumption from the Ohio River. The property has not been sublet to date.

The Requester states that he has no other financial relationship with the bidder or the bidder's other business(es).

The Requester further states that the lease will be awarded to the most appropriate bidder. He states that the County Commission intends to award the contract to the bidder who will best run the marina for the public's use.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(b) reads:

A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person.... The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

W. Va. Code § 6B-2-5(d)(1) provides in part that no elected official or business with which he or she is associated may be a party to or have an interest in a contract which such official ... may have direct authority to enter into, or over which he or she may have control.

W. Va. Code § 61-10-15(a) states in part:

It is unlawful for any member of a county commission ... to be or become pecuniarily interested, directly or indirectly, in the proceeds of any contract ... [over] which such ... member ... may have any voice, influence, or control....

## Advisory Opinion

Both the Ethics Act, W. Va. Code § 6B-2-5(d)(1), and a separate criminal misdemeanor statute, W. Va. Code § 61-10-15, prohibit county officials from having an interest in public contracts. These prohibitions were designed by the Legislature to steer public servants away from inherently questionable situations. Pursuant to W. Va. Code § 6B-2-5(b), a public official may not knowingly and intentionally use his office for his own private gain or that of another person. These prohibitions are intended to prevent not only actual impropriety, but also situations which give the appearance of impropriety.

The Commission reminds public officials that the Ethics Act prohibits them from using their public office or the resulting prestige of their office for their own private gain or that of another. Thus, the Requester may not use his official position to obtain, influence or promote business for his own benefit, or that of a private business with which he is associated. Further, he may not communicate with his fellow County Commissioners about the marina lease or the relative merits of any of the bids related thereto.

The analysis herein will be limited to that of W. Va. Code § 61-10-15, as a discussion of the provisions of the Ethics Act would be purely academic.

W. Va. Code § 61-10-15, a separate criminal statute, contains a stricter standard than the Ethics Act, and imposes criminal penalties against any member of a county commission who is pecuniarily interested, either directly or indirectly, in the proceeds of a public contract over which s/he exercises voice, influence or control. Any person who violates this provision is guilty of a misdemeanor and may be removed from public office. See generally Alexander v. Ritchie, 53 S.E.2d 735 (W. Va. 1949).

Here, the Requester has voice, influence, or control over the County's lease of the marina to a private business, by virtue of his position as an elected County Commissioner. In Fisher v. Jackson, 107 W.Va. 138, 147 S.E. 541 (1929), the West Virginia Supreme Court of Appeals held that the recusal of a public official from voting on a particular matter in which he has a direct or indirect pecuniary interest was not sufficient to immunize that official from the sanctions in W. Va. Code § 61-10-15. See also Advisory Opinion 2003-02 ("The Board's members control the Board's contracts and their recusal from action in regard to its contracts does not excuse compliance with the requirements of 61-10-15.")

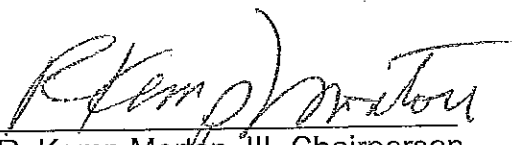
The question here is whether the Requester has a prohibited *indirect* pecuniary interest in the marina lease, under W. Va. Code § 61-10-15. In Advisory Opinion 2012-39, a County Commissioner owned a business with a County Prosecuting Attorney. The Ethics Commission found that the County Commissioner had at least an indirect financial interest in the County Prosecutor's compensation. Similarly, in Advisory Opinion 2012-11, the Ethics Commission considered the meaning of the statute's inclusion of the term "indirect pecuniary interest", and found that there is a rebuttable presumption that where two adults share a home or otherwise live together, they have at least an indirect financial interest in the employment contract of the other.

Conversely, in Advisory Opinion 2003-02, the Ethics Commission allowed a County Board to contract with a non-profit organization for which a Board member's wife was an independent contractor, so long as his spouse was not directly involved in, or compensated for, providing the specific contracted services. The Commission noted, however, that if the Board member's spouse were to personally perform the services as an independent contractor, the Board member would be indirectly pecuniarily interested in the contract. In that situation, the spouse would become a subcontractor of the Board, and the Board member would violate 61-10-15. Similarly here, the County Commission would be directly contracting with a Commissioner's business partner. Therefore, the Ethics Commission finds that the lease of a county marina to a Commissioner's business partner would violate 61-10-15.

The County Commission may seek a Contract Exemption from the Ethics Commission. The decision to seek a contract exemption is the County Commission's to make, not an individual Commissioner's. As a result, a Commissioner is prohibited from participating in any way in the decision. If the County Commission votes to seek an exemption, then the County must demonstrate to the Ethics Commission that it will experience undue hardship, excessive cost, or substantial interference with the operation of government if it is unable to lease the marina to the Requester's business partner. See W. Va. Code § 61-10-15(h). At minimum, any contract exemption request should include information reflecting the totality of bidders considered and the basis for the County Commission's conclusion that the other bidders are unacceptable. It must consider this matter during a properly noticed public meeting and the Requester must recuse himself from the discussion and vote. Further, the Requester during and outside of meetings, may not attempt to influence the County Commission's decision regarding the decision to seek a contract exemption.

Just as the Requester may not use his position to influence the purchase of the property, the County Commission's decision to award the marina lease must be based upon the best interests of the County, not favoritism.

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, *et seq.* and W. Va. Code § 61-10-15, and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public agencies unless and until it is amended or revoked, or the law is changed.



R. Kemp Morton, III, Chairperson

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

| Week Ending Date                                       | Week Ending<br>May 4, 2013 |
|--------------------------------------------------------|----------------------------|
| To be Deposited on:                                    | May 10, 2013               |
| Amount Played                                          | 70,320,752.93              |
| Amount Won                                             | 62,982,089.70              |
| Amount Promo                                           | 262,250.00                 |
| MWAP Contribution                                      | <u>4,315.83</u>            |
| Adjusted Gross Terminal Revenue                        | <u>7,072,097.40</u>        |
| Administrative Costs @ 4%                              | 0.00                       |
| Excess Lottery Fund @ 4%                               | <u>282,883.90</u>          |
| Net Terminal Revenue                                   | <u>6,789,213.50</u>        |
| Surcharge @ 10%                                        | 678,921.36                 |
| State Share Excess @ 58%                               | 393,774.39                 |
| Track Share of Capital Reinvestment @ 42%              | <u>285,146.97</u>          |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i> | <i>273741.09</i>           |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>  | <i>11405.88</i>            |
| Adjusted Net Terminal Revenue                          | <u>6,110,292.14</u>        |
| Racetrack @ 46.50% / 42%                               | 2,566,322.70               |
| Lottery Fund @ 30% / 0%                                | 0.00                       |
| Excess Lottery Fund @ 0% / 41%                         | 2,505,219.78               |
| Race Track Purses @ 7% / 14% / 8%                      | 488,823.37                 |
| Workers' Compensation Debt Reduction @ 7% / 0%         | 0.00                       |
| Employee Pension Fund @ 1% / .5%                       | 30,551.46                  |
| Greyhound Development @ .75%                           | 45,827.19                  |
| Thoroughbred Development @ .75%                        | 45,827.19                  |
| Racing Commission @ 1%                                 | 61,102.92                  |
| County/Municipality @ 2%                               | 122,205.84                 |
| 3% Funds:                                              |                            |
| Tourism Promotion Fund @ 1.375%                        | 84,016.52                  |
| Development Office Promotion Fund @ .375%              | 22,913.60                  |
| Research Challenge Fund @ .5%                          | 30,551.46                  |
| Capitol Renovation and Improvement Fund @ .6875%       | 42,008.26                  |
| 2004 Capitol Complex Parking Garage Fund @ .0625%      | 3,818.93                   |
| 1% Funds:                                              |                            |
| State Capitol Complex Parking Garage @ 1%              | 0.00                       |
| Cultural Facilities and Capitol Resources @ .5%        | 0.00                       |
| Capitol Dome and Capitol Improvements @ .5% / 1%       | <u>61,102.92</u>           |
|                                                        | <u>6,110,292.14</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<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>8.19%<br>7.93% | CHARLES<br>TOWN<br>41.20%<br>39.90% | HARPERS<br>FERRY<br>2.24%<br>2.17% | RANSON<br>34.78%<br>33.68% | SHEPHERDS<br>TOWN<br>13.59%<br>16.32% |
|----------------------------|------------------------------|---------------------------|----------------------|---------------------------|-------------------------------------|------------------------------------|----------------------------|---------------------------------------|
| Revised % (after 2/9/2013) |                              |                           |                      |                           |                                     |                                    |                            |                                       |
| 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                        | \$ 1,658.28                        | \$ 25,747.42               | \$ 10,060.60                          |
| 09/15/12                   | \$ 123,876.08                | \$ 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                           |
| 11/10/12                   | \$ 112,221.92                | \$ 56,110.96              | \$ 56,110.96         | \$ 4,595.49               | \$ 23,117.72                        | \$ 1,256.88                        | \$ 19,515.39               | \$ 7,625.48                           |
| 11/17/12                   | \$ 114,864.72                | \$ 57,432.36              | \$ 57,432.36         | \$ 4,703.71               | \$ 23,662.13                        | \$ 1,286.49                        | \$ 19,974.97               | \$ 7,805.06                           |
| 11/24/12                   | \$ 131,777.72                | \$ 65,888.86              | \$ 65,888.86         | \$ 5,396.30               | \$ 27,146.21                        | \$ 1,475.91                        | \$ 22,916.14               | \$ 8,954.30                           |
| 12/01/12                   | \$ 100,486.68                | \$ 50,243.34              | \$ 50,243.34         | \$ 4,114.93               | \$ 20,700.26                        | \$ 1,125.45                        | \$ 17,474.63               | \$ 6,828.07                           |
| 12/08/12                   | \$ 101,541.92                | \$ 50,770.96              | \$ 50,770.96         | \$ 4,158.14               | \$ 20,917.64                        | \$ 1,137.27                        | \$ 17,658.14               | \$ 6,899.77                           |
| 12/15/12                   | \$ 94,044.76                 | \$ 47,022.38              | \$ 47,022.38         | \$ 3,851.13               | \$ 19,373.22                        | \$ 1,053.30                        | \$ 16,354.39               | \$ 6,390.34                           |
| 12/22/12                   | \$ 93,677.92                 | \$ 46,838.96              | \$ 46,838.96         | \$ 3,836.11               | \$ 19,297.65                        | \$ 1,049.19                        | \$ 16,290.59               | \$ 6,365.42                           |
| 12/29/12                   | \$ 119,394.44                | \$ 59,697.22              | \$ 59,697.22         | \$ 4,889.20               | \$ 24,595.26                        | \$ 1,337.22                        | \$ 20,762.69               | \$ 8,112.85                           |
| 01/05/13                   | \$ 143,347.04                | \$ 71,673.52              | \$ 71,673.52         | \$ 5,870.06               | \$ 29,529.49                        | \$ 1,605.49                        | \$ 24,928.05               | \$ 9,740.43                           |
| 01/12/13                   | \$ 100,832.60                | \$ 50,416.30              | \$ 50,416.30         | \$ 4,129.09               | \$ 20,771.52                        | \$ 1,129.33                        | \$ 17,534.79               | \$ 6,851.57                           |
| 01/19/13                   | \$ 102,423.76                | \$ 51,211.88              | \$ 51,211.88         | \$ 4,194.25               | \$ 21,099.30                        | \$ 1,147.15                        | \$ 17,811.49               | \$ 6,959.69                           |
| 01/26/13                   | \$ 93,932.52                 | \$ 46,966.26              | \$ 46,966.26         | \$ 3,846.54               | \$ 19,350.10                        | \$ 1,052.04                        | \$ 16,334.87               | \$ 6,382.71                           |
| 02/02/13                   | \$ 104,135.84                | \$ 52,067.92              | \$ 52,067.92         | \$ 4,264.36               | \$ 21,451.99                        | \$ 1,166.32                        | \$ 18,109.22               | \$ 7,076.03                           |
| 02/09/13                   | \$ 104,444.40                | \$ 52,222.20              | \$ 52,222.20         | \$ 4,277.00               | \$ 21,515.54                        | \$ 1,169.78                        | \$ 18,162.88               | \$ 7,097.00                           |
| 02/16/13                   | \$ 128,487.04                | \$ 64,243.52              | \$ 64,243.52         | \$ 5,094.51               | \$ 25,633.17                        | \$ 1,394.08                        | \$ 21,637.22               | \$ 10,484.54                          |
| 02/23/13                   | \$ 128,231.40                | \$ 64,115.70              | \$ 64,115.70         | \$ 5,084.38               | \$ 25,582.16                        | \$ 1,391.31                        | \$ 21,594.17               | \$ 10,463.68                          |
| 03/02/13                   | \$ 125,205.48                | \$ 62,602.74              | \$ 62,602.74         | \$ 4,964.40               | \$ 24,978.49                        | \$ 1,358.48                        | \$ 21,084.60               | \$ 10,216.77                          |
| 03/09/13                   | \$ 118,426.52                | \$ 59,213.26              | \$ 59,213.26         | \$ 4,695.61               | \$ 23,626.09                        | \$ 1,284.93                        | \$ 19,943.03               | \$ 9,663.60                           |
| 03/16/13                   | \$ 124,732.72                | \$ 62,366.36              | \$ 62,366.36         | \$ 4,945.65               | \$ 24,884.18                        | \$ 1,353.35                        | \$ 21,004.99               | \$ 10,178.19                          |
| 03/23/13                   | \$ 119,682.04                | \$ 59,841.02              | \$ 59,841.02         | \$ 4,745.39               | \$ 23,876.57                        | \$ 1,298.55                        | \$ 20,154.46               | \$ 9,766.05                           |
| 03/30/13                   | \$ 115,135.96                | \$ 57,567.98              | \$ 57,567.98         | \$ 4,565.14               | \$ 22,969.62                        | \$ 1,249.23                        | \$ 19,388.90               | \$ 9,395.09                           |
| 04/06/13                   | \$ 126,217.68                | \$ 63,108.84              | \$ 63,108.84         | \$ 5,004.53               | \$ 25,180.43                        | \$ 1,369.46                        | \$ 21,255.06               | \$ 10,299.36                          |
| 04/13/13                   | \$ 113,698.60                | \$ 56,849.30              | \$ 56,849.30         | \$ 4,508.15               | \$ 22,682.87                        | \$ 1,233.63                        | \$ 19,146.84               | \$ 9,277.81                           |
| 04/20/13                   | \$ 110,864.24                | \$ 55,432.12              | \$ 55,432.12         | \$ 4,395.77               | \$ 22,117.41                        | \$ 1,202.88                        | \$ 18,669.54               | \$ 9,046.52                           |
| 04/27/13                   | \$ 117,225.48                | \$ 58,612.74              | \$ 58,612.74         | \$ 4,647.99               | \$ 23,386.48                        | \$ 1,271.90                        | \$ 19,740.77               | \$ 9,565.60                           |
| 05/04/13                   | \$ 122,205.84                | \$ 61,102.92              | \$ 61,102.92         | \$ 4,845.46               | \$ 24,380.07                        | \$ 1,325.93                        | \$ 20,579.46               | \$ 9,972.00                           |
| Subtotal                   | \$ 5,302,935.16              | \$ 3,107,499.32           | \$ 2,195,435.84      | \$ 177,921.05             | \$ 895,093.84                       | \$ 48,670.23                       | \$ 755,596.95              | \$ 318,153.77                         |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

VIDEO LOTTERY REPORT

| FY 2009    |            | FY 2010    |            | FY 2011    |            | FY 2012    |            | FY 2013    |            |
|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Date       | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     |
| 7/5/2008 * | 169,912.56 | 7/4/2009 * | 128,262.42 | 07/03/2010 | 115,402.58 | 7/1-2/2011 | 69,824.12  | 07/07/2012 | 161,637.92 |
| 07/12/2008 | 176,592.38 | 07/11/2009 | 168,815.08 | 07/10/2010 | 205,731.64 | 07/09/2011 | 171,717.28 | 07/14/2012 | 129,458.04 |
| 07/19/2008 | 160,344.08 | 07/18/2009 | 160,652.98 | 07/17/2010 | 161,386.76 | 07/16/2011 | 143,019.52 | 07/21/2012 | 130,037.00 |
| 07/26/2008 | 162,982.74 | 07/25/2009 | 158,869.08 | 07/24/2010 | 160,368.28 | 07/23/2011 | 146,508.00 | 07/28/2012 | 137,164.44 |
| 08/02/2008 | 178,171.04 | 08/01/2009 | 174,493.08 | 07/31/2010 | 157,802.08 | 07/30/2011 | 144,510.28 | 08/04/2012 | 132,931.16 |
| 08/09/2008 | 123,538.04 | 08/08/2009 | 138,408.80 | 08/07/2010 | 136,494.98 | 08/06/2011 | 151,495.28 | 08/11/2012 | 134,212.88 |
| 08/16/2008 | 82,482.89  | 08/15/2009 | 81,222.14  | 08/14/2010 | 78,376.68  | 08/13/2011 | 117,350.38 | 08/18/2012 | 110,241.90 |
| 08/23/2008 | 76,426.18  | 08/22/2009 | 76,260.31  | 08/21/2010 | 76,199.02  | 08/20/2011 | 71,614.12  | 08/25/2012 | 66,209.90  |
| 08/30/2008 | 89,459.86  | 08/29/2009 | 80,472.92  | 08/28/2010 | 72,460.03  | 08/27/2011 | 63,432.14  | 09/01/2012 | 67,133.42  |
| 09/06/2008 | 91,644.46  | 09/05/2009 | 80,798.15  | 09/04/2010 | 76,362.84  | 09/03/2011 | 80,837.76  | 09/08/2012 | 74,029.40  |
| 09/13/2008 | 79,729.93  | 09/12/2009 | 86,286.92  | 09/11/2010 | 82,969.36  | 09/10/2011 | 84,845.80  | 09/15/2012 | 61,838.04  |
| 09/20/2008 | 71,269.36  | 09/19/2009 | 70,010.15  | 09/18/2010 | 67,638.78  | 09/17/2011 | 66,748.62  | 09/22/2012 | 56,996.90  |
| 09/27/2008 | 79,735.73  | 09/26/2009 | 69,316.87  | 09/25/2010 | 70,435.06  | 09/24/2011 | 68,929.80  | 09/29/2012 | 61,611.40  |
| 10/04/2008 | 75,186.22  | 10/03/2009 | 72,286.04  | 10/02/2010 | 71,013.86  | 10/01/2011 | 68,871.64  | 10/06/2012 | 62,715.20  |
| 10/11/2008 | 77,139.04  | 10/10/2009 | 69,650.63  | 10/09/2010 | 69,311.50  | 10/08/2011 | 70,866.90  | 10/13/2012 | 60,710.18  |
| 10/18/2008 | 80,668.26  | 10/17/2009 | 73,560.21  | 10/16/2010 | 75,234.62  | 10/15/2011 | 75,262.66  | 10/20/2012 | 62,333.08  |
| 10/25/2008 | 64,379.44  | 10/24/2009 | 67,581.66  | 10/23/2010 | 70,290.80  | 10/22/2011 | 68,757.72  | 10/27/2012 | 58,073.54  |
| 11/01/2008 | 68,352.42  | 10/31/2009 | 64,528.30  | 10/30/2010 | 65,615.04  | 10/29/2011 | 60,507.98  | 11/03/2012 | 56,545.30  |
| 11/08/2008 | 70,823.02  | 11/07/2009 | 63,741.59  | 11/06/2010 | 61,337.62  | 11/05/2011 | 70,673.88  | 11/10/2012 | 56,110.96  |
| 11/15/2008 | 65,565.50  | 11/14/2009 | 65,959.64  | 11/13/2010 | 64,595.28  | 11/12/2011 | 67,627.10  | 11/17/2012 | 57,432.36  |
| 11/22/2008 | 63,883.80  | 11/21/2009 | 59,547.05  | 11/20/2010 | 56,010.08  | 11/19/2011 | 60,690.60  | 11/24/2012 | 65,888.86  |
| 11/29/2008 | 69,850.12  | 11/28/2009 | 72,399.98  | 11/27/2010 | 71,170.90  | 11/26/2011 | 74,140.54  | 12/01/2012 | 50,243.34  |
| 12/06/2008 | 55,696.68  | 12/05/2009 | 51,006.51  | 12/04/2010 | 53,215.08  | 12/03/2011 | 59,429.94  | 12/08/2012 | 50,770.96  |
| 12/13/2008 | 60,178.04  | 12/12/2009 | 52,460.58  | 12/11/2010 | 46,944.00  | 12/10/2011 | 51,395.44  | 12/15/2012 | 47,022.38  |
| 12/20/2008 | 52,189.19  | 12/19/2009 | 32,834.39  | 12/18/2010 | 42,076.76  | 12/17/2011 | 55,981.32  | 12/22/2012 | 46,838.96  |
| 12/27/2008 | 72,205.91  | 12/26/2009 | 53,406.34  | 12/25/2010 | 50,450.28  | 12/24/2011 | 54,248.62  | 12/29/2012 | 59,697.22  |
| 01/03/2009 | 96,504.65  | 01/02/2010 | 92,980.40  | 01/01/2011 | 85,152.12  | 12/31/2011 | 94,661.00  | 01/05/2013 | 71,673.52  |
| 01/10/2009 | 53,286.62  | 01/09/2010 | 55,020.46  | 01/08/2011 | 54,301.30  | 01/07/2012 | 74,863.40  | 01/12/2013 | 50,416.30  |

|               |           |            |           |            |           |            |           |            |           |
|---------------|-----------|------------|-----------|------------|-----------|------------|-----------|------------|-----------|
| 01/17/2009    | 56,068.87 | 01/16/2010 | 60,551.28 | 01/15/2011 | 54,005.90 | 01/14/2012 | 58,901.92 | 01/19/2013 | 51,211.88 |
| 01/24/2009    | 71,474.63 | 01/23/2010 | 69,943.53 | 01/22/2011 | 60,924.74 | 01/21/2012 | 61,819.92 | 01/26/2013 | 46,966.26 |
| 01/31/2009    | 61,089.80 | 01/30/2010 | 48,527.75 | 01/29/2011 | 48,036.94 | 01/28/2012 | 62,898.78 | 02/02/2013 | 52,067.92 |
| 02/07/2009    | 83,539.63 | 02/06/2010 | 37,155.14 | 02/05/2011 | 60,777.44 | 02/04/2012 | 72,154.66 | 02/09/2013 | 52,222.20 |
| 02/14/2009    | 76,054.44 | 02/13/2010 | 44,334.00 | 02/12/2011 | 67,471.84 | 02/11/2012 | 66,429.04 | 02/16/2013 | 64,243.52 |
| 02/21/2009    | 91,838.41 | 02/20/2010 | 76,946.12 | 02/19/2011 | 72,018.54 | 02/18/2012 | 77,455.88 | 02/23/2013 | 64,115.70 |
| 02/28/2009    | 80,806.88 | 02/27/2010 | 72,024.40 | 02/26/2011 | 75,544.02 | 02/25/2012 | 77,611.78 | 03/02/2013 | 62,602.74 |
| 03/07/2009    | 48,837.13 | 03/06/2010 | 76,936.85 | 03/05/2011 | 74,535.34 | 03/03/2012 | 75,963.86 | 03/09/2013 | 59,213.26 |
| 03/14/2009    | 96,025.39 | 03/13/2010 | 71,007.37 | 03/12/2011 | 66,979.48 | 03/10/2012 | 76,808.62 | 03/16/2013 | 62,366.36 |
| 03/21/2009    | 79,002.82 | 03/20/2010 | 74,335.38 | 03/19/2011 | 73,113.26 | 03/17/2012 | 76,883.92 | 03/23/2013 | 59,841.02 |
| 03/28/2009    | 79,250.83 | 03/27/2010 | 69,941.88 | 03/26/2011 | 68,490.80 | 03/24/2012 | 72,108.36 | 03/30/2013 | 57,567.98 |
| 04/04/2009    | 75,968.30 | 04/03/2010 | 70,636.28 | 04/02/2011 | 70,846.58 | 03/31/2012 | 74,244.22 | 04/06/2013 | 63,108.84 |
| 04/11/2009    | 75,964.94 | 04/10/2010 | 69,692.79 | 04/09/2011 | 67,076.78 | 04/07/2012 | 75,382.98 | 04/13/2013 | 56,849.30 |
| 04/18/2009    | 80,598.22 | 04/17/2010 | 69,335.92 | 04/16/2011 | 64,698.56 | 04/14/2012 | 71,065.34 | 04/20/2013 | 55,432.12 |
| 04/25/2009    | 75,571.46 | 04/24/2010 | 68,714.11 | 04/23/2011 | 67,674.14 | 04/21/2012 | 68,055.08 | 04/27/2013 | 58,612.74 |
| 05/02/2009    | 73,957.05 | 05/01/2010 | 68,799.06 | 04/30/2011 | 66,807.50 | 04/28/2012 | 72,880.66 | 05/04/2013 | 61,102.92 |
| 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

3107499.32

Table Game Revenue

| Date                   | Amount           | Date                   | Amount            | Date                   | Amount            |
|------------------------|------------------|------------------------|-------------------|------------------------|-------------------|
| July/August, 2010      | 154,185.68       | July, 2011             | 141,718.01        | July, 2012             | 138,663.64        |
| September, 2010        | 94,247.84        | August, 2011           | 137,473.92        | August, 2012           | 133,245.83        |
| October, 2010          | 105,903.60       | September, 2011        | 110,375.25        | September, 2012        | 127,532.40        |
| November, 2010         | 108,717.67       | October, 2011          | 124,273.94        | October, 2012          | 126,482.02        |
| December, 2010         | 118,721.11       | November, 2011         | 121,118.87        | November, 2012         | 134,443.93        |
| January, 2011          | 106,189.21       | December, 2011         | 140,509.93        | December, 2012         | 146,677.92        |
| February, 2011         | 105,776.45       | January, 2012          | 137,812.68        | January, 2013          | 132,650.35        |
| March, 2011            | 120,927.10       | February, 2012         | 142,770.01        | February, 2013         | 121,636.62        |
| April, 2011            | 130,654.61       | March, 2012            | 151,845.46        | March, 2013            | 149,033.62        |
| May, 2011              | 130,492.02       | April, 2012            | 127,862.26        |                        |                   |
| June, 2011             | 121,576.41       | May, 2012              | 137,905.13        |                        |                   |
|                        |                  | June, 2012             | 129,235.38        |                        |                   |
| <b>Total 2010-2011</b> | <b>1297391.7</b> | <b>Total 2011-2012</b> | <b>1602900.84</b> | <b>Total 2011-2012</b> | <b>1210366.33</b> |

Table Game Revenue Distribution - Jefferson County School Board

| Date                   | Amount              |
|------------------------|---------------------|
| 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          |
| <b>Total 2011-2012</b> | <b>4,808,702.50</b> |

| Date                   | Amount              |
|------------------------|---------------------|
| July, 2012             | 415,990.92          |
| August, 2012           | 399,737.49          |
| September, 2012        | 382,597.20          |
| October, 2012          | 379,446.06          |
| November, 2012         | 403,331.79          |
| December, 2012         | 440,033.75          |
| January, 2013          | 397,951.05          |
| February, 2013         | 381,857.07          |
| Msrch, 2013            | 447,100.86          |
| <b>Total 2011-2012</b> | <b>3,648,046.19</b> |