



**NOTICE OF  
JEFFERSON COUNTY COMMISSION MEETING  
THURSDAY, May 23, 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**

**APPROVAL OF MINUTES**

- May 16, 2013 Minutes

**APPROVAL OF PURCHASE ORDERS**

- May 23, 2013

**APPROVAL OF ACCOUNTS PAYABLE**

- May 23, 2013

**PUBLIC COMMENT**

**PRESENTATIONS:**

1. 9:45 a.m. Jennifer Brockman, Director of Planning & Zoning and David Mills, Ranson City Manager - Presentation on Ranson's 2012 Comprehensive Plan Recommendation and Approval - Discussion/Action
2. 10:45 a.m. Lyn Widmyer, Commissioner  
Rezoning Development Plans for Rezoning Applications to Residential-Light Industrial-Commercial Zone and/or Commercial-Industrial Zone  
- Discussion/Action
3. 11:00 a.m. Sheriff Dougherty  
- Permission to add names to the trip guard pool - Discussion/Action

**COUNTY ADMINISTRATOR REPORTS**

- Temporary office help for the Jefferson County Commission office - Discussion/Action
- Promotion: Cindy Schott to Executive Assistant - Discussion/Action
- Permission to advertise for Administrative Assistant Vacant Position - Discussion/Action
- West Virginia Workers Compensation - Discussion/Action
- Possible Litigation - Discussion/Action - *(possible Executive Session)*

## COUNTY COMMISSION REPORTS

### DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS

- 1<sup>st</sup> Quarter Report, January - March 2013, Planning & Zoning, Planning Commission and Board of Zoning Appeals.

#### ~~~~~ EVENING SESSION ~~~~~

4. 7:00 p.m. Public Hearing - Jefferson County Emergency Services Agency Draft Fee Ordinance Proposal.
- 5.. Adjourn

### CORRESPONDENCE:

Notice of Public Hearing - Jefferson County Emergency Services Agency Draft Fee Ordinance Proposal, May 23, 2013, 7 p.m.

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

Notice of Public Hearing - Jefferson County Development Authority, May 30, 2013, 7 p.m.

Flyer for Farm Day 2013 - June 15, 2013.

Notice of Jefferson County Commission meeting rescheduled June 27, 2013.

Invitation to the dedication of a new flag and flag pole at the Berkeley County Courthouse, June 13, 2013.

Notice of Public Workshop and Public Hearing on US 340 Four-Lane improvement Study from the West Virginia Department of Transportation, June 3, 2013.

Email from Todd Metzgar regarding the Jefferson County Emergency Services Agency Draft Fee Proposal.

Letter from Mayor Joe Anderson, Harpers Ferry, with recommendations for the Jefferson County Development Authority board.

Minutes from the Jefferson County Public Service District for April 2, 2013.

**Orders from the West Virginia Department of Transportation, Division of Highways, regarding additions, redesignation's, removal from inventory and correction to the map for Jefferson and Berkeley Counties.**

**Letter for the West Virginia Department of Transportation, Division of Highways regarding the Statewide Transportation Improvement Program.**

**Letter from the WVACo - regarding Constitutional Issues of County Officials Compensation.**

**Letter from Chenega Aerospace, LLC regarding its closing and available work staff.**

**County Commission Association of West Virginia, Commissioners' Corner Newsletter, Volume 14, Number 11 - April 2013.**

**County Roads and City Streets Newsletter, Volume 28, No. 1 - Spring 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.***

**Minutes**  
**Jefferson County Commission**  
**Thursday, May 16, 2013**

---

A meeting of the Jefferson County Commission was held on Thursday, May 16, 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 16, 2013 meeting is available through the Jefferson County Commission Office.)

**PLEDGE OF ALLEGIANCE**

Commissioner Tabb led the Pledge of Allegiance.

**PRESENTATIONS:**

1. Senator Snyder, Senator Unger, Delegate Lawrence and Delegate Skinner appeared before the Commission to give an update on the past Legislative Session. The Senators and Delegates shared what they believed to be important legislation for the Eastern Panhandle. This included education reform, commuter rail access, a rate paying customer on the PSD, maternity benefits for dependents, a children's poverty initiative, help for volunteer fire departments to pay for worker's compensation premiums and justice reinvestment. Upcoming legislative issues which will impact the Eastern Panhandle include a Blue Ribbon Commission on Highways looking at ways to pay for maintenance and new roads and commuter rail access expanding.
2. The Commission recessed for break at 11:00 a.m.  
The Commission reconvened from break at 11:15 a.m.

**APPROVAL OF MINUTES**

**Motion by Ms. Noland to approve the Minutes of the May 2, 2013, Manning Public Hearing. Motion seconded. Motion by Ms. Tabb to amend the motion to remove public comments 1-15 and reflect only opposed or in favor of. Motion seconded. Original motion and second withdrawn. Amended motion unanimously approved.**

Ms. Tabb recommended a statement be placed in the minutes stating a video is available for review on the website.

It was the consensus of the Commission that the communication from the citizen who shared their perceptions of what was communicated at the Mannings public hearing be included in the Mannings folder.

**Motion by Ms. Noland to approve the Minutes of the May 9, 2013 Minutes with noted correction. Motion seconded and unanimously approved.**

**APPROVAL OF PURCHASE ORDERS**

**Motion by Manuel to approve Purchase Orders in the amount of \$106,620.87 to include P. O. Nos. 50360, 50361, 50363, 51567, 51595, 51596, 51597, 51613, 51614, 51615, 50070, 51572, 51372, 51573, 51575, 51576, 51577, 50331, 50391, 50392, 51307, 51310, 51312, Motion seconded and unanimously approved.**

**APPROVAL OF ACCOUNTS PAYABLE**

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
069872	424	AT&T/IL		\$ -	\$ 0.34	\$ 0.34
069873	700	AUTOZONE		\$ -	\$ 436.96	\$ 436.96
069874	ALLOC	AHA/ART&HUMANITIES ALLNC		\$ -	\$ 1,939.51	\$ 1,939.51
069875	701	BATTERY MART	51480	\$ 82.90	\$ -	\$ 82.90
069876	424	B-K OFFICE SUPPLY INC	51569	\$ 197.70	\$ -	\$ 197.70
069876	701	B-K OFFICE SUPPLY INC	51309	\$ 67.00	\$ -	\$ 67.00
069877	424	BOLAND SERVICES	51231	\$ 270.00	\$ -	\$ 270.00
069877	425	BOLAND SERVICES	51117	\$ 991.01	\$ -	\$ 991.01
069878	425	CITY OF CHARLES TOWN	51574	\$ 80.00	\$ -	\$ 80.00
069879	405	MARCIA L. CHANDLER, RPR	50390	\$ 573.65	\$ -	\$ 573.65
069880	439	CUMMINGS DATA ANALYSIS L	50329	\$ 500.00	\$ -	\$ 500.00
069881	440	DELL MARKETING LP	50232	\$ 1,232.42	\$ -	\$ 1,232.42
069882	711	GUEST SERVICES		\$ -	\$ 125.20	\$ 125.20
069883	717	GUTTMAN OIL CO		\$ -	\$ 18,524.87	\$ 18,524.87
069884	700	JOHN GROVE		\$ -	\$ 67.54	\$ 67.54
069885	425	JEFF CO PUBLIC SER DEPT		\$ -	\$ 229.08	\$ 229.08
069886	ALLOC	JEFFERSON COUNTY HISTORI		\$ -	\$ 1,939.51	\$ 1,939.51
069887	412	JEFFERSON PUBLISH CO INC	52136	\$ 25.38	\$ -	\$ 25.38
069887	401	JEFFERSON PUBLISH CO INC		\$ -	\$ 417.74	\$ 417.74
069888	425	JEFFERSON UTILITIES INC		\$ -	\$ 459.58	\$ 459.58
069889	712	LANGUAGE LINE SERVICES		\$ -	\$ 65.57	\$ 65.57
069890	424	HOME DEPOT CREDIT SERVIC		\$ -	\$ 11.96	\$ 11.96
069891	700	MP&B MORGANTOWN PRINTING	51311	\$ 95.00	\$ -	\$ 95.00
069892	712	ONCE UPON A FIND	49877	\$ 2,121.00	\$ -	\$ 2,121.00
069893	ALLOC	JEFF CO PARKS &		\$ -	\$ 20,364.83	\$ 20,364.83
069894	712	PSTC	51606	\$ 1,490.00	\$ -	\$ 1,490.00
069895	425	POTOMAC EDISON/OH		\$ -	\$ 4,753.13	\$ 4,753.13
069896	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 354.20	\$ 354.20
069896	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 1,514.50	\$ 1,514.50
069896	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 1,871.21	\$ 1,871.21
069897	401	STAPLES CREDIT PLAN		\$ -	\$ 330.61	\$ 330.61

069897	412	STAPLES CREDIT PLAN		\$ -	\$ 35.93	\$ 35.93
069897	424	STAPLES CREDIT PLAN		\$ -	\$ 30.43	\$ 30.43
069897	439	STAPLES CREDIT PLAN		\$ -	\$ 174.94	\$ 174.94
069897	700	STAPLES CREDIT PLAN		\$ -	\$ 1,348.11	\$ 1,348.11
069897	711	STAPLES CREDIT PLAN		\$ -	\$ 294.20	\$ 294.20
069897	712	STAPLES CREDIT PLAN		\$ -	\$ 469.07	\$ 469.07
069897	716	STAPLES CREDIT PLAN		\$ -	\$ 585.65	\$ 585.65
069898	711	SOFTWARE COMPUTER GROUP	53192	\$ 150.00	\$ -	\$ 150.00
069899	712	SEN COMMUNICATIONS	51605	\$ 15.00	\$ -	\$ 15.00
069899	712	SEN COMMUNICATIONS	51610	\$ 125.00	\$ -	\$ 125.00
069901	402	UNITED BANKCARD CENTER		\$ -	\$ 15.20	\$ 15.20
069901	402	UNITED BANKCARD CENTER		\$ -	\$ 1,875.86	\$ 1,875.86
069901	402	UNITED BANKCARD CENTER		\$ -	\$ 34.95	\$ 34.95
069901	402	UNITED BANKCARD CENTER		\$ -	\$ 54.32	\$ 54.32
069901	405	UNITED BANKCARD CENTER		\$ -	\$ 87.22	\$ 87.22
069901	405	UNITED BANKCARD CENTER		\$ -	\$ 240.00	\$ 240.00
069901	412	UNITED BANKCARD CENTER		\$ -	\$ 444.97	\$ 444.97
069901	415	UNITED BANKCARD CENTER		\$ -	\$ 74.72	\$ 74.72
069901	424	UNITED BANKCARD CENTER		\$ -	\$ 29.97	\$ 29.97
069901	424	UNITED BANKCARD CENTER		\$ -	\$ 23,918.65	\$ 23,918.65
069901	424	UNITED BANKCARD CENTER		\$ -	\$ 102.87	\$ 102.87
069901	424	UNITED BANKCARD CENTER		\$ -	\$ 27.90	\$ 27.90
069901	424	UNITED BANKCARD CENTER		\$ -	\$ 272.05	\$ 272.05
069901	424	UNITED BANKCARD CENTER		\$ -	\$ 22.84	\$ 22.84
069901	424	UNITED BANKCARD CENTER		\$ -	\$ 171.73	\$ 171.73
069901	425	UNITED BANKCARD CENTER		\$ -	\$ 498.09	\$ 498.09
069901	425	UNITED BANKCARD CENTER		\$ -	\$ 57.05	\$ 57.05
069901	433	UNITED BANKCARD CENTER		\$ -	\$ 128.10	\$ 128.10
069901	433	UNITED BANKCARD CENTER		\$ -	\$ 148.00	\$ 148.00
069901	433	UNITED BANKCARD CENTER		\$ -	\$ 125.00	\$ 125.00
069901	433	UNITED BANKCARD CENTER		\$ -	\$ 54.59	\$ 54.59
069901	433	UNITED BANKCARD CENTER		\$ -	\$ 184.10	\$ 184.10
069901	439	UNITED BANKCARD CENTER		\$ -	\$ 1,019.68	\$ 1,019.68
069901	440	UNITED BANKCARD CENTER		\$ -	\$ 163.13	\$ 163.13
069901	440	UNITED BANKCARD CENTER		\$ -	\$ 265.93	\$ 265.93
069901	440	UNITED BANKCARD CENTER		\$ -	\$ 560.00	\$ 560.00
069901	440	UNITED BANKCARD CENTER		\$ -	\$ 277.70	\$ 277.70
069901	700	UNITED BANKCARD CENTER		\$ -	\$ 991.83	\$ 991.83
069901	700	UNITED BANKCARD CENTER		\$ -	\$ 462.38	\$ 462.38
069901	700	UNITED BANKCARD CENTER		\$ -	\$ 851.97	\$ 851.97
069901	700	UNITED BANKCARD CENTER		\$ -	\$ 50.00	\$ 50.00

069901	700	UNITED BANKCARD CENTER		\$ -	\$ 149.49	\$ 149.49
069901	700	UNITED BANKCARD CENTER		\$ -	\$ 1,614.72	\$ 1,614.72
069901	700	UNITED BANKCARD CENTER		\$ -	\$ 464.21	\$ 464.21
069901	711	UNITED BANKCARD CENTER		\$ -	\$ 217.80	\$ 217.80
069901	711	UNITED BANKCARD CENTER		\$ -	\$ 396.90	\$ 396.90
069901	711	UNITED BANKCARD CENTER		\$ -	\$ 160.00	\$ 160.00
069901	711	UNITED BANKCARD CENTER		\$ -	\$ 50.00	\$ 50.00
069901	711	UNITED BANKCARD CENTER		\$ -	\$ 119.79	\$ 119.79
069901	712	UNITED BANKCARD CENTER		\$ -	\$ 10.96	\$ 10.96
069901	712	UNITED BANKCARD CENTER		\$ -	\$ 176.66	\$ 176.66
069901	712	UNITED BANKCARD CENTER		\$ -	\$ 3,807.41	\$ 3,807.41
069901	712	UNITED BANKCARD CENTER		\$ -	\$ 159.99	\$ 159.99
069901	712	UNITED BANKCARD CENTER		\$ -	\$ 1,050.15	\$ 1,050.15
069901	712	UNITED BANKCARD CENTER		\$ -	\$ 935.10	\$ 935.10
069901	716	UNITED BANKCARD CENTER		\$ -	\$ 499.25	\$ 499.25
069901	717	UNITED BANKCARD CENTER		\$ -	\$ 63.47	\$ 63.47
069902	424	VALLEY HARDWARE COMPANY		\$ -	\$ 6.65	\$ 6.65
069903	ALLOC	JEFFERSON CO CONVENTION		\$ -	\$ 24,243.85	\$ 24,243.85
<b>TOTAL</b>						<b>\$ 131,697.93</b>
<b>TOTAL</b>				<b>\$ 8,016.06</b>	<b>\$ 123,681.87</b>	<b>\$ 131,697.93</b>

**Motion by Ms. Noland to approve the accounts payable for May 16, 2013 in the amount of \$131,697.93. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:**

Dr. Robert Jones, resident -- Expressed concerns over Commissioner Noland's proposal for the Jefferson County Emergency Services Agency (JCESA).

Chad Pittinger, resident -- Is opposed to the postponing of the JCESA Public Hearing.

David Tabb, resident -- Gave an update on his views of the Jefferson County Commission.

Fred Blackmer, former resident -- Spoke in favor of moving the Mannings Petition forward to a vote of the citizens.

Ed Smith, resident & member of the Independent Fire Company -- Is opposed to Commissioner Noland's proposal for the JCESA.

Joseph G. Thompson, resident -- Is opposed to the Commission accepting the Mannings Petition.

Paul Ashbaugh, resident -- defended his actions in obtaining signatures for the Mannings Petition.

Ed Fowler, resident -- Is opposed to the postponing of the JCESA Public Hearing.

Rev. Ronald Grubb, MSN, resident and member of Shepherdstown Fire Department – Is opposed to Commissioner Noland’s proposal for the JCESA.

Ed Hannon, Deputy Chief of the JCESA – Requested agenda item #12 – “Commissioner Noland’s request to postpone the Public Hearing for the JCESA,” be moved to after agenda item #16, the “JCESA’s feedback on Commissioner Noland’s proposal for the JCESA.”

Donnie Engle, resident – Is opposed to Commissioner Noland’s proposal for the JCESA.

Briana Hamon, resident – Is opposed to the postponing of the JCESA Public Hearing.

Johanna Grodzicki, resident – Is opposed to the postponing of the JCESA Public Hearing and Commissioner Noland’s proposal for the JCESA.

Tamara Trafford, resident – Is opposed to the postponing of the JCESA Public Hearing and Commissioner Noland’s proposal for the JCESA.

Pete Kelly, resident – Is opposed to the postponing of the JCESA Public Hearing.

Ed Boober, resident – Is opposed to the postponing of the JCESA Public Hearing and is concerned with aspects of Commissioner Noland’s proposal for the JCESA.

John Maxey, resident & business owner – Is opposed to the Commission accepting the Mannings Petition and the postponing of the JCESA Public Hearing.

**PRESENTATIONS (Continued):**

3. Laura Storm, Circuit Clerk – Requesting approval of the hiring of Lisa Renee Walters to a full-time position as Deputy Clerk within her office effective May 13, 2013. The grade will be II E with a salary of \$30,000 with full benefits afforded to Jefferson County Commission employees. This position has previously been approved by the Commission and the funds are within the budget so no additional monies are being requested.

- **Motion by Mr. Pellish to approve the hiring of Lisa Renee Walters to a full-time position as Deputy Clerk within the Circuit Clerks office. Her grade will be II E with a salary of \$30,000 with full benefits as afforded to Jefferson County Commission employees effective May 13, 2013. Motion seconded and approved on a vote of 4-1 with Ms. Noland opposing.**

Ms. Keyser passed out a document regarding Compensation with a proposal regarding new hires and where to start them in regard to compensation. Ms. Keyser requested the Commission review the document and send any comments and or suggestions to her and it will be put on a future agenda with revisions. Ms. Keyser also handed out a work product of employee compensation for the Commissioners information.

4. Roger Goodwin, Chief Engineer – Summit View Estates Subdivision (JCP File 03-21) – Bond/Surety Call-in Request. The Summit View Estates Subdivision is a 27 lot subdivision that began in 2004. 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 presented the a 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.

- **Motion by Ms. Tabb 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. That Engineering Department Staff notify the surety provide in writing 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 12, 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 provide reasonable opportunity to complete the improvements, 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 civil attorney shall provide guidance and assistance to the Engineering Department staff, as seemed necessary, in getting the site improvements completed.**

**Motion seconded and unanimously approved.**

5. Mannings Petition Certification – Stephanie Grove, Legal Counsel made a presentation regarding the Mannings Petition, which included responses to questions submitted by Commissioners. Ms. Grove spoke to the allegation of a signature forgery and the alleged alteration of the map. Other issues addressed by Ms. Grove focused on the following:
  - a) The appearance the notarization of the signatures was done by the one of the petitioners, which cannot be done when you have a qualifying interest.
  - b) Signatures submitted were for a 2009 petition and are photocopies of the original petition.
  - c) Appearance the map has been changed from the original –
    - **Motion by Mr. Manuel to instruct legal counsel to prepare an order, to be brought before the Commissioners for their signatures, based on the facts that signatures are stale, differences in the map, and questions about authenticity of some signatures. Motion seconded and unanimously approved.**
6. Barbara Miller, Director of Homeland Security
  - A. National Weather Service “StormReady” accreditation 2013-2016 letter and certificated from the National Weather Service Office. Ms. Miller informed the Commission the County has been accredited by the National Weather Service Office as a “StormReady” community. Jefferson County was first designated as a “StormReady” Community in 2004. This designation proves the county’s 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.
  - B. Adoption of the 2013 Jefferson County All Hazards Risk Assessment and Mitigation Plan – this is updated every five (5) years, per the rules and regulations of the Disaster Mitigation Act of 2000.
    - **Motion by Ms. Widmyer 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. Motion seconded and**

**unanimously approved.**

7. Jeffrey A. Polczynski, ENP – Director of Communications – Appointment of Deputy Director to fill vacancy at Emergency Communications Center.
  - **Motion by Ms. Noland to approve the recommendation of Christopher Cross as the Deputy Director of Communication at a Grade V Step A with a starting salary to be determined by the Director of Communications. Motion seconded and unanimously approved.**
8. Toni Milbourn on behalf of Jennifer Myers, Parks and Recreation – Resolution of support for FY 2014 Cultural Facilities Grant for an amphitheater at Sam Michaels Park. This grant is a three year grant cycle with a dollar for dollar grant.
  - **Motion by Mr. Pellish to approve pursuing the FY 2014 Cultural Facilities Grant for an amphitheater at Sam’s Michael Park. Motion seconded and unanimously approved.**
9. Jennifer Brockman, Director of Planning and Zoning appeared before the Commission to give an update of the progress with the Comprehensive Plan. Ms. Brockman shared what the Comprehensive Plan Steering Committee has been doing and their upcoming schedule. Ms. Brockman informed the Commission a joint meeting between the Comprehensive Plan Steering Committee and the County Commission is scheduled for July 18, 2013.
10. Stephanie Grove, Legal Counsel presented a request from John Quinn, local resident, for reimbursement of the death of five (5) of his sheep by stray dogs. Mr. Quinn’s insurance has reimbursed him for the loss, but he is requesting the reimbursement of his deductible of \$500 and a \$250 vet bill from the Dog and Kennel fund as provided for in WV Code § 19-20-10.
  - **Motion by Ms. Tabb to approve the expenditure of \$750 from the dog and kennel fund to John Quinn to compensate him for the loss of his sheep by dogs, pursuant to the provisions of W.Va. Code § 19-20-10. Motion seconded and unanimously approved.**

**NEW BUSINESS**

11. Commissioner Widmyer requested a letter from the National Park Service addressing statements made by applicants to the County Commission on the rezoning of Aticheson Family Trust property. During the rezoning of the 3.94 acre property by Aticheson Family Trust and Frederica Adkinson, the applicants made statements that the National Park Service never showed any interest:
  - **Motion by Ms. Widmyer to add the letter from the National Park Service stating they had approached the property owners to discuss acquisition of their property, contrary to the applicant’s representative saying that the National Park Service had not been interested in this property until the time of the rezoning, be added into the public hearing record file, with a cover page stating this was not part of the public record and was added on May 16, 2013 for the purposes of clarification. Motion seconded and unanimously approved.**
12. Approval of Presentation of Resolution to John C. Allen, Jr. for his service on the Jefferson County Historic Landmarks Commission.

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;



website.

## COUNTY COMMISSIONERS REPORTS

Dale Manuel:

- Attended the "Brown Breaking" for the Shepherdstown Library.
- Attended the Community Chorus at Jefferson High School.
- Attended the Teen Comt meeting.
- Attended the Jefferson County Emergency Services Agency meetings.
- Attended Police Week Open House at the Sheriff's Department.
- Attended the Council on Aging meeting.
- Attended the Jefferson County Emergency Services Agency/Volunteer Fire Chief's meeting.

Patsy Noland:

- Traveled to Wheeling WV on Sunday and Monday.
- Attended (participated in) the Police Week Open House at the Sheriff's Department.

Walt Pellish:

- Attended the "Brown Breaking" for the Shepherdstown Library.
- Attended the Planning Commission meeting.

Jane Tabb:

- Participated in the Jefferson County Expo Show with two dairy animals.
- Attended the Farmland Protection Board meeting.
- Attended Police Week Open House at the Sheriff's Department.
- Attended the Jefferson County Emergency Services Agency meeting.

Lyn Widmyer:

- Participated in the "Big Sit" in Shepherdstown with the Audubon Society.
- Attended an informational meeting on Immigration Policy sponsored by local groups that work with immigrants.
- Attended Police Week Open House at the Sheriff's Department.

Discussion with the Board of Jefferson County Emergency Agency Services regarding the alternative proposal for Paid Firefighters/Paramedics/EMTS proposed by Commissioner Noland. Board Members from the Jefferson County Emergency Services Agency appeared before the Commission to share their thoughts on the ways communication can be improved upon and how services could be enhanced. The following board members were present: Alan Williams, President JCESA Board, Ed Boober, Board member and Sid White, Board member.

The Commission meeting was adjourned at 3:45 a.m. on a motion by Ms. Tabb. Motion was seconded and unanimously approved.

---

DALE MANUEL, PRESIDENT

Respectively submitted  
Cynthia C. Schott  
Administrative Assistant

**PURCHASE ORDERS TO BE APPROVED**

**May 23, 2013**

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
ANIMAL CONTROL	50364	\$ 497.50	Zoetis	Vaccine
COUNTY CLERK	61616	\$ 525.00	State Auditor's Office	3 Seminar Registration Fees
COUNTY COMMISSION	49912	\$ 1,276.18	Rack Solutions	Server Cabinet
COURTHOUSE	51579	\$ 807.85	BK Office Supply	Copy Paper
ENGINEERING	50235	\$ 1,956.00	Print-O-Stat. Inc.	Yearly Maintneance Contract
	50236	\$ 150.00	West Virginia Code Officials Assoc.	WVCOA Summer Meeting Regist.
OTHER BUILDINGS	51580	\$ 1,019.17	Eastern Lift Truck Company	Service Call -Switches on scissor Lift
PLANNING	50333	\$ 175.00	Jefferson County Fair Association	Booth registration- Comp Plan
PROSECUTING ATTORNEY'S OFFICE	50393	\$ 128.25	Pamela Patterson	Transcripts
	50894	\$ 375.00	NDAА	Annual Summer Conference
	50395	\$ 108.00	Jefferson Publishing Company	Employment Ad
	50397	\$ 1,700.00	Dr. Harry A. Milmna, PhD	Expert Witness
SHERIFF - LAW	51481	\$ 1,587.80	Galls	Uniforms
	51482	\$ 900.00	MAACO Collision Repair	Maint/Repair Equipment
	51483	\$ 461.53	WV Uniforms	Uniforms
SHERIFF - TAX	52102	\$ 2,569.32	J&S Business Forms, LLC	Tax Receipts
<b>GRAND TOTAL</b>		<b>\$ 8,717.95</b>		

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Jennie Brockman (speaker: David Mills)

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 1 hour

Date Requested – 1<sup>st</sup> Choice: May 23, 2013, 10 am

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

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

Subject: **Presentation on Ranson's 2012 Comprehensive Plan Recommendations and Approval**

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

**The City of Ranson recently completed their 2012 Comprehensive Plan and a complete rewrite of their Zoning Ordinance. Subsequent to the approval of these two documents, the City Council voted to rezone the entire city based on the recommendations of the Plan to a type of zoning referred to as Smart Code and/or Form Based Code. This type of zoning allows development to occur in manner that allows a mixture of uses with varying densities, a traditional grid street system, and a mixture of public and private amenities. It is based on a system of Sectors that are detailed in the Comprehensive Plan representing various geographic areas where various types of development patterns are permitted to occur.**

**Planning staff has invited David Mills with the City of Ranson to do a detailed presentation to the County Commission regarding their Comprehensive Plan development process, recommendations, and implementation tools. Specifically, he will speak to how the changes in the City zoning will interface with the County zoning and discuss options for addressing future development within the Urban Growth Area boundaries.**

**The format will allow the County Commissioners to ask questions and become more familiar with the changes that are occurring with development within the city of Ranson.**

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

N/A

Attachments:

N/A

# 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: May 23, 2013

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:**

## ARTICLE 12: MAP AND TEXT AMENDMENTS

### Section 12.1 Purpose

- A. These regulations, restrictions, provisions, and the boundaries of districts provided herein may from time to time be amended, modified, or repealed by the County Commission. Any person, individual, board, commission or bureau of the County may petition the County Commission for such change.
- B. The County Commission shall refer any amendment or alteration of this Ordinance to the Planning Commission for analysis, study, report, and recommendations regarding compatibility with the Comprehensive Plan as well as consideration as to whether a Conditional Use Permit (CUP) or other process may be a more appropriate process.<sup>17, 21, 23, 25</sup>

### Section 12.2 Procedure for Amendment by County Commission<sup>1,25</sup>

- A. After the enactment of the Zoning Ordinance, the governing body of the County may amend the Zoning Ordinance without holding an election.<sup>17, 21</sup>
- B. Before amending the Zoning Ordinance text or map, the governing body, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-8 et seq of the West Virginia State Code, as amended.<sup>17, 21, 25</sup>
- C. All amendments to the Zoning Ordinance Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.
  - I. Public Notice of the Public Hearing for a Zoning Map amendment before the Planning Commission requires the following:
    - a. A legal advertisement describing the location and identification of the subject parcel for which the zoning is proposed to be changes, including the current tax district, map and parcel number, and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation;
    - b. Any property affected by the proposed zoning map amendment shall be posted at least 30 days prior to the Public Hearing. The posting shall state the time, date, and location of such hearing, as well as, what new zone is being requested on the property; and
    - c. All property owners adjoining the property proposed to be rezoned shall be notified by first class mail at least 30 days prior to the Public Hearing. The adjoining letters shall be mailed by the Department staff and shall state the time, date, and location of such hearing, as well as, what new zone is being requested on this particular property. The letter shall also describe the location and

AGENDA REQUEST FORM

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



Name: Pete Drougherty

Department or Organization: JCSO

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(Wording to be placed on agenda): Trip Guards

Please provide the County Commission with a description of your request or presentation, including any background information: I would like permission to add some names to the trip guard pool. It won't affect the budget will just give us more people to call so that deputies do not have to go on transports.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I move to approve the addition of names as suggested to the trip guard list

Are documents attachments? Yes  No \_\_\_\_\_

If not, explain: \_\_\_\_\_  
\_\_\_\_\_

Is a projector needed? Yes \_\_\_\_\_ No

Contact Information:

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

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

JEFFERSON COUNTY

Personnel Requisition

Department Name JCSO Date \_\_\_\_\_ Date Needed ASAP

Job Title Trip guard Salary 12.30/hr Criminal History Check  Yes \_\_\_ No

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

Applicants Interviewed By Chief Jones Position Reports To Sheriff/Chief

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

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

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

Budget Information

Addition  Replacement \_\_\_ Explain or For Whom Name pool

Position Budgeted  Yes \_\_\_ No Proposed Salary \_\_\_\_\_ Date of Hire \_\_\_\_\_

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 \_\_\_\_\_



## Office of Sheriff and Treasurer of Jefferson County

Law Enforcement Office  
102 Industrial Blvd  
Kearneysville, WV 25430  
304-728-3205  
Fax: 304-728-3299

Tax Office  
PO Box 9  
Charles Town, WV 25414  
304-728-3220  
Fax: 304-728-4034

May 2, 2013

To: County Commission

From: Sheriff Dougherty

Re: Trip Guards

---

As the number of transports (prisoner, mental patients, etc) continues to increase and the amount of time from the point of initial pick-up until the end of their processing for transfer to a facility continues to grow, I am finding it difficult to have enough individuals to be able to properly provide this service.

Therefore, I am asking for favorable consideration in adding names to the Trip Guard Pool. Since Trip Guards are employed on an as needed basis, these positions would not require any additional budget authority. These individuals are needed to ensure that there is sufficient manpower to meet our obligation to provide court ordered transports.

With your approval, I am requesting that the following individuals be appointed as Trip Guards:

Robert M. Amick  
Robin J. Mahony  
John T. Mills

They have undergone a background check and have been deemed suitable to fulfill the role.

If you have any questions or require additional information, please feel free to contact me.

Sincerely,

Peter H. Dougherty  
Sheriff and Treasurer  
Jefferson County



REVISED May 16, 2013

## JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

419 Sixteenth Avenue  
Ranson, WV 25438  
E-mail – jcesa@jcesa.org  
Telephone – 304-728-3287  
Fax – 304-728-6221

### JEFFERSON COUNTY SPECIAL EMERGENCY **AMBULANCE** SERVICE FEE ORDINANCE

#### SECTION 1 - LEGISLATIVE AUTHORITY

This Ordinance concerns the imposition and collection of a special emergency **ambulance** service fee and is adopted under the authority of Chapter 7, Article 15, Section 17, of the Code of West Virginia, as amended.

#### SECTION 2 - PURPOSE

This Ordinance is enacted by the Jefferson County Commission for the purpose of **providing career Fire Fighter/Paramedics and Fire Fighter/EMTs to staffing and** maintaining an adequate emergency **ambulance** system within the geographic boundaries of Jefferson County, West Virginia. An adequate emergency **ambulance** system is necessary to promote the health and welfare of the citizens of Jefferson County **and reduce property loss**. Emergency **ambulance** service is a public purpose and a responsibility of government for which public money may be spent.

#### SECTION 3 - DEFINITIONS

**RESIDENTIAL UNIT** – Means any place of residence, whether occupied or unoccupied, as classified by the records of the Jefferson County Assessor, including, but not limited to, single-family homes, duplexes, vacation and secondary homes, mobile homes, apartments, rental units, and personal care facilities. In the case of a structure which contains multiple dwelling units, such as duplexes and apartments, each apartment unit or duplex unit shall be deemed to be a separate residential unit.

**COMMERICAL UNIT** – Means any place of business including hotel/motel, industrial/warehouse, institutional, nursing homes as classified by the records of the Jefferson County Assessor.

**OWNER** – Means the person, firm or corporation listed in the records of the Jefferson County Assessor possessing exclusive rights and control of a property.

**JEFFERSON COUNTY EMERGENCY SERVICES AGENCY**  
Page 2

---

USER – Means any person, firm or corporation to whom emergency ambulance transport service is made available.

EMERGENCY AMBULANCE SYSTEM – Any emergency ambulance service provided pursuant to this ordinance including fire and ambulance.

SPECIAL EMERGENCY AMBULANCE SERVICE FEE – Means the fee imposed by the Jefferson County Commission through this Ordinance and collected from the users of emergency ambulance service within Jefferson County.

**SECTION 4 - RATES**

~~Each~~ The Special Emergency Ambulance Service Fee imposed under this Ordinance shall be for emergency ambulance service provided for a Jefferson County Fiscal Year July 1 to June 30. The Special Emergency Ambulance Service Fee established by this Ordinance shall depend upon the total square footage of the building as set forth below:

	Square Feet	Amount
(a) Residential	0-1,600	\$ 55.00
	1,601-3,000	\$ 75.00
	3,001 +	\$ 85.00
(b) Commercial	0-2,500	\$ 115.00
	2,501-7,500	\$ 215.00
	7,501-20,000	\$ 520.00
	20,001-35,000	\$ 995.00
	35,001-50,000	\$1,270.00
	50,001-75,000	\$1,520.00
	75,001-100,000	\$2,220.00
	Over 100,000	\$2,200 plus .30 per sf Over 100K

Said fee may be adjusted annually upon approval of the Jefferson County Commission. The fee shall be the responsibility of the owner of the unit.

The Fee imposed under this ordinance shall be due and payable September 30 of each year. The Fee assessed and levied under the provisions of the ordinance shall be a debt due the Jefferson County Emergency Services Agency and shall be a personal obligation of the owner of the unit. Failure to pay the fee by the due date will result in delinquent status.

Delinquent fees may be, at the discretion of JCESA recovered by the JCESA through civil action filed in a court of competent jurisdiction. Such suit need not be brought in the same

**JEFFERSON COUNTY EMERGENCY SERVICES AGENCY**  
**Page 3**

fiscal year the fee was billed. In any suit for collection of delinquent fees, the JCESA is authorized to recover its court costs and attorney's fees and costs.

For accounts paid on or after October 1 through December 31 the fee shall increase by 15 percent. For accounts paid on or after January 1 through March 31, the fee shall increase again by 15 percent. A summary follows:

Unit Type	If Paid On or Before September 30	If Paid On or After October 1 to December 31	If Paid On or After January 1 to March 31
	Full Year	Full Year	Full Year
Residential	55	63	73
	75	86	99
	85	98	112
Commercial	115	132	152
	215	247	284
	520	598	688
	995	1,144	1,316
	1,270	1,461	1,680
	1,520	1,748	2,010
	2,220	2,553	2,936
	2,220+	2,553+	2,936+

If any person believes he or she is erroneously charged an emergency service fee, the JCESA shall provide, upon the person's request, an exoneration form. The form shall be completed and returned to the JCESA no later than September 30 of the Fiscal Year for which the fee applies. The JCESA shall, within a reasonable time, cause to be investigated any request for exoneration. The JCESA shall, at its next regular meeting after completion of the investigation, make and communicate to the County Commission its recommendation regarding the exoneration. If good cause for exoneration is found by the County Commission, said Commission shall exonerate or modify any or all imposed charges, and shall notify the person in writing of its actions. If the Commission does not exonerate or modify as requested by the applicant, an appeal may be filed with the Circuit Court of Jefferson County.

This ordinance shall be published once a week for two successive weeks in a qualified newspaper published in this county.

**SECTION 5 - RATE INCREASES**

The service of ambulance protection shall be continued, maintained, and improved by the Jefferson County Emergency Services Agency at the charge and expense of the owners of all residential and commercial units within the county. The fees shall be imposed, assessed and collected as set forth in this Ordinance. In the event the JCESA determines an increase in the fee imposed by this ordinance is necessary, it shall, by resolution, request the County Commission for such an increase. Procedures set for in Article 15, Chapter 7, Section 17 of the Code of West Virginia for the initial levy of such a fee shall be followed by the County Commission in the event an increase is sought.

**SECTION 6 - EFFECTIVE DATE**

This Ordinance shall become effective June 30, 2013. The fee assessed and levied by this ordinance shall be for services rendered from July 1, 2013 to June 30, 2014, and each fiscal year thereafter.

**SECTION 7 - MANAGEMENT OF PROCEEDS**

The proceeds from the imposition and collection of the Special Emergency Ambulance Service Fee shall be deposited in a special fund and used only to pay reasonable and necessary expenses actually incurred and the cost of buildings and equipment used in providing emergency ambulance service to residents of Jefferson County. The proceeds may be used to pay for, in whole or in part, the establishment, maintenance and operation of the Jefferson County Emergency Services Agency including the hiring of Fire Fighter/Paramedics and Fire Fighter/EMTs, as provided for in Senate Bill 224 (passed March 8, 2008), and Article 15, Chapter 7 of the West Virginia Code. Proceeds not expended in a given Fiscal Year will be maintained in the special fund and may be used in subsequent Fiscal Years as necessary.

**SECTION 8 - BUDGET DEVELOPMENT**

The Jefferson County Emergency Services Agency shall hold an annual public hearing for the purpose of receiving written or oral public comments pertaining to the operations of the JCESA within Jefferson County. This public hearing shall be advertised as a Class II legal advertisement in local newspapers within the County.

The required public hearing shall be held in conjunction with the regular January Board of Directors meeting in order to provide JCESA sufficient time to consider any improvements or changes in services and to account for said changes when submitting the annual budget request to the Jefferson County Commission.

In conjunction with the submission requirements of the Commission, JCESA shall prepare a regular JCESA budget for County Funds and shall prepare a supplemental budget detailing the upcoming Fiscal Year projections for the special emergency ambulance fund. The Board of Directors shall make recommendations to the County Commission regarding the need to change or maintain the rates charged for the upcoming year.

#### **SECTION 9 - DATA USED FOR ASSESSMENT OF FEES**

Upon completion of the annual budget for the Fund, JCESA shall request the Assessor to provide it with a list of all residential and commercial units and commercial square footage within the county to be utilized as the data base for billing the Special Emergency Ambulance Service Fee commencing the following July 1. Each residential and commercial unit shall have an account established in the name of the owner of that unit and a bill in the amount of the fee shall be delivered to that unit by US Postal Service on or after July 1 of the Fiscal Year. The Assessor will further provide monthly updates to JCESA so that the database can be maintained on a current basis.

#### **SECTION 10 - COLLECTION OF DELINQUENT ACCOUNTS**

In mid-January, letters shall be sent to all delinquent accounts as a status reminder including a notice that delinquent accounts will be submitted for collection. On or about April 1, all delinquent accounts at that point shall be submitted for collection by either internal or external agencies.

Owners of residential and commercial units will be responsible for reporting to JCESA incorrect billing information to avoid collections.

#### **SECTION 11 - BUSINESS MANAGER AND POSITIONS**

JCESA will appoint a Business Manager to manage the Fund who will report to the JCESA Director and Board of Directors and manage the day-to-day operations of billing and collection of the Fee. Funds will be allocated in the annual budget to pay reasonable and necessary expenses of running a business office in addition funds will be allocated to hire nine (9) Fire Fighter/Paramedics and Fire Fighter/EMTs.

#### **SECTION 12 - AMENDMENTS AND SEVERABILITY**

This Ordinance may, from time to time, be amended by a majority of the members of the County Commission as they deem it necessary and appropriate.

If a court of competent jurisdiction declares any provision of this Ordinance to be void, invalid or ineffective in whole or in part, the effect of such decisions shall be limited to those provisions which are expressly declared to be void, invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully enforceable and effective.

This Ordinance shall become effective on June 30, 2013.

Approved by

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DRAFT



# JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

419 Sixteenth Avenue  
Ranson, WV 25438  
E-mail – [jcesa@jcesa.org](mailto:jcesa@jcesa.org)  
Telephone – 304-728-3287  
Fax – 304-728-6221

---

## JEFFERSON COUNTY SPECIAL EMERGENCY SERVICE FEE ORDINANCE

### SECTION 1 - LEGISLATIVE AUTHORITY

This Ordinance concerns the imposition and collection of a special emergency service fee and is adopted under the authority of Chapter 7, Article 15, Section 17, of the Code of West Virginia, as amended.

### SECTION 2 - PURPOSE

This Ordinance is enacted by the Jefferson County Commission for the purpose of staffing and maintaining an adequate emergency services system within the geographic boundaries of Jefferson County, West Virginia. An adequate emergency services system is necessary to promote the health and welfare of the citizens of Jefferson County. Emergency ambulance service is a public purpose and a responsibility of government for which public money may be spent.

### SECTION 3 - DEFINITIONS

**RESIDENTIAL UNIT** – Means any place of residence, whether occupied or unoccupied, as classified by the records of the Jefferson County Assessor, including, but not limited to, single-family homes, duplexes, vacation and secondary homes, mobile homes, apartments, rental units, and personal care facilities. In the case of a structure which contains multiple dwelling units, such as duplexes and apartments, each apartment unit or duplex unit shall be deemed to be a separate residential unit.

**COMMERICAL UNIT** – Means any place of business including hotel/motel, industrial/warehouse, institutional, nursing homes as classified by the records of the Jefferson County Assessor.

**OWNER** – Means the person, firm or corporation listed in the records of the Jefferson County Assessor possessing exclusive rights and control of a property.

**USER** – Means any person, firm or corporation to whom emergency ambulance transport service is made available.

**EMERGENCY SERVICES SYSTEM** – Any emergency service provided pursuant to this ordinance.

*It's About Saving Lives...*

# JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

SPECIAL EMERGENCY SERVICE FEE – Means the fee imposed by the Jefferson County Commission through this Ordinance and collected from the users of emergency service within Jefferson County.

## SECTION 4 - RATES

Each Special Emergency Service Fee imposed under this Ordinance shall be for emergency service provided for a Jefferson County Fiscal Year July 1 to June 30. The Special Emergency Ambulance Service Fee established by this Ordinance shall depend upon the total square footage of the building as set forth below:

	<u>Square Feet</u>	<u>Amount</u>
(a) Residential	0-1,600	\$55.00
	1,601-3,000	\$75.00
	3,001 +	\$85.00
(b) Commercial	0-2,500	\$115.00
	2,501-7,500	\$215.00
	7,501-20,000	\$520.00
	20,001-35,000	\$995.00
	35,001-50,000	\$1,270.00
	50,001-75,000	\$1,520.00
	75,001-100,000	\$2,220.00
	Over 100,000	\$2,200 plus .30 per sf Over 100K

Said fee may be adjusted annually upon approval of the Jefferson County Commission. The fee shall be the responsibility of the owner of the unit.

The Fee imposed under this ordinance shall be due and payable September 30 of each year. The Fee assessed and levied under the provisions of the ordinance shall be a debt due the Jefferson County Emergency Services Agency and shall be a personal obligation of the owner of the unit. Failure to pay the fee by the due date will result in delinquent status. Delinquent fees may be, at the discretion of JCESA recovered by the JCESA through civil action filed in a court of competent jurisdiction. Such suit need not be brought in the same fiscal year the fee was billed. In any suit for collection of delinquent fees, the JCESA is authorized to recover its court costs and attorney's fees and costs.

# JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

For accounts paid on or after October 1 through December 31 the fee shall increase by 15 percent. For accounts paid on or after January 1 through March 31, the fee shall increase again by 15 percent. A summary follows:

Unit Type	If Paid On or Before September 30	If Paid On or After October 1 to December 31	If Paid On or After January 1 to March 31
	Full Year	Full Year	Full Year
Residential	55	63	73
	75	86	99
	85	98	112
Commercial	115	132	152
	215	247	284
	520	598	688
	995	1,144	1,316
	1,270	1,461	1,680
	1,520	1,748	2,010
	2,220	2,553	2,936
	2,220+	2,553+	2,936+

If any person believes he or she is erroneously charged an emergency service fee, the JCESA shall provide, upon the person's request, an exoneration form. The form shall be completed and returned to the JCESA no later than September 30 of the Fiscal Year for which the fee applies. The JCESA shall, within a reasonable time, cause to be investigated any request for exoneration. The JCESA shall, at its next regular meeting after completion of the investigation, make and communicate to the County Commission its recommendation regarding the exoneration. If good cause for exoneration is found by the County Commission, said Commission shall exonerate or modify any or all imposed charges, and shall notify the person in writing of its actions. If the Commission does not exonerate or modify as requested by the applicant, an appeal may be filed with the Circuit Court of Jefferson County.

This ordinance shall be published once a week for two successive weeks in a qualified newspaper published in this county.

## **SECTION 5 - RATE INCREASES**

The service of emergency protection shall be continued, maintained, and improved by the Jefferson County Emergency Services Agency at the charge and expense of the owners of all residential and commercial units within the county. The fees shall be imposed, assessed and collected as set forth in this Ordinance. In the event the JCESA determines an increase in the fee imposed by this ordinance is necessary, it shall, by resolution, request the County Commission for such an increase. Procedures set for in Article 15, Chapter 7, Section 17 of the Code of West Virginia for the initial levy of such a fee shall be followed by the County Commission in the event an increase is sought.

**SECTION 6 - EFFECTIVE DATE**

This Ordinance shall become effective June 30, 2013. The fee assessed and levied by this ordinance shall be for services rendered from July 1, 2013 to June 30, 2014, and each fiscal year thereafter.

**SECTION 7 - MANAGEMENT OF PROCEEDS**

The proceeds from the imposition and collection of the Special Emergency Service Fee shall be deposited in a special fund and used only to pay reasonable and necessary expenses actually incurred and the cost of buildings and equipment used in providing emergency ambulance service to residents of Jefferson County. The proceeds may be used to pay for, in whole or in part, the establishment, maintenance and operation of the Jefferson County Emergency Services Agency, as provided for in Senate Bill 224 (passed March 8, 2008), and Article 15, Chapter 7 of the West Virginia Code. Proceeds not expended in a given Fiscal Year will be maintained in the special fund and may be used in subsequent Fiscal Years as necessary.

**SECTION 8 - BUDGET DEVELOPMENT**

The Jefferson County Emergency Services Agency shall hold an annual public hearing for the purpose of receiving written or oral public comments pertaining to the operations of the JCESA within Jefferson County. This public hearing shall be advertised as a Class II legal advertisement in local newspapers within the County.

The required public hearing shall be held in conjunction with the regular January Board of Directors meeting in order to provide JCESA sufficient time to consider any improvements or changes in services and to account for said changes when submitting the annual budget request to the Jefferson County Commission.

In conjunction with the submission requirements of the Commission, JCESA shall prepare a regular JCESA budget for County Funds and shall prepare a supplemental budget detailing the upcoming Fiscal Year projections for the special emergency fund. The Board of Directors shall make recommendations to the County Commission regarding the need to change or maintain the rates charged for the upcoming year.

**SECTION 9 - DATA USED FOR ASSESSMENT OF FEES**

Upon completion of the annual budget for the Fund, JCESA shall request the Assessor to provide it with a list of all residential and commercial units and commercial square footage within the county to be utilized as the data base for billing the Special Emergency Ambulance Service Fee commencing the following July 1. Each residential and commercial unit shall have an account established in the name of the owner of that unit and a bill in the amount of the fee shall be delivered to that unit by US Postal Service on or after July 1 of the Fiscal Year. The Assessor will further provide monthly updates to JCESA so that the database can be maintained on a current basis.

**SECTION 10 - COLLECTION OF DELINQUENT ACCOUNTS**

In mid-January, letters shall be sent to all delinquent accounts as a status reminder including a notice that delinquent accounts will be submitted for collection. On or about April 1, all delinquent accounts at that point shall be submitted for collection by either internal or external agencies.

Owners of residential and commercial units will be responsible for reporting to JCESA incorrect billing information to avoid collections.

**SECTION 11 - BUSINESS MANAGER**

JCESA will appoint a Business Manager to manage the Fund who will report to the JCESA Director and Board of Directors and manage the day-to-day operations of billing and collection of the Fee. Funds will be allocated in the annual budget to pay reasonable and necessary expenses of running a business office.

**SECTION 12 - AMENDMENTS AND SEVERABILITY**

This Ordinance may, from time to time, be amended by a majority of the members of the County Commission as they deem it necessary and appropriate.

If a court of competent jurisdiction declares any provision of this Ordinance to be void, invalid or ineffective in whole or in part, the effect of such decisions shall be limited to those provisions which are expressly declared to be void, invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully enforceable and effective.

This Ordinance shall become effective on June 30, 2013.

Approved by

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# JCESA 2013 / 2014 Emergency Services Fee Proposal



JCESA 2013 / 2014  
Emergency Services Fee Proposal

## Why Make a Change?

In order to address the growing workload, complexity and higher than acceptable response times to EMS calls; and the countywide problem of inadequate daytime volunteer staffing on the Fire side, Jefferson County Emergency Services Agency proposes to place additional dual certified Fire/EMS personnel at seven locations.

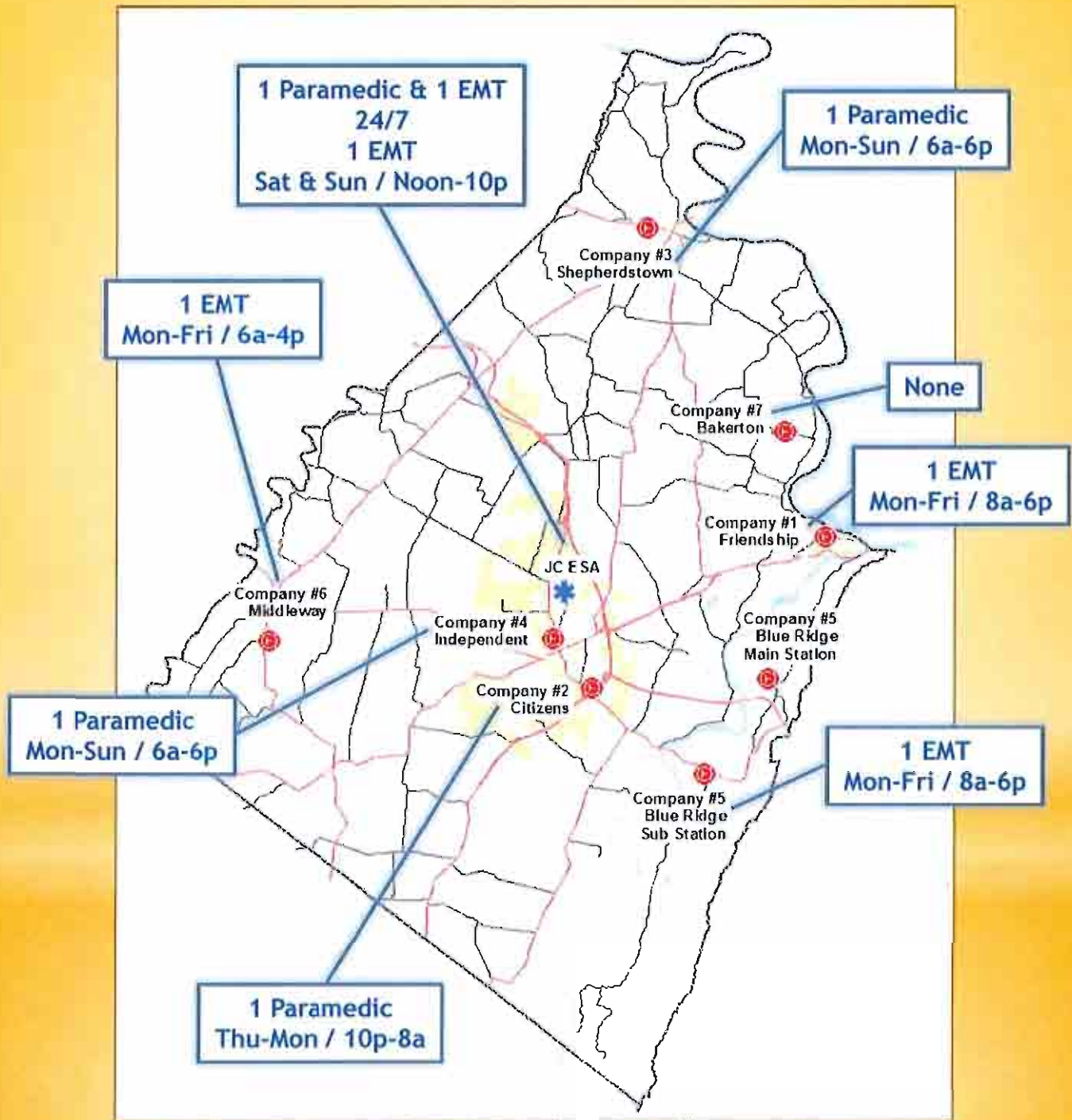
# Current Staffing and Organization



# Current Paid Fire Personnel



# Current Paid Emergency Medical Services Staffing



# The History

- Traditional Fire and EMS response through Volunteer Fire Companies
- 1999 – County Commission established the Jefferson County Ambulance Authority in 1995 which began operation in 1999
- To address the growing workload and complexity of EMS calls of County Residents
- 2008 – Reconstituted as the Jefferson County Emergency Services Agency as a result of Senate Bill 224
- 2013 – Proposing further change in the mode of operation staff to continue to meet County EMS/Fire needs
- Further strengthen the Fire/JCESA Partnership

# Emergency Medical Services



# **Our Priority and Mission**

## **Patient Care**

**Emergency care is  
provided in a timely  
and efficient manner  
to citizens and visitors  
of Jefferson County**

# Workload from 911 Dispatches

	Fire		EMS		Total	Increase
FY 2010	1,788	27%	4,863	73%	6,651	
FY 2011	2,123	31%	4,764	69%	6,887	+4%
FY 2012	2,229	32%	4,727	68%	6,956	+1%
FY 2013 as of Mar.	1,584	26%	4,604	74%	6,188	
FY 2013 Annualized	2,112		6,139		8,251	+33%

Taken from 911 Center Reports

# Complexity of Call

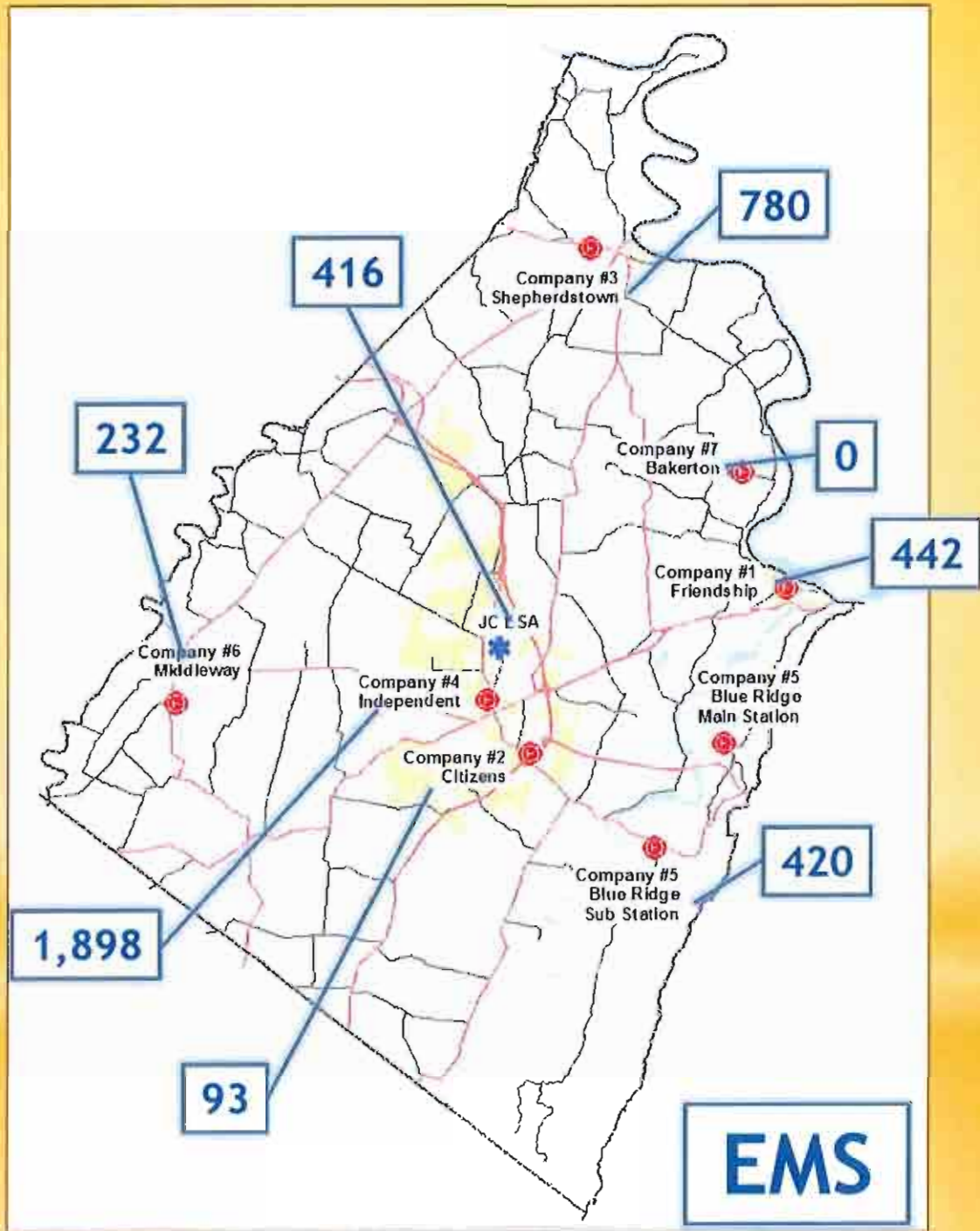
Call Code	Dispatched	Type of Call
Omega	BLS	Minor injury
Alpha	BLS	Injury/illness (not life threatening)
Bravo	BLS or ALS	More serious injury or illness
Charlie	ALS	MVA, law enforcement, health care facility
Delta	ALS	Life-threatening, heart attack, stroke, trouble breathing
Echo	ALS	Cardiac arrest, respiratory arrest, choking

## From January to December 2012 by Severity of Call

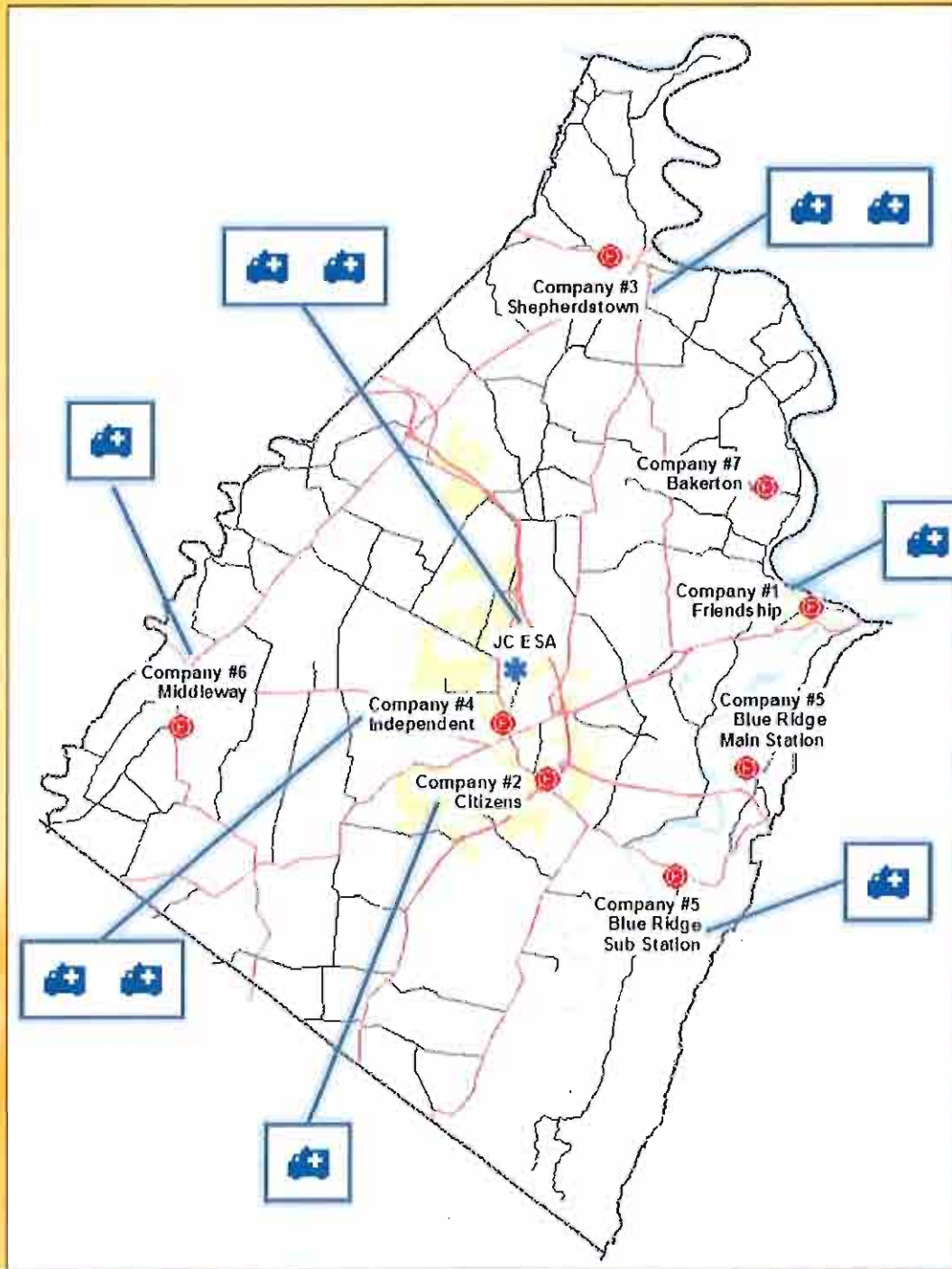
Call Code	Dispatched		
Omega	BLS	3	0%
Alpha	BLS	607	14%
Bravo	BLS or ALS	333	8%
Charlie	ALS	1,792	42%
Delta	ALS	877	20%
Echo	ALS	80	2%
Unclassified		589	14%

64% of all calls require a paramedic

# EMS Activity by Location



# Ambulance Inventory



# Response Time to Patient

## Time to Patient – January to December 2012

By Company	0-5 Min.	6-10 Min.	11-15 Min.	16-20 Min.	>20 Min.	Undef.	Total Resp.
Co. 1	31	99	155	78	79		442
Co. 2	7	32	37	10	7		93
Co. 3	53	243	262	138	82	2	780
Co. 4	168	723	661	225	118	3	1,898
Co. 5	18	62	115	125	99	1	420
Co. 6	5	16	64	80	66	1	232
Sta. 11	25	125	146	80	39	1	416
Total Resp.	307	1,300	1,440	736	490	8	4,281

**2,674 calls or  
62% are over 10 minutes and exceed  
national standard of 8 minutes**

Note: Geographic location plays a minor part in delaying response times.

Data: emsCharts

## **Solution**

- **Increase Personnel**
- **Increase Number of Available Ambulances that can Respond**

**The above results in:**

- **Improved Response Times**

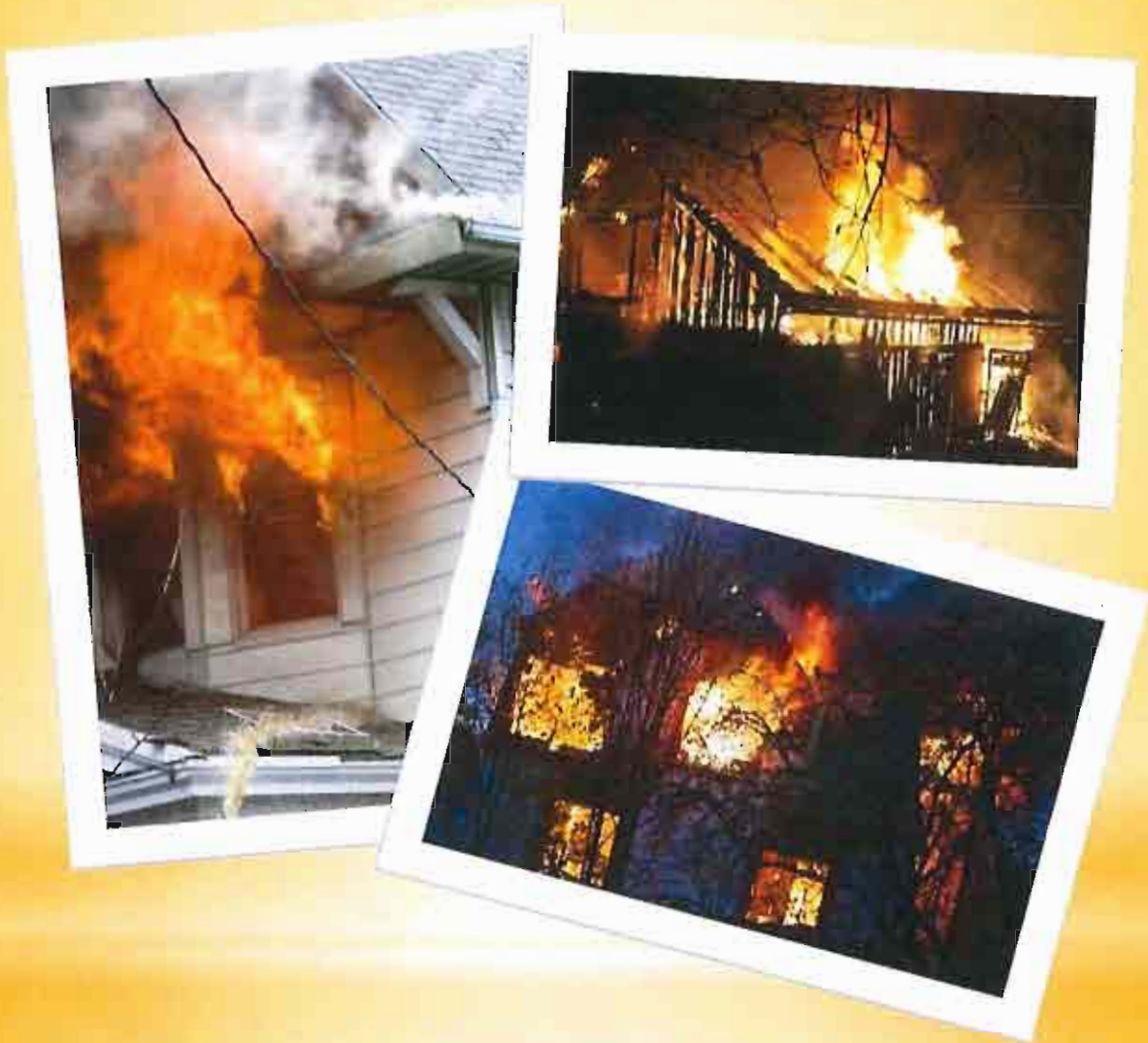
**Which in turn results in:**

- **Improved Patient Care**
- **Improved Service to the Residents of Jefferson County**

# Fire Services



# Current Total Paid Fire Service Personnel



**Z E R O**

## Total 2012 Fire Incidents – 2,304

Structure fires	220	6%
Vehicle fires	48	2%
Other fires	389	5%
Rescue calls (Including EMS assist)	661	33%
Good intent, false calls and all other	986	54%

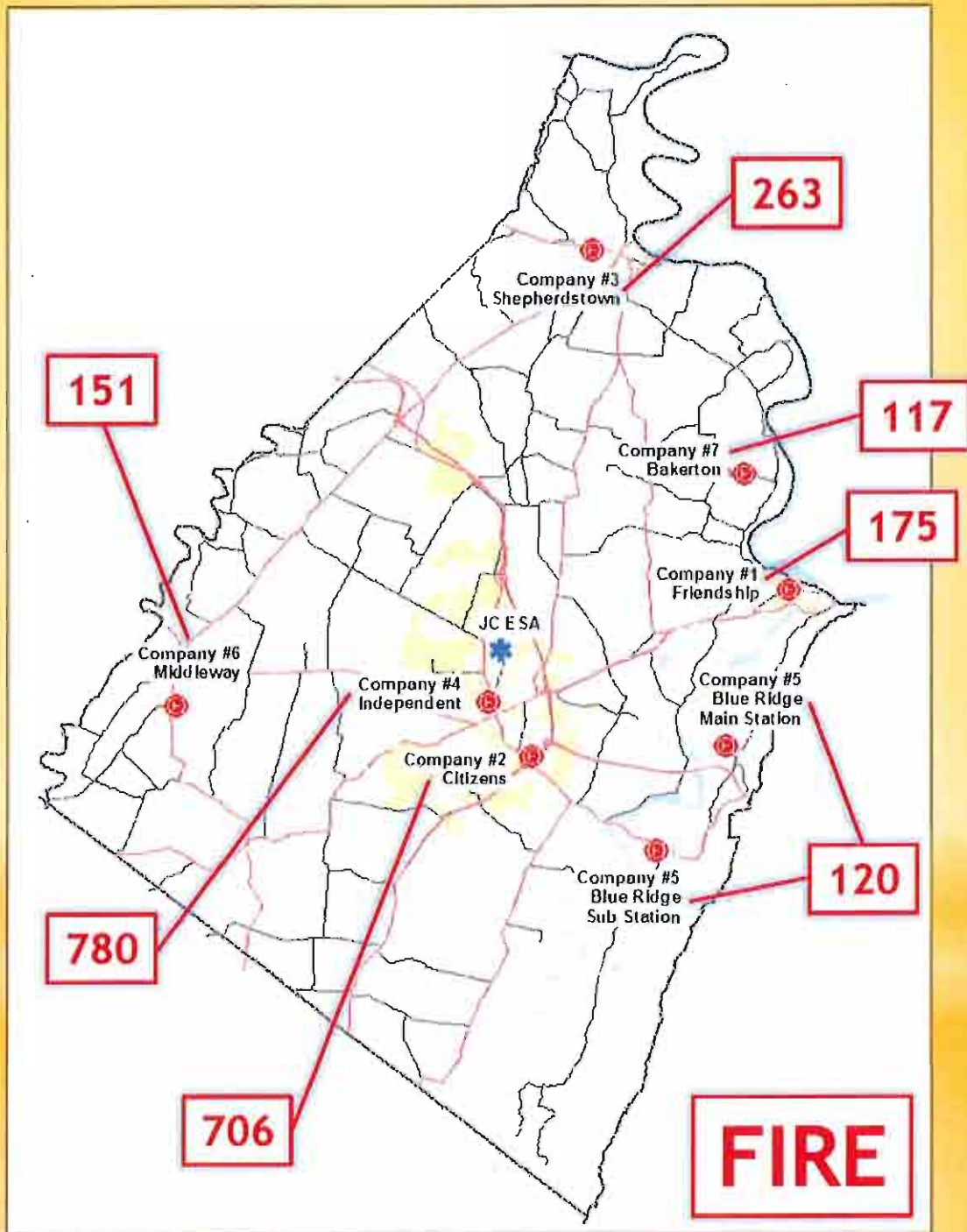
**Total dollar loss due to fire \$1.5 Million**

Total 2011 fire incidents 2,516  
Total loss \$3.1 Million

Total 2010 fire incidents 2,458  
Total loss \$7.5 Million

Source: NFIRS

# Fire by Location



**2013 / 2014 Budget**

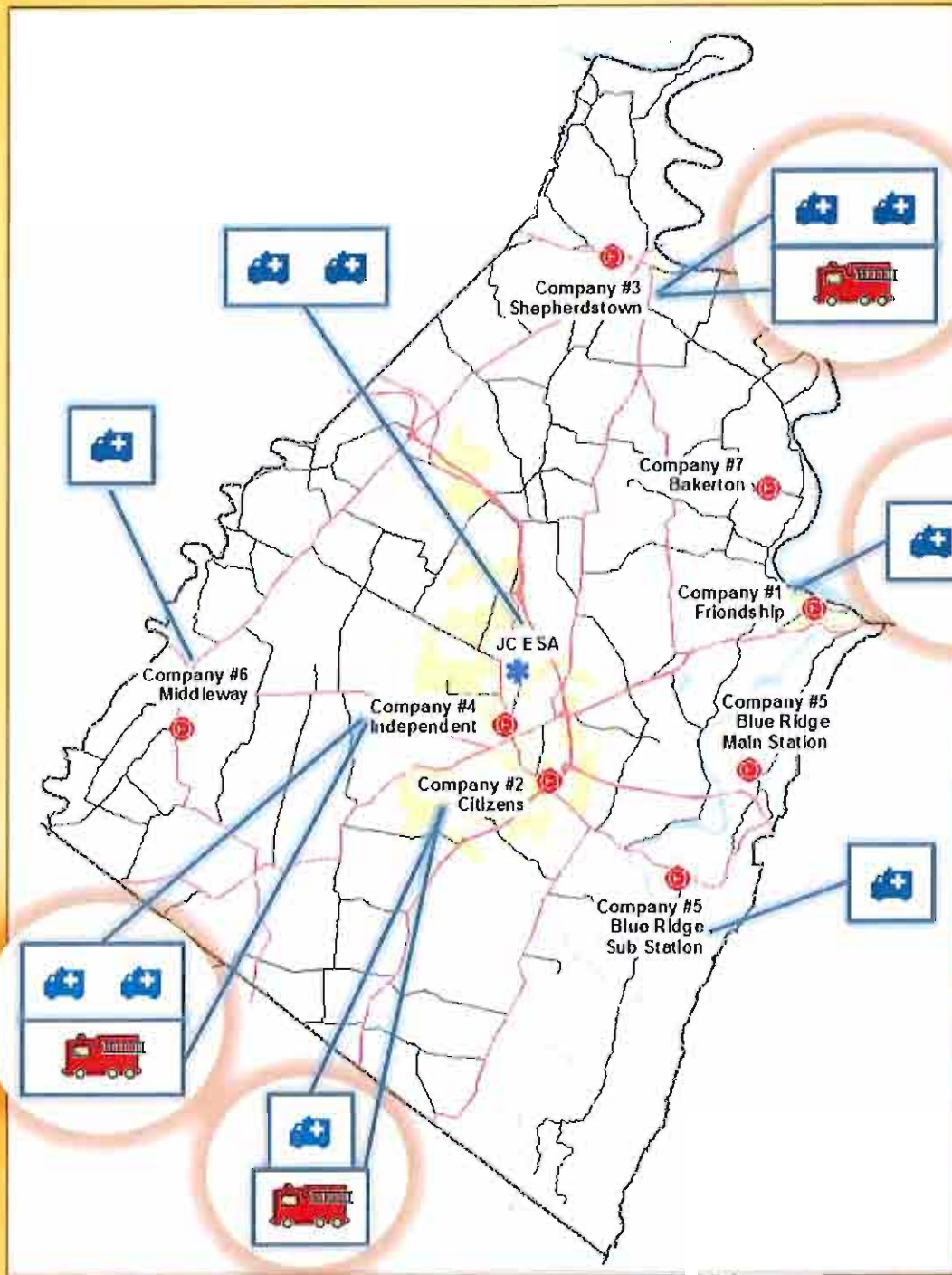
***Changes are needed  
to both the  
EMS and fire  
services***

# Proposed Change

## What the Fee Will Provide

Current Location and Staffing	Proposed New Positions	Total by Location
<b>Friendship Fire Co.</b> <b>Harpers Ferry</b> 1 EMT M-F 8a-6p	1 FF/Paramedic M-F 7a-7p	(2) 1 FF/EMT 1 FF/Paramedic
<b>Citizens Fire Co.</b> <b>Charles Town</b> 1 Paramedic Th-M 10p-8a	1 FF/EMT M-F 7a-7p	(2) 1 FF/EMT 1 FF/Paramedic
<b>Shepherdstown Fire Dept.</b> <b>Shepherdstown</b> 1 Paramedic M-Su 6a-6p	2 FF/EMT M-Su 7a-7p	(3) 2 FF/EMT 1 FF/Paramedic
<b>Independent Fire Co.</b> <b>Charles Town</b> 1 Paramedic M-Su 6a-6p	1 FF/EMT M-F 7a-7p	(2) 1 FF/EMT 1 FF/Paramedic
<b>Blue Ridge Mountain Fire Co.</b> 1 EMT M-F 8a-6p	1 FF/Paramedic M-F 7a-7p	(2) 1 FF/EMT 1 FF/Paramedic
<b>Middleway Volunteer Fire Co.</b> 1 EMT M-F 6a-4p		(1) 1 FF/EMT
<b>Bakerton Fire Co.</b> None	1 FF/EMT M-F 7a-7p	(1) 1 FF/EMT
<b>Station 11, JCESA</b> 1 Paramedic 24/7 1 EMT 24/7 1 EMT Noon-10p Sa & Su	1 FF/Paramedic M-Su 7a-7p 1 FF/EMT M-Su 7a-7p	1 Paramedic 24/7 1 EMT 24/7 1 EMT Noon-10p Sa & Su 1 FF/Paramedic & EMT M-Su 7a-7p

# Potential Operational Enhancements



# How to Fund the Increase in Budget

## Emergency Services Fee

Fee utilized by other WV counties to support EMS and Fire

	<u>Amb.</u>	<u>Fire</u>
Morgan County	\$75	\$10+
Berkeley County	\$60	\$35+
Upshur County	N/A	\$50+
Ohio County	N/A	\$50+

# Summary of 2012 State Assessor Data for Jefferson County

2012 Records estimated in county tax database	29,000
Less vacant land	-7,800
Plus mobile homes owned on rented land	900
Adjustment for outliers	-97
2012 estimated total	22,003

Assumptions – Similar to tax database excludes tax exempt entities including the USA as well as Public utilities billed by the State.

Outliers – There are locations within Jefferson County that are serviced by either Clarke or Berkeley Counties due to their location. This includes an area called Raven Rock, several locations along Route 7 as well as an area adjacent to Berkeley near the new Hospice location.

# Summary of 2012 State Assessor Data for Jefferson County

Residential	Units
0-1600 sq. ft.	9,466
1601-3000 sq. ft.	8,532
3001 + sq. ft.	3,223
<b>Total Residential</b>	<b>21,221</b>

Commercial	Units
0-2500 sq. ft.	256
2501-7500 sq. ft.	298
7501-20000 sq. ft.	173
20001-35000 sq. ft.	30
35001-50000 sq. ft.	12
50001-75000 sq. ft.	10
75001-100000 sq. ft.	3
Over 100000 sq. ft.	
<b>Total Commercial</b>	<b>782</b>
<b>Grand Total</b>	<b>22,003</b>

## How Will Monies be Collected?

Current space limitations will prohibit the Tax Office from participating in the collection initially. When that situation changes the discussion of a partnership with the Tax Office will be reopened. For now, bills will be mailed to residents and they will be able to either mail payments or visit JCESA to pay in person. JCESA will process the payments and run them through the Tax Office daily for deposit.

# How Will Monies be Managed?

All funding collected through an Ordinance approved by the County Commission are treated like any other funds authorized by the Commission.

- A budget is prepared, reviewed and approved during the Budget Cycle
- Collections will be deposited through the Tax Office
- Funding is spent in accordance with State, County and GAAP regulations
- Funding is subject to Audit by State Auditors and financial reporting is published for public review

## How Does This Impact Fire and EMS?

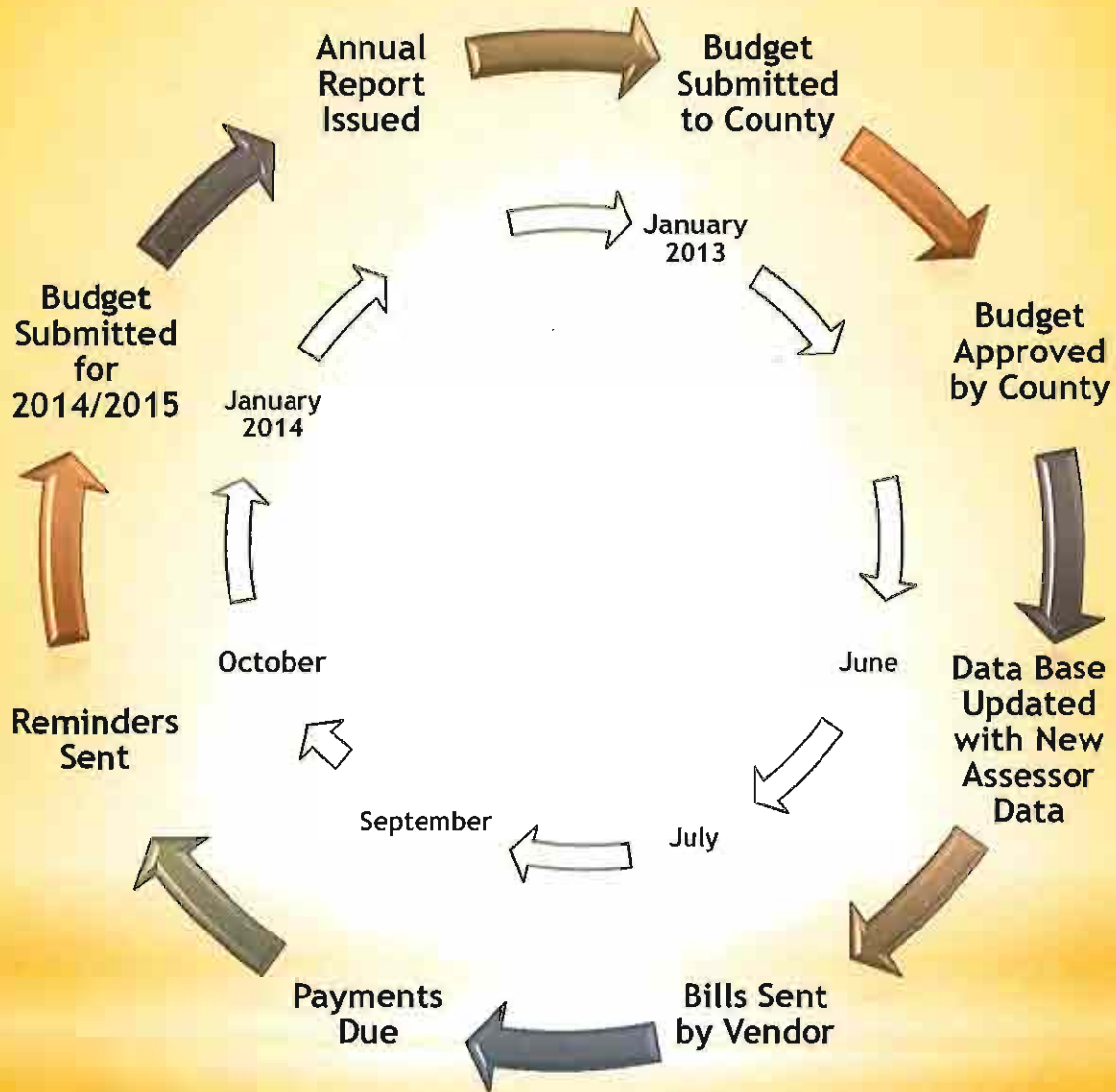
This is the next step in the migration from all volunteer Fire and EMS in Jefferson County to a partnership with the Volunteer Fire Companies which began in 1999 when the County Commission established JCESA. EMS response during day time hours, when volunteers are not as available, will be covered primarily by paid staffing augmented by Volunteers. Likewise, JCESA staffing will augment Volunteer staffing in the evening and morning hours.

Response times will improve and the number of personnel available for both EMS and Fire will increase.

# How will Jefferson County Manage Late or Unpaid Accounts?

Reminders will be sent in October and January. Fees unpaid by April 1 will be subject to collection by actions processed through the Magistrate Court that result in an encumbrance placed against the subject property until payment is made.

# The Cycle





# JEFFERSON COUNTY, West Virginia

## Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

### MEMORANDUM

**TO:** Jefferson County Commission  
**FROM:** Jennifer M. Brockman, AICP, Director, Planning and Zoning;  
Jefferson County Planning Commission;  
Jefferson County Board of Zoning Appeals  
**DATE:** May 23, 2013  
**RE:** Quarterly Report for Planning and Zoning Departments, Planning Commission  
and Board of Zoning Appeals 3<sup>rd</sup> Quarter FY 12-13 (January – March, 2013)

\*\*\*\*\*

#### 1. Projects Undertaken in 3<sup>rd</sup> Quarter (New):

- a. Zoning Map Amendments (PC):
  - No new Zoning Map amendments this quarter
- b. Conditional Use Permits/Neighborhood Compatibility Meetings (BZA):
  - No new CUPs this quarter
- c. Zoning Text Amendments (PC):
  - No new Zoning Text Amendments this quarter
- d. Subdivision Regulation Text Amendments (PC):
  - See Stormwater Management Regulations in "Projects Underway" section below
- e. Major Site Plans or Subdivisions (PC):
  - Morgan's Grove Market Early Grading Waiver Request (approved 1/8/13)
  - Morgan's Grove Market Site Plan requested determination of completeness by Planning Commission prior to submission of all required documentation (denied 1/8/13)
  - Old Route 340 Business Park CIS Amendment (approved 3/12/13)
  - Old Route 340 Business Park Subdivision Final Plat (approved 3/12/13)
- f. Zoning Certificates:
  - See Zoning Certificates pending in "Projects Underway" section below
- g. Long Range Planning:
  - Envision Jefferson 2035 (2014 Comprehensive Plan) – see progress in "Projects Underway" section below

## 2. Projects Completed (in FY 13):

### a. Zoning Map Amendments (PC)

- Land-owner initiated petition to amend the County Zoning Map for a 8.98 acre property owned by Gene Capriotti to the Residential-Light Industrial-Commercial (RLIC) zone -- Approved by County Commission 7/19/12
- Land-owner initiated petition to amend the County Zoning Map for a 2.39 acre property owned by the Bank of Charles Town located near Bolivar/Harpers Ferry to the Residential-Light Industrial-Commercial (RLIC) zone – PC PH 10/9/12; CC Public Hearing on this petition postponed at request of applicant (11/15/12)
- Land-owner initiated petition to amend the County Zoning Map for a 8.07 acre property owned by John D. Lowe located west of Shepherdstown to the Residential-Light Industrial-Commercial (RLIC) zone – PC PH 10/23/12; CC PH 1/10/13; Approved by County Commission 2/7/13
- Land-owner initiated petition to amend the County Zoning Map for a 34.27 acre property owned by John and Mike Thomas (Jefferson Asphalt Products, Inc) located west of Charles Town to the Residential-Light Industrial-Commercial (RLIC) zone – PC PH 10/23/12; CC PH 1/10/13; Approved by County Commission 2/7/13
- Land-owner initiated petition to amend the County Zoning Map for a 3.94 acre property owned by Aitcheson Family Trust (Roger and Wanda Perry) and Frederica Adkinson located southwest of Bolivar/Harpers Ferry to the Residential-Light Industrial-Commercial (RLIC) zone – PC PH 12/11/12; CC PH 1/31/13; Approved by County Commission 3/7/13

### b. Conditional Use Permits (CUP)/Neighborhood Compatibility Meetings (NCM) (BZA):

- River Country Store and Deli, 2142 Mission Road, 2.002 acres – NCM held 5/30/12; BZA Approval of CUP with Conditions 7/19/12
- Black Bear Camp and RV, 2128 Mission Road, 15.47 acres -- NCM held 5/30/12; BZA Denied CUP 7/19/12
- Rippon Brewing LLC, US 340 and Withers Larue, 2 acres – CUP Extension for 18 months, BZA Approval of CUP Extension Approved 10/18/12
- CP 12-04 issued for Sheetz Expansion 8/15/12

### c. Zoning Text Amendments (PC):

- Zoning Text Amendment regarding proposed new commercial zoning categories – recommended for approval by PC 6/12/12; CC PH 9/6/12; County Commission voted to table any action on the new categories until after the 2014 Comp Plan is completed (10/25/12)

### d. Subdivision Regulation Text Amendments (PC):

- None this Fiscal Year

### e. Approval of Major Site Plans or Subdivisions (PC):

- Morgan's Grove Market Concept Plan – 12/11/12
- Sheetz Expansion Concept Plan -- 8/14/12

### f. Zoning Certificates Approved:

- ZC 12-16 – Linda Losey; Farm Brewery and Winery; Approved 8/13/12
- ZC 12-17 – Brian Carter; Weekend Sale of BBQ in parking lot; Approved 8/15/12

- ZC 12-18 – Judy Bolyard; Antiques and home furnishings consignment; Approved 8/16/12
- ZC 12-13 – W. Lee Baihly; Food service accessory to existing river recreation nonconforming use; Approved 8/23/12
- ZC 12-20; Ron Meadows; Sale of BBQ from parking lot; Approved 8/29/12
- ZC 12-22 – Lee Ann Goldrick and Steve McKinney; convenience store including the sale of alcohol; Approved 10/5/12
- ZC 12-24 – National Humane Society (Briggs Animal Adoption Center); Pet cemetery as accessory use; Approved 10/24/12
- ZC 12-25 – Sandra Taylor; Bed and Breakfast including 3-4 receptions annually; Approved 12/6/12
- ZC 12-26 – Mark O'Dell; Shooting Range; Approved 1/18/13
- ZC 12-04 -- Jesse Morgan; Microbrewery with tasting room, pub style restaurant, store, country inn, office, 2-family dwelling; Approved 2/15/13
- ZC 13-01 – Noel Henderson; Home occupation, warehousing inventory and wholesale distribution of veterinarian supplies and pharmaceuticals; Approved 2/26/13
- ZC 13-02 – Erik Jones; Cottage Industry, Catering Business; Approved 2/28/13
- ZC 13-03 – Wayne and Renee Moore; General Store and Deli; Approved 2/22/13
- ZC 13-05 – American Towers, LLC/Dynis, Inc. (AT&T); Wireless Facility Co-location; Approved 3/7/13
- ZC 13-06 – Sunnyside Limited Partnership/Dynis, Inc.(AT&T); Wireless Facility Co-location; Approved 3/7/13

Zoning Certificates Denied:

- ZC12-14 – Michelle Krassowski; Expansion of Doggie Day care to include boarding cats; Denied 7/31/12
- ZC 12-23 – Amy Cockerille; Taxi Service; Denied 10/3/12
- ZC 12-19 -- Claude Payne, Jr; Farm Market; Denied 11/20/12
- ZC 12-21 – James and Lisa Boyer; Dog Kennel; Denied 11/20/12

g. Long Range Planning:

- US 340 East Gateway Corridor Plan -- CC Public Hearing 10/4/12; County Commission voted to take no action on the Plan at this time and informally recommended that it be forwarded to the Steering Committee for their reference 11/15/12
- Envision Jefferson 2035 (2014 Comprehensive Plan) – see progress in "projects underway" section below

**3. Proposed Projects/Underway (during the 3<sup>rd</sup> Quarter -- not completed):**

a. Zoning Map Amendments (PC):

- None

b. Conditional Use Permits/Neighborhood Compatibility Meetings (BZA):

- None

c. Zoning Text Amendments:

- None

d. Subdivision Regulation Text Amendments (PC):

- Development of stand-alone Stormwater Management Regulations (Engineering and their consultant is lead; but planning and PC input is required and the Sub Regs will require amendment)

e. Major Site Plans or Subdivisions Under Review:

- Morgan's Grove Early Grading Plans
- Morgan's Grove Market Site Plan (awaiting documents to deem it complete and scheduled Public Hearing)

f. Zoning Certificates Pending:

- ZC12-15 – The Marty Mart Group (Martha Wareing); lease parking spaces for weekend sale of seafood; TBD
- ZC 13-07 – Peter Corum/Twin Oaks; change of location of Farm Market Use; TBD
- ZC 13-08 – Frank Hardy, Sr.; change in nonconforming use; TBD
- ZC 13-09 – David Rampersaud; Thrift Shop; TBD
- ZC 13-10 – Antonio Colandrea; Continued Nonconforming Use/Convenience Store, alcohol sales, restaurant counter, video lottery, office/storage; TBD
- ZC 13-11 – Sbaba, LLC/Praveen Khurana; Change in nonconforming use; restaurant, alcohol, lottery; TBD

g. Long Range Planning:

- Envision Jefferson 2035 (2014 Comprehensive Plan):
  - Phase 1: 2014 Plan Start Up/Organization – including formation of Steering Committee and establishment of website (completed)
  - Phase 2: Existing Conditions Data Collection, Mapping and Trends Analysis – including coordination with Technical Advisory Committee (draft nearing completion)
  - Phase 3: Issues Analysis and Visioning – including 17 Lunch and Learn Session with various service providers; a series of 4 Public Input meetings in February and March; an on-line survey (Completed)
  - Phase 4: Goals and Objectives (underway – anticipated completion: August)
  - Phase 5: Plan Recommendations and Implementation Strategies (to begin in Fall 2013)
  - Phase 6: Plan Adoption (Summer – Fall 2014)

**4. Items Requiring Commission Attention (Upcoming):**

- a. Joint Meeting with Steering Committee scheduled for July 18, 2013, 7 pm
- b. Envision Jefferson 2035 – 2<sup>nd</sup> Series of Public Meetings
  - “What we Heard” from February/March Meetings; Draft Goals and Objectives Presentation and Feedback; and Initial Future Land Use Visioning exercise
  - Saturday, July 27, 2013, 9:30 am – noon, Sam Michaels Park gym
  - Tuesday, July 30, 2013, 7 – 9 pm, War Memorial Building, Shepherdstown
- c. County Fair – Envision Jefferson 2035 booth – Public Outreach and Input opportunity
  - Monday August 19 – 23; 3 pm – 7 pm

**3rd Quarterly Report -- FY 2013 Work Plan County Commission (January - March 2013)**

PRIORITY	PROJECTS	TIME FRAMES from FY 12-13 Work Plan	Status or Number Completed (July 12 -- Sept. 12)	Status or Number Completed (Oct. 12 -- Dec. 12)	Status or Number Completed (Jan. 13 -- March 13)
	Day to Day Customer Service	on-going			
	Walk in Customers - general information, zoning requests, process questions		206	147	172
	Information Request Forms		43	29	37
	Pre-proposal Conferences		4	10	11
	Zoning Certificates Processed		5 Issued/1 Denied/5 Pending	3 Issued/3 Denied/2 Pending	7 Issued/0 Denied/2 Pending
	Call-in customers - general info, zoning, questions		479	427	459
	E-mail to general planning/zoning mailboxes (note: individuals receive over 100 per month each)		1273	635	1054
	Day to Day Development Review Responsibilities:	on-going			
	Minor Site Plans		data not available at this time		
	Major Site Plans, including Concept Plans		1 (Sheetz Concept Plan)	2 (Morgan's Grove Concept Plan and Site Plan submitted)	1 (340 Business Park CIS amendment)
	Merger Deeds, Lot Line Adjustments		data not available at this time		
	Minor Subdivision Plats		2	0	3
	Major Subdivision Plats (Concept, Preliminary, Final)		0	0	1 (340 Business Park)
	Conditional Use Permits/Neighborhood Compatibility Meetings		2 public hearings (River Country Store and Deli; Black Bear Camp and RV)	1 extension request (Rippon Brewing LLC)	0
	Zoning Variances (requirements, dimensional variances, CUP Time extensions)		5	6	14
	Appeal of Zoning Administrator's Decision		1	0	
	Subdivision Waivers/Variances including requests related to time frames or requirements submittals		5	4	2
	Zoning Map Amendments (Rezoning)		4	0	0
	Staff to Planning Commission meetings, including staff reports and presentations	on-going	3 Regular Meetings 10 staff report related to land development applications	4 Regular Meetings ; 7 staff reports related to land development applications	3 Regular Meetings ; 6 staff reports related to land development applications
	Staff to Board of Zoning Appeals meetings, including staff reports and presentations	on-going	3 BZA meetings 8 staff reports for land development applications	3 BZA meetings 7 staff reports for land development applications	3 BZA meetings; 9 staff reports for land development applications
	Various non-PC and non-BZA Meetings including participation in County Commission; other agencies such as WAC, JCDA, Health Department, PSD, HEPMPO TAC, WIP II Work Group; other Region 9 Meetings as requested; and follow up meetings with applicants and their representatives	on-going	JB - 141 meetings attended; SR - 103 meetings attended; SB - 92 meetings attended	JB - 141 meetings attended; SR - 97 meetings attended; SB - 95 meetings attended	JB - 145 meetings attended SR - 105 meetings attended SB - 105 meetings attended

**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



**County Commission Offices**

**Will be closed**

**On**

**Monday, May 27, 2013**

**In Observation of**

**Memorial Day.**

NOTICE OF PUBLIC HEARING  
COUNTY COMMISSION OF JEFFERSON COUNTY

The County Commission of Jefferson County will hold a public hearing on Thursday, May 30, 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 Revised Commercial Impact Fee Language Draft Ordinance proposed by the Jefferson County Development Authority.

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

Cradled by the Potomac and Shenandoah Rivers and nestled between North Mountain and the Blue Ridge, Jefferson County is the garden of West Virginia. Over 300 farms operate in this valley of fertile soil and produce a diversity of items — fruit, vegetables, horses, dairy, beef, hogs, chickens, sheep, grain, hay, straw and an ever-broadening array of specialty items (trout, llamas, peacocks, etc.). Bring the family and spend the day visiting a sampling of our "working" farms. The sights, sounds and smells will delight both young and old.

Farm Day is a self-guided tour showcasing local, active farms. The purpose is to educate the public about farms, farmers and farmland. It is sponsored by the Jefferson County Farm Bureau, the Potomac Headwaters R. C. & D. Council, the Small Business Development Center of the Potomac and the WVU Jefferson County Extension Service.

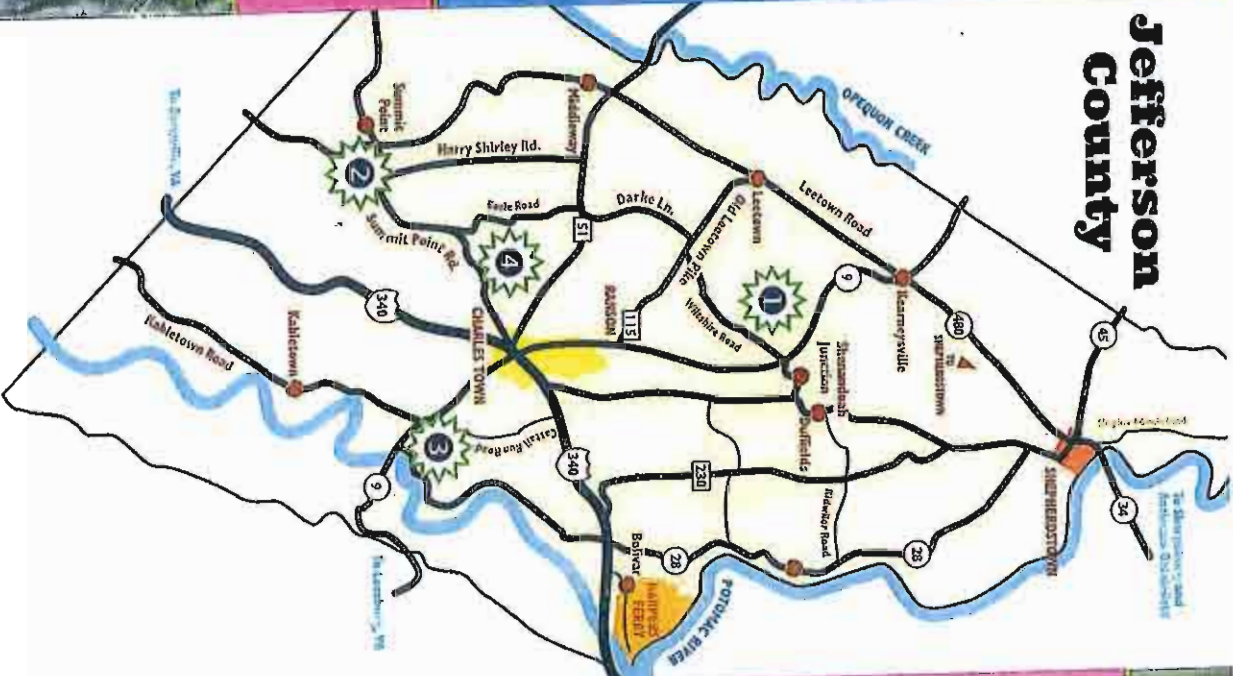
**PARENTS ARE RESPONSIBLE FOR SUPERVISING THEIR CHILDREN WHILE ON THE TOUR. PLEASE RESPECT FARMERS' PRIVACY & ONLY VISIT THE DAY OF THE TOUR.**



For more information, contact:  
 Fine Tebbi  
 364-725-4425. [fbmcom@frontier.net](mailto:fbmcom@frontier.net)  
[www.jeffersonfarms.org](http://www.jeffersonfarms.org)  
[www.jeffersonext.wvu.edu](http://www.jeffersonext.wvu.edu)



# Jefferson County



1. Appalachian Fruit Research Station
2. Dubble 'R' Farm
3. Mt. View Polo
4. O'Sullivan Farm

A Free Self-Guided Tour of Local Favorite Farms

12th Annual Jefferson County

# FARM DAY 2013

Saturday, June 15th  
 10am-5pm



# 1 APPLICHAN FRUIT RESEARCH STATION

LIMITED HOURS 10 - 1

The Agricultural Research Service (ARS) is the U.S. Department of Agriculture's chief scientific in-house research agency. Their job is finding solutions to agricultural problems that affect Americans every day, from field to table. Tour this facility that focuses on the critical problems of fruit production. Numerous research project demonstrations will be set up to showcase challenges and possible solutions. Here is the national center for stink bug research! The station employs 75, including 17 scientists and encompasses 500 acres. Dr. Michael Glenn is the Director of the Appalachian Fruit Research Station (AFRS).

From Route 9 West take the W. State Road exit and turn left at the stop sign for Old Route 9 West, Charles Town Rd. Turn onto W. State Road. Drive 0.7 mile to the main entrance with the stop sign on the right. Follow signs to parking.

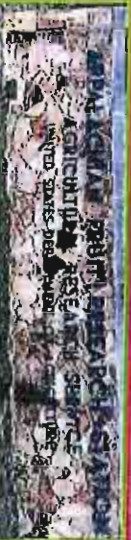
227 W. STATE ROAD, KEARNEYVILLE, WV  
www.ars.usda.gov/roa/cfr

# 2 DUBBLE 'R' FARM HOME OF PONYXPRESS PONY RIDES & PONY PLAYDATES

Suzie Binns loves horses of all sizes and shapes. Donkeys, miniature horses and Racking horses populate her farm. Suzie competes with her Racking horses and offers pony rides for kids and events. PonyXpress Pony Rides will come to your event and provide pony rides. Pony Playdates allows kids to come to the farm for pony rides and more interaction with the critters. Suzie trains her ponies to be kid friendly and the result is lots of fun plus big smiles. A cozy barn, poddocks and lighted outdoor arena support the enterprise. Bring the family to enjoy the farm plus pony rides and face painting.

From Route 9 West drive West on Route 91 W. Washington St. Turn LEFT onto "r" entrance on right Summit Point Road Travel S 5 miles and turn LEFT onto Stepien Road. The farm here is on the LEFT.

4872 STEPIEN ROAD, SUMMIT POINT  
www.dubblefarm.com & www.ponyexpress.com & Facebook



# 3 MOUNTAIN VIEW POLO

Located on Falcon Ridge, Mountain View Polo offers scenic vistas and is the only arena polo facility in the area. Opening in 2011, Laura Gaddard and Hugo Pasten offer polo lessons for all ages and experience levels, including Beginner Clinics and Summer Camps. They train thoroughbreds off the race track for sale as polo ponies or for use in lessons. A polo game will be demonstrated as well as a practice "walk through" of a game open to public participation. Come on out and learn more about polo: the horses, the equipment, the arena and the rules of the game. Visit the website for a complete schedule of open practices plus group and private lessons.

From Route 9 East of Charles Town & Route 941 turn east 0.7 mile to the stop sign for the Skyline Drive (Charles Town Road). At View Polo is on the LEFT. From EAST PALE RIDGE road take the Blommery Road and the Skyline Drive. Look for Farm Day signs.

261 FALCON RIDGE DR., CHARLES TOWN  
www.mountainviewpolo.com

# 4 O'SULLIVAN FARM

Founded in 1939, O'Sullivan Farms is West Virginia's oldest and largest Thoroughbred farm. Black board fences sculpt the landscape into 31 horse paddocks over 165 acres. The farmstead includes a breeding shed 16 stallions standing of stud this breeding season!, 72 horse stalls, farm office and a new hay storage facility. Owner Randy Furkhouser represents the farm's 3rd generation. His wife Clissy is the CPA while sons John is farm manager and Joe is racing manager and legal counsel. Stroll along the paddocks to see newborn foals and mommies, visit horses in their stalls and stop by the breeding shed.

From E. Route 9 East of West on Route 91 W. Washington St. Bear RIGHT onto "r" entrance on right onto Route 93. Turn LEFT onto Skyline Drive (Charles Town Road) and take the Blommery Road and the Skyline Drive. Look for Farm Day signs.

1504 EASLE ROAD, CHARLES TOWN  
www.osullivanfarms.com & Facebook

**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

*YOU ARE CORDIALLY INVITED TO THE DEDICATION OF  
THE NEWFLAG AND FLAG POLE AT THE  
HISTORIC BERKELEY COUNTY COURTHOUSE*

*THURSDAY, JUNE 13, 2013 AT 12:00 NOON.*

*THE PROGRAM WILL BE HELD IN THE 2ND FLOOR  
COURTROOM WITH DEDICATION OF A MEMORIAL  
PLAQUE FOLLOWING THE CEREMONY.*

*PLEASE RSVP TO THE OFFICES OF THE BERKELEY  
COUNTY COUNCIL AT (304) 264-1923 OR VIA  
E-MAIL TO [bmann@berkeleywv.org](mailto:bmann@berkeleywv.org).*



**RECEIVED**

MAY 17 2013

Jefferson County Commission

*Please note that a surprise honoring County Clerk John W. Small, Jr. will also be part of the program for the June 13<sup>th</sup> event. Your cooperation in assisting with this surprise is appreciated.*



# US 340 FOUR-LANE IMPROVEMENT STUDY: VIRGINIA LINE TO CHARLES TOWN BYPASS

## UPCOMING PUBLIC WORKSHOP AND HEARING

### Join us for an Informational Workshop and Public Hearing on the US 340 Four-Lane Improvement Study: Virginia Line to Charles Town Bypass!

WVDOH and other project representatives will be available to update you on the proposed improvements to US 340 near Rippon, answer your questions, and hear what you think. Please plan to attend this meeting and hearing.

The purpose of the Public Workshop and Public Hearing is to provide an update on the progress of the US 340 Improvement Study and to receive formal testimony on the project. Previously presented Alternatives 4, 4A, and 4B along with newly developed Alternatives 4C, 10A, 10B, and 11, which were developed based on public comments, are the focus of the workshop/hearing. Additionally, this workshop will provide information about the project history and the current study status.



There will be project maps on display. You are encouraged to examine them and discuss the project with members of the study team. Comment sheets will be available for you to provide the project team with your opinions and thoughts on this project. Official testimony will be received during the Public Hearing.

### WHEN

**Monday — June 3, 2013**

**5:00 to 8:00 PM — Workshop**

**8:00 to 10:00 PM — Hearing**

**Written comments due on or  
before Wednesday July 3, 2013**

### WHERE

**Page-Jackson  
Elementary School**

**370 Page-Jackson School Road  
Charles Town, WV 25414**

### PROJECT DESCRIPTION

The WVDOH, in conjunction with the Federal Highway Administration (FHWA), is proposing to improve the existing two-lane section of US 340 in Jefferson County from 0.5 mile southwest of the state line between Virginia and West Virginia to approximately 2 miles north of the community of Rippon in Jefferson County, West Virginia. The existing facility within the project area is a two-lane rural arterial highway with numerous access points from both residential and commercial properties. The proposed project is needed to improve traffic operations, increase capacity, eliminate deficiencies, and improve safety.

The intent of the US 340 project is to extend the existing four-lane facility of the Charles Town Bypass in Jefferson County to the existing four-lane highway in Virginia. This will result in constructing a four-lane divided highway with at-grade intersections around Rippon. The total project length is approximately 5 miles.

## We Need Your Input!

Your thoughts and questions are important to us. There are many ways you can reach us:

### Website:

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

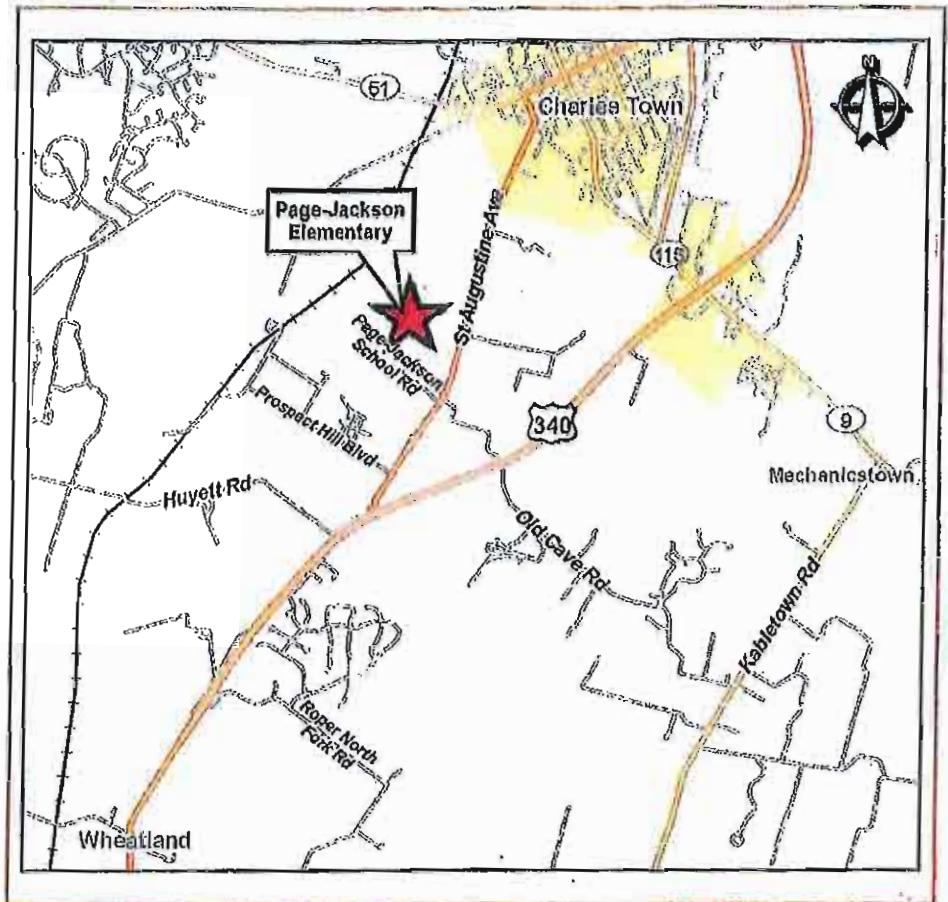
Click on "Comment on Engineering Projects", then "Open", and then click on "US 340 Project"

### E-mail:

Sondra.L.Mullins@wv.gov

### Mail:

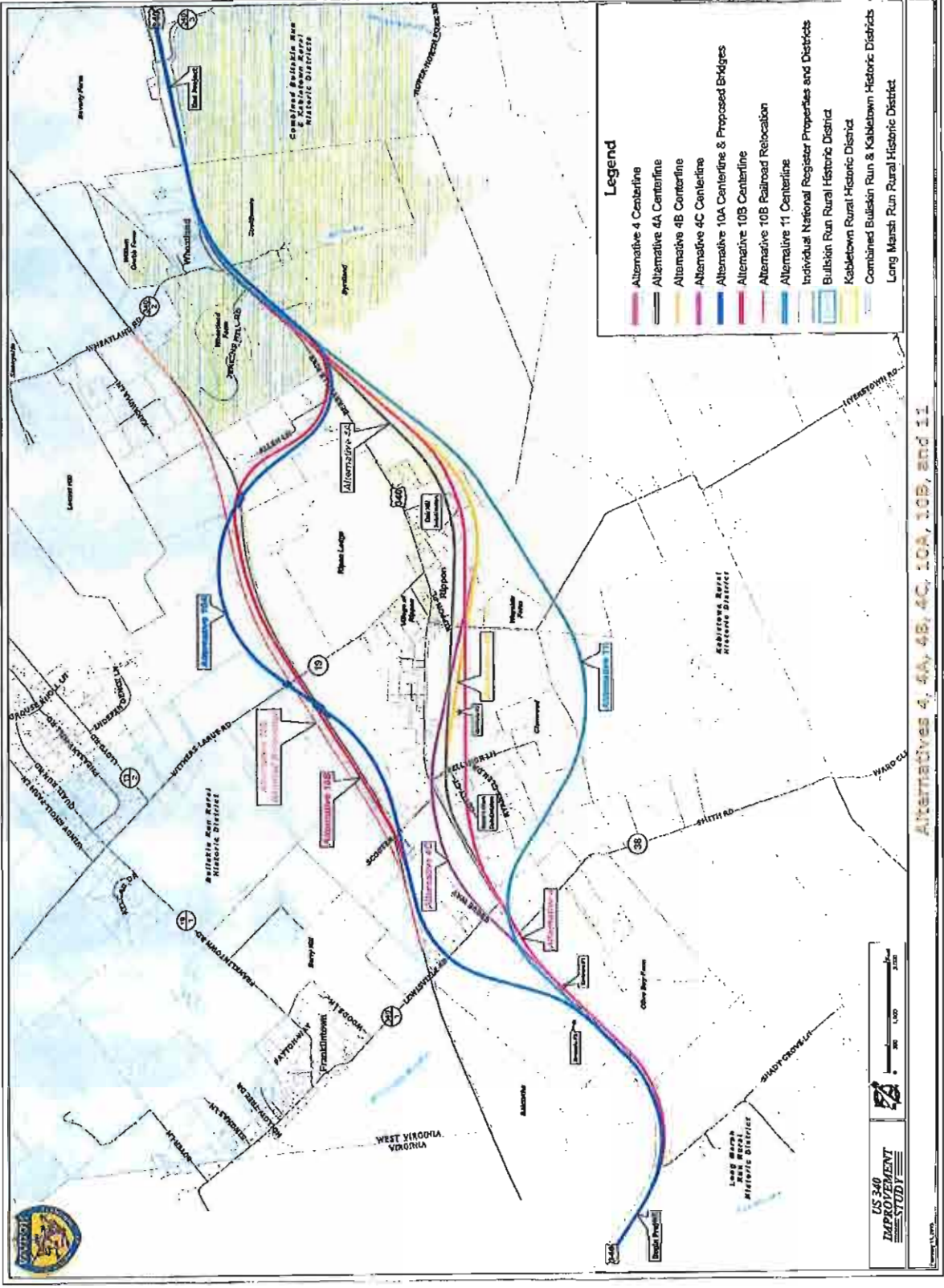
Mr. Gregory Bailey, PE  
 Director, Engineering Division  
 WV Division of Highways  
 State Capitol Complex, Bldg 5  
 1900 Kanawha Blvd East  
 Charleston, WV 25305-0430



*The West Virginia Department of Transportation will, upon request, provide reasonable accommodations including auxiliary aids and services necessary to afford an individual with a disability an equal opportunity to participate in our services, programs and activities. Please contact us at (304) 558-3931. Persons with hearing or speech impairments can reach all state agencies by calling (800) 982-8772 (voice to TDD) or (800) 982-8771 (TDD to voice), toll free.*

## CURRENT PROJECT SCHEDULE

Public Information Workshop/Hearing .....	June 3, 2013
Comments Due .....	July 3, 2013
Supplemental Draft Environmental Impact Statement (SDEIS) Approval .....	2014
SDEIS Public Meeting/Hearing .....	2014
Final Environmental Impact Statement Approval .....	2015
Record of Decision Approval .....	2015
Start Final Design .....	2015
Begin Right-of-Way .....	2016
Construction Start Date .....	2018



- Legend**
- Alternative 4 Centerline
  - Alternative 4A Centerline
  - Alternative 4B Centerline
  - Alternative 4C Centerline
  - Alternative 10A Centerline & Proposed Bridges
  - Alternative 10B Centerline
  - Alternative 10B Railroad Relocation
  - Alternative 11 Centerline
  - Individual National Register Properties and Districts
  - Bullskin Run Rural Historic District
  - Kabletown Rural Historic District
  - Combined Bullskin Run & Kabletown Historic Districts
  - Long Marsh Run Rural Historic District

US 340  
IMPROVEMENT  
STUDY

Alternatives 4, 4A, 4B, 4C, 10A, 10B, and 11

**Cindy Schott**

---

**From:** Todd Metzgar [toddmetzgar@aol.com]  
**Sent:** Friday, May 17, 2013 9:38 AM  
**To:** webmaster@jeffersoncountywv.org; cschott@jeffersoncountywv.org;  
sandy@jeffersoncountywv.org; rnosby@jeffersoncountywv.org;  
chernandez@jeffersoncountywv.org  
**Subject:** Please vote NO to the JCESA fee!

## **Your submission:**

---

**Your Name:** Todd Metzgar

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

**Subject:** Please vote NO to the JCESA fee!

**Message:** Dear Jefferson County Commission:

I am writing in regards to the proposal by the Jefferson County Emergency Services Agency (JCESA). Please do not add more fees (taxes) to the burdened residents of Jefferson County. Very few counties in West Virginia hold such a fee. And, even fewer at the cost level proposed for Jefferson County. How do they function for these same emergency services, while those counties do not even have the extra millions in revenue that our county has from the Charles Town Casino?

Since the JCESA has been created, it appears from my view of the budget that emergency services expenses have sky-rocketed.

If the expenses for emergency services are justified and actual cost reductions cannot be found in the emergency service's budget (which is very debatable given the reality of other counties across West Virginia and our county's extra revenue from gambling and impact fees), then Jefferson County should prioritize better.

Emergency services funding should take precedent over amenities or "goodwill" spending in the budget.

In any case, the burden placed on the shoulders of struggling taxpayers and families should not be increased.

I hope that you will vote no to adding this fee or extra taxation onto the citizens that you represent.

Montani Semper Liberi,

Todd Metzgar

Harpers Ferry, W.Va.



## Corporation of Harpers Ferry

1000 WASHINGTON STREET • P.O. BOX 217

Harpers Ferry, West Virginia 25425

304-535-2200 • FAX 304-535-0520

**Joe Anderson**

MAYOR • CELL 304-582-2377

**RECORDER**  
KEVIN GARDEN

**TREASURER**  
KATHRYN PAYNE

**CLERK**  
DEE ANDERSON

**COUNCIL MEMBERS**

BETSY BAINBRIDGE

JERRY HUTTON

DAN RISS

CHARLOTTE THOMPSON

GREG VAUGHN

Patsy Noland, Commissioner  
Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

May 16, 2013

Dear Ms. Noland,

I am pleased to inform you that the Harpers Ferry Town Council is recommending as candidates, Karan Townsend and John Maxey, for your consideration to represent Harpers Ferry on the Jefferson County Development Authority.

I have attached a copy of their letters of interest for this position. Ms. Townsend can be reached at (304) 702-1872, by email at [KarenTownsend@gmail.com](mailto:KarenTownsend@gmail.com) and mailing address of PO Box 1412, Harpers Ferry, WV 25425. Mr. Maxey can be reached at 304-535-2520, by email at [maxey@radlib.com](mailto:maxey@radlib.com), and mailing address of PO Box 855, Harpers Ferry, WV 25425.

Both Ms. Townsend and Mr. Maxey are local business owners in Harpers Ferry. We look forward to your decision in filling this important position.

Sincerely,



Joe Anderson  
Mayor

Attachment

**RECEIVED**

MAY 17 2013

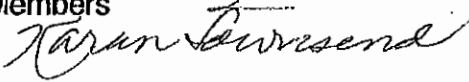
Jefferson County Commission

Historic District  
Where The Shenandoah Meets The Potomac

*The Town's Inn*  
*An inn for all seasons*  
*At the confluence of the Rivers, on the Trail,*  
*A few steps from the train station, shopping, dining*  
PO Box 1412, 179 High Street, Harpers Ferry, West Virginia 25425  
Restaurant/Shoppe: 304.535.1860 ---Lodging: 304.932.0677---Mobile: 304.702.1872  
[www.TheTownsInn.com](http://www.TheTownsInn.com)

Item 4.c  
3-11-13

TO: Mayor and Council Members  
FROM: Karan Townsend  
DATE: 4 February 2013



I would like to continue serving on the Jefferson County Development Authority (JCDA) if no one more qualified than I am is available to serve. In spite of the time and expense required to downsize the lodging business ( that is, move out of the 4-bedroom, 4,000 SF Mountain house ) and upgrade the restaurant, I faithfully attended all 2012 meetings except one and facilitated communication between the County and the Town in a positive manner. My qualifications for this job as stated in the September 2011 letter I sent to you requesting my initial appointment remain relevant in my request for re-appointment:

*"The fact that I'm so involved with running a business in Lower Town might be considered a qualification for this job since every penny of my money and minute of my time (except for that invested in my church and family) is invested in the Inn in an effort to develop a viable year-round business in Lower Town.*

*From my perspective, one of the main ways for me to create a viable business in Lower Town is to live in Lower Town and to be involved in promoting, preserving, and protecting the Town, which is why I seek to remain active as a member of the Planning Commission, Historic Foundation, Canal Town Partnership, Visioning Committee, Merchant Association, Jefferson County Partnership, CVB, etc. Attending these meetings is appealing to me and beneficial since there is so much overlap in purpose and projects. My involvement in each of these various organizations is enhanced by my involvement in the other organizations and provides a foundation for my involvement in the county through participation in the JCDA as a representative from our Town.*

*As indicated in the attached resume, my career has been focused in the area of education (public school teacher, teacher of teachers, teacher of English to Speakers of Other Languages, that is, ESOL or ESL), but I also managed my husband's law office for thirty years and worked as a real estate broker / appraiser for almost a decade. I've been not only a small business owner but also a mother (and now a grandmother) since 1975.*

*Simply running the Inn is a 24/7 job, but the success of the Inn is likely to be enhanced by what happens in the Town and the County, so I'd appreciate your consideration of my application to serve on the JCDA.*



## Data Direct Inc.

*Database support and analysis for non-profit advocacy groups*

May 2, 2013

Honorable Joe Anderson, Mayor  
Corporation of Harpers Ferry  
1000 Washington Street  
Harpers Ferry, WV 25425

Dear Mayor Anderson,

I listened in this morning on today's meeting of the Jefferson County Commission and heard the Commission's discussion of the town's recommended appointment of Ms. Karen Townsend to the Jefferson County Economic Development Authority. The Commission decided not to accept the Town's recommendation, and to instead request additional names for consideration.

I am requesting that my name be submitted to the County Commission as one of those additions. As the owner of two businesses in our town I have been very pleased with the representation Ms. Townsend has provided us and would like to see her reappointed. However, if the County Commission is looking for someone different, I believe that I could work with Ms. Townsend and the Town Council to make certain that our interests continue to be heard.

I have been an employer for over thirty years and will be starting my fifth year of operations here in historic Harpers Ferry. As a West Virginia native I have a long standing interest in economic development in our state and I would like to do what I can to help.

Thanks you for your consideration of this request.

Sincerely,

John R. Maxey  
President

712 Brucetown Road  
Kearneysville, WV 25430  
May 13, 2013

Nichelle Adams Hosby  
Executive Administrative Assistant  
Jefferson County Commission  
124 East Washington Street  
P. O. Box 250  
Charles Town, WV 25414

Dear Ms. Hosby:

You recently advised me that my current term on the Summit Point Library Committee would expire on June 30, 2013 and asked me if I would be interested in being considered for another term.

I would consider it an honor to be allowed to serve another term on this committee if the County Commission would reappoint me.

Sincerely,



Linia Overly



# Jefferson County Public Service District

RECEIVED

MAY 13 2013

Jefferson County Public Service District  
Regular Board Meeting  
April 1, 2013

Jefferson County Commission

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, April 1, 2013 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Jim Cummins; Secretary, Peter Appignani; Treasurer, Bill Strider; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemyer; Operations Manager, Joe Freeze; District Legal Counsel, Jim Kelsh; and Liaison for the County Commission, Commissioner Jane Tabb.

## CALL TO ORDER

Chairman Jim Cummins called the meeting to order at 7:00PM. There were no changes made to the agenda.

## PUBLIC COMMENTS

None.

## OLD BUSINESS

### Review Minutes of March 4 Regular Board Meeting

The minutes of the March 4, 2013 regular Board meeting were approved as presented.

**Action:** Motion made by Mr. Strider and seconded by Mr. Appignani to accept the March 4, 2013 minutes as presented. Unanimously approved.

### Update on the Water Systems Improvement Project for Glen Haven and Cavaland

- Consider Approval of Policies Required for West Virginia Water Development Authority Loan
  - o Consider Approval of Agreement with Cox Hollida Price for Additional Fees for Water System Project

Ms. Lawton informed the Board that the archeological study has been completed. There were no findings in the Cavaland subdivision, but artifacts were found in Glen Haven. The report has been sent to the West Virginia State Historic Preservation Office to determine the next steps. This may add an additional \$20,000 in project costs.

Ms. Lawton also requested the Board approve a revised cost estimate for Cox Hollida Price which needs to be submitted to the Bureau of Public Health.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Strider to approve the new agreement with Cox Hollida Price regarding the revised costs.

A brief discussion took place on the costs including the additional costs for the steps that need to be taken as a result of the archeological study findings.

**Action:** The motion was approved unanimously.

### Discussion of the District's Bylaws

Last month the District staff found the original bylaws that were established in 1985 and later revised in 1999 and 2003. The Board suggested changes they would like to see in the document. Mr. Kelsh also received comments from Roger Hanshaw, an attorney with Bowles Rice. Mr. Kelsh has updated the bylaws and provided the Board with a draft for approval. The Board would like to wait on drafting the customer liaison section until legislative decisions are made on Senate Bill 82. The District will continue to move forward with appointing a customer liaison as directed by the recent Public Service Commission order in the sewer rate case.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Strider to approve the rules of procedures or bylaws as presented with the exception of removing Article 5, Section 4 relating to the customer liaison; correct the spelling of "until" on page 5; and correct the secretary's position on Page 6, Article 6. Unanimously approved. These bylaws will go into effect immediately.

**NEW BUSINESS**

Discuss Odor and Corrosion Control Report from Siemens for the District and City of Ranson's Collection System

Ms. Lawton and Mr. Freeze have been working with Ranson and Greg Tomlinson from Siemens on the odor issues in the Districts and Ranson's service area. The District is currently using Siemens to administer bioxide at Breckenridge pump station and has proven to control odors. Greg Tomlinson from Siemens was in the audience to go over the findings of the odor and corrosion report and suggested treating pump station 3-9 and 5-1 to control odors downstream. The District has the option to treat just the odor or both odor and corrosion. The estimated increase in costs could total about \$45,000. The Board would like to pursue the suggested plan from Siemens, but would like to see if the costs can be covered under the next fiscal years budget. This item is tabled until next month.

**Action: No action taken by the Board. This item was tabled until next month.**

Discuss Solicitation of Bids for Consulting Engineer

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve the solicitation of a public notice to go out to bid for a consulting engineer.**

There was a brief discussion on the item. The District would like to solicit for a consulting engineer so staff may confer with the hired firm on a regular basis. District staff will advertise in both the Martinsburg Journal and the Spirit for a full 30 days.

**Action: The motion was approved unanimously.**

Discuss Filing Petition to the Public Service Commission for Approval of the District's Backflow Prevention Policy

**Action: Motion made by Mr. Appignani and seconded by Mr. Strider to approve the filing of the backflow prevention policy.**

There was a brief discussion on the item. In January, the Board approved the backflow prevention policy for the water systems to satisfy requirements of the Bureau for Public Health (BPH). Mr. Kelsh informed the Board that the Public Service Commission (PSC) is now requiring approval of these policies. Mr. Kelsh will file the policy with the PSC noting that it was been previously approved by BPH.

**Action: The motion was approved unanimously.**

Update on Statuses of Current Public Service Commission Cases

There were no updates given since there was no public present.

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

Discussion of any Expenses over Budget

There were no items over budget this month.

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

Disbursements

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve disbursements for Public Service District water expenses in the amount of \$13,684.30. Unanimously approved.**

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve disbursements for the Public Service District sewer expenses in the amount of \$127,816.36. Unanimously approved.**

Approve Transfer of \$3,362.39 from Sewer Security Deposit Account to Sewer Operating for Security Deposit Refunds

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve the transfer of \$3,362.39 from sewer security deposit account into sewer operating account for security deposit refunds. Unanimously approved.**

Approve Transfer of \$64.02 from Water Security Deposit Account to Water Operating for Security Deposit Refunds

**Action:** Motion made by Mr. Strider and seconded by Mr. Appignani to approve the transfer of \$64.02 from water security deposit account into water operating account for security deposit refunds. Unanimously approved.

General Manager's Report

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

Legislative Bills – The legislative bills Senate Bill 102, House Bill 2003, and House Bill 2042 have all failed to pass.

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

Operations Manager's Report

Mr. Freeze updated the Board on activities since last month's meeting.

Pump Station 1-12A – Mr. Freeze informed the Board that the pump has been replaced and installed for this pump station.

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

Public Comment

None.

Correspondence

None.

Mr. Freeze and Commissioner Tabb exited the meeting.

**Action:** Motion made by Mr. Appignani seconded by Mr. Strider to convene in executive session for the purpose of discussing litigation, personnel matters, and contract negotiations. Unanimously approved.

The Board discussed the sewer rate case agenda item first. Mr. Tuggle exited the meeting after this discussion.

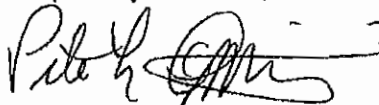
**Action:** Motion made by Mr. Appignani and seconded by Mr. Strider to return to public session. Unanimously approved.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Strider to adjourn. Unanimously approved.

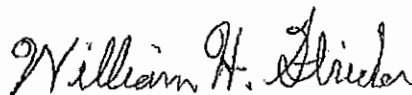
There being no further business at this time, the meeting was adjourned at 9:08PM

The next regular meeting is scheduled for Monday, May 6, 2013 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



Peter L. Appignani  
Secretary



William H. Strider  
Treasurer

**THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CHARLESTON, WEST VIRGINIA**

ABSTRACT FROM THE RECORDS OF THE  
COMMISSIONER'S ORDERS  
DATED

April 26, 2013

**DISTRIBUTION**

AW

DD

OM

DR

CP

DT

DISTRICT  
FIVE

WV STATE  
POLICE

COUNTY  
COMMISSION

Pursuant to authority vested in the Commissioner by Chapter 17, Article 2A, Section 8, of the Official Code of West Virginia, 1931, as amended, the Commissioner, upon recommendation of the District Five Engineer/Manager, and concurrence of the Director of the Program Planning and Administration Division, Director of the Maintenance Division, and the State Highway Engineer, hereby **ORDERS the ADDITION, REDESIGNATION, REMOVAL FROM INVENTORY, AND CORRECTION TO THE MAP** of the following described section(s) of highway from the Local Service System in:

**BERKELEY and JEFFERSON COUNTIES, DISTRICT FIVE**

**Item No. 1 – Addition of New WV 9:**

Beginning at a point on Old WV 9, said point being at the intersection of WV 9 and WV 45 (old mp 15.38 – new mp 52.74 Queen Street Overpass, 37.36 miles in Morgan County, 15.38 miles in Berkeley County to Queen Street – mp 52.74); thence following new WV 9 easterly for 14.13 miles to mp 66.87 (intersection of WV 9 and US 340 in Jefferson County).

Total length to be added is 14.13 miles, consisting of 4.78 miles in Berkeley County and 9.35 miles in Jefferson County.

To be assigned WV 9

Right-of-way width varies: See Plans U302-9-16.13 & U319-9-2.28

NOTE: MP 66.87 is the end of new WV 9 construction. MP 66.87 to the Virginia line is still under construction and will be added when complete.

**Item No. 2 – Re-designation of Old WV 9 and Access Road #1:**

Beginning at a point on Old WV 9, said point being the junction of CR 9/18 and new WV 115; thence westerly a distance of 0.63 following Old WV 9 to an ending at the entrance to Nakeeta Campground.

Total length to be re-designated is 0.63 mile

To be assigned Berkeley CR 9/59

Right-of-way width varies: See Plans U302-9-16.13

**Item No. 3 – Re-designation and Addition of Old WV 9 and Woodland Drive:**

Beginning at a point on new WV 115, said point being the junction of new WV 115 and CR 16/4; thence southerly following Old WV 9 for 2.54 miles to Woodland Drive; thence following Woodland Drive a distance of 0.24 mile and ending at Turtle Lane.

Total length to be re-designated and added is 2.78 miles

To be assigned Jefferson CR 115/5

Right-of-way width varies: Old WV 9 – see Plans U319-9-2.28; Woodland Drive – see Plans X319-340-4.86, sheet 19

**THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CHARLESTON, WEST VIRGINIA**

ABSTRACT FROM THE RECORDS OF THE  
COMMISSIONER'S ORDERS  
PAGE TWO

Item No. 4 – Remove From Inventory Old WV 9

Beginning at a point on Old WV 9, said point beginning at Old WV 9, mp 15.38 or new WV 9 mp 52.74 (Queen Street Overpass); thence continuing easterly with Old WV 9 a distance of 2.19 miles and ending at Old WV 9 (mp 17.57).

Total length to be removed is 2.19 miles

Item No. 5 – Re-designation and Addition of Old WV 9 and Access Road #3:

Beginning at a point on new WV 9, said point being 0.14 mile east of the junction of new WV 9 and CR 9/14; thence easterly following Old WV 9 a distance of 0.416 mile and connecting to Access Road #3; thence continuing east an additional 0.174 mile and ending at a point on CR 9/15, said point being 0.10 mile south of the junction of new WV 9 and CR 9/15.

Total length to be re-designated and added is 0.59 mile

To be assigned Berkeley CR 9/60

Right-of-way width varies: See Plans U302-9-16.13

Item No. 6 – Remove From Inventory Old WV 9:

Beginning at the intersection of new WV 9 and Old WV 9 (mp 53.69), said point being 0.14 mile east of the intersection of Berkeley CR 14 and new WV 9 (mp 53.55); thence easterly following Old WV 9 a distance of 0.416 mile,

Total length to be removed is 0.416 mile

NOTE: This 0.416 mile section of Old WV 9 has been re-designated as part of Berkeley CR 9/60

Item No. 7 – Re-designation and Addition of Old WV 9 and Opequon Connector:

Beginning at a point on Jefferson CR 8, said point being 0.21 mile northeast of the junction of CR 8 and CR 9/33; thence northwesterly a distance of 8.76 miles to an ending point, said point being 0.18 mile east of the junction of Berkeley CR 9/16 and new WV 9.

Total length to be re-designated and added is 8.76 miles

To be assigned WV 115

Right-of-way width varies: See Plans U302-9-16.13

NOTE: A total of 0.15 mile of Jefferson CR 8 has been re-designated as part of new WV 9 construction. New total length of CR 8 is 2.87 miles

**THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CHARLESTON, WEST VIRGINIA**

ABSTRACT FROM THE RECORDS OF THE  
COMMISSIONER'S ORDERS  
PAGE THREE

Item No. 8 – Addition of Charles Town Road (Access Road #2) – CR 9/61:

Beginning at a point on Charles Town Road (Access Road #2), said point being 20 feet north of the Intersection of current WV 9 and Berkeley CR 9/15; thence easterly following the access road 0.198 mile to a dead end.

Total length to be added is 0.198 mile

To be assigned Berkeley CR 9/61

Right-of-way width varies: See Plans U302-9-16.13

Item No. 9 – Correction To The Map of Berkeley CR 9/17:

Beginning at a point on Berkeley CR 9/17, said point being at the Intersection of Old WV 9 (Item No. 2) and CR 9/17; thence southerly a distance of 0.075 mile to a barricade on the north side of the controlled access line of new WV 9; thence beginning at the controlled access line of the south side of new WV 9 and travelling southerly 2.526 miles and ending at the Intersection of CR 9/19.

New total length of CR 9/17 is 2.60 miles

To be assigned CR 9/17

Right-of-way width is 30 feet

NOTE: A total of 0.08 mile of CR 9/17 has been removed from inventory due to new WV 9 construction.

Item No. 10 – Correction To The Map of Douglas Grove Road – Berkeley CR 9/16:

Beginning at a point on CR 9/16, said point being 0.72 mile north of the Intersection of CR 9/19 and 9/13; thence easterly following CR 9/16 for a distance of 2.398 miles to the junction of new WV 9 (new mp 54.71).

New total length of Berkeley CR 9/16 is 2.398 miles

To be assigned CR 9/16

Right-of-way width varies: See Plans U302-9-16.13

NOTE: A total of 0.09 mile has been added to CR 9/16 due to new WV 9 construction

**THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS  
CHARLESTON, WEST VIRGINIA**

ABSTRACT FROM THE RECORDS OF THE  
COMMISSIONER'S ORDERS  
PAGE FOUR

Item No. 11 -- Addition of War Admiral Boulevard - WV 115:

Beginning at a point on Jefferson CR 8, said point being 0.145 mile from the intersection of CR 8 and Old WV 9; thence easterly following War Admiral Boulevard 2.238 miles and ending at its intersection with CR 9/1, said intersection being 0.375 mile from old WV 9.

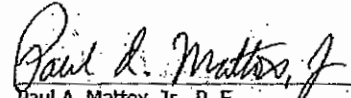
Total length to be added is 2.238 miles

New total length of WV 115 is 15.09 miles

To be assigned WV 115

Right-of-way width varies: See Plans U319-9-2.28

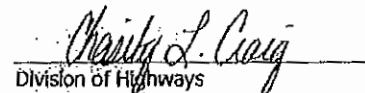
Entered this 26th day of April 2013

  
Paul A. Mattox, Jr., P. E.  
Secretary of Transportation/  
Commissioner of Highways



**STATE OF WEST VIRGINIA  
WEST VIRGINIA DEPARTMENT OF TRANSPORTATION  
DIVISION OF HIGHWAYS**

Given under my hand and seal of the Division of Highways, I hereby certify that the foregoing is a true abstract from the Orders of the West Virginia Commissioner of Highways, entered of record on April 26, 2013.

  
Division of Highways



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**Division of Highways**

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

Earl Ray Tomblin  
Governor

Paul A. Mattox, Jr., P. E.  
Secretary of Transportation/  
Commissioner of Highways

May 9, 2013

**To Whom It May Concern:**

The Statewide Transportation Improvement Program (STIP) is a financially constrained document required to show planned Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) expenditures for federal fiscal years 2013-2018. One of the requirements to funding any project with FHWA or FTA funds is that each proposed project undergoes a public "review and comment period". Therefore, additions or deletions to the STIP and certain changes to projects currently in the STIP must meet this requirement before federal funds can be obtained. Accordingly, I am again requesting your assistance in making available (to anyone who wishes to review them) the attached listing of proposed amendment to the approved 2013-2018 STIP.

All written comments are to be received no later than May 25, 2018 and should be mailed to:

Mr. Robert L. Pennington, P.E., Director  
Program Planning and Administration Division  
West Virginia Division of Highways  
Building 5, Room A-816  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0430

Should you need additional information, please call my office at (304) 558-3113. Thank you for your assistance in this matter; your efforts are indeed appreciated.

Very truly yours,

Original Signed by  
Robert C. Watson for

Robert L. Pennington, P. E., Director  
Program Planning and Administration Division

RLP:Cs

Attachment

cc: Mr. Kevin Burgess, Federal Highway Administration – w/o attachment  
Ms. Brigid Hynes-Cherin, Federal Transit Administration – w/o attachment  
Ms. Kathleen Zubrzycki, Federal Transit Administration – w/o attachment  
Ms. Susan O'Connell, Division of Public Transit – w/o attachment

**RECEIVED**

MAY 17 2013

Jefferson County Commission

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2013-2018  
PROGRAM AMENDMENT FOR 2013**

COUNTY	FFY	START DATE	END DATE	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	FEDERAL DOLLAR COST	TOTAL PHASE COST	FEDERAL COST CHANGE
<b>PROJECT COMMENTS</b>														
BOONE	2014	1		10/28/2013	NRT	ENG	NA	DARTMONT PARK WALKING TRAIL	CONST TRAIL	U303 BOONE 1 00	NRT2012677D	\$6,000	\$7,500	\$0
<b>ADD NEW PROJECT</b>														
BOONE	2014	1		4/28/2014	NRT	CON	NA	DARTMONT PARK WALKING TRAIL	CONST TRAIL	U303 BOONE 1 00	NRT2012698D	\$32,000	\$40,000	\$0
<b>ADD NEW PROJECT</b>														
BOONE	2013	1		8/28/2013	TAP	ENG	NA	MADISON MAIN ST STREETScape 2012-29	CONST SW, CROSSWALKS	U303 MADIS 1 00	TEA2012575D	\$30,000	\$37,500	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
BOONE	2014	1		5/28/2014	TAP	CON	NA	MADISON MAIN ST STREETScape 2012-29	CONST SW, CROSSWALKS	U303 MADIS 1 00	TEA2012611D	\$170,800	\$213,500	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
CLAY	2013	1		8/28/2013	STP	CON	CO00405	CAMP CREEK (AC BANK)	RESURF	S308 4/5 00001 00	ACST0046065D	\$0	\$148,000	\$0
<b>ADD NEW PROJECT</b>														
CLAY	2013	1		8/28/2013	STP	CON	CO01157	DILLE (AC BANK)	RESURF	S308 1/17 00000 00	ACST0117001D	\$0	\$71,000	\$0
<b>ADD NEW PROJECT</b>														
FAYETTE	2013	9		8/28/2013	AUG REDIST	CON	CO01913	CR 1913 RED STAR RR XING	INSTALL WARNING SYSTEM	U310 19/13 00003 00	RHPD1913002D	\$117,000	\$130,000	\$0
<b>ADD NEW PROJECT</b>														
FAYETTE	2013	9		8/28/2013	AUG REDIST	CON	CO02505	CR 255 GLEN JEAN RR XING	INSTALL WARNING SYSTEM	U310 25/5 00040 00	RHPD0255001D	\$108,000	\$120,000	\$0
<b>ADD NEW PROJECT</b>														
FAYETTE	2013	9		8/28/2013	STP	CON	CO008	FAYETTEVILLE-DEMPESEY ROAD (AC BANK)	RESURF	S310 8 00247 00	ACSTD008048D	\$0	\$609,000	\$0
<b>ADD NEW PROJECT</b>														
FAYETTE	2013	9		8/28/2013	AUG REDIST	CON	NA	MOUNT HOPE RR XING	INSTALL WARNING SYSTEM	U310 MOUNT 3 00	RHPD02013062D	\$113,400	\$126,000	\$0
<b>ADD NEW PROJECT</b>														
FAYETTE	2014	9		11/28/2013	TAP	ENG	NA	OAK HILL VIRGINIA STREET SIDEWALKS 2012	CONST SW	U310 OAKHI 5 02	TEA2012560D	\$9,600	\$12,000	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
FAYETTE	2015	9		10/28/2014	TAP	CON	NA	OAK HILL VIRGINIA STREET SIDEWALKS 2012	CONST SW	U310 OAKHI 5 02	TEA2012615D	\$54,400	\$68,000	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
GRANT	2013	5		8/28/2013	STP	CON	CO009	SOUTH MILLCREEK ROAD (AC BANK)	RESURF	S312 9 00493 00	ACST0009221D	\$0	\$575,000	\$0
<b>ADD NEW PROJECT</b>														

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2013-2018  
PROGRAM AMENDMENT FOR 2013**

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	FEDERAL DOLLAR COST	TOTAL PHASE COST	FEDERAL COST CHANGE
<b>PROJECT COMMENTS</b>														
GREENBRIER	2014	9		11/28/2013	TAP	ENG	NA	LEWISBURG US 219 NORTH SIDEWALKS 2012	CONST SW, LIGHTING	U313 LEWIS 4 03	TEA2012583D	\$45,000	\$56,250	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
GREENBRIER	2015	9		11/28/2014	TAP	CON	NA	LEWISBURG US 219 NORTH SIDEWALKS 2012	CONST SW, LIGHTING	U313 LEWIS 4 03	TEA201261SD	\$265,000	\$318,750	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
GREENBRIER	2014	9		12/28/2013	TAP	ENG	NA	RAINELLE KANAWHA AVE STREETSCAPE 2012	CONST SW, SIGNAGE, LIGHTING	U313 RAINE 4 00	TEA2012584D	\$36,000	\$45,000	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
GREENBRIER	2015	9		10/28/2014	TAP	CON	NA	RAINELLE KANAWHA AVE STREETSCAPE 2012	CONST SW, SIGNAGE, LIGHTING	U313 RAINE 4 00	TEA201262DD	\$204,000	\$255,000	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
GREENBRIER	2014	9		12/28/2013	TAP	ENG	NA	RONDEVERTE MAIN STREET STREETSCAPE	CONST SW, CURBS, DR	U313 RONCE 3 03	TEA2012585D	\$23,760	\$29,700	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
GREENBRIER	2015	9		10/28/2014	TAP	CON	NA	RONDEVERTE MAIN STREET STREETSCAPE	CONST SW, CURBS, DR	U313 RONCE 3 03	TEA201262TD	\$134,640	\$168,300	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
HAMPSHIRE	2013	5		8/28/2013	HSIP	ROW	US050	HAMPSHIRE COUNTY HIGH SCHOOL #5	INSTALL TRAFFIC SIGNAL	U314 50 01218 00	HSIP0050330D	\$45,000	\$50,000	\$0
<b>CANCEL - PHASE NOT REQUIRED</b>														
HAMPSHIRE	2014	5		11/28/2013	HSIP	CON	US050	HAMPSHIRE COUNTY HIGH SCHOOL #5	INSTALL TRAFFIC SIGNAL	U314 50 01218 00	HSIP0050324D	\$180,000	\$200,000	(\$180,000)
<b>REVISE SCOPE, COST DECREASE</b>														
HAMPSHIRE	2013	5		8/28/2013	STP	CON	WV028	PAW PAW ROAD (AC BANK)	RESURF	S314 29 03495 00	ACST0029029D	\$0	\$375,000	\$0
<b>ADD NEW PROJECT</b>														
HARRISON	2013	4		8/28/2013	STP	CON	CO048	JOHNSTOWN ROAD (AC BANK)	RESURF	S317 48 00000 00	ACST0048051D	\$0	\$225,000	\$0
<b>ADD NEW PROJECT</b>														
HARRISON	2014	4		12/28/2013	TAP	ENG	NA	NUTTER FORT SIDEWALK 2012	CONST SW	U317 NUTTE 2 02	TEA2012587D	\$12,000	\$15,000	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
HARRISON	2015	4		3/28/2015	TAP	CON	NA	NUTTER FORT SIDEWALK 2012	CONST SW	U317 NUTTE 2 02	TEA2012623D	\$52,000	\$65,000	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
HARRISON	2014	4		12/28/2013	TAP	ENG	NA	SHIRNSTON CHARLES ST SIDEWALKS 2012	CONST SW	U317 SHINN 4 00	TEA2012588D	\$27,547	\$34,434	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2013-2018  
PROGRAM AMENDMENT FOR 2013**

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	FEDERAL DOLLAR COST	TOTAL PHASE COST	FEDERAL COST CHANGE
<b>PROJECT COMMENTS</b>														
HARRISON	2014	4		7/28/2014	TAP	CON	NA	SHINNSTON CHARLES ST SIDEWALKS 2012	CONST SW	U317 SHINN 4.00	TEA2012625D	\$156,103	\$195,129	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
JACKSON	2013	3		8/28/2013	STP	CON	CO005	EVANS ROAD (AC BANK)	RESURF	\$318.5 00000 00	ACST00051360	\$0	\$270,000	\$0
<b>ADD NEW PROJECT</b>														
JACKSON	2013	3		8/28/2013	STP	CON	WV931	MT. ALTO-EVERGREEN HILLS (AC BANK)	RESURF	S318.331 00000 00	ACST0331001D	\$0	\$260,000	\$0
<b>ADD NEW PROJECT</b>														
JACKSON	2014	3		12/28/2013	TAP	ENG	NA	RIPLY SOUTH COURT STREET REVITALIZATION	CONST SW(S), LIGHTING, LANDSCAPING, C&G	U318 RIPLE 4.00	TEA2012590D	\$18,576	\$23,220	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
JACKSON	2015	3		10/28/2014	TAP	CON	NA	RIPLY SOUTH COURT STREET REVITALIZATION	CONST SW(S), LIGHTING, LANDSCAPING, C&G	U318 RIPLE 4.00	TEA2012626D	\$105,264	\$131,580	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
LINCOLN	2013	2		8/28/2013	STP	CON	WV010	BEAR CREEK TO CABELL COUNTY (AC BANK)	RESURF	S322 10 02833 00	ACST0010243D	\$0	\$240,000	\$0
<b>ADD NEW PROJECT</b>														
LINCOLN	2013	2		8/28/2013	STP	CON	WV010	BRANCHLAND TO WEST HAMLIN (AC BANK)	RESURF	S322 10 02254 00	ACST0010242D	\$0	\$250,000	\$0
<b>ADD NEW PROJECT</b>														
LINCOLN	2013	2		8/28/2013	STP	CON	CO005	GARRETT'S BEND (AC BANK)	RESURF	S322 5 00156 00	ACST0005134D	\$0	\$250,000	\$0
<b>ADD NEW PROJECT</b>														
LINCOLN	2013	2		8/28/2013	STP	CON	CO005	MUD FORK ROAD (AC BANK)	RESURF	S322 5 00000 00	ACST0005135D	\$0	\$175,000	\$0
<b>ADD NEW PROJECT</b>														
LINCOLN	2013	2		8/28/2013	STP	CON	CO007	UPPER MUD RIVER (AC BANK)	RESURF	S322 7 02282 00	ACST0007252D	\$0	\$255,000	\$0
<b>ADD NEW PROJECT</b>														
LOGAN	2013	2		8/28/2013	STP	CON	WV010	CHAPMANVILLE TO BIG CREEK (AC BANK)	RESURF	S323 10 09837 00	ACST0010244D	\$0	\$180,000	\$0
<b>ADD NEW PROJECT</b>														
LOGAN	2013	2		8/28/2013	STP	CON	WV017	ETHEL (AC BANK)	RESURF (2" HMA)	S323 17 00284 00	ACST0017098D	\$0	\$470,000	\$0
<b>ADD NEW PROJECT</b>														
LOGAN	2013	2		8/28/2013	STP	CON	CO007	GARRETT'S FORK (AC BANK)	RESURF	S323 7 00457 00	ACST0007253D	\$0	\$175,000	\$0
<b>ADD NEW PROJECT</b>														

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2013-2018  
PROGRAM AMENDMENT FOR 2013**

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	FEDERAL DOLLAR COST	TOTAL PHASE COST	FEDERAL COST CHANGE
<b>PROJECT COMMENTS</b>														
LOGAN	2013	2		8/28/2013	STP	CON	CO119/50	OLD LOGAN ROAD (AC BANK)	RESURF (1.5" HMA)	S323 119/50 00000 00	ACST0119387D	\$0	\$255,000	\$0
<b>ADD NEW PROJECT</b>														
MARION	2014	4		12/28/2013	TAP	ENG	NA	NEW TRAIL DEV, BARRACKVILLE	DEV & CONST BICYCLE/PEP TRAIL	U325 MARIO 9 00	TEA2012595D	\$33,600	\$42,000	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
MARION	2014	4		6/28/2014	TAP	CON	NA	NEW TRAIL DEV, BARRACKVILLE	DEV & CONST BICYCLE/PEP TRAIL	U325 MARIO 9 00	TEA2012595D	\$190,400	\$238,000	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
MARION	2014	4		12/28/2013	TAP	ENG	NA	PLEASANT VALLEY SIDEWALKS 2012	CONST SW, CURBS	U325 PLEAS 2 03	TEA2012633D	\$14,400	\$18,000	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
MARION	2015	4		10/28/2014	TAP	CON	NA	PLEASANT VALLEY SIDEWALKS 2012	CONST SW, CURBS	U325 PLEAS 2 03	TEA2012633D	\$97,600	\$122,000	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
MARION	2014	4		2/28/2014	TAP	CON	NA	WHITE HALL SIDEWALKS 2012	CONST SW	U325 WHITE 1 02	TEA2012632D	\$60,000	\$112,500	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
MASON	2013	1		8/28/2013	STP	CON	CO005/25	BADEN BETHEL (AC BANK)	RESURF	S327 5/25 00000 00	ACST0525006D	\$0	\$140,000	\$0
<b>ADD NEW PROJECT</b>														
MASON	2013	1		8/28/2013	STP	CON	CO009/04	BROAD RUN ROAD (AC BANK)	RESURF	S327 5/4 00000 00	ACST0094171D	\$0	\$204,000	\$0
<b>ADD NEW PROJECT</b>														
MASON	2014	1		12/28/2013	TAP	ENG	NA	MASON SIDEWALKS 2012	CONST SW, CURBS	U327 MASON 2 02	TEA2012599D	\$48,000	\$60,000	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
MASON	2015	1		10/28/2014	TAP	CON	NA	MASON SIDEWALKS 2012	CONST SW, CURBS	U327 MASON 2 02	TEA2012635D	\$272,000	\$340,000	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
MCDOWELL	2013	10		8/28/2013	STP	CON	CO009	DEY FORK ROAD (AC BANK)	RESURF	S324 9 00787 00	ACST0009220D	\$0	\$130,000	\$0
<b>ADD NEW PROJECT</b>														
MINERAL	2013	5		8/28/2013	STP	CON	CO006	KNOBLEY RD (AC BANK)	RESURF	S329 9 02204 00	ACST0006222D	\$0	\$200,000	\$0
<b>ADD NEW PROJECT</b>														
MINGO	2013	2		8/28/2013	STP	CON	CO014	CHATTAROY ROAD (AC BANK)	RESURF	S330 14 00047 00	ACST0014152D	\$0	\$190,000	\$0
<b>ADD NEW PROJECT</b>														

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2013-2018  
PROGRAM AMENDMENT FOR 2013**

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	FEDERAL DOLLAR COST	TOTAL PHASE COST	FEDERAL COST CHANGE
<b>PROJECT COMMENTS</b>														
MINGO	2013	2		8/28/2013	NHPP	CON	US052	KERMIT TO EAST KERMIT (AC BANK)	RESURF	S330 82 00155 00	ACNH0052302D	\$0	\$310,000	\$0
<b>ADD NEW PROJECT</b>														
MINGO	2013	2		8/28/2013	STP	CON	C000905	LAUREL CREEK ROAD (AC BANK)	RESURF	S330 315 00286 00	ACST0035201D	\$0	\$275,000	\$0
<b>ADD NEW PROJECT</b>														
MINGO	2013	2		8/28/2013	STP	CON	C000801	LEFT FORK OF BENS CREEK (AC BANK)	RESURF	S330 811 00299 00	ACST0081025D	\$0	\$325,000	\$0
<b>ADD NEW PROJECT</b>														
MINGO	2013	2		8/28/2013	NHPP	CON	WV080	TAMCLIFF TO VERNER (AC BANK)	RESURF	S330 80 00901 00	ACNH0080036D	\$0	\$325,000	\$0
<b>ADD NEW PROJECT</b>														
MONROE	2013	10		5/28/2013	NRT	ENG	NA	POTTS VALLEY RAIL TRAIL PHASE II	CONST BRIDGE, DR	U332 POTTS 1 02	NRT2012676D	\$3,213	\$4,016	\$0
<b>ADD NEW PROJECT</b>														
MONROE	2013	10		8/28/2013	NRT	CON	NA	POTTS VALLEY RAIL TRAIL PHASE II	CONST BRIDGE, DR	U332 POTTS 1 02	NRT2012699D	\$30,195	\$37,744	\$0
<b>ADD NEW PROJECT</b>														
MORGAN	2014	5		6/28/2014	NRT	CON	NA	NORTH BERKELEY RAIL TRAIL 2012	CONST NEW TRAIL	U333 NBRT 1 02	NRT2012661D	\$128,000	\$180,000	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
MORGAN	2014	5		12/28/2013	TAP	ENG	NA	TOWN OF BATH STREETScape 2012	CONST SW(S), CURBS, DR	U333 BATH 3 03	TEA2012603D	\$45,600	\$57,000	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
MORGAN	2014	5		8/28/2014	TAP	CON	NA	TOWN OF BATH STREETScape 2012	CONST SW(S), CURBS, DR	U333 BATH 3 03	TEA2012603D	\$212,800	\$266,000	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
PENDLETON	2013	8		8/28/2013	STP	CON	WV026	SENECA ROCKS-GRANT CO LINE (AC BANK)	RESURF	S336 26 02970 00	ACST0028082D	\$0	\$525,000	\$0
<b>ADD NEW PROJECT</b>														
PENDLETON	2013	8		8/28/2013	STP	CON	C0003	SWEEDLIN VALLEY ROAD (AC BANK)	RESURF	S336 3 01005 00	ACST0003248D	\$0	\$460,000	\$0
<b>ADD NEW PROJECT</b>														
POCAHONTAS	2013	8		8/28/2013	STP	CON	WV028	HUNTERSVILLE-DUNMORE ROAD (AC BANK)	RESURF	S336 28 00001 00	ACST0028051D	\$0	\$400,000	\$0
<b>ADD NEW PROJECT</b>														
PRESTON	2013	4		8/28/2013	STP	CON	WV026	ALBRIGHT ROAD (AC BANK)	RESURF	S336 26 01383 00	ACST0028046D	\$0	\$90,000	\$0
<b>ADD NEW PROJECT</b>														

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2013-2018  
PROGRAM AMENDMENT FOR 2013**

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	FEDERAL DOLLAR COST	TOTAL PHASE COST	FEDERAL/COST CHANGE
<b>PROJECT COMMENTS</b>														
RALEIGH	2013	10	0	8/28/2013	NHPP	CON	1064	I-64 CRACK SEAL	SEAL JOINTS & CRACKS	S341 64 12100 00	NHPP0644186DTC	\$1,285,663	\$1,285,663	\$0
<b>CANCEL - WORK PERFORMED W/ ANNUAL PLAN FUNDS</b>														
RALEIGH	2013	10	0	8/28/2013	STP	CON	CO016/74	MIDWAY ROAD (SOPHIA) (AC BANK)	RESURF	S341 16/14 00000 00	ACST1614001D	\$0	\$91,000	\$0
<b>ADD NEW PROJECT</b>														
RALEIGH	2013	10	0	8/28/2013	STP	CON	CO006/01	MIDWAY ROAD (STANAFORD) (AC BANK)	RESURF	S341 8/1 00098 00	ACST0801001D	\$0	\$62,000	\$0
<b>ADD NEW PROJECT</b>														
RALEIGH	2013	10	0	8/28/2013	STP	CON	CO006/03	MINDORA AVENUE (AC BANK)	RESURF	S341 8/3 00000 00	ACST0803001D	\$0	\$83,000	\$0
<b>ADD NEW PROJECT</b>														
RALEIGH	2013	10	0	8/28/2013	STP	CON	CO040	SHADY-WHITBY ROAD (AC BANK)	RESURF	S341 40 00000 00	ACST0040068D	\$0	\$197,000	\$0
<b>ADD NEW PROJECT</b>														
RANDOLPH	2013	8	0	8/28/2013	NHPP	CON	US033	CORRIDOR H CULVERT LINER (AC BANK)	REPAIR DRAINAGE	S342 83 77777	ACNH0033777	\$0	\$175,000	\$0
<b>ADD NEW PROJECT</b>														
RANDOLPH	2014	8	0	12/28/2013	TAP	ENG	NA	ELKINS CROSSWALK SAFETY 2012	CONST CROSSWALKS, WARNING SIGNS	U342 ELKIN 8 00	TEA2012609D	\$13,910	\$17,388	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
RANDOLPH	2015	8	0	2/28/2015	TAP	CON	NA	ELKINS CROSSWALK SAFETY 2012	CONST CROSSWALKS, WARNING SIGNS	U342 ELKIN 8 00	TEA2012642D	\$78,826	\$98,532	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
RANDOLPH	2013	8	0	8/28/2013	STP	CON	WW032	HARMAN-DRY FORK ROAD (AC BANK)	RESURF	S342 32 00000 00	ACST0032035D	/ \$0	\$300,000	\$0
<b>ADD NEW PROJECT</b>														
TUCKER	2013	8	0	8/28/2013	STP	CON	WW032	CANAAN VALLEY ROAD (AC BANK)	RESURF	S347 32 00663 00	ACST0032034D	\$0	\$500,000	\$0
<b>ADD NEW PROJECT</b>														
UPSHUR	2013	7	0	6/28/2013	RR/HWY XING	CON	CO011/02	CR 11/2 RR XING	UPGRADE CROSSING SIGNAL	U349 11/2 00318 00	RHCH0112016D	\$181,800	\$202,000	\$0
<b>ADD NEW PROJECT</b>														
WIRT	2014	3	0	11/28/2013	TAP	ENG	NA	ELIZABETH SIDEWALKS 2012	CONST SW	U353 ELIZA 3 00	TEA2012609D	\$15,149	\$18,936	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														
WIRT	2014	3	0	6/28/2014	TAP	CON	NA	ELIZABETH SIDEWALKS 2012	CONST SW	U353 ELIZA 3 00	TEA2012645D	\$85,643	\$107,304	\$0
<b>ADD NEW PROJECT (REDUCE ALLOCATION)</b>														

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2013-2018  
PROGRAM AMENDMENT FOR 2013**

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	FEDERAL DOLLAR COST	TOTAL PHASE COST	FEDERAL COST CHANGE
<b>PROJECT COMMENTS</b>														
WYOMING	2013	10		8/28/2013	STP	CON	CO010/08	KEY ROCK ROAD (AC BANK)	RESURF	S355 108 00000 00	ACST0108001D	\$0	\$95,000	\$0
<b>ADD NEW PROJECT</b>														
WYOMING	2013	10		8/28/2013	STP	CON	WV010	MATHENY-OCEANA ROAD (AC BANK)	RESURF	S355 10 03437 00	ACST0010246D	\$0	\$225,000	\$0
<b>ADD NEW PROJECT</b>														
WYOMING	2013	10		8/28/2013	STP	CON	WV010	PINEVILLE-ROCKVIEW ROAD (AC BANK)	RESURF	S355 10 02563 00	ACST0010245D	\$0	\$250,000	\$0
<b>ADD NEW PROJECT</b>														
WYOMING	2013	10		8/28/2013	NHPP	CON	WV016	WELCH-PINEVILLE WV 16 (AC BANK)	RESURF	S355 16 01011 00	ACNH0016249D	\$0	\$100,000	\$0
<b>ADD NEW PROJECT</b>														
STATEWIDE	2013	99		9/28/2013	HSIP-PENALTY	CON		HSIP-PENALTY ALLOCATION	HIGHWAY SAFETY IMPROVEMENT PROJECTS	U399 HSIP ?????	HSIP2013????D	\$5,554,520	\$6,171,689	\$0
<b>ADD NEW PROJECT</b>														
STATEWIDE	2014	99		9/28/2014	HSIP-PENALTY	CON		HSIP-PENALTY ALLOCATION	HIGHWAY SAFETY IMPROVEMENT PROJECTS	U399 HSIP ?????	HSIP2014????D	\$5,665,611	\$6,295,123	\$0
<b>ADD NEW PROJECT</b>														
STATEWIDE	2015	99		9/28/2015	HSIP-PENALTY	CON		HSIP-PENALTY ALLOCATION	HIGHWAY SAFETY IMPROVEMENT PROJECTS	U399 HSIP ?????	HSIP2015????D	\$5,665,611	\$6,295,123	\$0
<b>ADD NEW PROJECT</b>														
STATEWIDE	2016	99		9/28/2016	HSIP-PENALTY	CON		HSIP-PENALTY ALLOCATION	HIGHWAY SAFETY IMPROVEMENT PROJECTS	U399 HSIP ?????	HSIP2016????D	\$5,665,611	\$6,295,123	\$0
<b>ADD NEW PROJECT</b>														
STATEWIDE	2017	99		9/28/2017	HSIP-PENALTY	CON		HSIP-PENALTY ALLOCATION	HIGHWAY SAFETY IMPROVEMENT PROJECTS	U399 HSIP ?????	HSIP2017????D	\$5,665,611	\$6,295,123	\$0
<b>ADD NEW PROJECT</b>														
STATEWIDE	2018	99		9/28/2018	HSIP-PENALTY	CON		HSIP-PENALTY ALLOCATION	HIGHWAY SAFETY IMPROVEMENT PROJECTS	U399 HSIP ?????	HSIP2018????D	\$5,665,611	\$6,295,123	\$0
<b>ADD NEW PROJECT</b>														
STATEWIDE	2017	99		9/28/2017	NHPP-EXEMPT	CON		NHPP-EXEMPT ALLOCATION	NHPP PROJECTS	U399 ?????	HSIP2017????D	\$7,445,451	\$9,306,813	\$0
<b>ADD NEW PROJECT</b>														
STATEWIDE	2018	99		9/28/2018	NHPP-EXEMPT	CON		NHPP-EXEMPT ALLOCATION	NHPP PROJECTS	U399 ?????	HSIP2018????D	\$7,445,451	\$9,306,813	\$0
<b>ADD NEW PROJECT</b>														



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

**RECEIVED** Patricia L. Hamilton  
Executive Director

MAY 17 2013

Jefferson County Commission

To: WVACO Commissioner Board Members  
Donnie Tenney, Vice President  
Larry Barnhart  
Nancy Cartmill  
Pat Boyle  
Mike Taylor

cc: WVACO Executive Operations Committee Members  
Board Member-Elect Janice LaRue  
Danny Greathouse & Dale Manuel, WVACO Legislative Committee Members  
Vivian Parsons, CCAWV Executive Director

From: Patti Hamilton *Patti*

Re: Constitutional Issues of County Officials Compensation

Date: May 13, 2013

The WVACO Executive Operations Committee (EOC) met on Friday, May 10<sup>th</sup> and as one of the agenda items we had a brief review of the legislative session, particularly the compensation issue. The EOC recommended that I make this information available to you for discussion at the upcoming CCAWV Board meeting.

Enclosed please find:

- (1) an email from Professor Robert Bastress regarding the constitutional question of whether or not the Legislature must set county officials' salaries;
- (2) Article 6, section 38 of the WV Constitution regarding "salaries of officials cannot be increased during official term." On the back of that page are notes from court cases on the same subject;
- (3) statement of Legislative findings; WV Code §7-7-1.

Professor Bastress concludes "...the most reasonable interpretation of Article IX is that the Legislature must set the compensation for the officers specified in that Article." WVACO Legal Counsel Jack McClung has always concurred that a constitutional amendment would be required in order to change that authority to any other body, including the County Commission.

The Legislative findings that we often refer to as the "additional duties" section were passed before my time and are the basis of allowing all the salaries of all county officeholders to increase at the same time, regardless of term of office. This finding, or statement of Legislative intent, clearly states, "The new and additional duties imposed upon the aforesaid county officials by these enactments are such that they would justify the increases in compensation as provided in section four of this article, without violating the provisions of section thirty-eight, article VI of the Constitution of West Virginia."

We may already be hanging on a somewhat loose Constitutional thread with "additional duties" but certainly salary increases based on inflation or cost-of-living is not contemplated in either the Constitution nor the "additional duties" statute.

There is no one more than I who would love to find an easier way for county officials to receive a compensation increase than go to the Legislature. However, it is the opinion of our WVACo legal counsel, our EOC, and myself that we must proceed with caution on any significant change such as a cost-of-living increase provided by the County Commission due to the Constitutional constraints. If challenged in court, it is possible we could even lose the "additional duties" basis and go back to the days when salary increases could only be given at the beginning of a new term. This created situations where a newly-elected County Commissioner would make more in salary than veterans who were still in their current terms of office. It also creates disparity among those who have four-year terms and those who have six-year terms.

Thank you for consideration of this information.

**Patti Hamilton**

**From:** "Patti Hamilton" <patti@wvaco.org>  
**To:** "virginia sine" <bccircuitclerk@hotmail.com>; "virgil miller" <vmiller@upshurcounty.org>; "Sue Ann Zickefoose" <sueannzick@hotmail.com>; "Steve Keadle" <sgkeadle@assessor.state.wv.us>; "rick staton" <rick.staton@wyomingcountyprosecutor.com>; "mickey metz" <mickeymetz@dishmail.net>; "john gruzinskas" <mullgunz@hotmail.com>; "jeff waybright" <Jeff.waybright@jacksoncountywv.com>; <Janpest@aol.com>; "Jamie Six" <jamiesix@woodcountywv.com>; "Helen Phillips" <hphilli1@assessor.state.wv.us>; "Donnie Tenney" <treedr02@yahoo.com>; "donnie kopp" <dkopp@harrisoncountywv.com>; "Donnie Evans" <devans@monroecountywv.net>; "Diana Cromley" <diana\_cromley@yahoo.com>; "David Bugs" <bugstover@yahoo.com>; "jean friend" <circuitclerk17@hotmail.com>; "Chris Kessler" <ckessle1@assessor.state.wv.us>; "Chris Chiles" <cchiles@cabellcounty.org>; "C. Michael Sparks, Esq." <sparks1aw@suddenlink.net>; "Brenda Miller, Ohio County Circuit Clerk" <brenda.miller@courtswv.gov>; "bob pasley" <robert\_pasley@suddenlink.net>; "betsy castle" <betclerkwork@hotmail.com>; "Arlene Mossor" <amossor@assessor.state.wv.us>; "dana lynch" <dlynch@assessor.state.wv.us>; "tom mccomas" <twmccomas@hotmail.com>; "leckta poling" <lpoling@hotmail.com>; "nancy cartmill" <nanic524@aol.com>; "jerry linkinogger" <link@claycountycommission.com>; "larry barnhart" <tiriabutcher@yahoo.com>; "jerry berry" <jerryeberry@gmail.com>; "virginia sine" <bhutslei@berkeleycountycomm.org>; "wvaco" <wvaco@wvaco.org>; "janice cosco" <janicecosco@marioncountywv.com>; "jim childers" <james.w.childers@greenbriercounty.net>; "mel snyder" <msnyder@prestoncountywv.org>; "jamie six" <jamiesixclerk@yahoo.com>; "gerry hough" <gerryhough@frontier.com>; "patrick boyle" <patrickboyle7191@yahoo.com>; "vince shambaugh" <vince@mcsdvw.com>; "barb core" <barbara.core@courtswv.gov>; "cheryl romano" <cromano@assessor.state.wv.us>; "danny greathouse" <dgreathouse@hancockwv.org>; "steve tanner" <stanner@rcso-wv.com>; "greg vandall" <gvandall@assessor.state.wv.us>; "dale manuel" <dmanuel@frontiernet.net>; "john hawkins" <wvdeputy801@hotmail.com>; "danny greathouse" <dpgreat@yahoo.com>  
**Sent:** Wednesday, February 29, 2012 11:11 AM  
**Subject:** Fw: Setting salaries  
WVACO Board & Legislative Committee:

I posed a question to Professor Robert Bastress, WVU College of Law, after the Charleston Daily Mail article regarding whether or not the Legislature must set county officials' salaries and he graciously provided the following information:

There are several constitutional provisions that speak to your issues, and not all of the answers are totally clear. One that is clear is that the Legislature has the power to set the compensation of county officials. Any suggestion in the newspaper article that "the Constitution has been widely ignored the last one hundred years" is definitely wrong. There is no question the Legislature *may* set the salaries. Article IV, Section 8 provides that the "Legislature, in cases not provided for in this Constitution, shall prescribe . . . the duties and compensation of all public officers and agents . . ." So the legislative power to set officials' salaries is clearly there.

As I think you know, Article VIII, Sec. 9 and Article IX, Sec. 12 provide that the duties and "compensation" of the Circuit Clerk and County Clerk, respectively, "shall be prescribed by law." Technically, that could be construed to mean that either the Legislature or the county commission could prescribe the salaries "by law," but we have always interpreted the language "prescribed by law" to mean by statute by the Legislature. So, I'd say the Legislature, and only the Legislature, sets the clerks' salaries.

Article IX, Section 5 provides that the "Legislature shall provide for commissioning such of the officers herein mentioned, as it may deem proper, not provided for in this Constitution, and may require any class of them to give bond with security for the faithful discharge of the duties of their respective offices." It is not clear whether "such of the officer herein mentioned" refers to the officers mentioned in Article IX (Secs. 1 - 3 & 10-12) or only those "mentioned" in Section 5, i.e., those "not provided for in

this Constitution." The distinction is critical because the next section, Art. IX, Sec. 6, states that the Legislature "shall further provide for compensation . . . of *such* officers, and may provide for the appointment of their deputies and assistants by general laws." (emphasis added) The "such officers" clearly refers back to the Section 5 officers. So, which interpretation you give Section 5 determines whether the Legislature "shall" set the salaries of the Section 1 - 3 and 10 officers and those not provided for in the Constitution or just for the latter.

To me, the most reasonable reading of Sections 5 and 6 would be to say that the Legislature shall set the salaries of the constitutional officers and those offices created by the Legislature. It would make little sense to say that the Legislature must set the salaries for the nonconstitutional offices but not those created by the Constitution. Moreover, Section 5 makes more sense if you read its first clause as *requiring* the Legislature to commission the constitutional officers and then in its discretion, "as it may deem proper," those not provided for in the Constitution but created by law. That is reinforced by Section 6's provision that the Legislature may provide for the appointment of deputies and assistants (employees) by general law and without any requirement that their compensation be set by the Legislature. Moreover, that is what we've been doing from the get-go, so far as I know -- the Legislature sets the compensation of the officers, and the county commissions (formerly the county courts) set the pay for the county employees.

My bottom line is that the most reasonable interpretation of Article IX is that the Legislature must set the compensation for the officers specified in that Article.

I hope that helps and that you are well.

Bob

3/1/2012

## Art. 6, § 36

Note 4

The State Lottery Commission's proposals as to video lotteries is constitutionally suspect when the equipment will be owned by private enterprises rather than the State of West Virginia. Burdette, Op.Atty.Gen., April 20, 1993.

### 5. Criminal violations, generally

Possibility that, under state law, information regarding state's proposed expansion of video lottery was to be accessible to public did not foreclose insider trading charge against lottery attorney under misappropriation theory; indictment alleged that proposed expansion and award of sole-source contract for gaming equipment was in fact kept secret. Securities Exchange Act of 1934, §§ 10(b), 32, 15 U.S.C.A. §§ 78j(b), 78ff; W.Va.Code, 29B-1-1 to 29B-1-7. U.S. v. ReBrook, 1993, 837 F.Supp. 162, affirmed in part, reversed in part 58 F.3d 961, certiorari denied 116 S.Ct. 431, 516 U.S. 970, 133 L.Ed.2d 346. Securities Regulation ⇨ 60.28(13)

For purposes of federal charge of wire fraud based on allegations that lottery attorney defrauded state of his honest services, attorney functioned as compensated state employee even if he did not receive full range of benefits accorded other state employees and even though he characterized himself as contractor; attorney fell within scope of state's ethics law, and attorney had in past routinely assumed that he was public employee. 18 U.S.C.A. § 1346; W.Va.Code, 5-16-1 et seq., 6B-1-1 to 6B-1-5, 6B-1-3(b, h, i). U.S. v. ReBrook, 1993, 837

## INSTITUTION OF WEST VIRGINIA

F.Supp. 162, affirmed in part, reversed in part 58 F.3d 961, certiorari denied 116 S.Ct. 431, 516 U.S. 970, 133 L.Ed.2d 346. Telecommunications ⇨ 362

Lottery attorney had duty under West Virginia Governmental Ethics Act to refrain from disclosing confidentialities of which he became aware by virtue of his position, and alleged violation of duty by misappropriating nonpublic information regarding proposed expansion of video lottery and award of single-source contract for gaming equipment could serve as basis for federal wire fraud charge. 18 U.S.C.A. § 1346; W.Va.Code, 6B-2-5(e). U.S. v. ReBrook, 1993, 837 F.Supp. 162, affirmed in part, reversed in part 58 F.3d 961, certiorari denied 116 S.Ct. 431, 516 U.S. 970, 133 L.Ed.2d 346. Attorney And Client ⇨ 32(13)

### 6. Jury questions

Whether theater corporation in permitting persons to register without buying an admission ticket and thereby become entitled, if they were lucky, to receive a prize to be given away in a drawing during course of entertainment, along with persons who bought ticket and registered, thereby saved the "give away" night conducted weekly by theater corporation from becoming a "lottery" prohibited by statute, was a matter of legal construction for court and was not a jury question. Code, 61-10-11. State v. Greater Huntington Theatre Corp., 1949, 55 S.E.2d 681, 133 W.Va. 252. Lotteries ⇨ 30

## § 37. Terms of Office Not to Be Extended After Election

No law shall be passed after the election of any public officer, which shall operate to extend the term of his office.

### Library References

#### Key Numbers

Officers and Public Employees ⇨ 53, 54.  
Westlaw Key Number Searches: 283k53;  
283k54.

#### Encyclopedias

C.J.S. Officers and Public Employees §§ 69,  
71 to 73.

## § 38. Salaries of Officials Cannot Be Increased During Official Term

No extra compensation shall be granted or allowed to any public officer, agent, servant or contractor, after the services shall have been rendered or the contract made; nor shall any legislature authorize the payment of any claim or part thereof, hereafter created against the State, under any agreement or contract made, without express authority of law; and all such unauthorized agreements shall be null and void. Nor shall the salary of any public officer be increased or diminished during his term of office, nor shall any such officer, or his or their sureties be released from any debt or liability due to the State. Provided, the legislature may make appropriations for expenditures hereafter incurred in suppressing insurrection, or repelling invasion.

In  
Co  
Ex  
Ju  
Pu  
Pu  
Rel  
Sal  
Sal

I.  
B.  
such  
the  
pay  
hanc  
mean  
bility  
of su  
ment  
ute fr  
ing fr  
by vi  
ploym  
v. Sta  
854,  
Empl  
Unc  
for au  
based  
dance  
from n  
ity pro  
which  
against  
ing the  
7-7-3;  
Court c  
75, 158  
1971  
officers  
pose to  
power to  
during  
been ele  
time to  
6, § 38;  
v. Count  
186 S.E.  
nied. OI

115, 123 to 143.  
States ⇨ 96, 129, 178.  
Westlaw Key Number Searches: 283k100;  
283k114; 283k115; 283k123 to 283k143;  
360k96; 360k129; 360k178.

206 to 210, 229 to 236, 282 to 308.  
C.J.S. States §§ 156, 230, 232, 270.

### Notes of Decisions

In general	1
Construction and application	3
Expense reimbursement and other payments	9
Judicial salaries	7
Public officers	4
Purpose	2
Retirement benefits	8
Salary change allowed	5
Salary change not allowed	6

#### 1. In general

Bond given by a public officer providing that such officer shall faithfully discharge or perform the duties of his office and shall account for and pay over all monies which may come into his hands as such public officer is breached within meaning of statute governing condition and liability on official and other bonds, upon failure of such officer to return to appropriate governmental entity overpayments in salary, such statute in part conditioning bonds upon an accounting for and paying over of all monies received by virtue of such public officer's office or employment. Code, 6-2-3. State ex rel. Hardesty v. Stalnaker, 1981, 280 S.E.2d 697, 167 W.Va. 854, rehearing denied. Officers And Public Employees ⇨ 135

Unconstitutional portion of statute providing for automatic salary increases to county officials based upon classification of counties in accordance with assessed valuations was separable from rest of statute, and in view of the severability provision the remaining portions of statute which did not violate constitutional prohibition against increased salaries of public officials during their term of office would be upheld. Code, 7-7-3; Const. art. 6, § 38. Delardas v. County Court of Monongalia County, 1975, 217 S.E.2d 75, 158 W.Va. 1027. Statutes ⇨ 64(4)

1971 act with respect to salaries of county officers disclosed a legislative intent and purpose to confer upon county courts authority and power to increase the salaries of county officials during the terms of office to which they had been elected and to increase such salaries from time to time on a fiscal year basis. Const. art. 6, § 38; Code, 7-7-1, 7-7-3 to 7-7-6. Delardas v. County Court of Monongalia County, 1972, 186 S.E.2d 847, 155 W.Va. 776, rehearing denied. Officers And Public Employees ⇨ 100(2)

The legislature, having no unrestricted power to increase salaries of elected county officials during the terms of office for which they were elected, could not confer such power or authority upon the county courts. Const. art. 6, § 38; Code, 7-7-1, 7-7-3 to 7-7-6. Delardas v. County Court of Monongalia County, 1972, 186 S.E.2d 847, 155 W.Va. 776, rehearing denied. Officers And Public Employees ⇨ 100(2)

State auditor is not authorized or required to issue warrant for any additional amount for claim settled between building commission and contractor. Code 5-6-3, 14-2-14, subd. 5; Const. art. 6, § 38. State ex rel. C & D Equipment Co. v. Gainer, 1970, 174 S.E.2d 729, 154 W.Va. 83. States ⇨ 137

Deductions from salaries of state officers and payments to federal government out of state funds as required to be paid into social security fund under the Federal Social Security Act were valid taxes upon the state officers and upon the state as an employer and the exactions made were not a part of but separate and apart from salaries of public officers and did not increase or diminish it within constitutional provision that salary of a public officer shall not be increased or diminished during his term of office. Acts 1949, c. 123; Social Security Act, § 1 et seq., as amended, 42 U.S.C.A. § 301 et seq.; Const. art. 6, § 38, 26 U.S.C.A. §§ 1400, 1410. State ex rel. Patteson v. Sims, 1951, 65 S.E.2d 730, 136 W.Va. 106. States ⇨ 63

The constitutional provision that public officer's salary shall not be increased or diminished during his term of office cannot be dispensed with, circumvented, or ignored. Const. art. 6, § 38. Harbert v. Harrison County Court, 1946, 39 S.E.2d 177, 129 W.Va. 54. Officers And Public Employees ⇨ 100(1)

#### 2. Purpose

Purpose of constitutional provision that the salary of any public officer shall not be increased or diminished during his term of office is to protect and safeguard the independence, security and efficiency of public officers and to assure the people that public officers will give their services during their terms for the amount of compensation for which they were willing to serve. Const. art. 6, § 38. Delardas v. County Court of Monongalia County, 1972, 186 S.E.2d

## ARTICLE 7

## COMPENSATION OF ELECTED COUNTY OFFICIALS

## Section

- 7-7-1. Legislative findings and purpose.
- 7-7-2. Establishment of county in-service training programs; further additional duties for prosecuting attorney in any county in excess of two hundred thousand.
- 7-7-3. Classification of counties for purpose of determining compensation of elected county officials.
- 7-7-4. Compensation of elected county officials and county commissioners for each class of county; effective date.
- 7-7-4a. Authorizing the option of full-time status for part-time prosecuting attorneys.
- 7-7-5, 7-7-6. Repealed.
- 7-7-6a. Assessors; additional compensation; additional duties.
- 7-7-6b. Additional compensation of assessors according to county classification.
- 7-7-6c. Additional compensation of assessor.
- 7-7-6d. Collection of head tax on dogs; duties of assessor and sheriff; registration of dogs; disposition of head tax; taxes on dogs not collected by assessor.
- 7-7-6e. Collection of head tax on sheep and goats; duties of county assessors and Commissioner of Agriculture; deposit of tax collections; creation of special revenue fund; purposes.
- 7-7-7. County assistants, deputies and employees; their number and compensation; county budget.
- 7-7-7a. Limit of budget expenditures.
- 7-7-8. Assistant prosecuting attorneys; appointment and compensation; when court may appoint attorney to prosecute.
- 7-7-9. Procedure for payment of compensation.
- 7-7-10. Repealed.
- 7-7-11. Illegal orders for compensation.
- 7-7-12. Sharing compensation prohibited.
- 7-7-13. Allowance for expenses of sheriff.
- 7-7-14. Training of sheriffs and deputies; payment of expenses thereof by county court.
- 7-7-15. Allowance for expenses of prosecuting attorney.
- 7-7-16. Mileage allowance for county officials and employees.
- 7-7-16a. Public carriage.
- 7-7-17. Repealed.
- 7-7-18. Repealed.
- 7-7-19. Compliance with Economic Stabilization Act of 1970.
- 7-7-20. Penalties.
- 7-7-21. Severability.
- 7-7-22. Direct deposit of county officials' and employees' compensation into designated accounts in financial institutions.
- 7-7-23. Awarding service pistol upon retirement.

## § 7-7-1. Legislative findings and purpose

(a) The Legislature finds that it has, since the first day of January, two thousand three, consistently and annually imposed upon the county commissioners, sheriffs, county and circuit clerks, assessors and prosecuting attorneys in each county board, new and additional duties by the enactment of new provisions and amendments to this code. The new and additional duties

imposed upon them they would just this article, with the Constitution

(b) The Legislature imposed duties upon United States attorneys and county officials and, a section four of eight, article VI

(c) The Legislature total assessed per county commissioning attorneys officials is required counties. If county has no classification of on an infrequent that when such additional program and the need for same constitute tive counties real the substantial increases in compensation provisions of section

(d) The Legislature to this article at the same to be West Virginia Court of Appeals

Acts 1971, c. 23  
Acts 2002, c. 82  
March 11, 2006.

Public defenders,

Counties 69,  
Westlaw Topic 1

imposed upon the aforesaid county officials by these enactments are such that they would justify the increases in compensation as provided in section four of this article, without violating the provisions of section thirty-eight, article VI of the Constitution of West Virginia.

(b) The Legislature further finds that there are, from time to time, additional duties imposed upon all county officials through the acts of the Congress of the United States and that such acts constitute new and additional duties for county officials and, as such, justify the increases in compensation as provided by section four of this article, without violating the provisions of section thirty-eight, article VI of the Constitution of West Virginia.

(c) The Legislature further finds that there is a direct correlation between the total assessed property valuations of a county on which the salary levels of the county commissioners, sheriffs, county and circuit clerks, assessors and prosecuting attorneys are based, and the new and additional duties that each of these officials is required to perform as they serve the best interests of their respective counties. Inasmuch as the reappraisal of the property valuations in each county has now been accomplished, the Legislature finds that a change in classification of counties by virtue of increased property valuations will occur on an infrequent basis. However, it is the further finding of the Legislature that when such change in classification of counties does occur, that new and additional programs, economic developments, requirements of public safety and the need for new services provided by county officials all increase, that the same constitute new and additional duties for county officials as their respective counties reach greater heights of economic development, as exemplified by the substantial increases in property valuations and, as such, justify the increases in compensation provided in section four of this article, without violating the provisions of section thirty-eight, article VI of the Constitution of West Virginia.

(d) The Legislature further finds and declares that the amendments enacted in this article are intended to modify the provisions of this article so as to cause the same to be in full compliance with the provisions of the Constitution of West Virginia and to be in full compliance with the decisions of the Supreme Court of Appeals of West Virginia.

Acts 1971, c. 23; Acts 1972, c. 21; Acts 1996, c. 96, eff. 90 days after March 9, 1996; Acts 2002, c. 82, eff. 90 days after March 9, 2002; Acts 2006, c. 44, eff. 90 days after March 11, 2006.

**Cross References**

Attorneys, prohibition against private practice of law, see § 29-21-17.

**Library References**

West Virginia Counties §69.  
 Law Topic No. 104.

C.J.S. Counties §§ 174 to 178, 180, 183 to 187.

Notes of Decisions

In general 1

1. In general

Where statutes authorizing increases in salaries of county officials during their terms of office were unconstitutional, mandamus was proper remedy for commanding members of the county court to cease receiving and retaining payment of their official salaries as county commissioners for the amount of the attempted increase thereof and to repay all sums received in excess of the amounts of salaries previously fixed, but was not proper remedy for requiring such members to remove the excess amount from the county budget since that matter involved fiscal and administrative duties imposed by law on the State Tax Commissioner and county officials. Code, 7-7-1 et seq. Delardas v. County Court of Monongalia County, 1972, 186 S.E.2d 847, 155 W.Va. 776, rehearing denied. Mandamus ⇨ 100

1971 act with respect to salaries of county officers disclosed a legislative intent and purpose to confer upon county courts authority and power to increase the salaries of county officials during the terms of office to which they had been elected and to increase such salaries from time to time on a fiscal year basis. Const. art. 6, § 38; Code, 7-7-1, 7-7-3 to 7-7-6. Delardas v. County Court of Monongalia County, 1972,

186 S.E.2d 847, 155 W.Va. 776, rehearing denied. Officers And Public Employees ⇨ 100(2)

The legislature, having no unrestricted power to increase salaries of elected county officials during the terms of office for which they were elected, could not confer such power or authority upon the county courts. Const. art. 6, § 38; Code, 7-7-1, 7-7-3 to 7-7-6. Delardas v. County Court of Monongalia County, 1972, 186 S.E.2d 847, 155 W.Va. 776, rehearing denied. Officers And Public Employees ⇨ 100(2)

Statutes conferring upon the county courts authority and power to increase the salaries of county officials during the terms of office to which they had been elected and to increase such salaries from time to time on a fiscal year basis were invalid as violative of constitutional prohibition against increasing or diminishing the salary of any public officer during his term of office, and portions of the Act repealing the prior provisions for salaries of such officers were inseparable from the unconstitutional portions, but the portion of the act providing for in-service training programs for county officials was separable. Code, 7-1-5(1) to 7-1-5(54), 7-7-1, 7-7-1(1) to 7-7-1(55), 7-7-2, 7-7-2(1) to 7-7-2(52), 7-7-3, 7-7-3(1) to 7-7-3(52), 7-7-4, 7-7-5, 7-7-5(1) to 7-7-5(55), 7-7-6, 11-2-5, 11-2-5(1) to 11-2-5(55); Const. art. 6, § 38. Delardas v. County Court of Monongalia County, 1972, 186 S.E.2d 847, 155 W.Va. 776, rehearing denied. Statutes ⇨ 64(4)

§ 7-7-2. Establishment of county in-service training programs; further additional duties for prosecuting attorney in any county in excess of two hundred thousand

There is hereby established county in-service training programs as hereinafter set forth.

The attorney general is hereby authorized and directed to establish such in-service training programs as in his opinion will do most to assist the prosecuting attorneys in the performance of their duties. The attorney general is authorized to accept any federal aid which may be made available or any financial assistance which may be available from any private nonprofit organization for the purposes of this section. The prosecuting attorney in any county having a population in excess of two hundred thousand shall also discharge the additional duties imposed upon him by the provisions of section thirteen-a, article five, chapter forty-nine of this code.

The state tax commissioner is hereby authorized and directed to establish such in-service training programs for county commissioners, county clerks, circuit clerks, assessors, sheriffs and their assistants and employees as in his opinion will do most to modernize and improve the services of their respective offices. The state tax commissioner is authorized to accept any federal aid

which available

Each or more program

The cost of reimbursement by the act not to exceed ten percent of the Act 197

W as c

County Westlaw C.J.S. C

In general Validity

1. Validity

Statutes authority in county office which the such salary basis were prohibited the salary of office, prior provisions were inseparable from the service training was separ 7-7-1, 7-7-2(52),

§ 7-7-

(a) For officials, seven classes, seven classes, follows:



**WARN NOTICE TO CHIEF ELECTED OFFICIAL OF LOCAL GOVERNMENT**

**DATE: May 15, 2013**

**VIA EXPRESS MAIL**  
**AND FACSIMILE**

Dale Manuel, President  
P.O Box 250  
124 E. Washington Street,  
Charles Town, WV 25414

Dear President Manuel:

This letter is to inform you that Chenega Aerospace, LLC will close its facilities located at 409 & 600 Coast Guard Drive; Kearneysville, WV and Route 1, Box 160; Shepherdstown, WV. This action is expected to be permanent as the entire facility will close. However, most, if not all, employees have been offered positions with successor contractor (company) on this government contract.

Enclosed is a listing of the job titles of the positions to be affected and the number of affected employees in each job classification. All employee separations will take place during on July 15, 2013.

There are no bumping rights at this location.

The affected employees at this facility are not represented by any union.

You may contact Melissa Boone, Vice President, People Strategy, at (703) 822-2872 for further information.

Very truly yours,

A handwritten signature in cursive script that reads "Greer Thomas".

Greer Thomas

On behalf of Melissa Boone

Vice President, People Strategy

Enc.



<b>Position Title</b>	<b>Number of Employees in Job Classification</b>	<b>Separation Date</b>	<b>Work Location</b>
Guard I	1	July 15, 2013	409/ 600 Coast Guard Drive; Kearneysville, WV
Guard II, Armed	2	July 15, 2013	409/ 600 Coast Guard Drive; Kearneysville, WV
Police Officer I	24	July 15, 2013	409/ 600 Coast Guard Drive; Kearneysville, WV
Project Manager	1	July 15, 2013	409/ 600 Coast Guard Drive; Kearneysville, WV
Shift Supervisor	1	July 15, 2013	409/ 600 Coast Guard Drive; Kearneysville, WV
Police Officer	7	July 15, 2013	Route 1, Box 160; Shepherdstown, WV
Shift Supervisor	1	July 15, 2013	Route 1, Box 160; Shepherdstown, WV



A publication of The County Commissioners' Association of West Virginia - Volume 14, Number 11 - April 2013

### **CCAWV Plans 2013 Spring Board Meeting in Parkersburg...**

It's time to make plans to attend the County Commissioners' Association of WV's Spring Board and Legislative Committee meeting scheduled for May 19-20, 2013, at the Blennerhassett, Parkersburg, WV. This is a beautiful facility with a lot of nice amenities for your pleasure.

The Meeting will start on Sunday, May 19, 2013 at 3:30 p.m. with a Legislative Wrap up. There will be Dinner at 7:00 Columbus Italian Restaurant.

We will be starting the CCA Board meeting on Monday at 9:00 a.m. and concluding at 4:00 p.m.

We would like to encourage everyone to attend. CCAWV Board meetings are always open to our membership. If you have any questions, please give us a call.

### **Statewide Courthouse Assessment Program**

The Statewide Courthouse Assessment project, funded by the West Virginia Courthouse Facilities Improvement Authority, is well underway in its sixth month and is going extremely well. Charleston-based Silling Associates Architects is leading an assessment team of experienced courthouse architects, engineers, and historic preservation consultants for the project. With thirty five of the county courthouse assessment visits completed (as of February 15th), the assessment team is gearing up for the remaining twenty county courthouses and anticipate completion of assessment tours in June of 2013.

In the process, Silling Associates is employing a highly regimented and thorough analysis of each of our state's county courthouses to identify and prioritize various building deficiencies consistent with the WVCFIA grant process, offer recommendations for improvements, and assist in developing project budgets. Issues that are being addressed include: life safety, structural, roof, electrical/data, exterior, interior, HVAC/plumbing/fire protection, doors and windows, and ADA accessibility.



County commissioners, administrators, and courthouse maintenance staff throughout the state are all to be commended for their involvement, collaboration, and valuable input during the assessment team's visits. These counties and their staff have made great efforts in accommodating the team's architects and engineers, allowing them to gain access to roofs, clock and bell towers, cupolas, and truly incredible attic spaces. Each and every courthouse offers its own unique "story"—whether it be historical significance, its architectural style, and/or the various and unique ways they were designed and constructed years ago. This assessment, through the support of the WVCFIA, is intended to preserve what we all cherish and appreciate in our county courthouses.

As the assessment process nears its completion this summer, every county will receive a copy of their Courthouse Assessment Report—a master plan so to speak—that will provide an easy to use "roadmap" for future CFIA grant applications and courthouse improvement strategies complete with narrative analysis, photographs, project recommendations, and cost estimates. For questions or more information regarding the Statewide Courthouse Assessment, contact Mike Moore with Silling Associates Architects at (304)346-0565 or Melissa Smith with the WVCFIA at (304)558-5435.

## DIRECTOR'S DISCUSSION WITH VIVIAN PARSONS

Another legislative session enters the history books! Over 1800 bills were introduced in the regular session, but only 215 bills actually made it through both houses and have been sent to the Governor for signature. Following the close of the regular session on April 13th at midnight, the Governor called a special session that ended on April 19th and produced 5 more bills for the Governor to sign.



A couple of bills passed that we believe will provide some positive relief to county regional jail costs, CCAWV's number one priority for 2013.

SB 146 will allow personal income tax refunds to be held for the non-payment of court costs and SB 371 the Governor's prison overcrowding bill. SB 371 will do several things including establishing drug courts in all 55 counties. The expense of the drug courts will be under the WV Supreme Court and the cost of participating in the drug court versus the regional jail will be much less for counties.

A last minute change will allow sentencing judges to decide if non-violent offenders should get out of jail six months early (rather than an automatic six-month early release). Because of this change, the projected savings for next year could be reduced from \$27 million to \$18 million, but still some positive change. As bills are signed by the Governor and final copies are available, I will summarize all those that are important to county government...keep watching for them.

## PRESIDENT'S MESSAGE BY TIM MCCORMICK



No you haven't been drafted!!!!

Younger commissioners may need to speak to one of their "more experienced" commissioners to truly understand that!!! The legislative session is over and I think there are a bunch of people that are breathing sighs of relief. We lost on some bills, but we won on some bills too. It appears we may get some relief from the jail bills due to a couple of bills that did make it. I would personally like to thank Vivian, Jim Bowen, our legislative committee and any and all commissioners that

visited the capitol, emailed, called or otherwise brow beat their representatives to further our cause!!

Vivian and Jim did an outstanding job of representing this organization and defending our views and again, I would like to thank them very, very much. We have our Board meeting coming up in Wood County at the Blennerhassett. I hope to see everyone there and be prepared for some lively discussion. We need to start mapping our legislative ideas now so we can be ready for the next session. Once again, thanks to all that helped during this past session, and stay healthy!!!!

2012-2013

## Board of Directors

### President

Tim McCormick, Ohio (234-3628)

### Vice-President

Nancy Cartmill, Cabell (526-8634)

### Immediate Past President

Ron Watson, Harrison (624-8500)

### Ex Officio Member(s)

Joe Coburn, Mercer (487-8306)

### District 1-- Western Division

Don Mason, Marshall (845-0482)

John Stender, Tyler (758-2102)

Danny Greathouse, Hancock (564-3311)

### District 1 -- Eastern Division

Chair: Janice LaRue, Mineral (788-5921)

Bernie Fazzini, Harrison (624-8500)

### District 2 -- Western Division

Agnes Queen, Lewis (269-8200)

Jerry Linkinogor, Clay (587-4259)

### District 2 -- Eastern Division

Chair: Mike Taylor, Randolph (636-2057)

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

Donnie Tenney, Upshur (472-0535)

### District 3 -- Western Division

Chair: Mickey Brown, Boone (369-1561)

Rick Handley, Mason (675-1110)

### District 3 -- Eastern Division

Chuck Armentrout, Webster

(847-5780)

Jack Woodrum, Summers (466-7100)

Denise Scalph, Fayette (574-4290)

### CCAWV

2309 Washington Street East

Charleston, WV 25311

(304) 345-4639

[info@ccawv.org](mailto:info@ccawv.org)

Vivian Parsons

**Executive Director**

[vivian@ccawv.org](mailto:vivian@ccawv.org)

Jennifer Webb

**Administrative Assistant**

[jennifer@ccawv.org](mailto:jennifer@ccawv.org)

## Spotlight on a County Commission: Roane County

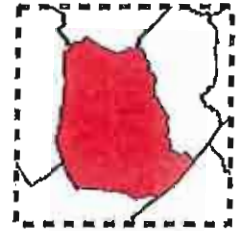
**Crowning achievement:** Complete renovations on Camp Sheppard 4-H Camp.

**Biggest debacle or most embarrassing moment:** Public arguments between Sheriff and Commissioner.

**Best advice for other County Commissions:** Listen more than you speak.

**Funniciest thing to ever happen at a commission meeting:** Commissioner's face turning red as her hair.

**Commission Staff:** Jennifer Randolph, Administrator



**Rodney D. Cox**

**Place where I grew up:** Summersville, WV.

**Real Life Occupation:** Assistant Treasurer.

**Years Experience as a County Commissioner:** 10 years.

**You would be surprised to know that I:** Play bagpipes and Scottish highland dancing.

**My personal philosophy:** "Few people scratch the surface, much less exhaust the contemplation of their own experience"-Randolph Bourne.

**What I like most about being a County Commissioner:** Seeing projects from their inception to completion.

**What I like least about being a County Commissioner:** Limited funding for unlimited wants and needs.

**Who I would invite (living or dead) to the next County Commission meeting and what I would discuss:** My Grandfather, Rex Bell, to discuss growing up in the Depression in Southern WV.



**Gary Mace**

**Place where I grew up:** Spencer, WV.

**Real Life Occupation:** Insurance.

**Years Experience as a County Commissioner:** 2 years

**You would be surprised to know that I:** am retired military.

**My personal philosophy:** Give everything you do 100%.

**What I like most about being a County Commissioner:** The opportunity to help your community.

**What I like least about being a County Commissioner:** Board of Review and Equalization.



**Melissa O'Brien**

**Place where I grew up:** Gallipolis Ferry, WV.

**Real Life Occupation:** Chief Tax Deputy (23 years).

**Years Experience as a County Commissioner:** newly elected

**You would be surprised to know that I:** raise lamb and feeder calves.

**What I like most about being a County Commissioner:** Newly elected so it is all great!

**What I like least about being a County Commissioner:** Nothing yet.

**Who I would invite (living or dead) to the next County Commission meeting and what I would discuss:** My father, Jack Sturgeon. He loved and cared about Mason County.

**CCAWV Executive Director, Vivian Parsons chosen to attend NACO County Leadership Institute...**

The National Association of Counties announces its class for the 2013 County Leadership Institute!



*The Voice of America's Counties*

Twenty-Four county leaders from across the

United States have been selected to participate in the Tenth Annual County Leadership Institute, a rigorous four-day program offered in partnership with Cambridge Leadership Associates. The leadership program will take place June 2-6, 2013 in Washington, DC.

The Institute, now in its tenth year, has graduated well over 200 members from 44 states and 172 counties across the country. Known for enhancing the capacity of county officials to identify and implement innovative solutions to the complex challenges facing county government in the 21st century, this year's program will focus closely on the demands of personal leadership in a new era of government, one characterized as a "permanent crisis" by CLI Program Developer and Cambridge Leadership co-founder Marty Linsky.

These county leaders not only discuss the core principles of public service leadership with prominent experts, they also collaborate intensively with each other to develop new ways to attack real-life issues of importance to the citizens of their counties.

**Congratulations to the CLASS of 2013!**



**Calendar of Events.**

**May 19-20, 2013**  
CCAWV Spring Board Meeting  
The Blennerhassett  
Parkersburg, WV

**July 19-22, 2013**  
NACO Annual Conference  
Terrant County, Fort Worth, TX

**August 4-7, 2013**  
CCAWV Annual Meeting  
Stonewall Resort  
Lewis County, WV

**DID YOU KNOW?**

**\$500 MILLION**  
IN SAVINGS

**40 MILLION**  
PRESCRIPTIONS FILLED

**SAVINGS UP TO 75 PERCENT**

**65 THOUSAND**  
PHARMACIES



The **NACO Prescription Discount Card Program** provides your county with unlimited cards, and materials to build program awareness wherever your county chooses. In addition, cards can be printed by residents directly from [www.nacord.org](http://www.nacord.org). Is [nacord.org](http://nacord.org) on your county website?

Cost to you to provide this level of service to your residents? **ALWAYS ZERO.**

To learn more about the program or to request assistance with your current program, go to [www.naco.org/drugcard](http://www.naco.org/drugcard), call 1-888-407-6226 and ask for "membership" or scan the QR code.

CCAWV endorsed program.

\*Average savings 24%. Savings may vary by drug and by pharmacy. Directed by CVS Caremark. This is NOT insurance. Discounts are only available at participating pharmacies. ©2012 NACO



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

# Country Roads & City Streets

WV Local Technical Assistance Program

Spring 2013

Benjamin M. Statler College of Engineering & Mineral Resources

Vol. 28 No. 1

## WV LTAP EQUIPMENT LOAN PROGRAM

Kim Carr and Andrew Morgan, WV LTAP

Have you ever thought it would be nice to know how many vehicles are being driven on your city streets or how many people use your town's sidewalks or designated pedestrian trails? In addition to just being nice information to have, collecting and analyzing data can help your agency prioritize safety, maintenance, and development needs. Data helps roadway managers make informed decisions when prioritizing projects and deciding on the type and level of work that should be done. For instance, collecting vehicular data may include gathering and analyzing traffic volumes, vehicle types and weights, traffic speeds, and turning movements. Data of this sort could help with everything from deciding whether or not to re-time a traffic signal or add a turn lane to justification for installing, or not installing, traffic calming devices, such as speed humps. Collecting pedestrian data and knowing where people walk can assist in determining where sidewalks should be added or improved. Having a better understanding of what is currently occurring is beneficial for future planning and helps provide a better service to motorists and pedestrians in your area.

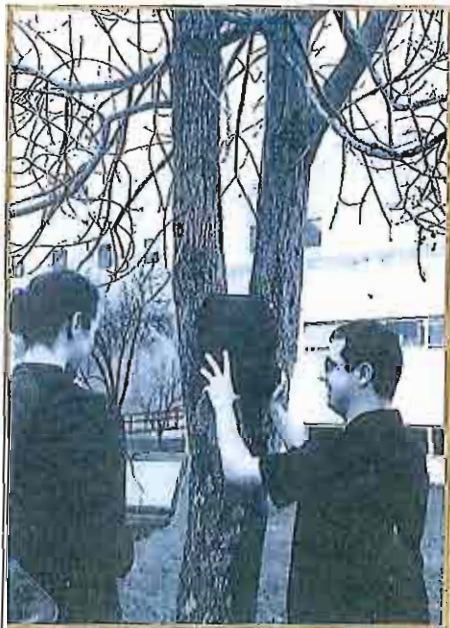


Photo by WV LTAP

Stephanie Spangler and Andrew Morgan, WV LTAP staff, attach a radar recorder to a tree with an unobstructed view of the street where traffic data will be collected.

### HOW CAN WV LTAP HELP?

WV LTAP has a series of tools that can assist you in getting the information you need.

#### RADAR RECORDERS

The WV LTAP currently has two radar recorders which are excellent at collecting traffic data on two-lane roads. These traffic counters collect data on the number of cars being driven on your roadways, along with their size and speed. Unlike traditional traffic counters, these devices are attached to utility poles or trees and use radar so there is no need to put sensors or long tubes in the road. By keeping the equipment out of the road, the recorder is able to collect more accurate information, as drivers often change their driving patterns when they see traffic counting tubes or sensors on the roadway. More importantly though, it keeps workers out of the road during setup, making the process quicker and much safer.

continued on next page

West Virginia University



### IN THIS ISSUE

Pages 1 and 2

WV LTAP Equipment Loan Program

Pages 3 and 6

The Proof is in the Proofreading

Pages 4 & 5

Innovative Idea from North Dakota: Large Tire Trailer Transport

Page 6

Road Sleuth Information Sheet *Roundabout Myth*

Page 7

Spring 2013 Street Smarts Contest

Check out the WV LTAP Facebook Page

Roadway Fun Facts

Page 8

WV LTAP Roads Scholar I and II Graduates

*Country Roads & City Streets* is typically published quarterly. The purpose of this newsletter is to provide information that is beneficial to decision makers, elected officials, and roadway construction, maintenance, and management personnel.

The material and opinions included in this newsletter are those of the West Virginia LTAP and do not necessarily reflect the views of the Federal Highway Administration or the West Virginia Department of Transportation. Every effort has been made to ensure the integrity and accuracy of both original and borrowed material; however, the West Virginia LTAP does not assume responsibility for any information that is found to be incorrect.



The West Virginia LTAP is part of the National Local Technical Assistance Program, which is funded by the Federal Highway Administration. West Virginia LTAP also receives funding from the West Virginia Department of Transportation.

#### MISSION:

The mission of the WV LTAP is to foster a safe, efficient, and environmentally sound surface transportation system by improving skills and increasing knowledge of the transportation workforce and decision makers.

To help achieve this mission, training, demonstrations, personalized technical assistance, and resource materials are provided.

## TURNING MOVEMENT COUNTERS

Unlike radar counters, **turning movement counters** are manual devices which require someone to operate the device during the entire count period. These counters are good when you have a problematic intersection, and you want to better understand how vehicles and pedestrians travel through the intersection. You can use the counters to determine how many vehicles turn at an intersection, or how long vehicles wait, on average, at a stop sign. The WV LTAP currently has two of these devices available for loan.

## INFRARED TRAIL COUNTERS

**Infrared trail counters** can be used to collect information on pedestrian and bicycle traffic on trails, paths, and sidewalks. These counters use an infrared beam that is able to detect warm, moving objects. Through this technology, the infrared counter is able to detect and count the number of pedestrians and cyclists that pass a specific location. The WV LTAP has three trail counters available for loan.

## WV LTAP MUST BE SELLING THEIR SERVICES NOW, RIGHT? WHAT'S THE CATCH?

The loan program is a free service offered by the WV LTAP program, primarily to agencies in West Virginia that own or maintain our state's roads, streets, and trails. As part of the program, a WV LTAP staff member brings the equipment to your site and instructs the agency's employees on correct usage. The agency takes responsibility for ensuring that the equipment is returned in the same condition in which it was provided.

All of our counting equipment is rugged, weatherproof, and easy to use. For more information on the WV LTAP equipment loan program, please contact Kim Carr at 304-293-9924 [Kim.Carr@mail.wvu.edu](mailto:Kim.Carr@mail.wvu.edu) or Andrew Morgan at 304-293-9939 [Andrew.Morgan@mail.wvu.edu](mailto:Andrew.Morgan@mail.wvu.edu).



Stephanie Spangler is using a turning movement counter, like the one shown here, to collect vehicle turn data at this intersection.



Photos by WV LTAP



Photo by WV LTAP

This is one of the infrared trail counters and metal storage boxes available for loan from the WV LTAP.

## THE PROOF IS IN THE PROOFREADING

Klim Carr and Ashley Collins, WV ITAP

Proofreading is an essential part of writing. The perfect business correspondence, whether it is a letter, memo, email, text message, etc., is more than just getting your thoughts written down. Proofreading greatly enhances the quality of your writing, helping you project a positive tone, increasing your credibility, and conveying your message clearly and concisely.



### GENERAL PROOFREADING TIPS:

- **Concentrate.** Get rid of distractions as best as you can and proofread in a quiet place.
- **Don't rely solely on spell checkers and grammar checkers.** While they are good support tools, they are not a substitute for proofreading. If you have common words you always misspell, make sure to pay extra attention to these.
- **Step away from your document.** Even if you only take a short break, this brief time away from the document will help you have a fresher perspective when reading it again.
- **Give yourself enough time.** Many errors are made by not allowing ample time for the writing and proofreading processes.
- **Print the document.** Sometimes it is easier to see mistakes in print rather than on a screen. Also, it may be easier to see the document's layout, text and images sizes, how the document will look printed out, and other items when you have a paper print-out.
- **Read the document aloud.** This will help you to read each word individually and allow you to hear if what you have written makes more, or less, sense when spoken.
- **Ask a trusted friend or colleague to proofread your work.** Two pairs (or more) of eyes are always better than one.
- **Make sure that what you have written achieves your purpose.** Have you said what you wanted to say, in a manner appropriate for the intended audience?
- **Review your document in different stages. These stages include:**
  1. **Layout**—In this stage, you are looking at the visual design of the document. Items to look for include: margins, headers, footers, line spacing, font type and sizes, page numbers, etc. Is everything lined up? Do the headers and footers correctly identify the associated material? (This is especially important when a document has different chapters.)
  2. **Spelling, Grammar, Punctuation**—Read each word individually. Check for commonly misused words and watch for homonyms, which are words that sound alike but mean something different. For example, did you use the word their when you meant to use there? Affect when you should have used effect? These words have completely different meanings, so be careful! Watch out for contractions and apostrophes. For example, do not mix up words, such as it's and its, your and you're, there and they're. Make sure you have used correct capitalization and punctuation. Are your nouns and verbs in agreement? When checking for agreement you want to pay attention to tense (past, present, future) and that your subjects and verbs are in agreement based on whether they are singular or plural. Also, double-check any numbers in your document, including postal codes, phone numbers, monetary amounts, etc. Adding an extra zero, forgetting a zero, or transposing numbers can make a huge difference in what you intended to state.
  3. **Flow**—Does your document begin each paragraph with a strong or relevant opening sentence? Have you used a variety of sentence lengths? When you read it aloud, does it read easily? Did you use transition words and bulleted lists, if necessary? Do the paragraphs have smooth transitions?

continued on page 5

## ADVISORY BOARD

FHWA-WV Division

**Bert Buchanan**  
Charleston, WV

**Kevin Burgess**  
Charleston, WV

WV DOT

**Steve Cole**  
Charleston, WV

**Kathy Holtsclaw**  
Charleston, WV

**Marvin Murphy**  
Charleston, WV

**Ronald Tenney**  
Weston, WV

**Donald Williams**  
Morgantown, WV

**Gary Winter**  
West Virginia Governor's  
Highway Safety Program  
Charleston, WV

Municipal

**Michael DeMary**  
Retired Stormwater  
Program Manager  
Fairmont, WV

**Terry Hough**  
City Engineer &  
Public Works Director  
Morgantown, WV

**Chris Knox**  
City Engineer  
Charleston, WV

**Bill Lanham**  
Town Superintendent  
Fayetteville, WV

Private

**Robert Amtower**  
Rummel, Klepper & Kahl  
Burlington, WV

**Dale Hill**  
Builders Supply  
Association of WV  
Charleston, WV

**Pat Parsons**  
Asphalt Pavement  
Association of WV  
Charleston, WV

## LARGE TIRE TRAILER TRANSPORT

*An Innovative Idea from North Dakota*

*(Article adapted from the 2010 LTAP/TTAP Build a Better Mousetrap National Entry Booklet)*

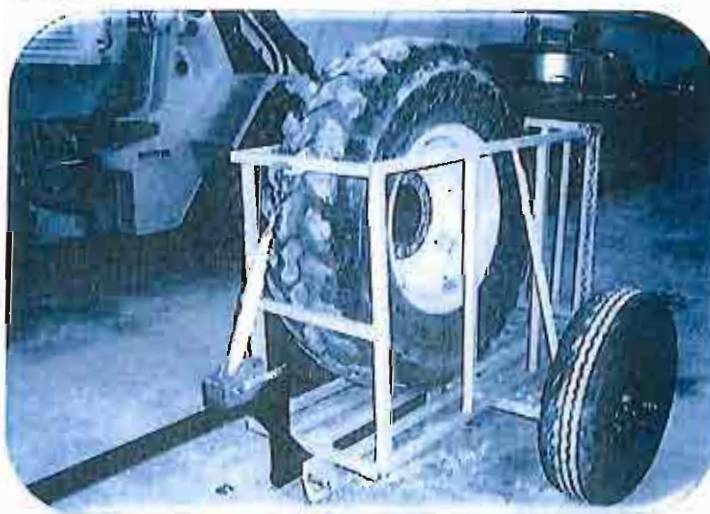
Across the country, the roadway agencies that LTAP and TTAP Centers serve are filled with innovative and resourceful workers, many who find new and better ways to accomplish everyday tasks. This has led many Centers to develop contests called, "Build a Better Mousetrap" or "Show Us." The purpose of these competitions is to collect and disseminate real world examples of best practices, tips from the field, and assist in the transfer of technology. Each year at the National LTAP Association (NLTAPA) meeting, LTAP and TTAP Centers are given the opportunity to submit examples from their state competitions into the NLTAPA competition.

The following innovative solution, **Large Tire Trailer Transport**, is from Towner County, North Dakota and was awarded 1st place in the 2010 Build a Better Mousetrap National Competition. The WV LTAP staff thought many of you would find this solution useful. If you would like to know more about this piece of equipment, please contact Kim at the WV LTAP and she will put you in touch with the road foreman from Towner County.

### PROBLEM STATEMENT:

With motor graders and front end loaders located throughout the county, the Towner County North Dakota roadway agency was hauling heavy tires in from the work sites for repair. Manually handling these tires was very difficult and could be unsafe for the individual if not handled properly.

### DISCUSSION OF SOLUTION:



Towner County Roadway Department employees built a small trailer, as shown in the photo to the left, to transport the large tires to and from the work site, as necessary. The trailer has a two (2") inch axle with sixteen (16") inch wheels. The trailer carriage is five (5) feet long, two (2) feet wide and thirty nine (39) inches high, using one

and one-half (1.5") inch square steel tubing. The trailer bed is pinned at the front to the trailer hitch for easy tilting in the back. The tailgate is hinged and can then be dropped to the ground level, making it very easy to roll the tire into the cage. The top of the tailgate has a chain attached to partially raise the tailgate when the tire is placed thereon. When the trailer is tilted down in front, the tire rolls ahead and the tailgate can be closed. There is a winch located on the trailer hitch to assist in pulling the trailer carriage into place and reinserting the pin; the procedure is reversed for unloading the tire.

With this trailer design, the tires can be transported back to the shop for repair, and the vehicle that is towing the trailer can generally travel within the posted speed limit to the repair shop.

## COSTS TO BUILD

New material for the large tire trailer cost approximately \$600.00. All labor was done in-house by agency employees during downtime.

## SAFETY:

Handling large equipment tires is very difficult. Prior to having the large tire trailer, loading the tires into a truck (pickup) took two individuals, and with the heavy lifting required, injuries were always a possibility. With this trailer, since very little lifting is required, there is less possibility for injury.



*WV LTAP Note: The trailer would have also increased the efficiency of the department. One individual could now handle the removal, loading, unloading, and replacement of a tire, which would then free up the second employee to do other tasks.*

*Also, the WV LTAP staff would love to know if your agency's employees have developed or*

*refined a best practice, have an innovative idea, or have crafted a new device. Just give us a call, shoot us an email, stop by the office, or invite us to your site.*

continued from page 3

## EMAIL AND TEXT SPECIFIC PROOFREADING TIPS:

Have you ever sent an email or text message to the wrong person? Sent the wrong attachment in an email? In addition to the proofreading tips already discussed on page three, listed below are some specific tips for proofreading emails and text messages.

- **Don't fill in the "to" until you finish writing and editing the email or text message.** This will help prevent you from accidentally sending a message before it is finished.
- **Always re-read** your emails and text messages before sending.
- **Double-check** that you are sending the email or text message to the correct person, group, or list.
- When sending attachments, **verify that you are sending the correct attachment.**
- When sending a text message, **watch out for auto correct!**
- **Make sure you haven't written in ALL CAPS or all lowercase.**

Make sure to take the time to proofread all of your written correspondence. Think of proofreading as your "filter" for your written word; just as you often filter your thoughts before speaking, proofreading helps you filter your writing. Having a good set of proofreading skills will help make your message more credible and professional, as readers won't be distracted by punctuation, grammar, or other writing mistakes.

## CENTER STAFF & CONTACT INFORMATION

### WV LTAP

West Virginia University  
PO Box 6103  
Engineering Sciences Building  
Room 553  
Morgantown, WV 26506  
Phone: (304) 293-9924  
Fax: (304) 293-7109  
E-mail: [wvltap@mail.wvu.edu](mailto:wvltap@mail.wvu.edu)  
Website: [wvltap.wvu.edu](http://wvltap.wvu.edu)

### Staff

**Dr. John Zaniewski**  
Director  
(304) 293-9955  
[John.Zaniewski@mail.wvu.edu](mailto:John.Zaniewski@mail.wvu.edu)

**Kim Carr**  
Program Coordinator  
(304) 293-9924  
[Kim.Carr@mail.wvu.edu](mailto:Kim.Carr@mail.wvu.edu)

**Andrew Morgan, P.E.**  
Program Coordinator  
(304) 293-9939  
[Andrew.Morgan@mail.wvu.edu](mailto:Andrew.Morgan@mail.wvu.edu)

**Sabrina DeVall**  
Editor & Technical Writer  
(304) 293-9930  
[Sabrina.DeVall@mail.wvu.edu](mailto:Sabrina.DeVall@mail.wvu.edu)

**Stephanie Spangler**  
Technical Assistant  
(304) 293-9922  
[Stephanie.Spangler@mail.wvu.edu](mailto:Stephanie.Spangler@mail.wvu.edu)

**Ashley Collins**  
Student Office Assistant  
(304) 293-9924  
[AColli15@mix.wvu.edu](mailto:AColli15@mix.wvu.edu)

**Dr. Ron Eck, P.E.**  
Senior Advisor  
(304) 293-9931  
[Ronald.Eck@mail.wvu.edu](mailto:Ronald.Eck@mail.wvu.edu)

**Bill Wyant**  
Senior Volunteer  
[WWyant@hsc.wvu.edu](mailto:WWyant@hsc.wvu.edu)

## ROAD SLEUTH INFORMATION SHEET

*There are many myths about transportation related issues. Road Sleuth has been designed to help dispel these myths and reveal the truth. Road Sleuth came from conversations WV LTAP staff had with public works directors, street supervisors, and others. From these conversations, one common theme emerged: public works personnel getting the same questions and requests time and again from their elected officials and residents and not having educational information readily available.*

*The Road Sleuth series can be downloaded from the WV LTAP website ([wvltap.wvu.edu](http://wvltap.wvu.edu)) as a PDF or Microsoft Publisher file. The Publisher files are formatted so agencies can add their individual contact information if desired. The WV LTAP does ask that the main text not be changed or altered without permission. Agencies are encouraged to post these information sheets on their webpage, distribute printed copies to city council members, send out in mailings, etc. The WV LTAP staff welcomes your suggestions for new topics and will continue adding new sheets as they become available.*

### MYTH: ROUNDABOUTS AND TRAFFIC CIRCLES ARE THE SAME THING



This photo shows a single lane roundabout in a rural location in the state of Washington. Prior to installing the roundabout, this intersection had a serious crash history. This roundabout is in the heart of an area where a popular tulip festival is held every year; as you can see in this photo, the roundabout has many tulips incorporated. (Special thanks to Skagit County, WA and the Washington LTAP for providing this photo.)

Motorists attempting to enter the roundabout must yield to circulating traffic and look for gaps to enter.

Many citizens have negative opinions of roundabouts and are opposed to constructing them in their community. These negative opinions may, in part, be due to the common misconception that traffic circles and roundabouts are the same. Additionally, inexperience with driving through roundabouts, safety concerns, and a lack of information often lead to resistance and negative opinions.

Studies have found that roundabouts are often a safer alternative to signed and signalized intersections. Since automobiles are traveling at low speeds, crashes that do occur are generally less severe. All vehicles are traveling in the same direction, which eliminates the likelihood of head-on and t-bone collisions. In addition to the safety benefits of roundabouts, they often move traffic more efficiently. When designed properly, vehicles are much less likely to stop and delays are reduced.

Generally, citizens' perceptions of roundabouts improve after driving through them a few times. Drivers tend to recognize the shortened drive time and increased safety of the roundabout. Often, it just takes the driver's personal experience to overcome their negative opinions.

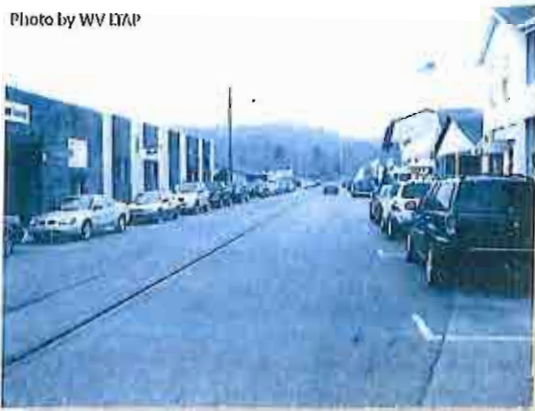
Many people mistakenly use the terms roundabout and traffic circle synonymously. While both direct traffic in a circular pattern, they are not the same.

Traffic circles were introduced to the United States from Europe in the early 1900s. They were intended to direct traffic via a large circular or oval island. Traffic circles were designed for vehicles to travel through them at relatively high speeds (30 to 50 mph), and many were designed for entering cars to have the right-of-way. As traffic volumes increased, traffic circles became unsafe because the congestion and high speeds attributed to many crashes. Thus, the need for a safer circular intersection became apparent; the first modern roundabout in the United States was constructed in the 1990s.

Roundabouts are intersections in which traffic travels in one direction around a circular island, much like a traffic circle, but they have many distinct characteristics. Motorists in roundabouts travel at lower speeds, from 15 to 25 mph, and the traffic inside the roundabout has the right-of-way.

## SPRING 2013 STREET SMARTS CONTEST

Photo by WV LTAP



**In what West Virginia city or town is this street located and what is the name of the street?**

On, or after, May 13, 2013 the first correct answer posted on the WV LTAP Facebook page will be the winner of a fabulous prize! (*Well, as fabulous as a prize can be under \$25.*) The correct answer will only be accepted on our Facebook page. [facebook.com/WVLTAP](http://facebook.com/WVLTAP)

The winner will be announced on our Facebook page and in the next edition of this newsletter. So in addition to the fabulous LTAP prize, you'll also get bragging rights!

## CHECK OUT THE WV LTAP FACEBOOK PAGE



The WV LTAP wants to remind you that we are on Facebook! We encourage you to visit our page and give us your feedback. You can find us by typing in [www.Facebook.com/WVLTAP](http://www.Facebook.com/WVLTAP) or within the search feature in Facebook, by typing WV Local Technical Assistance Program (WVLTAP). The page is set up so everyone can post comments; you don't need to become a "friend" or be accepted to post items. Just make sure to "like" us so anytime we add announcements, they will show up in your newsfeed.

This is a great place to check for upcoming training events, available give-a-ways, current transportation related items, photos, and much more. We also hope that in addition to checking out our announcements, this will be an interactive tool for you, our clients, to pose questions, share solutions, successes, challenges, etc.

## ROADWAY FUN FACTS

Microsoft.com image



### DID YOU KNOW....

- West Virginia's Memorial Tunnel was the first in the nation to be monitored by television. It opened November 8, 1954. <http://www.wvcommerce.org/travel/requestinformation/funfactsandtrivia/unusualfacts.aspx>
- After thirty seconds of waiting, most people will begin to cross against the light, and they are more likely to jaywalk when well-dressed people do it first. <http://tomvanderbilt.com/traffic/some-things-about-traffic-that-may-surprise-you/>
- A driver driving at 30 mph sees an average of 1320 pieces of information every minute. <http://tomvanderbilt.com/traffic/some-things-about-traffic-that-may-surprise-you/>

## RECENT WV LTAP ROADS SCHOLAR I AND II GRADUATES

The WV LTAP is pleased to announce these recent graduates from our RS I and II Programs; congratulations to each of them for this accomplishment.

### ROADS SCHOLAR I GRADUATES

These graduates are WVDOH-D1 employees.



Front Row: Rick Wheeler, Lisa Black, Duane West  
Back Row: Jeff Blount, Rick Young, Warren Parklins

### ROADS SCHOLAR II GRADUATE

Congrats to our third Roads Scholar II graduate!



Jennifer McNamara, WVDOH-District 6,  
Engineering Technician

West Virginia Local Technical Assistance Program  
West Virginia University  
Benjamin M. Statler College of Engineering and Mineral Resources  
Department of Civil and Environmental Engineering  
PO Box 6103  
Morgantown, WV 26506-6103

Change Service Requested



Non-Profit Organization  
U.S. Postage Paid  
Morgantown, WV  
Permit No. 34

The WV LTAP encourages you to share this newsletter with others or direct them to the electronic version on our website <http://wvltap.wvu.edu>.

- Road Supervisors
- Elected Officials
- Public Works Department
- Road Crew
- Managers
- City Engineers
- Others

\*\*\*\*\*AUTO\*\*3-DIGIT 254 9 5 16  
 JEFFERSON COUNTY COMMISSION  
 MR. WILLIAM POLK  
 MAINTENANCE SUPERVISOR  
 PO BOX 250  
 CHARLES TOWN WV 25414-0250