

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, OCTOBER 3, 2013
9:30 A.M.
County Commission Meeting Room
located at the Old Charles Town Library
200 E. Washington Street, Charles Town, WV

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- September 19, 2013 Regular Meeting Minutes
- September 19, 2013 Public Hearing Minutes
- September 25, 2013 Special Session Minutes

APPROVAL OF PURCHASE ORDERS

- October 3, 2013

APPROVAL OF ACCOUNTS PAYABLE

- September 26, 2013
- October 3, 2013

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. The Honorable John Unger, WV Senate
- Presentation of Community Participation Grant to the Jefferson County Homeless Coalition in the amount of \$20,000
2. 10:00 a.m. The Honorable Stephen Skinner, WV House of Delegates
- Presentation of Community Participation Grant to Friends of Blackwater J.R. Clifford Project
3. 10:15 a.m. Angie Banks, Assessor
- Exonerations - Discussion/Action
4. 10:30 a.m. Laura Storm, Circuit Clerk
- Hiring of two (2) full time Deputy Clerks - Discussion/Action
5. 10:45 a.m. Jennifer Maghan, County Clerk & Nickki Painter, Chief Deputy of Election

- Electronic Poll Books - Funding - Discussion/Action

6. 11:00 a.m. BREAK
7. 11:15 a.m. Lyn Fields, Deputy Probate Clerk
 - Admit to record letter from Carroll M. Crawford regarding Estate of Elna N. Crawford - Discussion/Action
 - Requesting scheduling of Public Hearing for Printz Estate
 - Discussion/Action
8. 11:25 a.m. Roger Goodwin, Chief Engineer
 - Mission Ridge Subdivision - Site Work - Close out of bond escrow account
 - Discussion/Action
9. 11:35 a.m. Jennifer Brockman, Director Planning & Zoning
 - Approval to move forward with Job Offer for Zoning Administrator Position
 - Discussion/Action
 - Proposed Amendments to WV Code 8A - Discussion/Act

NEW BUSINESS:

10. Interviews & Appointments - Sheriff's Civil Service Commission - One (1) - Four (4) year term ending September 9, 2017 - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

11. Hiring of Jessica Carroll as Executive Administrative Assistant - Discussion/Action
12. Hiring for Finance Director Position - Discussion/Action
13. Potential hiring of one full-time and one part-time IT employee - Discussion/Action

COUNTY COMMISSION REPORTS

- ADJOURN

DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS

- Engineering Department - Quarterly Report - October 1, 2013
- Jefferson County Homeland Security and Emergency Management - Quarterly Report - 1st Quarter (July-September, 2013)

CORRESPONDENCE:

Notice of Public Hearing on proposed Text Amendments to the sections of the Zoning and Land Development Ordinance, October 10, 2013 – 7 p.m.

Jefferson County Offices Closed – Monday, October 14, 2013 – Columbus Day.

Notice of West Virginia Broadband 2013 Summit – Monday, November 4, 2013 8:30 a.m. – 3:30 p.m. Morgantown, WV.

Save the Date - Eastern Panhandle Legislative Summit - December 3, 2013.

Assessor's Certificate of Compliance from the WV Department of Agriculture.

Memo from State of WV, Office of the Treasurer regarding Distribution of Coalbed Methane Severance Tax.

Copy of letter to Daniel P. Lutz, Jr. from Roger Goodwin, Chief Engineer.

Letter from the WV Department of Transportation, Division of Highways regarding the Statewide Transportation Improvement Program.

Letter from the WV Development Office regarding the approved economic development plan and plat for the Old Standard Quarry Brownfield Project in Jefferson County.

Letter from FEMA announcing approval of Jefferson County's Hazard Mitigation Plan.

Notice from the Public Service Commission regarding disbursement of Wireless E-911 subscriber fees.

West Virginia Association of Counties – The County Line, August 2013, Number 206.

West Virginia Weekly Settlement for Charles Town for the week of September 14, 2013.

West Virginia Weekly Settlement for Charles Town for the week of September 21, 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, September 19, 2013

A meeting of the Jefferson County Commission was held on Thursday, September 19, 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 September 19, 2013 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Pellish led the Pledge of Allegiance.

APPROVAL OF MINUTES:

Motion by Ms. Noland to approve the Regular Minutes of August 29, 2013 as presented. Motion seconded and unanimously approved.

Motion by Ms. Widmyer to approve the Regular Minutes of September 5, 2013 as presented. Motion seconded and unanimously approved.

Motion by Mr. Manuel to approve the Minutes of the September 11, 2013 Special Session as presented. Motion seconded and unanimously approved.

Motion by Ms. Tabb to approve the Minutes of the September 12, 2013 Special Session subject to approval of legal counsel. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Noland to approve Purchase Orders in the amount of \$173,842.08 to include P. O. Nos. 50367, 50372, 51513, 51883, 51884, 51885, 51886, 51876, 51880, 51900, 51902, 49834, 51797, 52143, 50024, 51875, 51879, 51881, 51882, 51896, 51898, 51652, 51653, 51514, 51515, 51516, 51517, 51518, 51519, 51520, 51521, 51522, 51676 and 53114. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
070663	451	AMERICAN PLANNING ASSOC	50344	\$ 95.00	\$ -	\$ 95.00
070664	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
070665	PAYROLL	BUREAU FOR CHILD SUPPORT		\$ -	\$ 28.85	\$ 28.85

070666	MISC	BERKELEY CO COUNCIL		\$ -	\$ 5,625.00	\$ 5,625.00
070667	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
070668	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
070669	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 530.77	\$ 530.77
070670	424	CHARLES TOWN UTILITIES		\$ -	\$ 53.24	\$ 53.24
070670	425	CHARLES TOWN UTILITIES		\$ -	\$ 798.75	\$ 798.75
070671	PAYROLL	CHILD SUPPORT ENFORCE AG		\$ -	\$ 27.69	\$ 27.69
070672	425	COVENANT BUILDING MAINT		\$ -	\$ 11,827.43	\$ 11,827.43
070673	PAYROLL	DIVERSIFIED COLLECTION		\$ -	\$ 154.83	\$ 154.83
070674	425	84 LUMBER		\$ -	\$ 278.10	\$ 278.10
070675	717	FISHER AUTO PARTS		\$ -	\$ 1,752.63	\$ 1,752.63
070676	425	GRAINGER, INC	51877	\$ 38.07	\$ -	\$ 38.07
070677	401	RICOH USA, INC		\$ -	\$ 323.94	\$ 323.94
070677	403	RICOH USA, INC		\$ -	\$ 58.14	\$ 58.14
070677	403	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
070677	404	RICOH USA, INC		\$ -	\$ 174.67	\$ 174.67
070677	405	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
070677	406	RICOH USA, INC		\$ -	\$ 36.12	\$ 36.12
070677	425	RICOH USA, INC		\$ -	\$ 68.34	\$ 68.34
070677	433	RICOH USA, INC		\$ -	\$ 105.43	\$ 105.43
070677	440	RICOH USA, INC		\$ -	\$ 87.21	\$ 87.21
070677	700	RICOH USA, INC		\$ -	\$ 252.70	\$ 252.70
070677	712	RICOH USA, INC		\$ -	\$ 3,435.00	\$ 3,435.00
070678	PAYROLL	ING NATIONAL TRUST		\$ -	\$ 174.10	\$ 174.10
070679	425	JEFF CO PUBLIC SER DEPT		\$ -	\$ 249.52	\$ 249.52
070680	402	JEFFERSON PUBLISH CO INC	51796	\$ 162.20	\$ -	\$ 162.20
070680	451	JEFFERSON PUBLISH CO INC	50343	\$ -	\$ 43.58	\$ 43.58
070680	401	JEFFERSON PUBLISH CO INC		\$ -	\$ -	\$ 162.09
070681	406	THE JOURNAL	51410	\$ 162.09	\$ -	\$ 162.09
070682	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 4,793.00	\$ 4,793.00
070682	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 40.00	\$ 40.00
070683	717	J & K PRECISION AUTO CAR	51878	\$ 54.95	\$ -	\$ 54.95
070684	712	LANGUAGE LINE SERVICES		\$ -	\$ 414.05	\$ 414.05
070685	406	MONROE SYS FOR BUSINESS	51415	\$ 121.90	\$ -	\$ 121.90
070686	712	PRIORITY DISPATCH	51670	\$ 1,180.00	\$ -	\$ 1,180.00
070687	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
070688	405	HARRY A. MILMAN, PH.D	51650	\$ 2,163.35	\$ -	\$ 2,163.35
070689	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 749.00	\$ 749.00
070690	712	NAEMD/IAED	51672	\$ 50.00	\$ -	\$ 50.00
070691	424	POTOMAC EDISON/OH		\$ -	\$ 2,340.44	\$ 2,340.44
070691	425	POTOMAC EDISON/OH		\$ -	\$ 13,321.59	\$ 13,321.59
070691	425	POTOMAC EDISON/OH		\$ -	\$ 2,601.66	\$ 2,601.66
070692	403	RECORD MANAGEMENT SOLUTN	51438	\$ 30.00	\$ -	\$ 30.00
070693	403	SOFTWARE SYSTEMS, INC	51439	\$ 342.50	\$ -	\$ 342.50
070693	424	SOFTWARE SYSTEMS, INC	51439	\$ 450.00	\$ -	\$ 450.00
070693	401	SOFTWARE SYSTEMS, INC		\$ -	\$ 517.00	\$ 517.00
070693	401	SOFTWARE SYSTEMS, INC		\$ -	\$ 210.00	\$ 210.00
070693	402	SOFTWARE SYSTEMS, INC		\$ -	\$ 619.00	\$ 619.00
070693	403	SOFTWARE SYSTEMS, INC		\$ -	\$ 619.00	\$ 619.00
070693	403	SOFTWARE SYSTEMS, INC		\$ -	\$ 805.00	\$ 805.00
070693	404	SOFTWARE SYSTEMS, INC		\$ -	\$ 805.00	\$ 805.00
070693	404	SOFTWARE SYSTEMS, INC		\$ -	\$ 52.00	\$ 52.00
070693	406	SOFTWARE SYSTEMS, INC		\$ -	\$ 52.00	\$ 52.00
070693	700	SOFTWARE SYSTEMS, INC		\$ -	\$ 30.50	\$ 30.50
070694	404	SPECIALTY BUS SUPPLIES	52112	\$ 597.00	\$ -	\$ 597.00

070694	404	SPECIALTY BUS SUPPLIES	52113	\$ 234.19	\$ -	\$ 234.19
070695	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 111.10	\$ 111.10
070695	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 25.98	\$ 25.98
070695	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 43,910.30	\$ 43,910.30
070695	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,269.44	\$ 10,269.44
070695	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 129.54	\$ 129.54
070695	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 42,423.00	\$ 42,423.00
070696	711	SOFTWARE COMPUTER GROUP	50010	\$ 150.00	\$ -	\$ 150.00
070697	425	SHENANDOAH VALLEY WATER		\$ -	\$ 642.65	\$ 642.65
070698	425	CAPITAL TRISTATE		\$ -	\$ 84.20	\$ 84.20
070699	PAYROLL	UNITED SYSTEMS & SOFTWARE		\$ -	\$ 212.00	\$ 212.00
070700	401	UNICARE EAP		\$ -	\$ 322.20	\$ 322.20
070701	424	VERIZON BUSINESS/TX		\$ -	\$ 1,135.23	\$ 1,135.23
070702	425	WM OF WEST VIRGINIA, INC		\$ -	\$ 671.47	\$ 671.47
070702	716	WM OF WEST VIRGINIA, INC		\$ -	\$ 95.75	\$ 95.75
						\$ 159,282.46
TOTAL				\$ 6,080.77	\$ 153,201.69	\$ 159,282.46
TOTAL						

**Motion by Ms. Tabb to approve the accounts payable for September 12, 2013 in the amount of \$159,282.46.
Motion seconded and unanimously approved.**

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
070704	406	ASSESSOR OF JEFFERSON CO	51416	\$ 28.00	\$ -	\$ 28.00
070705	424	AT&T/IL		\$ -	\$ 0.14	\$ 0.14
070706	700	AUTOZONE		\$ -	\$ 99.94	\$ 99.94
070706	717	AUTOZONE		\$ -	\$ 643.13	\$ 643.13
070707	413	APPLE VALLEY OFF.PRODUCT	51630	\$ 64.50	\$ -	\$ 64.50
070708	424	BOLAND SERVICES	51763	\$ 270.00	\$ -	\$ 270.00
070708	425	BOLAND SERVICES	51764	\$ 991.01	\$ -	\$ 991.01
070709	425	CITY OF CHARLES TOWN	51897	\$ 20.00	\$ -	\$ 20.00
070709	425	CITY OF CHARLES TOWN	51903	\$ 40.00	\$ -	\$ 40.00
070710	425	CT CARPET ONE FLOOR&HOME	51901	\$ 82.54	\$ -	\$ 82.54
070711	401	CHOICE STAFFING, INC.		\$ -	\$ 231.00	\$ 231.00
070712	424	J.C.EHRLICH		\$ -	\$ 34.00	\$ 34.00
070712	425	J.C.EHRLICH		\$ -	\$ 604.56	\$ 604.56
070713	433	TODD FAGAN		\$ -	\$ 9.00	\$ 9.00
070714	717	GUTTMAN OIL CO		\$ -	\$ 19,304.76	\$ 19,304.76
070715	440	HEWETT & ASSOCIATES	50239	\$ 85.00	\$ -	\$ 85.00
070716	401	JEFFERSON PUBLISH CO INC		\$ -	\$ 50.14	\$ 50.14
070717	401	THE JOURNAL		\$ -	\$ 68.06	\$ 68.06
070718	425	JEFFERSON RENTAL	51899	\$ 60.48	\$ -	\$ 60.48
070719	425	JEFFERSON UTILITIES INC		\$ -	\$ 559.76	\$ 559.76
070720	401	DEBBIE KEYSER		\$ -	\$ 671.56	\$ 671.56

070721	700	GLENDON KINCAID		\$ -	\$ 112.00	\$ 112.00
070722	405	MATTHEW BENDER & CO	51654	\$ 74.08	\$ -	\$ 74.08
070723	412	JUDITH A MATLICK		\$ -	\$ 323.20	\$ 323.20
070724	405	JENNIFER E. MAY-SANNER		\$ -	\$ 16.95	\$ 16.95
070725	440	MICHAEL MONAGHAN		\$ -	\$ 363.00	\$ 363.00
070726	412	SHAY MCNEIL		\$ -	\$ 343.53	\$ 343.53
070727	402	PIFER OFFICE SUPPLY, INC	51798	\$ 10.98	\$ -	\$ 10.98
070728	700	TERRY PALMER		\$ -	\$ 112.00	\$ 112.00
070729	GRANT	RCS SECURITY		\$ -	\$ 1,199.94	\$ 1,199.94
070730	401	RICOH USA, INC./GA		\$ -	\$ 252.73	\$ 252.73
070730	403	RICOH USA, INC./GA		\$ -	\$ 287.58	\$ 287.58
070730	404	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
070730	405	RICOH USA, INC./GA		\$ -	\$ 423.90	\$ 423.90
070730	406	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
070730	425	RICOH USA, INC./GA		\$ -	\$ 48.10	\$ 48.10
070730	433	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
070730	440	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
070730	700	RICOH USA, INC./GA		\$ -	\$ 295.90	\$ 295.90
070730	712	RICOH USA, INC./GA		\$ -	\$ 267.08	\$ 267.08
070731	405	SPECIALTY BUS SUPPLIES	51639	\$ 1,641.17	\$ -	\$ 1,641.17
070732	401	JOHN STEVENS		\$ -	\$ 229.26	\$ 229.26
070733	412	STAPLES CREDIT PLAN		\$ -	\$ 92.29	\$ 92.29
070733	700	STAPLES CREDIT PLAN		\$ -	\$ 858.16	\$ 858.16
070733	716	STAPLES CREDIT PLAN		\$ -	\$ 98.27	\$ 98.27
070734	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 15,461.63	\$ 15,461.63
070736	401	UNITED BANKCARD CENTER		\$ -	\$ 175.73	\$ 175.73
070736	402	UNITED BANKCARD CENTER		\$ -	\$ 139.73	\$ 139.73
070736	402	UNITED BANKCARD CENTER		\$ -	\$ 35.99	\$ 35.99
070736	402	UNITED BANKCARD CENTER		\$ -	\$ 154.00	\$ 154.00
070736	403	UNITED BANKCARD CENTER		\$ -	\$ 44.00	\$ 44.00
070736	403	UNITED BANKCARD CENTER		\$ -	\$ 192.78	\$ 192.78
070736	403	UNITED BANKCARD CENTER		\$ -	\$ 357.00	\$ 357.00
070736	406	UNITED BANKCARD CENTER		\$ -	\$ 216.00	\$ 216.00
070736	406	UNITED BANKCARD CENTER		\$ -	\$ 178.83	\$ 178.83
070736	412	UNITED BANKCARD CENTER		\$ -	\$ 451.37	\$ 451.37
070736	415	UNITED BANKCARD CENTER		\$ -	\$ 75.80	\$ 75.80
070736	424	UNITED BANKCARD CENTER		\$ -	\$ 180.28	\$ 180.28
070736	424	UNITED BANKCARD CENTER		\$ -	\$ 26,498.80	\$ 26,498.80
070736	425	UNITED BANKCARD CENTER		\$ -	\$ 220.01	\$ 220.01
070736	425	UNITED BANKCARD CENTER		\$ -	\$ 70.53	\$ 70.53
070736	425	UNITED BANKCARD CENTER		\$ -	\$ 194.76	\$ 194.76

070736	425	UNITED BANKCARD CENTER		\$ -	\$ 16.33	\$ 16.33
070736	428	UNITED BANKCARD CENTER		\$ -	\$ 848.00	\$ 848.00
070736	428	UNITED BANKCARD CENTER		\$ -	\$ 6,947.71	\$ 6,947.71
070736	433	UNITED BANKCARD CENTER		\$ -	\$ 1,000.00	\$ 1,000.00
070736	433	UNITED BANKCARD CENTER		\$ -	\$ 14.48	\$ 14.48
070736	433	UNITED BANKCARD CENTER		\$ -	\$ 76.32	\$ 76.32
070736	433	UNITED BANKCARD CENTER		\$ -	\$ 18.40	\$ 18.40
070736	439	UNITED BANKCARD CENTER		\$ -	\$ 82.20	\$ 82.20
070736	439	UNITED BANKCARD CENTER		\$ -	\$ 54.95	\$ 54.95
070736	440	UNITED BANKCARD CENTER		\$ -	\$ 782.14	\$ 782.14
070736	440	UNITED BANKCARD CENTER		\$ -	\$ 694.87	\$ 694.87
070736	700	UNITED BANKCARD CENTER		\$ -	\$ 669.89	\$ 669.89
070736	700	UNITED BANKCARD CENTER		\$ -	\$ 139.98	\$ 139.98
070736	700	UNITED BANKCARD CENTER		\$ -	\$ 303.78	\$ 303.78
070736	700	UNITED BANKCARD CENTER		\$ -	\$ 139.17	\$ 139.17
070736	700	UNITED BANKCARD CENTER		\$ -	\$ 2,264.99	\$ 2,264.99
070736	700	UNITED BANKCARD CENTER		\$ -	\$ 34.68	\$ 34.68
070736	700	UNITED BANKCARD CENTER		\$ -	\$ 390.00	\$ 390.00
070736	700	UNITED BANKCARD CENTER		\$ -	\$ 595.00	\$ 595.00
070736	700	UNITED BANKCARD CENTER		\$ -	\$ 836.75	\$ 836.75
070736	700	UNITED BANKCARD CENTER		\$ -	\$ 218.63	\$ 218.63
070736	711	UNITED BANKCARD CENTER		\$ -	\$ 75.00	\$ 75.00
070736	711	UNITED BANKCARD CENTER		\$ -	\$ 3,655.40	\$ 3,655.40
070736	712	UNITED BANKCARD CENTER		\$ -	\$ 459.28	\$ 459.28
070736	712	UNITED BANKCARD CENTER		\$ -	\$ 191.40	\$ 191.40
070736	716	UNITED BANKCARD CENTER		\$ -	\$ 923.02	\$ 923.02
070736	716	UNITED BANKCARD CENTER		\$ -	\$ 923.02	\$ 923.02
070737	405	WEST PAYMENT CENTER	51638	\$ 2,043.88	\$ -	\$ 2,043.88
070738	717	NAPA AUTO PARTS		\$ -	\$ 25.69	\$ 25.69
070739	PAYROLL	WVCORP		\$ -	\$ 28,522.25	\$ 28,522.25
						\$ 128,281.75
TOTAL				\$ 5,411.64	\$ 122,870.11	\$ 128,281.75
TOTAL						\$ 128,281.75

**Motion by Mr. Manuel to approve the accounts payable for September 19, 2013 in the amount of \$128,281.75.
Motion seconded and unanimously approved.**

PUBLIC COMMENT:

David Tabb, resident - expressed his views on the Commission's job performance.

Joe Thompson, resident - spoke regarding the noise ordinance and the issues the residents of Shannondale deal with. Mr. Thompson expressed his belief the pay rate advertised for a part-time IT person is under market rate.

Bob Aitcheson, resident - addressed the JCESA proposed Ambulance Fee. It was the consensus of the Commission to allow Mr. Aitcheson to use Mr. Rockwell's three (3) minutes as he was unable to attend the meeting.

Debbie Royalty, resident – spoke regarding the hiring of a Financial Consultant and her concern over this action.

PRESENTATIONS:

1. Angie Banks, County Assessor – requesting permission to hire a full-time Step A Senior Appraiser, John Swain. This position is a replacement position for Matt Barney with a starting salary of \$35,000 to begin on September 23, 2013.

- **Motion by Ms. Widmyer to approve the hire of full-time Senior Appraiser, John Swain to fill a vacancy with a starting salary of \$35,000 to begin on September 23, 2013. Motion seconded and unanimously approved.**

2. Angie Banks, County Assessor – Exonerations

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
Peggy Crumb	Middleway	Personal Property	311560	\$21.04

- **Motion by Ms. Tabb to approve the exoneration for Peggy Crumb as presented by our Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
Kenneth & Evelyn M. Witt	Charles Town City	Personal Property	306694	\$24.98

- **Motion by Ms. Noland to approve the exoneration for Kenneth and Evelyn M. Witt as presented by our Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
Thomas Longmore	Charles Town	Personal Property	302912	\$238.31

- **Motion by Ms. Tabb to approve the exoneration for Thomas Longmore as presented by our Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
J. Russell Fritts, Inc.	Charles Town City	Real Estate	8288	\$455.41

- **Motion by Ms. Tabb to approve the exoneration for J. Russell Fritts, Inc. as presented by our Assessor. Motion seconded and unanimously approved.**

3. Jennifer Maghan, County Clerk requesting approval of employment of Jackie Shadle at a starting salary of \$29,500, 2 E-F.

- **Motion by Ms. Widmyer to approve the hire of Ms. Shadle at a 2 E-F, \$29,500. Motion seconded.**

- **Ms. Widmyer amended her motion to approve Ms. Shadle hiring at 2D with an increase to 2E after a probationary period. Amended motion seconded and unanimously approved.**

Jennifer Maghan, County Clerk requesting approval of posting an advertisement for a new hire at a rate of 2D.

- **Motion by Ms. Widmyer to approve the posting of a staff person at a rate of 2D with an increase to a 2F after a probationary period. Motion seconded and fails on a vote of 3-2 with Ms. Tabb, Ms. Noland and Mr. Pellish opposing.**
- **Motion by Mr. Manuel to approve the posting of a staff person at a rate of C-F with the County Clerk coming before the County Commission after a candidate is chosen. Motion seconded and fails on a vote of 3-2 with Ms. Tabb, Ms. Noland and Mr. Pellish opposing.**
- **Motion by Mr. Pellish to approve the posting of a staff person at a rate of A-F. Motion seconded and unanimously approved.**

Jennifer Maghan, County Clerk requesting approval of the County Financial Statement for FY 2013 to be published as required by State Statute.

- **Motion by Mr. Manuel to approve the financial statement for publication as presented by the County Clerk. Motion seconded and unanimously approved.**

Jennifer Maghan, County Clerk provided an update to the Commission on the grant funding for the electronic poll books. The state informed the Clerk's office an incorrect grant amount was quoted requiring an additional \$23,000 from the County. Ms. Maghan stated the extra \$23,000 is not available in the County Clerk's budget. As this was not an item on the agenda it was the consensus of the Commission to place this on the October 3, 2013 agenda for review.

4. Sheriff Pete Dougherty reported on the purchase of six (6) new vehicles at a cost of \$156,310. Sheriff Dougherty stated the vehicles were included in the budget for FY 2014. Sheriff Dougherty stated in the past, funds for vehicle purchasing have been in the Sheriff's budget. This year the funds were put in the Capital Outlay budget. Sheriff Dougherty is requesting the funds for the new six (6) vehicles be paid from the Capital Outlay budget. Sheriff Dougherty requested this budgeted item be placed in the Sheriff's budget in the future. Ms. Noland inquired if all the Sheriff's vehicles are registered in the County's name. Sheriff Dougherty affirmed they were.
 - **Motion by Mr. Manuel to expend \$156,310 for the purchase of the six (6) new Sheriff's vehicles. Motion seconded and unanimously approved.**
5. Jeffery A. Polczynski, ENP – Director of Communication, Chris Cross, Deputy Director of Communications and Tom Reilly, Consultant – presented a power point presentation on their final selection of the Integrated Public Safety Information Systems (CAD) vendor. Speaking in support of the CAD System were Sheriff Pete Dougherty; Shepherdstown Police Chief, David Ransom; Charles Town Police Chief, Chris Kutcher; Citizens Fire Chief, Ron Fletcher; Director of Jefferson County Emergency Services Agency, Doug Pittinger and Ranson Finance Director Chris Bontoft.
 - **Motion by Mr. Manuel to adopt the following in its entirety:**
 - **To accept the recommendation of the CAD Committee to select Spillman Technologies, Inc. as the vendor to implement the Integrated Public Safety Information Systems for the Emergency Communications Center and Sheriff's Office and;**
 - **To direct the Director of Communications to continue collaboration with the municipalities to create a multi-jurisdictional, multi-discipline public safety information system and;**

- To allocate the \$800,000 budgeted for this project from Capital Improvements to a spendable account based upon recommendation of the County Administrator and;
 - To direct the Director of Communications to work within the budget of the monies allocated in Capital Projects for implementation of the CAD, RMS and mobile data system and;
 - To direct the Director of Communications and IT consultant to collaborate with counsel and the vendor to create a contract based upon the details of negotiations to date and;
 - At a near-future date to present contract for signature to the President of the Commission.
- **Motion seconded and unanimously approved.**
6. The Commission recessed for break at 11:38 p.m.
The Commission reconvened from break at 11:52 p.m.
7. Brenda Engle, Board of Directors of the Jefferson County Emergency Services Agency (JCESA), Doug Pittinger, Director of JCESA, Ed Hannon, Deputy Director of JCESA – continuation of Jefferson County Emergency Services Agency Ambulance Fee.
- a) Ronald Fletcher, President Jefferson County Fire and Rescue Association spoke regarding the \$40 fee voted upon by the County Commission as insufficient.
 - b) Brenda Engle, President of the Jefferson County Emergency Services Agency, read a letter on behalf of the Board of the JCESA stating they are not in support of the \$40 fee.
 - c) Doug Pittinger, Director JCESA spoke against the \$40 fee and the hope of being able to work together to make the Ambulance Fee a reality.
 - d) Ed Booher, Member of the Board of JCESA spoke of his disappointment in the inability to come to a decision on the Ambulance Fee.
- **Motion by Mr. Manuel to move the Proposed Jefferson County Emergency Services Ambulance Fee Ordinance back before the body for deliberation. Motion seconded and unanimously approved.**

SECTION ONE (1) – LEGISLATIVE AUTHORITY - NO AMENDMENTS

SECTION TWO (2) – PURPOSE

- No objection to clarify the role of the “firefighter” and eliminating “reduce property loss.”

SECTION THREE (3) - DEFINITIONS

- **Motion by Mr. Manuel to strike “tenant house and quarters furnished to farm employees without rent as part of the terms of their employment,” under Agricultural Building and place the “and” in front of swinery. Motion seconded and unanimously approved.**

SECTION FOUR (4) - RATES

- **Motion by Ms. Widmyer to amend the residential fee to \$60.00. Motion seconded and fails on a vote of 3-2 with Mr. Pellish, Ms. Noland and Ms. Tabb opposing.**
- **Motion by Ms. Noland to amend the residential fee to \$45.00. Motion seconded. Motion and second withdrawn.**
- **Motion by Mr. Pellish to amend the commercial fee and hold it at \$80 per business, per year. Motion seconded and passes on a vote of 3-2 with Mr. Manuel and Ms. Widmyer opposing.**

- **Motion by Ms. Noland to table any more work on the Ordinance until we can see numbers that are realistic. Motion seconded**
- **Ms. Noland withdrew her motion, Mr. Pellish withdrew his second.**

SECTION FIVE (5) – RATE INCREASES – NO AMENDMENTS

SECTION SIX (6) – EFFECTIVE DATE

- **Motion by Ms. Noland to amend the effective date of the Ordinance to July 1, 2014, striking June 30, 2013 and change the services rendered to reflect the new date. Motion seconded and unanimously.**

SECTION SEVEN (7) – MANAGEMENT OF PROCEEDS

- **Motion by Ms. Widmyer to strike the language “and the cost of buildings.” Motion seconded and unanimously approved.**

SECTION EIGHT (8) – BUDGET DEVELOPMENT

- **Motion by Ms. Noland to add “In addition, the JCESA shall prepare an annual detailed expenditure report along with the beginning and ending balance of any and all funds received including all funding received from all sources.” Motion seconded.**
 - **Ms. Noland agreed to withdraw her motion with the understanding this would become a policy for all contingency agencies with the understanding funding will be withdrawn without this report.**
- **Ms. Noland withdrew her motion, Mr. Pellish withdrew his second.**

SECTION NINE (9) – DATA USED FOR ASSESSMENT OF FEES

- **Counsel recommended the language that refers to the Assessor providing square footage be removed as the commercial fee is not based on square footage. With no objection from the Commission, such language will be removed.**

SECTION TEN (10) – COLLECTION OF DELINQUENT ACCOUNTS – NO AMENDMENTS

SECTION ELEVEN (11) – FUNDS AND POSITIONS – NO AMENDMENTS

SECTION TWELVE (12) – AMENDMENTS AND SEVERABILITY – NO AMENDMENTS

SECTION THIRTEEN (13) – NEW SECTION

- **Motion by Ms. Noland to add the following new section – “The administrative cost for collection and oversight of the Emergency Services Ambulance Fee shall be the responsibility of the Jefferson County commission. It shall be the responsibility of the Jefferson County Commission to hire additional county employees, who shall work under the authority of the Jefferson County Finance Director and to provide the space, technology and equipment needed for the billing and**

collection of said fee.” Motion seconded and passes on a vote of 3-2 with Mr. Manuel and Ms. Widmyer opposing.

- Counsel stated in section four (4), the following needs to be removed from the ordinance, “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. With no objection from the Commission, language will be removed.

- **Final vote on the adoption of the Ambulance Fee Ordinance as amended passes on a vote of 3-2 with Mr. Manuel and Ms. Widmyer opposing.**

8. The Commission broke for recess at 2:55 p.m.
The Commission reconvened at 3:05 p.m.

9. Public Meeting on Broadband in Jefferson County

Ms. Widmyer introduced Penny Porter, area Representative for Senator Rockefeller and Elise Guice, Customer Representative & Compliance Specialist, Eastern Panhandle Consumer Protection Office of the State Attorney General.

Public Comment:

Joe Thompson, resident
Tish Appagini, resident
Patience Wait, resident with home based business
Nan Brisco, resident with home based business
George Rutherford, resident and President of NAACP
Meredith Wait, resident and business owner in Shepherdstown
Christina, resident with home based business
Eleanor Finn, resident
Scott, resident and local business owner
Linnie, resident and local non-profit director
John Maxi, resident with home based business
Patty, resident

All public comments expressed concern with lack of internet speed, reliability of service, impact on home business and local businesses.

John Reisenweber, Director, Jefferson County Development Authority- requested to go on record stating the Development Authority has not made any statements on the record about Broadband reliability as stated by John Maxi.

Mr. Paul Espinosa, General Manager for the Eastern Panhandle, presented a power point presentation highlighting the operations of Frontier and the challenges of providing broadband in a rural community.

10. Roger Goodwin, Chief Engineer – requesting a completion of the Construction Bond security for 340 Defense Mark O’Dell and Yvonne G. Deveau (File #S10-04) – Cash in Escrow with the Bank of Charles Town, Charles Town, WV.

- **Motion by Ms. Noland to authorize a complete release of the remaining \$80,958 from the construction bond amount for 340 Defense – Mark O’Dell and Yvonne G. Deveau (File #S10-04). Motion seconded and unanimously approved.**
11. Heather Morgan McIntyre, Jefferson County Chamber of Commerce – requesting a letter of support from the County Commission allowing wine tasting to occur before 1pm at the 38th Annual Mountain Heritage Arts and Crafts Festival to be held at Sam Michaels Park on September 29, 2013.
- **Motion by Ms. Widmyer to approve a letter of support for the Jefferson County Chamber of Commerce to allow wine tasting prior to 1:00 p.m. at the annual Mountain Heritage Arts and Crafts Festival to be held at Sam Michaels Park, September 27-29, 2013 and direct the County Administrator to write such letter and the President of the Commission to affix his signature on behalf of the Commission. Motion seconded and unanimously approved.**
12. Don Orser, resident requested consideration of 2013 Board of Assessment Appeals Hearing Examiner. Ms. Grove, Assistant Prosecuting Attorney stated State Code asserts both the Assessor and the Citizen have to agree on having an Appeals Hearing Examiner. Ms. Banks, County Assessor prefers having the appeal come before the County Commission.

NEW BUSINESS

13. County Noise Ordinance – Sheriff Dougherty addressed the Commission and stated after discussions with legal counsel, he believes a noise ordinance is unenforceable. Sheriff Dougherty would like to work with legal counsel to draw up an ordinance along the lines of disturbing the peace.
- **Motion by Mr. Manuel to have the Sheriff and Legal Counsel work together to come up with an enforceable noise ordinance. Motion seconded and unanimously approved.**
14. John Reisenweber, Director Jefferson County Development Authority – requested the Commission enter into Executive Session to discuss a business prospect.
- **Motion by Mr. Pellish to enter into Executive Session citing State Code §6-9A-4(9), To consider matters involving or affecting the purchase, sale or lease of property, advance construction planning, the investment of public funds or other matters involving commercial competition, which is made public, might adversely affect the financial or other interest of the state or any political subdivision: *Provided*, That information relied on during the course of deliberations on matter involving commercial competition are exempt from disclosure under the open meetings requirements of this article only until the commercial competition has been finalized and completed: *Provided, however*, That information not subject to release pursuant to the West Virginia freedom act does not become subject to disclosure as a result of executive session; Motion seconded and unanimously approved.**
 - **Motion by Ms. Noland to come out of Executive Session. Motion seconded and unanimously approved.**
 - **Motion by Ms. Noland to allow John Reisenweber to proceed with the pilot project as described and discussed in Executive Session. Motion seconded and unanimously approved.**

15. Follow up discussion regarding contracting with Leslie Smith for the position of the Financial Consultant for Jefferson County.
- **Motion by Ms. Noland to approve the contract as presented to us today, it has been through legal review, with regard to the contracting of Leslie Smith for the position of Financial Consultant for the Jefferson County Commission. Motion seconded.**
 - **Due to concerns over some aspects of the contract, Mr. Manuel recommended the Commission reconvene the following week to meet with counsel and review contract. It was the consensus of the Commission to meet on Wednesday, September 25, 2013 at 9:30 a.m.**
 - **Ms. Noland withdrew her motion, and Ms. Tabb withdrew her second.**
16. General County Budget Revision #2 and Resolution – State Budget Revision #2 General County Fund to provide the Berkeley/Jefferson Day Report Center the cash match of \$106,290 for the 2014 fiscal year approved at a regular meeting on March 7, 2013.
- **Motion by Ms. Noland to approve State Budget Revision #2 General County Fund and Resolution and to authorize the President of the Commission to affix his signature to the appropriate documents. Motion seconded and unanimously approved.**
17. Approval of Resolution and Contract – Victim of Crime Act (VOCA) Victim Assistant Grant Program in the amount of \$59,381 with \$14,845 match.
- **Motion by Ms. Noland to approve the Victim of Crime Act (VOCA) Victim Assistant Grant Program in the amount of \$59,381 with \$14,845 match and to authorize the President of the Commission to affix his signature to the appropriate documents. Motion seconded and unanimously approved.**
18. Approval of Resolution and Contract – Community Participant Grant Program for the Friends of Blackwater J.R. Clifford Project in the amount of \$1,000.
- **Motion by Mr. Manuel to approve the Community Participant Grant Program for the Friends of Blackwater J.R. Clifford Project in the amount of \$1,000 and to authorize the President of the Commission to affix his signature to the appropriate documents. Motion seconded and unanimously approved.**
19. Approval of Resolution and Contract – Community Participation Grant Program, for the Good Shepherd Caregivers in the amount of \$10,000.
- **Motion by Mr. Pellish to approve the Community Participation Grant Program Resolution for Good Shepherd Caregivers in the amount of \$10,000 and to authorize the President of the Commission to affix his signature to the appropriate documents. Motion seconded and unanimously approved.**
20. Finance Director Position
- **Motion by Ms. Noland to enter in Executive Session regarding contract negotiations for Financial Director citing State Code §6-9 A-4 (2)(A), Matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee, or prospective public officer or employee requests an open meeting.**

Motion seconded and unanimously approved.

- **Motion by Ms. Noland to come out of Executive Session. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to authorize the County Administrator to proceed with negotiations for hiring a Financial Director for the County. Motion seconded and unanimously approved.**
- The Commission meeting was adjourned at 6:20 p.m. on a motion by Ms. Noland. Motion was seconded and unanimously approved.

DALE MANUEL, PRESIDENT

Respectfully submitted
Cynthia C. Schott
Executive Administrative Assistant

SPECIAL SESSION:

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

At a Special Session of the County Commission of said County and State continued and held at the Old Charles Town Library Ground Floor meeting room thereof on Thursday, September 19, 2013, beginning at 1:30 p.m.

Present were:

- Dale Manuel, President
- Walt Pellish, Vice President
- Patricia Noland, Commissioner
- Jane Tabb, Commissioner
- Lyn Widmyer, Commissioner
- Debbie Keyser, Jefferson County Administrator
- Cynthia Schott, Executive Administrative Assistant
- Roger Goodwin, Chief Engineer

In re: Public Hearing on the proposed Stormwater Management Ordinance and Text Amendments to the Subdivision and Land Development Regulations and to amend such other articles, sections, subsections, and provisions of the Regulations as necessary to implement and maintain consistency with foregoing amendments

A sign-in sheet was provided for anyone wishing to speak.

Commissioner Manuel opened the Public Hearing at 1:30 p.m.

Mr. Goodwin, Chief Engineer addressed the Commission and stated the Stormwater Management Ordinance is to comply with the Chesapeake Bay Initiative and adds quality control requirements to the quantity control requirements, which are already in place. Mr. Goodwin stated article three, Waivers and Modifications, outlines the criteria for granting waivers. This was added in response to Commissioner Pellish's concern regarding waivers and modification and gives the Engineering Department more discretion to grant waivers. This section is presented for consideration and adoption by the Commission if they so choose.

The following is what the ordinances does not have in it:

- No separate permit application,
- No separate Stormwater Management fee,
- No ongoing periodic post construction inspection, to eliminate any additional administrative oversight to the County. The Engineering Department has the authority to notify any Residential Subdivision, Commercial Project or Commercial HOA, to correct any issues which might arise.

At the August 13, 2013 Planning Commission meeting, the Planning Commission recommended to the County Commission the adoption of the proposed Stormwater Management Ordinance and Text Amendments to the Subdivision and Land Development Regulations and to amend such other articles,

sections, subsections, and provisions of the Regulations as necessary to implement and maintain consistency with foregoing amendments.

Public Comment:

Mike Wiley, Eastern Panhandle Home Builders Association & Jefferson County Citizens for Economic Preservation – Mr. Wiley stated he has not had an opportunity to see the updated ordinance with any changes which may have been made and requests the Commission not take any action at this time until the public has had the opportunity to review the updated ordinance.

Krisiten Stolipher, Gordon – Ms. Stolipher requested the Commission not take any action at this time regarding the ordinance. Ms. Stolipher stated she also would like to see what changes have been made based on concerns expressed by the public.

Mr. Manuel stated the record will remain open for two weeks for public comment.

The Special Session was closed at 1:55 p.m.

DALE MANUEL, PRESIDENT

Respectfully submitted
Cynthia C. Schott
Executive Administrative Assistant

SPECIAL SESSION:

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

At a Special Session of the County Commission of said County and State continued and held at County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414 at 9:30 a.m. (An audio tape of the September 25, 2013 meeting is available through the Jefferson County Commission Office.)

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

RE: Contract for Leslie Smith for the position of Financial Consultant for the Jefferson County Commission

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

Commissioner Manuel called the meeting to order at 9:30 a.m.

Commissioner Noland led the Pledge of Allegiance.

PUBLIC COMMENT:

Debbie Royalty, resident – spoke regarding her concerns of the Commission’s lack of transparency in the hiring process for the position of Financial Consultant.

Eleanor Finn, resident – spoke regarding the County budget and the need to hire a Financial Consultant.

Review of the Leslie Smith Contract for the position of Financial Consultant for the Jefferson County Commission.

- **Motion by Ms. Noland to bring the agreement before the County Commission for consideration. Motion seconded and approved on a vote of 3-2 with Ms. Widmyer and Mr. Pellish opposing.**

RECITALS – Section A

- **Motion by Ms. Widmyer to strike “of annual county budgets” change to “...presentation of updated financial analysis with appropriate recommendation for FY 2014.” Motion dies for lack of a second.**
- **Motion by Mr. Manuel to amend section A striking, “annual County Budgets.” Motion seconded and passes on a vote of 4-1 with Ms. Widmyer opposing.**

SECTION ONE – SERVICES

- **Motion by Ms. Widmyer to include the following statement “it is understood that services provided by the Consultant pursuant to this agreement shall be under the direction of the County Administrator. Motion seconded.**

- Ms. Widmyer amended her motion to read "it is understood that the Consultant shall report to the County Administrator." The amended motion was seconded and approved unanimously. It was the consensus of the Commission to address this issue in Schedule A of the contract.
- Motion by Ms. Widmyer to strike, "it is understood that services provided by Consultant pursuant to this Agreement shall be so provided on a day-to-day, as needed basis." Motion dies for the lack of a second.

SECTION TWO – COMPENSATION

- Motion by Mr. Manuel to amend Section Two to include subsection "F," with the following language, "To cap the number of trips to two (2), in addition to the \$10,000 consultant fee." One trip should include a presentation of the budget and recommendations to the County Commission. Motion seconded and unanimously approved.
- Motion by Ms. Widmyer that the Consultant be directed to obtain the relevant compensation that we typically require of a consultant. Motion dies for the lack of a second.
- Motion by Ms. Tabb to make a subsection "G", that the cost of insurance will be split between the Consultant and the County. Motion seconded and passes on a vote of 4-1 with Ms. Widmyer opposing.
- Motion by Ms. Widmyer to strike "without first having obtained the County's consent and approval by resolution validly adopted at a meeting of the County." And striking from Section Five "Unless extended, as provided herein." Motion seconded and unanimously approved.

SECTION THREE – CONFIDENTIALITY

- No amendments proposed.

SECTION FOUR – CONSULTANT REPRESENTATIONS

- No amendments proposed.

SECTION FIVE – DURATION AND TERMINATION

- See Section Two (2) – striking "Unless extended, as provided herein."

SECTION SIX – ASSIGNMENT

- No amendments proposed.

SECTION SEVEN – ENTIRE AGREEMENT

- No amendments proposed.

SECTION EIGHT – MODIFICATION OF AGREEMENT

- No amendments proposed.

SECTION NINE – NOTICES

- No amendments proposed.

SECTION TEN – GOVERNING LAW

- No amendments proposed.

SECTION ELEVEN – AFFECT OF PARTIAL INVALIDITY

- No amendments proposed.

SECTION TWELVE – STATUS OF CONSULTANT

- Ms. Widmyer requested Counsel state for the record his perspective that this contract does not in any way affect the conditions of the settlement agreement. Mr. Groh stated he believes the settlement agreement is not compromised.

SCHEDULE A – SCOPE OF SERVICES

- Ms. Widmyer amended her motion to read “it is understood that the Consultant shall report to the County Administrator.” The amended motion was seconded and approved unanimously. It was the consensus of the Commission to address this issue in Schedule A of the contract. *(as voted upon under Section One (1))*
- Motion by Ms. Widmyer to amend Schedule A – Scope of Services - to include the following: “to analyze the FY 2014 budget and make any financial recommendations based upon that analysis.” Motion dies for a lack of a second.
- Motion by Ms. Widmyer to amend Schedule A to include the following: “...and provide read-only access to the online financial system for the Consultant’s evaluations and analysis.” Motion seconded and unanimously approved.
- Motion by Ms. Widmyer to strike from Schedule A, “Consult with other vendors to the County as necessary to accomplish the tasks set forth above with any costs attendant thereto to be billed to the County.” Motion fails for lack of a second.
- Motion by Ms. Noland to amend Schedule A to read “Consult with other vendors for the limited purpose of being able to access the financial data to be found on the County servers upon consultation with the County Administrator. Motion seconded and approved on a vote of 4-1 with Ms. Widmyer opposing.

SCHEDULE B

- No amendments proposed.

President Manuel stated the amended document is before the Commission for a vote.

- Motion by Ms. Noland to accept the amended contract as discussed in the meeting this morning and have counsel proceed as necessary to get the contract ratified. Motion seconded and approved on a vote of 3-2 with Ms. Widmyer and Mr. Pellish opposing

The Commission meeting was adjourned at 11:36 a.m. on a motion by Ms. Noland. Motion seconded and unanimously approved.

DALE MANUEL, PRESIDENT

Respectfully submitted
Cynthia C. Schott
Executive Administrative Assistant

PURCHASE ORDERS TO BE APPROVED

October 3, 2013

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
COMMUNICATIONS	51677	\$ 599.00	Biddle Consulting Group	Maintenance Renewal
	51694	\$ 139.50	BK Office Supply, Inc	Car Accessories
	51695	\$ 253.53	WV Enhanced 911 Council	Weapon Fee
	51697	\$ 458.00	Teltronic	Depot - X75-2500 Repair
COUNTY CLERK	51799	\$ 101.30	Pifer Office supplies	Office Supplies
	51800	\$ 198.68	The Spirit	Notice of Administration
ENGINEERING	50240	\$ 235.00	ASCE Memembership	2014 ASCE Membership Dues
OTHER BULIDINGS	51904	\$ 2,395.80	Precision Power	911 - UPS Annual Maintenance
	51906	\$ 352.11	Fidiltiy Power Systems	Service Call
	51908	\$ 475.00	Berkeley Moumtaineer Glass	Door - Animal Control
	51909	\$ 561.25	BK Office Supply	Copy Paper
	51910	\$ 437.66	BK Office Supply	Offcie Supplies
PLANNING	50345	\$ 2,177.68	Breakthrough Achievements, Inc	Counsultant Services
PROSECUTING ATTORNEY	51655	\$ 204.05	Tracy P. Price, RPR	Transcripts
	51657	\$ 169.79	Marcia Chandler, RPR	Transcripts
GRAND TOTAL		\$ 8,758.35		

AGENDA REQUEST FORM

Name: The Honorable John Unger

Department or Entity: West Virginia State Senator

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: October 3, 2013

Date Requested – 2nd Choice: _____

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

Subject: Presentation of Community Participation Grant to Jefferson County Homeless Coalition in the amount of \$20,000

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

As the Jefferson County Commission is the fiscal agent for most Community Participation Grants, Senator Unger requested the opportunity to present the grant to Jefferson County Homeless Coalition in the amount \$20,000 at the Jefferson County Commission meeting.

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

Are documents attached?

If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:

AGENDA REQUEST FORM

Name: The Honorable Stephen Skinner

Department or Entity: West Virginia House of Delegates

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: October 3, 2013

Date Requested – 2nd Choice: _____

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

Subject: Presentation of Community Participation Grant to Friends of Blackwater, JR Clifford Project

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

As the Jefferson County Commission is the fiscal agent for most Community Participation Grants, Senator Unger requested the opportunity to present the grant to Friends of Blackwater, JR Clifford Project at the Jefferson County Commission meeting.

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

Are documents attached?

If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:

AGENDA REQUEST FORM

Name: Angela Banks

Department or Entity: Jefferson County Assessor

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: October 3, 2013

Date Requested – 2nd Choice: _____

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

Subject: Exonerations.

Please provide the County Commission with a description of your request or presentation, including background information: Request Commission approves or denies exonerations/split tickets as presented.

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

Attachments:

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Laura Storm

Department or Entity: Circuit Clerk

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice October 3, 2013

Date Requested – 2nd Choice: _____

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

Subject:

Hiring of 2 Full Time Deputy Clerks.

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

Due to the loss of a 2 full time employees, I ask that you approve the hiring of Tracey Lee Rizk and Meghan Ann Watson to the full- time position as Deputy Clerk within my office effective September 30, 2013. The salary will be \$30,000 with full benefits afforded to Jefferson County Commission employees. These positions are already approved positions and I have the money within my budget and I am not requesting any additional funds from the Commission.

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

Approve the hiring of Tracey Lee Rizk and Meghan Ann Watson as full time Deputy Clerks in the Circuit Clerks office, with all benefits afforded to County Commission employees. At the salary of \$30,000 each, effective September 30, 2013.

AGENDA REQUEST FORM

Name: Jennifer Maghan

Department or Entity: County Clerk

Estimation of amount of time needed for appointment: 10 min

Date Requested – 1st Choice: October 3, 2013

Date Requested – 2nd Choice: _____

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

Subject: Electronic Poll Books – financing

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

As discussed at the September 19, 2013, the grant amount from the state for the electronic poll books was less than originally reported. The County Clerk's office does not have \$23,000 in their budget to compensate for the shortfall from the state. The total amount the County would be required to pay would be \$57,049.

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

Are documents attached? yes

If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Lynn Fields

Department or Organization: Probate

Estimation of amount of time needed for appointment: 5 minutes

Date Requested - 1st Choice: October 3rd

Date Requested - 2nd Choice: _____

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

next CC meeting

Subject (Wording to be placed on agenda):

Admit to record letter from Carroll N. Crawford re: Estate of Elva N. Crawford

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

Legal counsel has advised to admit letter from Carroll Crawford to record

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

To please admit the letter from Carroll N. Crawford to record

Are documents attachments? Yes No

If not, explain:

please see Stephanie for further instructions

Is a projector needed? Yes No

Contact information:

Email address: lfields@jeffersoncountywv.org

Phone number: 23710

Lynn Fields

From: Cdcraw <cmdhcraw@aol.com>
Sent: Friday, September 13, 2013 2:50 AM
To: lfields@jeffersoncountywv.org
Subject: Estate of Elva N. Crawford

Lenn,
Please see to it that this is delivered to the commission, along with my previous mailing.
Carroll Michael Crawford

To: The Jefferson County Commission

Please accept my apologies for my failure to be able to attend the Hearing that was scheduled for this morning, Thursday, 9/12.
Lynn has assured me that she has passed along my current situation, and previous email. Between such short notice, my current health conditions, and ongoing back problems that have left me disabled, combined with a rather lengthy (some 48 page) petition which was not received until Tuesday afternoon, 9/10, I have been attempting to answer this erroneous petition in writing, as well as provide documentation proving these allegations are false. I will also show the commission just how these two have distorted the truth, and how much harm lies can cause people. Unfortunately, due to my current vision problems, and medical appointments, I know I will not be able to get my written response to you by Thursday Morning. Rest assured I am doing my very best, and I will have it to you ASAP.

I was just about to email this, but called first to make sure whom to send it to. And while on the phone.....

Lynn just informed me that you have approved to have me removed from the Estate of Fred J., and Elva N. Crawford, not the Estate of Fred G. Crawford and Evon E. Williams, as they have postured themselves since before 2007, based solely on a series of lies presented by my siblings without my opportunity to even address these allegations. I was informed by Lynn that this decision was based primarily on the decision to remove me in the state of MD. It would seem that without even knowing the false testimony they presented in that State, which, by the way, this very action to remove me as Co-Executor in the state of WV was attempted there and immediately thrown out, due to the fact that MD and WV have different state laws concerning Estate issues, and there is no connection between the two. I will say in the State of MD I was at least given six minutes to rebut their 53 minutes of testimony, here I have been allowed no testimony at all, to address a 48-page petition in which I had received in its entirety less than two days prior to this decision. My Mother and my Father cry out from the grave to stop this injustice and the harm that my siblings have caused and I hear their cries, unfortunately, it would seem I am the only one who has. With decisions like this, please tell me what good is a Will, and the deceased's choice of executors, as nothing has been carried out as per my Parents wishes because of these two. I received a letter, regular mail, last Friday notifying me of this petition. I called Lynn that afternoon: she was not in, so I left word that I would not be able to attend this Hearing, as I was informed to do in the mailing, and I would follow-up with Lynn on Monday with a phone call and email. In the mailing received, it did not even state who or why this petition was filed.

On Tuesday at 1:58 in the afternoon I was sent a 48 page petition to answer. Since then I have been attempting to read through files and type with one eye closed because I have double vision, and have set at this computer not only with a throbbing headack, but also with back pain so bad that my pain medication wouldn't stop it. Today I went for a brain MRI to ensure the vision problem is not being caused by a brain aneurysm, and may well be. While I was undergoing these tests, you were making a decision to remove me from my Parents Estate based on lies, without even allowing me to show you just how evil my two siblings are and the harm they have caused my Mother and me, while destroying the very foundation of the Estate of Fred J., and Elva N. Crawford. I am astonished and I am ashamed to see yet another terrible injustice carried out. I swore I would not stoop to their level because this is not how I was raised, and it would go against my Parents wishes, but they along with your help have done exactly that again. There is a limit, and there is no one left to stand up for my Parents', not the Court, not yet, certainly not this Commission, just me. Not only this, but this property was made possible by my funds, and there would be no WV Estate without my funds. How dare they file and obtain control, and shame on you, this commission, for allowing such a travesty!

Please consider this the first step in my filing for removal of Fred G. Crawford, and Evon (Dicki) E. Williams as Co-Representatives of the Estate of Elva N. Crawford. Additional information will follow. Also, while waiting for the information to be received, also consider this as my appeal to your decision, and record both accordingly. I will supply additional information to both as my disability allows, the same disability that has kept me from a fair decision. Forgive me if I do not refer to you as honorable, the memory of my Parents does not allow it.

Sincerely, Carroll Michael Crawford

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Lynn Fields

Department or Organization: Probate office

Estimation of amount of time needed for appointment: 5 to 10 minutes

Date Requested – 1st Choice: October 3rd
Date Requested – 2nd Choice:

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

Mr. Department is requesting a date be scheduled using the attached list.

Subject (Wording to be placed on agenda):

Select a date for a hearing on the probate estate

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

Attached is a motion to disburse amended petition to remove executor and appoint curator on the estates of Charles and Bethel Priddy

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

We defer to the recommendation of counsel and the commission.

Are documents attachments? Yes No

If not, explain:

Is a projector needed? Yes

No

Contact information:

Email address: lfields@jeffersoncountywv.org


Lynn Fields

From: David DeJarnett <ddejarnett@bowlesrice.com>
Sent: Wednesday, September 11, 2013 9:02 AM
To: 'Lynn Fields'
Subject: RE: Hearing Dates - Printz Estates

Lynn,

I just wanted to confirm with you the dates that we are available for a hearing:

September 17 or 18
October 3 or 4
October 7 or 11
October 14 or 15
October 21
October 29

	David A. DeJarnett ddejarnett@bowlesrice.com
Bio vCard	101 S. Queen Street Martinsburg, WV 25401 (304) 264-4232

CONFIDENTIAL AND PRIVILEGED: This e-mail is confidential and privileged, and intended only for the review and use of the addressee(s). If you have received this e-mail in error, please notify the sender at (304) 264-4232 or by e-mail at ddejarnett@bowlesrice.com. Thank you.

With respect to federal tax issues, no advice, statement or information contained in this communication is intended to be, or written for the purpose of being, (a) relied upon by a taxpayer as the exclusive basis to avoid penalties under the Internal Revenue Code, or (b) used in connection with the promotion, marketing or recommendation of any tax shelter product or tax shelter transaction.

From: Lynn Fields [<mailto:lfields@jeffersoncountywv.org>]
Sent: Wednesday, August 28, 2013 8:12 AM
To: David DeJarnett
Subject: RE: Hearing Date

It's no trouble. You guys can't help it you have busy calendars. ☺

From: David DeJarnett [<mailto:ddejarnett@bowlesrice.com>]
Sent: Wednesday, August 28, 2013 8:06 AM
To: 'Lynn Fields'
Subject: RE: Hearing Date

Lynn,

BEFORE THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

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

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

COMES NOW, the Executor, Charles Francis Printz, Jr., by counsel, David A. DeJarnett, of Bowles Rice LLP, and makes this his Motion to Dismiss the Amended Petition To Remove Executor And Appoint Curator, and requests that the County Commission of Jefferson County, West Virginia dismiss the Amended Petition and decline to grant any of the relief requested in the Amended Petition, and in support of these requests, the Executor states as follows:

BACKGROUND

Bethel H. Printz ("Mrs. Printz") died on October 20, 2011, survived by her son, Charles Francis Printz, Jr. ("Chazz"), and her daughter, MaryBeth Printz ("MaryBeth"). Mrs. Printz's husband, Charles F. Printz ("Mr. Printz") had predeceased Mrs. Printz by twenty days. Other than a few items of personal belongings left by father to son, Mr. Printz's Last Will provides that the rest of his personal belongings pass to his wife. Mrs. Printz left a last will dated January 21, 2008 (the "Last Will"). The Last Will appoints Chazz as the executor of her estate. Chazz probated the last will and was qualified as the Executor on November 1, 2011. The Last Will devises Mrs. Printz's clothing, personal effects and jewelry (other than one ring) to MaryBeth, devises some cash and a ring to James R. Kline and his daughter, devises the remaining personal belongings equally to Chazz and MaryBeth, and devises the residue of the estate in equal shares to Chazz and to a trust for the benefit of MaryBeth. Under the Last Will,

MaryBeth and Chazz are to agree to a division of all of Mrs. Printz's other personal property within seven (7) months after her death.

Mr. Printz's last will devised the residue of his estate to a trust for the benefit of Mrs. Printz. Upon the death of Mrs. Printz, the trust for her benefit in Mr. Printz's last will terminates. Upon termination of such trust, cash equal to \$750,000.00 is to be distributed to MaryBeth and the remaining trust assets are to be distributed to Chazz. The remaining trust assets include all of the shares of stock of Aspen Pool Farm, Inc. (the "Corporation"). The Corporation owns the farm and the residence of Mr. and Mrs. Printz.

MaryBeth filed her Petition to Remove Executor And Appoint Curator before the County Commission on or about May 25, 2012. Chazz filed his Response on or about June 6, 2012, stating that the Petition contained insufficient allegations of specific facts and requested that the County Commission decline to hold a hearing upon the Petition until and unless MaryBeth amends the Petition to make a more definite statement of the factual allegations of misconduct by Chazz as the Executor which MaryBeth argues justifies removal of Chazz as the Executor and appointment of a curator. A hearing was held on July 12, 2012 and the County Commission granted the relief requested in Chazz's Response and allowed MaryBeth thirty (30) days to file an amended Petition. MaryBeth filed an Amended Petition on or about August 10, 2012. Chazz filed his Response to the Amended Petition on September 7, 2012.

THE AMENDED PETITION SHOULD BE DISMISSED

- A. THE CIRCUIT COURT HAS GRANTED SUMMARY JUDGMENT AGAINST MARYBETH, THUS ELIMINATING MARYBETH'S ALLEGED GROUNDS FOR REMOVAL OF CHAZZ AS THE EXECUTOR.

The first line of the Amended Petition references the statutory grounds for the Amended Petition. MaryBeth stated in the first line of her Amended Petition, "[p]ursuant to W. Va. Code § 44-1-5 (2010), Petitioner, MaryBeth Printz . . . requests that the County

Commission . . . remove Charles F. Printz, Jr. as Executor of the Estate of Bethel H. Printz . . . and appoint a Curator of the Estate.”

West Virginia Code § 44-1-5 provides in pertinent part that:

The county [commission] . . . may appoint a curator of the estate of a decedent, during a contest about his will The curator shall take care that the estate is not wasted before the qualification of an executor or administrator, or before such estate shall lawfully come into possession of such executor or administrator. . . . Upon the qualification of an executor or administrator, such curator shall account with the executor or administrator for, and pay over to him, such estate as came into such curator's hands or for which he is liable. (emphasis added)

The Amended Petition states in paragraph 7 that “[o]n or about May 24, 2012, Petitioner filed a Complaint in the Office of the Clerk of the Circuit Court of Jefferson County, West Virginia, contesting the validity of the instrument dated January 21, 2008, as provided by W. Va. Code §§ 41-5-11 and 41-5-12 (2010).” Thus, the Amended Petition seeks the removal of Chazz as the Executor on the grounds that a will contest is pending in the Circuit Court.

MaryBeth’s Complaint filed in the Circuit Court alleged that the Last Will is not Mrs. Printz’s true last will and testament for the reason that at the time she executed the instrument, she was under the undue influence of Chazz. MaryBeth’s Complaint also alleged that MaryBeth had an expectancy to inherit from Mrs. Printz’s Estate, that was aware of this expectancy and by his intentional undue influence over Mrs. Printz, Chazz tortuously interfered with said expectancy.

The will contest is no longer pending in the Circuit Court. By that certain Final Order Granting Motion for Summary Judgment signed by the Honorable David Sanders, and entered on April 9, 2013, the Circuit Court dismissed the will contest case and retired the matter from the Court’s docket. A true and correct copy of the Final Order is attached hereto as Exhibit A. In reaching his decision, Judge Sanders noted that “[MaryBeth] has not introduced any direct

evidence tending to prove undue influence, and despite the fact that it is [MaryBeth's] burden to prove undue influence by clear and convincing evidence, [Chazz] has introduced substantial direct evidence that there was no undue influence in this case.”

In disposing of MaryBeth's allegation of undue influence, Judge Sanders stated in paragraph 15 the Final Order:

“Given the direct . . . evidence presented against undue influence by [Chazz], and the *lack* of direct evidence of undue influence presented by [MaryBeth], no reasonable trier of fact could conclude that [Chazz] unduly influenced [Mrs. Printz] in the making and execution of [the Last Will] in the case at bar. Therefore, summary judgment in favor of [Chazz] is appropriate on [MaryBeth's] claims of undue influence.” (emphasis added)

In disposing of MaryBeth's allegation of tortious interference, Judge Sanders stated in paragraph 16 the Final Order:

“As [MaryBeth] cannot prevail on her claims of undue influence, and as [MaryBeth's] claims for tortious interference with an expectancy of inheritance are predicated on her claims of undue influence, the summary judgment is similarly appropriate for [MaryBeth's] claims of tortious interference against [Chazz].”

MaryBeth's Complaint filed in the Circuit Court was disposed of by means of summary judgment. West Virginia Rule of Civil Procedure 56(c) provides that summary judgment "shall be rendered forthwith if the pleadings, deposition, answers to interrogatories, and admissions on file, together with the affidavits, if any, show there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law." W. Va. R. Civ. 56(c). Judge Sanders found that “[i]n the case at bar, there are no genuine issues of material fact,” and “[Marybeth] has not produced evidence sufficient to allow a reasonable trier of fact to conclude that the [Last Will was] the product of the undue influence of [Chazz].”

MaryBeth has lost her Circuit Court case. The Last Will has been upheld. Therefore, the grounds stated by MaryBeth in the Amended Petition for removal of Chazz as the

Executor have been eliminated. There is no will contest pending. For that reason, the County Commission should decline to grant any of the relief requested in the Amended Petition and dismiss the Amended Petition.

Moreover, there are additional grounds for dismissal of the Amended Petition which will be discussed below.

B. MARYBETH HAS NOT PURSUED HER PETITION.

Since MaryBeth filed her Amended Petition on August 10, 2012, she has taken no action to pursue her Amended Petition. Her Amended Petition consisted of five (5) pages, did not contain any factual allegations, and did not include any exhibits. Chazz's Response to the Amended Petition consisted of 46 pages, was verified by Chazz under oath, and contained multiple references to over 220 pages of attached exhibits detailing his actions as Executor.

In almost one full year, MaryBeth has made no response or reply whatsoever to Chazz's Response to the Amended Petition. In almost one full year, MaryBeth has not made herself available for a hearing before the County Commission. Upon information and belief, she has made no attempt to schedule a hearing. MaryBeth filed the Petition and the Amended Petition, and this is her case to pursue. She has not pursued her case and her case should be dismissed.

In the Amended Petition, MaryBeth accuses Chazz as the Executor (with no factual support) of committing acts of self-dealing, of improperly handling estate assets, and of converting estate assets to his own use. If MaryBeth truly believed that Chazz was committing such acts, she would have pursued her case and would not have allowed her case to become as stale as it has.

On or about July 18, 2013, Chazz as the Executor filed his first accounting for the period beginning with the date of death through December 31, 2012. A true and correct copy of

the first accounting is attached hereto as Exhibit B. The accounting reflects that all of the personal property of the decedent has been distributed to the beneficiaries, all of the debts and expenses of the estate have been paid (other than final administration expenses and executor commissions), and all of the assets of the estate have been turned to cash in anticipation of final distribution to the beneficiaries under the Last Will. If the Amended Petition is dismissed, Chazz can begin to take the final steps to prepare to close the estate and to make the distributions to the beneficiaries.

C. THE STATUTORY PROVISION CITED BY PETITIONER DOES NOT APPLY WHEN AN EXECUTOR HAS BEEN QUALIFIED AND IS SERVING.

By filing this Motion, Chazz reemphasizes and renews his request made to the County Commission in his Response to the Amended Petition to dismiss the Amended Petition on the grounds that the statutory provision under which the Amended Petition is filed does not apply when an Executor has been qualified and is serving.

West Virginia Code § 44-1-5 provides in pertinent part that:

The county [commission] . . . may appoint a curator of the estate of a decedent, during a contest about his will The curator shall take care that the estate is not wasted *before* the qualification of an executor or administrator, or *before* such estate shall lawfully come into possession of such executor or administrator. . . . *Upon the qualification of an executor or administrator*, such curator shall account with the executor or administrator for, and pay over to him, such estate as came into such curator's hands or for which he is liable. (emphasis added)

Thus, it is clear that the statute contemplates a need for a curator only if no executor or administrator is presently qualified. The will contest referred to in the statute is one which occurs before an executor or administrator has been qualified and appointed. The statute does not contemplate that a curator will complete the process of estate administration and distribution. The statute contemplates that if a curator is appointed, the curator will later turn the

estate over to an executor or administrator. Thus, the appointment of a curator is an interim, temporary step that is simply not applicable to or at least not needed in this case.

D. NO FACTS HAVE BEEN ALLEGED BY MARYBETH WHICH IF TRUE WOULD CONSTITUTE GROUNDS FOR REMOVAL OF CHAZZ AS THE EXECUTOR

Although MaryBeth's Amended Petition begins by stating that it is filed pursuant to W. Va. Code § 44-1-5 (2010), the Amended Petition goes on to allege other grounds for removal of Chazz as the Executor. Each of those alleged grounds were addressed by Chazz in his Response to the Amended Petition. No facts have been alleged by MaryBeth which, if true, would constitute grounds for removal of Chazz as the Executor.

MaryBeth has had legal counsel for many months. MaryBeth's legal counsel threatened to file a petition to remove Chazz as the Executor on April 19, 2012. Such a petition was filed on or about May 25, 2012. Chazz's response was filed on or about June 6, 2012. As a result of that Response, MaryBeth did not supplement her Petition with any filing containing any factual allegations. The County Commission gave MaryBeth thirty days from July 12, 2012, to file a more definite Petition. The Amended Petition is the product of months of contemplation of the issue by MaryBeth and her counsel.

At any hearing on the Amended Petition, MaryBeth and her legal counsel should not be permitted to allege any additional facts. The authority of the Country Commission to remove an executor comes from West Virginia Code § 44-5-5. That section provides in part that "the commission shall . . . whenever from any cause it appears proper, revoke and annul the powers of such fiduciary. No such order shall be made unless reasonable notice is given to the fiduciary." The Supreme Court of Appeals of West Virginia in Moore v. Thomas, 115 W.Va. 237, 174 S.E. 876 (1934) has addressed the specificity required in an action to remove an executor. The Court reasoned that "[t]he section further provides that no such order [of removal]

shall be made unless reasonable notice shall have been given to such fiduciary.” Moore v. Thomas, 115 W.Va. at 239. The Court held:

“[t]he section . . . does require the giving of notice to the fiduciary. Its plain intendment is that the fiduciary, before being required to go to hearing upon the charges embodied in any proceeding for his removal, shall be placed on adequate notice as to the substance of the charges a reasonable time before his is required to defend at the hearing. . . . In a proper case, the county court could doubtless require that the fiduciary, upon timely raising of the question, should be entitled to more specific specification of what he is required to meet upon the hearing.” Id.

The Amended Petition contains certain alleged facts. However, the Amended Petition is not signed by MaryBeth. In the Response to the originally filed Petition, the Executor’s counsel noted that indicative of the lack of factual allegations in the Petition, is the fact that MaryBeth did not signed the Petition. Typically, when factual allegations are made in a petition, the person with personal knowledge of that factual allegation signs the petition. MaryBeth has not signed the Amended Petition. The Amended Petition is signed by Petitioner’s counsel only. Moreover, the Amended Petition does not include any exhibits. Thus, it is unclear how MaryBeth wishes to prove the alleged facts.

As the Supreme Court of Appeals of West Virginia has held, “[t]he removal of a personal representative chosen by a testator is a drastic action that should be undertaken only when the estate within the control of such person is endangered. To justify the removal of a testamentary personal representative the proof of the cause for such removal must be clear.” Haines v. Kimble, 221 W.Va. 266, 274, 654 S.E.2d 588, 596 (2007) (quoting In re Beichner’s Estate, 432 Pa. 150, 247 A.2d 779, 782 (1968)). “[T]he bare allegations of the complaint are not sufficient to mandate the immediate removal of the administrat[or].” McClure v. McClure, 184 W.Va. 649, 403 S.E.2d 197 (1991). “In removing a nominated executor or trustee, the court commits error in relying upon a bare allegation . . . without holding an evidentiary hearing.”

Christopher J. Winton, Esq., *Probate Happens: How to Involuntarily Remove the Personal Representative in West Virginia*, 2007-DEC W.Va. Law. 36 (November/December 2007) (citing State ex rel. Johnson v. Reed, 219 W.Va. 289, 633 S.E.2d 234 (2006)). Thus, MaryBeth must prove the critical facts supporting her request to remove Chazz as the Executor. See McClure, 184 W.Va. at 655, 403 S.E.2d at 203 (bare allegations of complaint are not sufficient to justify removal of administratrix and plaintiff must prove critical facts in support of claim).

E. THE AMENDED PETITION MAY BE DISMISSED WITHOUT A HEARING

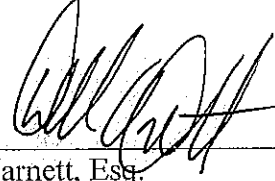
On the other hand, a hearing is not necessary in order for the County Commission to deny all of the relief requested in the Amended Petition. The County Commission may dispense with a hearing on the Amended Petition if it determines that MaryBeth has filed an insufficient Amended Petition or has not timely made herself available for a hearing.

The first question for the County Commission to consider is whether the Amended Petition contains factual allegations of misconduct of the Executor which, if true, would justify his removal. If the conclusion of that inquiry is negative, then the issue is resolved and the Amended Petition must be denied in its entirety. Only if the conclusion of that inquiry is affirmative, should the County Commission proceed to hear the matter and consider whether MaryBeth has proven the alleged facts in support of her prayer that the Executor be removed.

As the Circuit Court disposed of Marybeth's will contest complaint without a trial, the County Commission can dispose of the Amended Petition without a hearing. Since Marybeth has not alleged any fact which, if true, would justify removal of Chazz as the Executor, then there is no reason for a hearing.

WHEREFORE, the Respondent respectfully requests that the County Commission decline to grant any of the relief requested in the Amended Petition and enter an order dismissing the Amended Petition.

CHARLES F. PRINTZ, JR., EXECUTOR
OF THE ESTATE OF BETHEL H. PRINTZ,
DECEASED
By Counsel



David A. DeJarnett, Esq.
W.Va. State Bar #5190
Bowles Rice LLP
101 South Queen Street
Martinsburg, WV 25401
(304) 263-0836


VERIFICATION

STATE OF WEST VIRGINIA

COUNTY OF BERKELEY, to-wit:

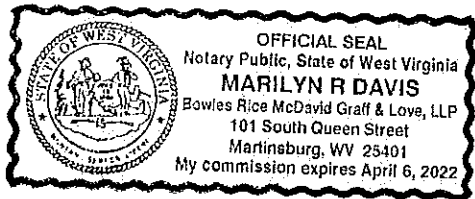
COMES NOW the undersigned, CHARLES F. PRINTZ, JR., who, after first being duly sworn, hereby states that the foregoing MOTION TO DISMISS AMENDED PETITION TO REMOVE EXECUTOR AND APPOINT CURATOR is true and correct to the best of his knowledge, information, and belief.


DATED this 18th day of July 2013.


CHARLES F. PRINTZ, JR., EXECUTOR
Estate of Bethel H. Printz, deceased

The foregoing instrument was acknowledged before the undersigned Notary Public by Charles F. Printz, Jr. on this 18th day of July, 2013.

My commission expires April 6, 2022.




Notary Public

CERTIFICATE OF SERVICE

I, David A. DeJarnett, do hereby certify that I have served a true and correct copy of the foregoing MOTION TO DISMISS AMENDED PETITION TO REMOVE EXECUTOR AND APPOINT CURATOR upon the below named counsel on the date indicated via United States Mail, first class, postage prepaid, addressed as follows:

John F. Hussell, IV, Esq.
DINSMORE & SHOHL LLP
Post Office Box 11887
Charleston, West Virginia 25339-1887

Dated this 18th day of July 2013.



David A. DeJarnett

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Roger Goodwin, Chief County Engineer

Department or Entity: Engineering Department

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: October 3, 2013

Date Requested – 2nd Choice: October 17, 2013

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

Subject: Mission Ridge Subdivision – Site Work (street paving & old Route 9 turn lanes at entrance), close out of bond escrow account.

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

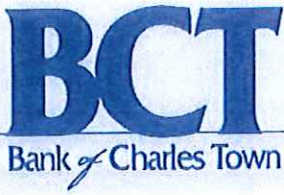
The Jefferson County Engineering Department coordinated the bidding and managed the construction of the remaining site improvements at the Mission Ridge Subdivision (JCPC file no. 03-03) due to the developer defaulting on their obligation to complete the work. The contractor executed an agreement with the owner, the Mission Ridge Property Owner's Association, to complete the work. Jefferson Asphalt Products Company, Inc.'s invoice amount for the work was \$176,922.85, and a check for full payment was issued to them on August 5, 2013.

The remaining bond funds are held by the Jefferson County Commission in an escrow account at the Bank of Charles Town (account no. 3211568), which has an August 30, 2013 account balance of \$656.42 (see attached bank statement).

Therefore, in order to zero out the balance and close the escrow account, the Engineering Department is requesting approval from the County Commission to invoice for the project management costs incurred with managing this construction project. However, since our time and costs (see attached tabulation) exceeds the available funds, we will only be able to recoup part of the costs incurred; which will be the amount in the account on the day the account is closed. The check will be written to the Sheriff of Jefferson County for deposit in the General Fund.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Move to approve the Jefferson County Commission invoicing for the project management costs incurred by the Engineering Department staff in managing the Mission Ridge Subdivision site improvements project and to make payment from the bond escrow account in the amount of the remaining balance and to close the escrow account.**

**Attachments: Copy of Bank of Charles Town – August 30, 2013 escrow account bank statement
(account no. 3211568)
Project Management Cost - Tabulation**



The Bank To Live By.

Phone: (304) 725-8431
Web www.mybct.com

COPY

Date 8/30/13 Page 1
Primary Account 3211568
Images 1

*****EXCLUDE-Pickup
4013 0.6270 EX 0.000 13 1 1315
SHERIFF OF JEFFERSON COUNTY
JEFFERSON COUNTY COMMISSION
MISSION RIDGE SUBDIVISION 03-03

*** DO NOT MAIL ***

Thank you for Banking with BCT
We appreciate your business

---- CHECKING ACCOUNTS ----

PUBLIC FUNDS - FIXED INTEREST
Account Number 3211568
Previous Balance 177,558.72
Deposits .00
1 Checks/Charges 176,922.85
Service Charge .00
Interest Paid 20.55
Current Balance 656.42
Number of Images 1
Statement Dates 8/01/13 thru 8/31/13
Days This Statement Period 31
Average Ledger 69,121
Average Collected 69,121
Interest Earned 20.55
Annual Percentage Yield Earned 0.35%
2013 Interest Paid 377.93

Deposits and Additions
Date Description Amount
8/31 INTEREST PAID 31 DAYS 20.55

Checks in Serial Number Order
Date Check No. Amount
8/13 9999 176,922.85
*Indicates Break in Check Number

Daily Balance Information
Date Balance Date Balance
8/01 177,558.72 8/13 635.87
8/31 656.42

*** END OF STATEMENT ***

To report Lost or Stolen ATM/Debit Cards call us Monday through Friday
8:00AM to 5:00PM at 304-725-8431, all other times call 1-866-546-8273.



August 13, 2013 <small>13-11120</small>	
Pay to the Order of: <u>Jefferson Asphalt Products</u>	\$176,922.85
<u>one hundred seventy six thousand nine hundred twenty two dollars & 10/100</u>	
BCT <small>Bank of Charles Town</small>	<u>Dale Manuel</u>
For: <u>Mission Ridge Site Work</u>	<u>John H. [Signature]</u>
<small>⑆057001418⑆</small>	<small>⑆003211568⑆</small>

Ck# 9999 Amt \$176,922.85 Date 8/13/2013

—
—
—

Jefferson County Engineering Department
Project Management Costs - Tabulation
Misson Ridge Subdivision - Site Work to Complete Subdivision
8/27/2013

Date	Description	Person	Hours	Hourly Rate Charges	Total \$
5/1/2012	DOH meeting on site	Jonathan Saunders	1	\$46.70	\$46.70
		Joe Kent	1	\$44.65	\$44.65
7/9/2012	calculate quantities	Jonathan Saunders	2	\$46.70	\$93.40
		Joe Kent	1	\$44.65	\$44.65
7/16/2012	quantities/scope	Jonathan Saunders	2	\$46.70	\$93.40
7/31/2012	meet with HOA	Jonathan Saunders	1	\$46.70	\$46.70
7/29/2012	DOH contact	Jonathan Saunders	0.5	\$46.70	\$23.35
8/29/2012	draft RFP	Roger Goodwin	3	\$59.27	\$177.81
9/5/2012	draft RFP, quantities	Roger Goodwin	3	\$59.27	\$177.81
		Joe Kent	1	\$44.65	\$59.27
9/6/2012	meeting re: RFP	Roger Goodwin	1	\$59.27	\$59.27
		Jonathan Saunders	1	\$46.70	\$46.70
		Joe Kent	1	\$44.65	\$44.65
9/10/2012	advertize RFP	Roger Goodwin	1.5	\$59.27	\$88.91
9/26/2012	Pre-bid meeting	Roger Goodwin	2	\$59.27	\$118.54
		Joe Kent	2	\$44.65	\$89.30
		Jonathan Saunders	2	\$46.70	\$93.40
10/5/2012	Investigate pavement markings (bonded?)	Jonathan Saunders	2	\$46.70	\$93.40
10/11/2012	bids due/open bids	Roger Goodwin	3	\$59.27	\$177.81
		Joe Kent	1	\$44.65	\$44.65
10/12/2012	HOA meeting re: bids	Roger Goodwin	1.5	\$59.27	\$88.91
		Jonathan Saunders	1.5	\$46.70	\$70.05
		Joe Kent	1.5	\$44.65	\$66.98
10/18/2012	draft Notice of award	Roger Goodwin	1.5	\$59.27	\$88.91
		Joe Kent	0.5	\$44.65	\$22.33
10/22/2012	check quantities, notice of award	Roger Goodwin	5	\$59.27	\$296.35
	contract documents	Joe Kent	2	\$44.65	\$89.30
10/24/2012	draft agreement for site work	Roger Goodwin	2.5	\$59.27	\$148.18
	on site meeting with DOH	Jonathan Saunders	1	\$46.70	\$46.70
		Joe Kent	1	\$44.65	\$44.65
11/1/2012	meet contractor, re: contract documents,	Roger Goodwin	3	\$59.27	\$177.81
	send to HOA	Joe Kent	1	\$44.65	\$44.65

11/8/2012	issue notice of award	Roger Goodwin	3	\$59.27	\$177.81
11/9/2012	HOA signatures, statement of funds	Roger Goodwin	2	\$59.27	\$118.54
11/13/2013	notice of award, escrow account	Roger Goodwin	2	\$59.27	\$118.54
11/28/2012	contract documents	Roger Goodwin	1	\$59.27	\$59.27
12/7/2012	execute contract documents	Roger Goodwin	1.5	\$59.27	\$88.91
12/12/2012	prepare documents for HOA signatures	Roger Goodwin	2.5	\$59.27	\$148.18
					\$0.00
1/8/2013	change order #1, contractor contact	Roger Goodwin	1	\$59.27	\$59.27
4/18/2013	contractor contract, status/scheduling	Roger Goodwin	1.5	\$59.27	\$88.91
4/19/2013	HOA contact , scheduling	Roger Goodwin	1.5	\$59.27	\$88.91
5/9/2013	contractor contact	Roger Goodwin	1	\$59.27	\$59.27
5/10/2013	site inspection, mobilization	Joe Kent	2	\$44.65	\$89.30
5/22/2013	site inspection, delivery tickets	Joe Kent	4	\$44.65	\$178.60
5/24/2013	site inspection	Joe Kent	3	\$44.65	\$133.95
6/26/2013	meet with contractor, delivery tickets	Joe Kent	2.5	\$44.65	\$111.63
6/26/2013	site inspection, pavement markings	Joe Kent	2	\$44.65	\$89.30
6/27/2013	go over final quantities	Roger Goodwin	1.5	\$59.27	\$88.91
		Joe Kent	1.5	\$44.65	\$66.98
7/2/2013	meet with contractor, discuss change order	Roger Goodwin	1.5	\$59.27	\$88.91
	to include skid course	Joe Kent	1.5	\$44.65	\$66.98
7/3/2013	execute change order, release of liens and consent of surety	Joe Kent	4	\$44.65	\$178.60
7/17/2013	site inspection "wash out" areas, shoulders	Joe Kent	2	\$44.65	\$89.30
8/1/2013	County Commission approval for payment	Roger Goodwin	1	\$59.27	\$59.27
8/5/2013	check signatures	Roger Goodwin	1.5	\$59.27	\$88.91
8/14/2013	staff meeting, discussion re: close out	Roger Godwin	1	\$59.27	\$59.27
	escrow account	Joe Kent	1	\$44.65	\$44.65
		Jonathan Saunders	1	\$46.70	\$46.70
TOTALS			102		\$5,337.98

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes (possible executive session)

Date Requested – 1st Choice: September 19, 2013 (possible executive session)

Date Requested – 2nd Choice: _____

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

Subject: Approval to move forward with Job Offer for Zoning Administrator Position

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

When Steve Barney gave notice of his resignation in May 2013, the County Commission authorized the Director of Planning and Zoning to advertise for the position in order to include Mr. Barney in the review of the applications. Planning and Zoning staff conducted first interviews in June, 2013 and selected 3 candidates for second interviews, which included a written report and presentation. In July, 2013, staff checked references and was ready to make a choice among the top three candidates to make a recommendation to County Commission when a hiring freeze was put into place by the County Commission until October 2013.

This request is for permission to revisit the top candidates and move forward with a recommendation to the County Commission for a start date in October.

If the County Commission would like to discuss the current staffing levels of the Departments of Planning and Zoning, an executive session is requested.

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

I move approval of the request of the Director of Planning and Zoning to move forward with the consideration of the Zoning Administrator candidates for the purpose of making a recommendation to the County Commission for a start date in October, 2013, to fill the vacant Zoning Administrator position for the Department of Zoning in accordance with the Department of Zoning's budgeted position.

Attachments:

JEFFERSON COUNTY

Personnel Requisition

Department Name Zoning Date 9/12/13 Date Needed ASAP

Job Title Zoning Administrator Salary \$51,250 to 55,191 DOQ (Grade V) Criminal History Check Yes No

Suggested Recruitment Source(s) Various State and National APA websites; local newspapers

Applicants Interviewed By: Jennifer Brockman, Seth Rivard, JT Redmon Position Reports To: Jennifer Brockman

Minimum Education Required: Bachelors Degree in planning, public policy, legal, or related field plus experience noted below

Minimum Experience Required: Degree in planning as noted above plus 3-5 years practical experience. American Institute of Certified Planners (AICP) certification is preferred. Previous ordinance administration and strong verbal and written skills required.

Job Duties: Administer and interpret land use ordinances, implement the county's comprehensive plan, determine zoning compliance of proposed development, coordinate pre-proposal conferences with developers and citizens, perform subdivision and site plan review for compliance with county zoning, planning and flood plain regulations, building permit and development review functions, make public presentations to boards and commissions and serve as staff to the appointed Board of Zoning Appeals. Position will include input into the updating of locally adopted ordinances and regulations; contributing to the process of updating the Comprehensive Plan; and outreach and education of county staff and the public regarding the locally adopted regulations and ordinances.

Budget Information

Addition Replacement Explain or For Whom Steve Barney who resigned in June 2013

Position Budgeted Yes No Proposed Salary \$51,250 to 55,191 DOQ Date of Hire mid October

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

Safety/Security Hours Per Week 35 hrs/week plus evening and weekend meetings

Approvals

Elected Official Approval _____ Date _____

Department Head Approval _____ Date _____

County Commission Approval _____ Date _____

Comments _____

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: September 19, 2013

Date Requested – 2nd Choice: _____

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

Subject: Discussion and Possible Action Regarding Potential Amendments to WV Code 8A

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

In an effort to continue to develop local processes that would reduce barriers to development, streamline processes, and improve the clarity of the processes, the Department of Planning and Zoning staff has reviewed the provisions of WV Code 8A, Article 4 Subdivision and Land Development Ordinance, and developed a few proposed amendments that we believe would help prevent some unnecessary delays that may have inadvertently been created by the language in 8A. Staff would like to reach out to the County's State Senators and Delegates to discuss these proposed amendments for their consideration and possible sponsorship.

To that end, staff would like to make the County Commission aware of this effort and request possible endorsement of the proposed amendments (attached). If the County Commission is not prepared to endorse these amendments, staff would still like to move forward with a discussion with the Senators and Delegates about the staff-proposed amendments.

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

I move endorsement of the proposed text amendments to WV Code 8A for the purposes of allowing staff to forward the proposed amendments to the County's State Senators and Delegates for their review and consideration.

OR

I move to authorize the Departments of Planning and Zoning to forward their proposed amendments to WV Code 8A to the County's State Senators and Delegates for their review and consideration.

Attachments:

- Proposed Amendments to WV Code 8A

WEST VIRGINIA CODE

CHAPTER 8A. LAND USE PLANNING.

ARTICLE 4. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.

§8A-4-1. Subdivision and land development ordinances authorized.

(a) The governing body of a municipality or a county may regulate subdivisions and land development within its jurisdiction by:

- (1) Adopting a comprehensive plan and enacting a subdivision and land development ordinance; or
- (2) Establishing a planning commission, enacting a subdivision and land development ordinance, and adopting a comprehensive plan for the area included in the subdivision and land development ordinance within three years of the enactment of the subdivision and land development ordinance.

(b) A municipality may adopt, by reference, the subdivision and land development ordinance of the county in which it is located.

(c) With the prior approval of the county planning commission, a municipality may, by ordinance, designate the county planning commission as the planning commission for the municipality to review and approve subdivision or land development plans and plats.

§8A-4-2. Contents of subdivision and land development ordinance.

(a) A subdivision and land development ordinance shall include the following provisions:

- (1) A minor subdivision or land development process, including criteria, requirements and a definition of minor subdivision;
- (2) The authority of the planning commission and its staff to approve a minor subdivision or land development;
- (3) A major subdivision or land development process, including criteria and requirements;
- (4) The authority of the planning commission to approve a major subdivision or land development;
- (5) The standards for setback requirements, lot sizes, streets, sidewalks, walkways, parking, easements, rights-of-way, drainage, utilities, infrastructure, curbs, gutters, street lights, fire hydrants, storm water management and water and wastewater facilities;
- (6) Standards for flood-prone or subsidence areas;
- (7) A review process for subdivision or land development plans and plats by the planning commission;
- (8) An approval process for subdivision or land development plans and plats by the planning commission, including the authority to approve subdivision or land development plans and plats with conditions;
- (9) A process to amend final approved subdivision or land development plans and plats;
- (10) A requirement that before development of the land is commenced, subdivision and land development plans and plats must be approved by the applicable planning commission, in accordance with the comprehensive plan, if a comprehensive plan has been adopted;
- (11) A requirement that after approval of the subdivision or land development plat by the planning commission and before the subdivision or development of the land is commenced, the subdivision and land development plat shall be recorded in the office of the clerk of the county commission where a majority of the land to be developed lies;
- (12) A schedule of fees to be charged which are proportioned to the cost of checking and verifying proposed plats;
- (13) The process for granting waivers from the minimum standards of the subdivision and land development ordinance;
- (14) Improvement location permit process, including a requirement that a structure or development of land is prohibited without an improvement location permit;
- (15) The acceptable methods of payment to cover the cost of the water and sewer service infrastructure, which can include, but are not limited to, bonds, impact fees, escrow fees and proffers;
- (16) The process for cooperating and coordinating with other governmental agencies affected by the

subdivision and land development and use; and

(17) Penalties for violating the subdivision and land development ordinance.

(b) A subdivision and land development ordinance may include the following provisions:

- (1) Establishing a board of subdivision and land development appeals with the same powers, duties and appeals process as set out for the board of zoning appeals under the provisions of article eight of this chapter;
- (2) Requirements for green space, common areas, public grounds, walking and cycling paths, recreational trails, parks, playgrounds and recreational areas;
- (3) Encourage the use of renewable energy systems and energy-conserving building design;
- (4) Vested property right, including requirements;
- (5) Exemptions of certain types of land development from the subdivision and land development ordinance requirements, including, but not limited to, single-family residential structures and farm structures; and
- (6) Any other provisions consistent with the comprehensive plan the governing body considers necessary.

(c) All requirements, for the vesting of property rights contained in an ordinance enacted pursuant to this section that require the performance of any action within a certain time period for any subdivision or land development plan or plat valid under West Virginia law and outstanding as of January 1, 2010, shall be extended until July 1, 2012, or longer as agreed to by the municipality, county commission or planning commission. The provisions of this subsection also apply to any requirement that a use authorized pursuant to a special exception, special use permit, conditional use permit or other agreement or zoning action be terminated or ended by a certain date or within a certain number of years.

§8A-4-3. Enactment of subdivision and land development ordinance.

(a) Before a governing body enacts a subdivision and land development ordinance, the governing body shall hold at least one public hearing and give public notice.

(b) The public notice of the date, time and place of the public hearing must be published in a local newspaper of general circulation in the area as a Class I legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this code, at least thirty days prior to the public hearing. The public notice must contain a brief summary of the principal provisions of the proposed subdivision and land development ordinance and a reference to the place or places where copies of the proposed subdivision and land development ordinance may be examined.

(c) After the public hearing, if the governing body makes other than technical amendments to the proposed subdivision and land development ordinance prior to voting on it, the governing body shall hold another public hearing and give public notice. The public notice shall be as provided in subsection (b) of this section, and must contain a brief summary of the amendments.

§8A-4-4. Filing the subdivision and land development ordinance.

After the enactment of the subdivision and land development ordinance by a governing body, the governing body must file the enacted subdivision and land development ordinance in the office of the clerk of the county commission where the subdivision and land development ordinance applies.

§8A-4-5. Amendments to the subdivision and land development ordinance.

After the enactment of the subdivision and land development ordinance by the governing body, all amendments to the subdivision and land development ordinance shall be made by the governing body after holding a public hearing with public notice.

§8A-4-6. Effect of adopted subdivision and land development ordinance.

After enactment of a subdivision and land development ordinance by the governing body, all subsequent subdivisions and land development must be done in accordance with the provisions of the subdivision and land development ordinance.

§8A-4-7. Validation of prior subdivision and land development ordinance.

All subdivision and land development ordinances, all amendments, supplements and changes to the ordinance, legally adopted under prior acts, and all action taken under the authority of the ordinance, are hereby validated and the ordinance shall continue in effect until amended or repealed by action of the governing body taken under authority of this article. These ordinances shall have the same effect as though previously adopted as a comprehensive plan of land use or parts thereof.

ARTICLE 5. SUBDIVISION OR LAND DEVELOPMENT PLAN AND PLAT.

§8A-5-1. Jurisdiction of planning commissions.

(a) A planning commission has the authority to:

- (1) Approve a minor subdivision or land development application within its jurisdiction;
- (2) Exempt an application for a minor subdivision or land development within its jurisdiction; and
- (3) Approve a major subdivision or land development application within its jurisdiction.

(b) The staff of a planning commission has the authority to approve a minor subdivision or land development application within its jurisdiction, if granted such authority by the governing body in the subdivision and land development ordinance.

(c) If a subdivision or land development plan and plat cannot be approved through the minor subdivision or land development process, then an applicant must use the major subdivision or land development approval process.

PART I. MINOR SUBDIVISION OR LAND DEVELOPMENT PROCESS.

§8A-5-2. Requirements for a minor subdivision or land development.

a) An application for approval of a subdivision or land development plan and plat may be considered a minor subdivision or land development if it meets the following requirements:

- (1) Only creates the maximum number of lots specifically permitted by the subdivision and land development ordinance for a minor subdivision or land development;
- (2) Will not require the development of new or the extension of existing off-tract infrastructure; and
- (3) Such other requirements as determined by the governing body to ensure that required improvements are installed and not avoided by a series of minor subdivisions or land developments.

(b) The following can be considered a minor subdivision or land development if approved by the planning commission:

- (1) Merger or consolidation of parcels of land;
- (2) Land transfers between immediate family members; and
- (3) Minor boundary line adjustments

§8A-5-3. Application for minor subdivision or land development.

(a) An applicant submits a copy of a land development plat and the fees to the planning commission having jurisdiction over the land.

(b) Within seven days after the submission of the subdivision or land development plat, the applicant and the staff of the planning commission shall meet to discuss the proposed subdivision or land development and the criteria used to classify the proposal as minor.

(c) The staff of the planning commission may make a site inspection of the proposed subdivision or land development.

(d) Within ten days after the submission of the subdivision or land development plat, the staff of the planning commission shall notify the applicant in writing that the proposed subdivision or land development has been classified a minor subdivision or land development.

§8A-5-4. Approval of minor subdivision or land development plans and plats.

(a) Within ten days after a plat has been classified a minor subdivision or land development, then the planning commission or staff, if the authority has been given by the governing body, shall approve or deny the plat.

(b) If the planning commission approves the plat, then the planning commission shall affix its seal on the plat.

(c) If the planning commission approves the plat with conditions, then the planning commission must state the conditions.

(d) If the planning commission denies the plat, then the planning commission shall notify the applicant in writing of the reasons for the denial.

§8A-5-5. Recording of minor subdivision or land development plat.

After approval of a minor subdivision or land development plat by the planning commission and before the

subdivision or development is commenced, the subdivision or land development plat shall be recorded by the applicant in the office of the clerk of the county commission where the land is located.

PART II. MAJOR SUBDIVISION OR LAND DEVELOPMENT PROCESS.

§8A-5-6. Application for major subdivision or land development.

(a) An applicant for approval of a major subdivision or land development plan and plat shall submit written application, a copy of the proposed land development plan and plat, and the fees to the planning commission having jurisdiction over the land.

(b) Within forty-five days after receipt of the application, the planning commission shall review the application for completeness and either accept or deny it. The Planning Commission may delegate the determination of completeness to its staff for the purpose of setting the public hearing required within 45 of the determination as detailed in §8A-5-8c.

(c) If the application is not complete, then the planning commission may deny the application and must notify the applicant in writing stating the reasons for the denial.

§8A-5-7. Contents of a major subdivision or land development plan and plat.

(a) A land development plan and plat must include everything required by the governing body's subdivision and land development ordinance.

(b) If a governing body does not have a subdivision and land development ordinance or if a governing body's subdivision and land development ordinance does not specify what may be included in a subdivision or land development plan and plat, then the following may be included, when applicable, in a subdivision or land development plan and plat:

- (1) Show that the subdivision or land development conforms to the governing body's comprehensive plan;
- (2) A method of payment to cover the cost of the water and sewer service infrastructure, which can include, but is not limited to, bonds, impact fees, escrow fees and proffers;
- (3) Coordination among land development with adjoining land owners, including but not limited to, facilities and streets;
- (4) Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience and the harmonious development of the municipality or county;
- (5) Show that there is a fair allocation of areas for different uses, including, but not limited to, streets, parks, schools, public and private buildings, utilities, businesses and industry;
- (6) Show that there is a water and sewer supply;
- (7) Setback and lot size measures were used;
- (8) The standards used for designating land which is subject to flooding or subsidence, details for making it safe, or information showing that such land will be set aside for use which will not endanger life or property and will not further aggravate or increase the existing menace;
- (9) The control measures for drainage, erosion and sediment;
- (10) The coordination of streets, sidewalks and pedestrian pathways in and bordering the land development; and
- (11) The design, construction and improvement measures to be used for the streets, sidewalks, easements, rights-of-way, drainage, utilities, walkways, curbs, gutters, street lights, fire hydrants, water and wastewater facilities, and other improvements installed, including the width, grade and location for the purpose of accommodating prospective traffic, customers and facilitating fire protection.

(c) The locally adopted regulations related to the major subdivision or land development approval process may separate the approval process into multiple steps, including, but not limited to, a Concept Plan, a Preliminary Plat, Construction Documents and a Final Plat. If multiple steps are proposed for a major subdivision or land development approval process, the locally adopted regulations may limit the public hearing process to the first of these steps and authorize the later steps to be administratively reviewed. All major subdivision or land developments shall require at least one public hearing in accordance with the provisions of 8A-5-8.

§8A-5-8. Approval of major subdivision or land development plans and plats.

(a) Upon written request of the applicant for a determination, the planning commission must determine by vote at the next regular meeting or at a special meeting, whether or not the application is complete based upon a finding that

the application meets the requirements set forth in its governing body's subdivision and land development ordinance.

(b) If a governing body's subdivision and land development ordinance does not specify what may be included in a land development plan and plat, then the planning commission must determine that an application is complete if the application meets the requirements set forth in subsection (b), section seven of this article.

(c) At a meeting where the application is determined to be complete, the planning commission must set a date, time and place for a public hearing and a meeting to follow the public hearing to vote on the application. If the Planning Commission has authorized the staff to make this determination, such determination will be made in writing to the applicant and staff will set the date, time and place of the public hearing in accordance with this section. The public hearing must be held within forty-five days of the determination of completeness, and the planning commission must notify the applicant of the public hearing and meeting in writing unless notice is waived in writing by the applicant. The planning commission must publish a public notice of the public hearing and meeting in a local newspaper of general circulation in the area at least twenty-one days prior to the public hearing.

(d) At a meeting at the conclusion of the public hearing or a meeting held within fourteen days after the public hearing, the planning commission shall vote to approve, deny or hold the application.

(e) The application may be held for additional information necessary to make a determination. An application may be held for up to forty-five days.

(f) The planning commission shall approve the application after the planning commission determines that an application is complete and meets the requirements of the governing body's subdivision and land development ordinance; or if the governing body does not have a subdivision and land development ordinance or if the subdivision and land development ordinance does not specify what may be included in a subdivision or land development plan and plat, that the application meets the requirements set forth in subsection (b) section seven of this article.

(g) If the planning commission approves the application, then the planning commission shall affix its seal on the subdivision or land development plan and/or plat.

(h) If the planning commission approves the application with conditions, then the planning commission must specify those conditions.

(i) If the planning commission denies the application, then the planning commission shall notify the applicant in writing of the reasons for the denial. The applicant may request, one time, a reconsideration of the decision of the planning commission, which request for reconsideration must be in writing and received by the planning commission no later than ten days after the decision of the planning commission is received by the applicant.

§8A-5-9. Recording of major subdivision or land development plat.

After approval of a major subdivision or land development plat by the planning commission and after the conditions of the planning commission are met, the subdivision or land development plat shall be recorded by the applicant in the office of the clerk of the county commission where the land is located. If the land is located in more than one county, then the land development plat shall be recorded in the county of the initial land development and subsequently recorded in the other counties when there is land development in that county.

§8A-5-10. Appeal process.

(a) An appeal may be made by an aggrieved person from any decision or ruling of the planning commission to:

(1) The circuit court, pursuant to the provisions of article nine of this chapter; or

(2) A board of subdivision and land development appeals, if the governing body has established a board of subdivision and land development appeals by ordinance.

(b) Within thirty days after the date of the denial, the petition, specifying the grounds of the appeal in writing, must be filed with:

(1) The circuit court of the county in which the affected land or the major portion of the affected land is located; or

(2) The board of subdivision and land development appeals that has jurisdiction over the affected land.

§8A-5-11. Effect of approval of land development plans and plats.

A land development plan and plat that has not been approved by the planning commission is without legal effect: *Provided*, That failure to comply with this article shall not invalidate or affect the title to any land within the area of the land development plat.

§8A-5-12. Vested property right.

(a) A vested property right is a right to undertake and complete the land development. The right is established when the land development plan and plat is approved by the planning commission and is only applicable under the terms and conditions of the approved land development plan and plat.

(b) Failure to abide by the terms and conditions of the approved land development plan and plat will result in forfeiture of the right.

(c) The vesting period for an approved land development plan and plat which creates the vested property right is five years from the approval of the land development plan and plat by the planning commission.

(d) Without limiting the time when rights might otherwise vest, a landowner's rights vest in a land use or development plan and cannot be affected by a subsequent amendment to a zoning ordinance or action by the planning commission when the landowner:

(1) Obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project;

(2) Relies in good faith on the significant affirmative governmental act; and

(3) Incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

(e) A vested right is a property right, which cannot be taken without compensation. A court may award damages against the local government in favor of the landowner for monetary losses incurred by the landowner and court costs and attorneys' fees, resulting from the local government's bad faith refusal to recognize that the landowner has obtained vested rights.

§8A-5-12. Vested property right.

(a) A vested property right is a right to undertake and complete the land development. The right is established when the land development plan and plat is approved by the planning commission and is only applicable under the terms and conditions of the approved land development plan and plat.

(b) Failure to abide by the terms and conditions of the approved land development plan and plat will result in forfeiture of the right.

(c) Subject to section ten-a, article thirteen-e, chapter sixteen of this code, the vesting period for an approved land development plan and plat which creates the vested property right is five years from the approval of the land development plan and plat by the planning commission.

(d) Without limiting the time when rights might otherwise vest, a landowner's rights vest in a land use or development plan and cannot be affected by a subsequent amendment to a zoning ordinance or action by the planning commission when the landowner:

(1) Obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project;

(2) Relies in good faith on the significant affirmative governmental act; and

(3) Incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

(e) A vested right is a property right, which cannot be taken without compensation. A court may award damages against the local government in favor of the landowner for monetary losses incurred by the landowner and court costs and attorneys' fees resulting from the local government's bad faith refusal to recognize that the landowner has obtained vested rights.

(f) Any subdivision or land development plan or plat, whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010, shall remain valid until July 1, 2012, or such later date provided for by the terms of the planning commission or county commission's local ordinance or for a longer period as agreed to by the planning commission or county commission. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period: *Provided*, That the land development plan or plat has received at least preliminary approval by the planning commission or county commission by March 1, 2010.

AGENDA REQUEST FORM

Name: Cindy Schott

Department or Entity: County Commission

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

Date Requested – 1st Choice: October 3, 2013

Date Requested – 2nd Choice: _____

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

Subject:

Interview and Appointment to the Sheriff's Civil Service Commission – One-Four year term ending September 29, 2017.

Please provide the County Commission with a description of your request or presentation, including any background information: The County Commission appoints one member to the Sheriff's Civil Service Commission. Mr. Rosario's term ended September 2013 and has requested re-appointment. This seat has been advertized locally, through email alerts and on the website for the required time period.

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

Motion to approve/deny the re-appointment of Frank Rosario to the Sheriff's Civil Service Commission for a one-four year term ending September 29, 2017.

Are documents attached? Yes

If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:

JEFFERSON COUNTY SHERIFF'S CIVIL SERVICE COMMISSION

2013

Members currently serving

<u>Name</u>	<u>Expiration</u>	<u>Intention</u>
Chris Jackson	09/29/2015 – Appointed by – Deputy Sheriff's Association	
James B. Crawford, III	09/29/2013 – Appointed by – Bar Association	
Frank Rosario	90/29/2013 – Appointed by - Jefferson County Commission	Interested

INTERESTED APPLICANTS

<u>NAME</u>	<u>ATTENDING</u>	<u>CONTACTED</u>
Frank Rosario		
Richard Ashton		

JEFFERSON COUNTY COMMISSION NOTICE OF
INTENT TO APPOINT

The Jefferson County Commission proposes to name person(s) to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, October 3, 2013, or as soon thereafter as the Commission may decide:

Jefferson County Board of Zoning Appeals: One (1) unexpired term ending January 1, 2014 and three (3) alternate positions ending January 1, 2014, 2015 and 2016 respectively.

Jefferson County Farmland Protection Board - One (1)-three (3) year term ending September 7, 2016 - Represents Farmer at Large.

Jefferson County Enhanced E-9-1-1 Board - One (1)-three (3) year term ending September 1, 2016.

Jefferson County Sheriff's Civil Service Commission - One (1) - four (4) year term ending September 29, 2017.

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414, prior to the proposed date of appointment.

SHERIFF'S CIVIL SERVICE COMMISSION

Chris Jackson
102 Industrial Blvd
Kearneysville, WV 25430
h: 728-3205
4 years 09/29/2015
Appointed by: Deputy Sheriff's Association

James B. Crawford, III
P.O. Box 711
Charles Town, WV 25414
w: 725-3426 / h: 725-8929
4 years 09/29/2013
Appointed by: Bar Association

Frank Rosario
518 Morison Street
Charles Town, WV 25414
728-7241
4 years 09/29/2013
Appointed by: County Commission

7-14-3

August 21, 2013

Cynthia Schott
Executive Administrative Assistant
Jefferson County Commission
124 East Washington Street
Charles Town, WV 25414

Ms. Cynthia Scott,

I have received your letter regarding my term on the Sheriff's Civil Service Commission which expires September 29, 2013.

Please note that I am interested in being considered for another term. I have been a commissioner for twelve years during which time I have never missed a meeting nor missed any testing dates.

It would be my honor to continue serving the Sheriff's Civil Service Commission.

Sincerely,

A handwritten signature in cursive script, appearing to read "F. Rosario".

Frank Rosario
518 Morison Street
Charles Town, WV 25414
304-728-7241



JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT

Dale Manuel

VICE PRESIDENT

Walt Pellish

COMMISSIONER

Jane Tabb

August 2, 2013

COMMISSIONER

Patsy Noland

COMMISSIONER

Lyn Widmyer

Mr. Frank Rosario
518 Morrison Street
Charles Town, WV 25414

Dear Mr. Rosario:

Please be advised that your term on the Sheriff's Civil Service Commission will expire on September 29, 2013. Until the County Commission has acted to appoint someone for another 4 years term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know if you are or are not interested in being considered for another term. We will be making the appointments on Thursday, September 19, 2013 or as soon thereafter as the Commission may decide.

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

For the Commission,

Cynthia Schott
Executive Administrative Assistant

CCS
term exp

County Administrator
Debbie Keyser

Deputy County Administrator
Sandy Slusher McDonald

228 Devonshire Drive
Charles Town, West Virginia 25414-2554
September 26, 2013

Jefferson County Commission
Post Office Box #250
Charles Town, West Virginia 25414

Dear Commissioners:

I am responding to the "Notice of Intent to Appoint" to the Jefferson County Sheriff's Civil Service Commission, which was advertised in the September 18, 2013, edition of *The Spirit of Jefferson*.

I was a sworn police officer in Maryland for a total of 33 years, during 24 years of which I served as the Chief of Police of Frederick City and subsequently of University Park. During my law enforcement career, I commanded for 7 years one of Maryland's then 14 certified training academies, graduated from the FBI National Academy, led two professional law enforcement associations, and served for ten years on the Maryland Police Training Commission.

For the past more than eleven years, I have worked for the International Association of Chiefs of Police (IACP) in the realm of highway safety, officer and vehicle safety, and traffic incident management. I plan to retire in December 2013.

As I approach retirement, I am seeking this opportunity to share my considerable and varied education, experience, and training with Jefferson County, of which I have been a resident for 15 years.

I am enclosing, for your review, my resume and am willing to explore with you how I can benefit the Jefferson County Sheriff's Civil Service Commission. You may contact me at (304) 728-6707 (home), (301) 401-0414 (cell), or (800) 843-4227, x276 (work). I thank you, in advance, for any consideration you are willing to afford me.

Sincerely yours,



Richard J. Ashton

RICHARD J. ASHTON
228 Devonshire Drive
Charles Town, West Virginia 25414-2554
(304) 728-6707 (h)
(301) 401-0414 (c)
tdash@frontier.com

GRADUATE SCHOOL University of Baltimore—Baltimore, Maryland—Studies leading to a Master of Science degree in Criminal Justice—Nine credits completed

COLLEGE University of Maryland—College Park, Maryland—Graduate—June 8, 1968—Bachelor of Arts (B.A.)—Sociology (Criminology Program)

HIGH SCHOOL Frederick High School—Frederick, Maryland—Graduate—June 10, 1964—Academic Program

EMPLOYMENT International Association of Chiefs of Police, 515 North Washington Street, Alexandria, Virginia 22314-2357. Between May 28, 2002, and Present.

— Grant/Technical Management Manager:

Currently, responsible for managing a series of federal Highway Safety grants, totaling approximately \$1,000,000.00; for serving as staff liaison to the Highway Safety and the Vehicle Theft Committees, the Railroad Police Section, the Law Enforcement Stops and Safety Subcommittee (LESSS), and the Traffic Incident Management (TIM) Subcommittee; for administering the annual J. Stannard Baker Award for Highway Safety and the Vehicle Theft Award of Merit programs; and for participating in a variety of meetings as a technical expert or as a law enforcement liaison to further traffic safety interests, including meetings with federal officials, with highway safety advocacy groups, and with law enforcement executives.

Responsible in the past for serving as staff liaison to the Impaired Driving Subcommittee and the Traffic Safety Strategies for Law Enforcement Subcommittee; for managing all aspects of a national law enforcement highway safety competition, including fund-raising, judging applications, presenting awards at the Annual Conference, and operating the entire National Chiefs' Challenge program as its Interim Director between July 1, 2003, and February 11, 2004; and for administering the "Youth Enforcement: Alcohol, Drugs, and Driving Workshop."

Mount Saint Mary's College, Emmitsburg, Maryland 21727-7799. Between January 2 and 10, 1997.

— Instructor: Taught on a part-time basis 40-hour "Maryland Criminal Law and Procedure" course.

EMPLOYMENT
CONTINUED

Town of University Park, Maryland, 6724 Baltimore Avenue, University Park, Maryland 20782. Between April 4, 1994, and March 11, 2002.

- Chief of Police: Responsible for the day-to-day operation of a municipal law enforcement agency which provided 2,200 residents the patrol function and which was staffed around-the-clock by a total of eight officers. Responsible to the Mayor and Common Council for the following functions: administration, budget preparation [My final annual appropriation was \$470,950.00.], discipline, organization, preparation and maintenance of a General Order Manual, promotion, supervision, and training.

City of Frederick, Maryland, 101 North Court Street, Frederick, Maryland 21701. Between June 1960, and July 1, 1993.

- Chief of Police: Responsible for the operation of a full-service municipal law enforcement agency which served the citizens of Maryland's then third largest city and which was staffed by 101 full-time employees, 86 of whom were sworn police officers. Responsible to the Mayor and Board of Aldermen for the following functions: administration, budget preparation [My final annual appropriation was \$5,264,418.00.], discipline, organization, supervision, and training, as well as authorization for the placement and the removal of traffic control devices and supervision of the operation of those taxicabs and horse-drawn vehicles licensed by the City.
- Deputy Chief of Police: Served as the Department's second in command and acted as Chief of Police in the absence of the Chief.
- Director of Training, Planning, and Research: Operated one of the then 14 training academies certified by the Maryland Police Training Commission; developed and conducted a 697½-hour entrance-level training course; conducted in-service training courses; arranged for employees to attend outside courses of instruction; prepared, administered, and evaluated all grant awards from which the Department received \$168,788.00 in federal and state monies; and conducted all research projects.
- Police Officer: Attended and graduated from an entrance-level training course conducted by the Department and under the auspices of the Maryland Police Training Commission. Performed foot and mobile patrol duties in the Patrol Division.

EXPERIENCE
CONTINUED

- Clerk-Typist: On a part-time basis during high school and college, inspected bicycles, acted as a communications dispatcher, and performed clerical duties in the then Records Division and in the then Criminal Investigation Division.

Catonsville Community College, 800 South Rolling Road, Catonsville, Maryland. Between September 1974, and December 1974.

- Lecturer: Taught on a part-time basis two sections of a "Criminal Investigation" course.

Hagerstown Junior College, 751 Robinwood Drive, Hagerstown, Maryland. Between January 1972, and December 1972.

- Instructor: Taught on a part-time basis "Corrections" during the Spring 1972, Semester and "Police Administration" during the Fall 1972, Semester.

EXPERIENCE

Charter Member, Post #714, Boy Scouts of America between its creation on October 25, 1990, and December 31, 1991. (Organized law enforcement Explorer post of the Department of Police of the City of Frederick, Maryland.)

Member, Frederick County Task Force on Domestic Violence between its creation on November 13, 1989, and December 31, 1991.

Member, Frederick County Narcotics Task Force between its creation on February 19, 1988, and December 31, 1991. Served as its Chair between December 21, 1990, and December 31, 1991.

Member, Maryland Community Crime Prevention Institute Steering Committee between May 8, 1986, and March 29, 1994. Served as its Chair between September 29, 1988, and March 29, 1994.

Member, Advisory Council to the State Clearinghouse for Missing Children.

Member, Governor's Advisory Board on Rape and Sexual Offenses between February 10, 1982, and December 31, 1984.

Member, Maryland Police Training Commission representing the Maryland Chiefs of Police Association between October 1, 1980, and September 10, 1986, and serving as a gubernatorial appointee between August 7, 1987, and December 31, 1991.

PROFESSIONAL
ORGANIZATIONS

Member, Administration of Justice Advisory Committee of Hagerstown Junior College between September 20, 1976, and September 30, 1988. Served as Committee Chair from September 19, 1977, through November 13, 1978.

Member, Police Chiefs' Association of Prince George's County, Maryland, between May 31, 1994, and March 11, 2002. Elected Member-At-Large 1996, Secretary 1997, Vice President 1998, and President 1999.

Life Member, Maryland Chiefs of Police Association since February 4, 1976. Elected Sergeant-at-Arms 1979-80, Vice President 1980-81, and President 1981-82.

Active Member, FBI National Academy Associates since 1973.

Life Member, International Association of Chiefs of Police since 1971.

Charter Member, Francis Scott Key Lodge #91, Fraternal Order of Police—1969 to 1980. Lodge Secretary—October 1969, through January 1971. Member, Board of Directors—January 1971, through January 1976.

AWARDS

May 2008: Commended by the New Hampshire Police Standards and Training Council in appreciation for my years of dedicated service to promoting highway safety and making highways safer for the motoring public, and for my leadership in making a long lasting impact on law enforcement and highway safety initiatives.

September 2006: Received IACP Special Act Incentive Award for my contribution to the *Police Chief's* July 2006, "Highway Safety" issue.

July 2005: Received IACP Special Act Incentive Award for my contribution to "developing the 2005 editorial calendar and volunteer[ing] to undertake the guest Editor assignment for the July [2005] (Highway Safety issue)."

July 2004: Received IACP Special Act Incentive Award for my contribution to the *Police Chief's* July 2004, "Highway Safety" issue.

November 22, 1994: Received from the Maryland Police and Correctional Training Commissions, Maryland Crime Prevention Association, and Maryland Community Crime Prevention Institute "In recognition of and appreciation for his loyal and faithful service as

AWARDS
CONTINUED

the Chairman of the Maryland Crime Watch Steering Committee" November 1988, - March 1994, award.

August 29, 1990: Received from the Frederick Rotary Club "For his work in helping Frederick County Youth" award.

September 1986: Recipient of "The N.A.P.E.D. Award for Outstanding Achievement in Police Administration for the Year 1986" presented by Maryland Police Supply, Inc. and the National Association of Police Equipment Distributors.

June 22, 1973: One of only 15 in the 93rd Session of the FBI National Academy, which was comprised of 250 police officers, to earn the "John Edgar Hoover Certificate of Scholastic Excellence."

AGENDA REQUEST FORM

Name: Debbie Keyser

Department or Entity: County Administrator

Estimation of amount of time needed for appointment: 10 min

Date Requested – 1st Choice: October 3, 2013

Date Requested – 2nd Choice: _____

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

Subject:

Hiring of Jessica Carroll as Executive Administrative Assistant

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

Approval of employment for Jefferson County Commission of Jessica Carroll as Executive Administrative Assistant to replace Cindy Schott at a Grade 3 – Step A

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

Motion to approve/deny the employment of Jessica Carroll as Executive Administrative Assistant to replace Cindy Schott at a Grade 3 – Step A to start September 30, 2013.

Are documents attached?

If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:

AGENDA REQUEST FORM

Name: Debbie Keyser

Department or Entity: County Administrator

Estimation of amount of time needed for appointment: 10 min

Date Requested – 1st Choice: October 3, 2013

Date Requested – 2nd Choice: _____

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

Subject: Finance Director Position

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

Approval of employment for Jefferson County Commission Finance Director

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

Motion to approve/deny the employment of a Jefferson County Commission full-time Finance Director as recommended by the County Administrator at a grade 7 step F

Are documents attached?

If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:

AGENDA REQUEST FORM

Name: Debbie Keyser

Department or Entity: County Administrator

Estimation of amount of time needed for appointment: 10 min

Date Requested – 1st Choice: October 3, 2013

Date Requested – 2nd Choice: _____

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

Subject:

Potential hiring of one full-time and one part-time IT employee.

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

The Jefferson County Commission approved the hiring of a full-time and part-time IT employee at the September 5, 2013 County Commission meeting. After interviewing for both positions, the County Administrator would like to present recommendations for the two positions.

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

Are documents attached?

If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:

MEMORANDUM

Jefferson County, West Virginia Engineering Department

TO: Jefferson County Commission
Debbie Keyser, County Administrator

FROM: Roger Goodwin, PE, CFM *RKG*
Chief County Engineer

DATE: October 1, 2013

SUBJECT: **Engineering Department Quarterly Update Report – October 1, 2013**

1. Projects Undertaken/Underway (in alphabetical order):

A. Bonding:

- i) Sheridan Estates Subdivision – we are holding \$972,616.00 cash bond surety in an escrow account at the Bank of Charles Town. Staff is working with a new developer interested in taking over the subdivision from the bank and completing the work. Staff drafted a new bonding agreement that contains terms and conditions ensuring timely completion of the road repairs and street paving and reposting of the full bond amount. The bonding agreement was forwarded to the developer in early December, 2012 to review and provide comments. Once the developer has reviewed and commented on the draft bonding agreement, staff will present it to the county commission for their review and approval. Then the developer will need to take ownership of the subdivision and execute the bonding agreement. The Chief County Engineer spoke with the interested developer's representative on March 28, 2013, who indicated that the developer is near working out all the issues in order to be able to take over the subdivision. Staff made a presentation to the County Commission on May 30, 2013, in which the County Commission entered into an agreement with a new developer, thereby agreeing to enter into a bonding agreement - with terms and conditions specific to this project - upon the developer taking ownership of this project. **The developer took ownership of the subdivision on September 18th and is in the process of posting the construction bond and surety so the bonding agreement can be executed and the work to complete Phase 1 can begin.**

- ii) Mission Ridge Subdivision – the Engineering Department staff bid the work necessary to complete the street paving and the Route 9 turn lanes. The Mission Ridge Property Owners Association, Inc. executed a contract with Jefferson Asphalt Products Co., Inc. on December 12, 2012, to complete the site work by May 15, 2013. The work on this project was completed on June 21, 2013. **Staff submitted an agenda item request to address closing out the bond escrow account for this subdivision.**
- iii) Chapel View Subdivision – working on an outline of tasks necessary to bid and contract for completion of the site work for this project. However, the HOA still needs to resolve the issue of creation of the HOA and gaining ownership of the common areas.
- iv) Windmill Crossing Subdivision – working to get the developer to complete the remaining site improvements for the townhouse subdivision, create the HOA, and transfer the common areas. The initial stormwater management (SWM) as-built plans received on October 11, 2011, from W.H. Gordon Associates, Inc., indicates that the recently re-constructed SWM basin is not constructed according to the approved plans. The City of Charles Town's consulting engineer also agrees with our finding, and we are coordinating with the City of Charles Town our efforts to get the developer to address and correct the unsatisfactory work.

We then received a second SWM Basin-B as-built plan submission on May 16, 2012. While some items have been satisfactorily addressed since the first as-built submission, there remains a number of items that need fixed in order to find that the basin is constructed in accordance with the approved plans. Our office has had no response from the developer or their engineer, W.H. Gordon & Associates, Inc., since our July 17, 2012, letter to them listing the deficiencies.

Also, at the request of the developer, staff walked the townhouse site on February 28, 2012, and reviewed the project file and provided to the developer on April 10, 2012, a detailed list of work that needs completed in order to get the bond released.

The Engineering Department staff met with Jefferson Asphalt Products Company (JAPC) representatives (acting on behalf of the developer) on June 19, 2013, and reviewed the site work issues remaining to be resolved. JAPC indicated that they are going to get the work completed and wanted to know exactly what needed to be done.

Met with the Windmill Crossing HOA community manager on July 23rd to review their by-laws and the procedure for electing officers of the HOA. The HOA is meeting on October 1st to elect officers. The HOA needs to officially establish current officers in order to be able to sign any contract to complete the site work should the bond be called-in. Also, received a letter on August 15th from the developer stating that they are in the process of transferring the common areas to the HOA.

- v) Demory Farm Subdivision – met with and provided the developer's engineer, W.H. Gordon & Associates, Inc., with a list on June 25, 2012, of site improvements and issues that remained to be satisfactorily addressed. Still waiting for several site improvements to be satisfactorily completed so that the construction bond can be released. **The developer's engineer informed us on September 24, 2013 that the developer and the bank are in discussions with the HOA on how to resolve several remaining issues. Will check status again on October 31st.**
- vi) Rock Ferry Station Subdivision – staff met with a new developer who took over ownership of the subdivision. The developer executed a new bond agreement and posted the bond surety in the full amount of the estimated cost to complete the site improvements. **As of September 24, 2013, the new developer has completed 100% of the site improvements and is processing a full bond release request.**
- vii) Summit View Estates Subdivision – staff has drafted the summary memorandum necessary to present to the County Commission a property owner's request for the county to call-in the bond and complete the site work. Staff met with the bank that issued the surety on the bond and sent a letter on March 29, 2013 to the developer putting them on notice that they are in default, with a deadline to respond to the notice by April 19, 2013. On May 16, 2013, the County Commission authorized calling in the bond and the bond surety and moving toward completing the remaining site improvements. **The bond amount of \$250,000.00 has been placed in a bank escrow account at the Bank of Charles Town.**

B. Stormwater Management Ordinance:

- i) Planning & Engineering staff met with Delta Development on January 22nd to review the "Gap Analysis". Staff participated in stakeholder workshops on February 5th and the presentation to the Planning Commission on March 12th. Staff met with Delta Development on March 19th to review the draft stormwater management ordinance and participated in a stakeholder's meeting

the same day. The ordinance is being revised in response to comments received. On May 25, 2013, the engineering and planning staff held a Planning Commission workshop to review the new stormwater management ordinance and the necessary revisions to the subdivision regulations. **A public hearing was held by the Planning Commission on July 9th; and the SWM ordinance was advanced to the County Commission with a recommendation for adoption. The County Commission held a public hearing on September 19, 2013 and extended the comment period until October 3rd.**

C. Property Safety Ordinance:

- i) Case 12-001 (Bierer) – staff hired a process server and the property owner was located in Maryland and served in person with the Petition/Complaint on August 28, 2013. **Property owner failed to bring the property into compliance or request a hearing before the county commission. Staff will bring the case before the County Commission on October 17th seeking an order that the property owner bring the property into compliance.**
- ii) Case 12-002 (Williams) – the property owner was served with the Petition/Complaint via certified mail service in August, 2013. **The property owner failed to bring the property into compliance or request a hearing before the county commission. Staff will bring the case before the County Commission on October 17th seeking an order that the property owner bring the property into compliance.**
- iii) Case 11-002 (Hill) – the property owner has ignored requests to bring the property into compliance with the ordinance. The Property Safety Enforcement Agency filed a complaint/petition with the County Clerk's office on August 14, 2012, requesting that the County Commission order the property owner bring the property into compliance. The County Commission issued the Order on November 15, 2012 and it was served on the property owner by the County Clerk, with a compliance deadline of December 15, 2012. In response, the property owner met with the County Engineer on December 14th requesting an additional one week of time to bring the property into compliance. The Chief County Engineer, under the authority granted by the Property Safety Ordinance, agreed to give the property owner until January 31, 2013 to comply. **The property owner has since then failed to bring the property into compliance or respond to our phone calls. Since then, a Notice of Violation of the Salvage Yard Ordinance was also issued in March. The property owner failed to appear on the second violation in Magistrate Court on September 24, 2013,**

and a warrant was issued for their arrest. Staff will move forward with prosecuting the violations.

D. Impact Fees:

- i) The Impact Fees Program Specialist continues to work on putting together an office manual that outlines all the processes and information needed to administer the impact fees program. The manual will be used as a guide and to cross train other employees in the department. **The operations manual is approximately 90% complete. Staff completed implementation of the amendment to the commercial impact fee ordinance (reducing commercial impact fees).**
- ii) The Chief County Engineer and the Impact Fees Program Specialist advertised the Request for Proposals (RFP) for the recalculation of the impact fees and the fee schedules, as directed by the County Commission. One proposal was received on June 18th and it will be presented to the County Commission at the August 1st meeting for their consideration. **The County Commission executed an agreement with TischlerBise to perform the recalculation of the impact fees. A project kickoff meeting is scheduled for Tuesday, October 15, 2013, at 1:30 pm in the County Commission meeting room.**

E. Tolling of Bonding Amendment (One-time Partial Release of Lots):

A public hearing on an amendment to the tolling of bonding section of the bonding policy was held on August 9th. The amendment was up for consideration of adoption on the County Commission's October 18th meeting agenda. Additional questions were raised by the County Commission and the amendment was sent back to staff and the developer to address additional concerns. Revisions to the amendment were made and were submitted to the County Commission in January, 2013 for their review and consideration for adoption. **Before taking any action on the proposed amendments, the County Commission directed the Chief County Engineer to prepare a PowerPoint presentation giving an overview of the bonding policy and tolling of bonding so they can better understand it.**

2. Projects Completed:

- A. Attended the GIS Users Group conference/training on July 13th.
- B. A Memorandum of Understanding with the Town of Harpers Ferry, to assist with floodplain management, was executed and became effective on August 1, 2013.
- C. Adopted an updated Building Code Enforcement Ordinance effective September 1, 2013.

3. Projects Proposed:

- A. Get the land development standard construction details updated and put into a digital/AutoCAD format, to supplement the requirements of the Subdivision, Zoning, and Stormwater Management ordinances.
- B. Set up the Engineering Department web page with the stream monitoring information/links.

4. Items Requiring Commission Attention:

None at this time.

Note: The projects noted above are in addition to maintaining the daily operations of the Office of Building Permits & Inspections, the Office of Impact Fees, administering the land development bonding process, performing land development inspections, performing land development plan reviews for the Planning Commission, administering floodplain management, investigating citizen complaints and carrying out ordinance compliance efforts, and completing statutory continuing education and certification requirements, etc.



Jefferson County Homeland Security and Emergency Management
28 Industrial Blvd., Suite 101
Kearneysville, WV 25430

Jefferson County Commissioners:

- Dale Manuel, President**
- Walt Polish, Vice President**
- Patsy Noland**
- Jano Tabb**
- Lyn Widmyer**

Jefferson County Homeland Security and Emergency Management Steering Committee:

- John Sherwood, Chair, Chamber of Commerce Representative**
- Ed Smith, Vice Chair, Fire and Rescue Representative**
- Jeff Jefferies, Health Representative**
- Katherine Dunbar, Non-Governmental Organization Representative**
- Mason Carter, Jefferson County Department of Engineering Representative**
- Jeffrey A. Polczynski, EPH, Jefferson County Emergency Communications Center Representative**
- Jano Tabb, County Commission Representative**
- Kelly Parsons, Private Industry Representative**
- Pete Dougherty, Sheriff, Law Enforcement Representative**
- Chuck Ellison, Utilities Representative**
- John Relsenweber, Jefferson County Development Authority Representative**
- Sanford "Sandy" Green, Region 3 Homeland Security Area Liaison**
- Holly Morgan Frye, Shepherd University Service Learning Program Education Representative**

Staff:

- Barbara J. Miller, CEM, CFM**
Director
304-728-3290-Office
304-283-4227-Mobile
bmiller@jeffersoncountywv.org
- Terrl Mehling**
Planner/Program Manager/Deputy Director
304-728-3329-Office
304-279-8233-Mobile
tmehling@jeffersoncountywv.org
- Jessica A. Owens**
Administrative Assistant/Public Information Officer/Volunteer Coordinator
304-724-8914-Office
304-279-8135-Mobile
jowens@jeffersoncountywv.org

Fax: 304-728-3320

Jefferson County Homeland Security and Emergency Management
Quarterly Report to the Jefferson County Commission
First Quarter, 2014 (July-September, 2013)

Projects Completed:

- Participated in the WV Homeland Security Region 3, EPA Functional Exercise (August 9)
- Participated in the WV Homeland Security Region 3, EPA Full-Scale Exercise (September 14)
- Cut over to new VOIP Telephone System/Training for same
- Delivery of new LEPC Hazardous Materials Plans to local responder agencies
- Received final approval on Jefferson County Multi-Jurisdictional All Hazards Mitigation Plan from F.E.M.A.
- Taught E.O.C. Training for those who serve in Jefferson County's Emergency Operations Center (September 4)
- Provided ETEAM Training for those who use ETEAM in the Emergency Operations Center (September 4)
- Provided Emergency Preparedness Training to Senior Citizens at the Jefferson County Council on Aging (September 19)
- Participated in Charles Town's Third Thursday event by giving out preparedness information (August 15)
- Participated with an informational booth at the Jefferson County Fair (August 18-24)
- Presented the Summer Disaster Ready Kids Program to over 250 children throughout Jefferson County. Also send home Parent Packets with additional preparedness information. (June-September)
- Completed the Integrated Public Warning System MOU with FEMA and WV Homeland Security and Emergency Management/Jefferson County Commission.
- Held a Quarterly Partnership Meeting at the Bavarian Inn.
- Closed out final reports on the Animals Training Grant and received check from state.

- Closed out final reports on the Emergency Management Planning Grant and received check from state.
- Participated in the Regional Neighbors Network by conference call meetings. (Members from throughout the United States)
- Participated in the National Weather Service's Hydrology Partners Workshop in Sterling. (September 26)
- Assisted the WV Dam Safety Office with logistics getting their Dam Safety Meeting set up at Lake Shannondale. Staff attended the workshop. (August 8)
- Attended the Fire Chief's Meeting (August 6)
- Attended County P-Card Training
- Attended County Executive Management Meetings
- Attended Regional Radio Interoperability Committee (RIC) meeting held in our building in August.
- Tested Ham Radios (Monthly)
- Tested all JCHSEM equipment (Quarterly)
- Director attended training, Disaster Management for Water and Waste Water. (July 9/10)
- Obtained a grant for and held the Florida State Animal Response Commission's Emergency Animal Sheltering Course on July 15/16 in Jefferson County. State-wide training.
- Maintained the JCHSEM Facebook page, Twitter and press releases to local media with appropriate Public Information and Preparedness Tips.
- Monthly JCHSEM Newsletter sent electronically
- Attended the LEPC/SERC Annual Conference
- Participated in State's Public Assistance Eligibility Training

Projects Working on Now:

- Jefferson County Local Emergency Planning Committee (LEPC) Mass Fatalities Conference that will be held in Harpers Ferry on October 29/30.
- Reviewing all documentation of exercises and training from the past year in preparation for the WV Homeland Security Region 3 Improvement Planning Workshop (IPW) that will be held in November for our region.

- Fire Safety Month-October is Fire Safety Month. Staff and volunteers will be presenting age-appropriate fire safety information for school children ages pre-school through 3rd grade.
- Writing the RFP for the LEPC's 2014 Gap Needs Assessment Project.
- Reviewing available information on the 2013 Emergency Management Planning Grant. The official grant guidance for West Virginia has not been released. The grant guidance cannot be released until the Federal Government passes a budget and is passed down to the state office.
- Reviewing updated Emergency Operations Plan annexes.

Things the County Commission should be aware of:

- JCHSEM Deputy Director, Terri Mehling received her Re-accreditation as a West Virginia Emergency Manager, Level 3
- State Training: Social Media for All Hazards will be taught in Jefferson County on October 22
- State Training: EOC Operations will be taught in Jefferson County October 15-17.

**NOTICE OF PUBLIC HEARING
COUNTY COMMISSION OF JEFFERSON COUNTY
Thursday, October 10, 2013 at 7:00 PM**

The County Commission of Jefferson County has scheduled a Public Hearing on proposed Text Amendments to the following sections of the Zoning and Land Development Ordinance: 2.2, 4.10, 5.7, 5.8, 8.5, 9.5, 10.5, 11.1, and 12.2; and to amend such other articles, sections, subsections and provisions of the ordinance as necessary to implement and maintain consistency with the foregoing amendments.

Oral or written comments can be provided at the hearing, **7:00 PM, Thursday, October 10, 2013** during the special called County Commission meeting **in the Charles Town Library meeting room at 200 East Washington Street, at the side entrance on Samuel Street**. In addition, you may provide written comments to info@jeffersoncountywv.org, or mail to P.O. Box 250, Charles Town, WV 25414, or fax to 304-728-8126.

Copies of the proposed text amendment are available on the Departments of Planning and Zoning webpage within the County's website – www.jeffersoncountywv.org. Questions related to the proposed amendment may be directed to the office of the Departments of Planning and Zoning at (304) 728-3228 or zoning@jeffersoncountywv.org.

By Order of the County Commission of Jefferson County
Dale Manuel, President



**JEFFERSON COUNTY
OFFICES
CLOSED**

**MONDAY, OCTOBER 14,
2013 TO OBSERVE
COLUMBUS DAY**

West Virginia Broadband 2013 Summit

Monday, November 4th

The Discover the Real West Virginia Foundation

invites you to a Summit to examine the state of our communications infrastructure, the progress we have made, and the work to be done to make sure every West Virginian is connected.

Featured Keynotes:



U.S. Senator Jay Rockefeller

Chairman, Senate Committee on Commerce, Science, and Transportation



Jessica Rosenworcel

Commissioner, Federal Communications Commission

Additional Keynote Speaker TBA

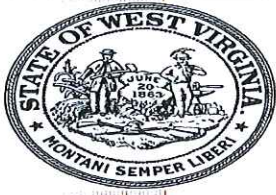
The event will combine dynamic keynote speakers and panel discussions from leading telecommunications industry executives and senior government officials on broadband deployment – how access to broadband has and continues to change every aspect of our lives from how we teach our children, find jobs, access healthcare and other services, grow our businesses, and protect our communities. The Summit will examine the role of the E-Rate program in transforming our schools; the BTOP program in expanding our public safety network and connecting our critical institutions; how the internet is transforming small businesses; and the challenges of keeping our networks secure.

Waterfront Place Hotel

Two Waterfront Place
Morgantown, West Virginia 26501

8:30am - 3:30pm (Tentative)

For more information on the Summit or to register please go to www.drwvfoundation.org. Registration is \$75.00 per person and includes breakfast, lunch and conference materials. Credit card payment can only be made with on-line registration.



Berkeley County Council

400 W. STEPHEN STREET, SUITE 201
MARTINSBURG, WV 25401
PHONE: (304) 264-1923
www.berkeleywv.org



The Council:

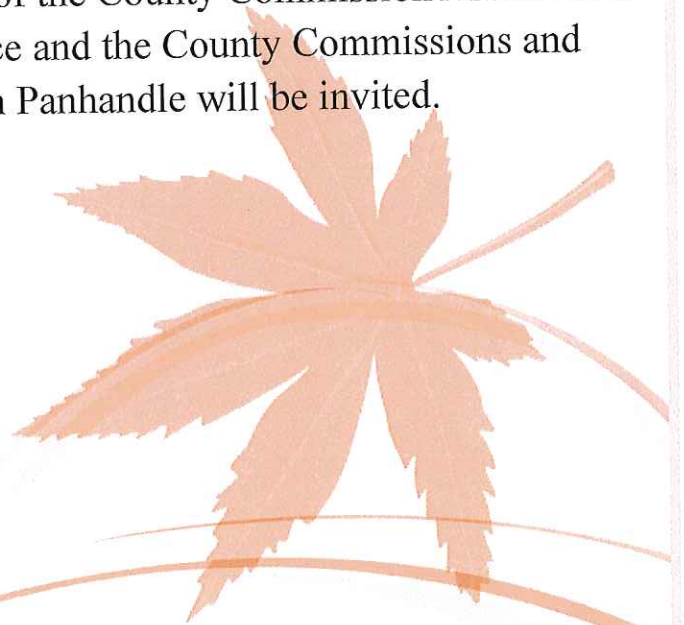
Anthony J. Petrucci
Douglas E. Copenhaver, Jr.
Elaine C. Mauck, M.A.
Jim Whitacre
James R. Barnhart

SAVE THE DATE

Please save the date for the annual Eastern Panhandle Legislative Summit—
Tuesday, December 3, 2013, beginning at 9:30am.

Blue Ridge Community and Technical College Meeting Room
13650 Apple Harvest Drive, Martinsburg, WV, 25401.

Vivian Parsons, Executive Director of the County Commission Association
of West Virginia will be in attendance and the County Commissions and
Legislative delegation of the Eastern Panhandle will be invited.





West Virginia Department of Agriculture
1900 Kanawha Blvd. E., Charleston, WV 25305
304-558-3550

Walt Helmick
Commissioner

ASSESSOR'S CERTIFICATE OF COMPLIANCE

TO THE HONORABLE COUNTY COURT OF JEFFERSON COUNTY

The Assessor of Jefferson County, Angela Banks, has completed the Farm Census of 2013 and has satisfactorily complied with the requirements of the Farm Statistics Law. She is, therefore, eligible to receive compensation from the County Court according to Chapter 7, Article 7, Section 6C of the New Code of West Virginia.

A handwritten signature in blue ink, reading "Walt Helmick", written over a horizontal line.

Commissioner of Agriculture



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

John D. Perdue
State Treasurer

1-800-422-7498
304-558-5000
www.wvsto.com

Danny Ellis
Assistant State Treasurer

Memorandum

To: All County Commission Offices

From: John D. Perdue
State Treasurer

Date: September 27, 2013

Subject: Distribution of Coalbed Methane Severance Tax

I am pleased to inform you that the funds due your office for the coalbed methane severance tax will be directly deposited into the bank account which you provided our office on your direct deposit application. This deposit will occur on or before October 1, 2013. Please note that the list below contains all county commissions who will receive these funds including yours. You should save a copy of this memorandum for your records since it shows the distribution amount. This distribution is for fiscal year 2013.

Should you have any questions regarding the amount of this direct deposit or the time frame this deposit covers, please contact Roger Cox at 304-558-8739.

Should you have any questions regarding this letter of notification, please contact Sherri Sullivan of my staff at 800-422-7498 extension 0766 or locally at 304-341-0766.

You can view/print a copy of this distribution on the State Treasurer's Office website at <http://www.wvsto.com/dept/Admin/Tax/Pages/CoalbedMethaneGasSeveranceTax.aspx>.

<u>County Commissions</u>	<u>Amount</u>
Berkeley County Commission	5,293.85
Boone County Commission	5,293.85
Braxton County Commission	5,293.85
Brooke County Commission	5,293.85
Cabell County Commission	5,293.85
Calhoun County Commission	5,293.85
Clay County Commission	5,293.85
Doddridge County Commission	5,293.85
Fayette County Commission	5,293.85
Gilmer County Commission	5,293.85
Grant County Commission	5,293.85
Greenbrier County Commission	5,293.85
Hampshire County Commission	5,293.85
Hancock County Commission	5,293.85
Hardy County Commission	5,293.85
Jackson County Commission	5,293.85
Jefferson County Commission	5,293.85
Kanawha County Commission	5,293.85
Lewis County Commission	5,293.85
Lincoln County Commission	5,293.85
Logan County Commission	5,293.85
Marion County Commission	7,059.79
Mason County Commission	5,293.85
Mercer County Commission	5,293.85
Mineral County Commission	5,293.85

<u>County Commissions</u>	<u>Amount</u>
Mingo County Commission	5,293.85
Monroe County Commission	5,293.85
Morgan County Commission	5,293.85
Nicholas County Commission	5,293.85
Ohio County Commission	5,293.85
Pendleton County Commission	5,293.85
Pleasants County Commission	5,293.85
Pocahontas County Commission	5,293.85
Preston County Commission	5,293.85
Putnam County Commission	5,293.85
Randolph County Commission	5,293.85
Ritchie County Commission	5,293.85
Roane County Commission	5,293.85
Summers County Commission	5,293.85
Taylor County Commission	5,293.85
Tucker County Commission	5,293.85
Tyler County Commission	5,293.85
Upshur County Commission	5,293.85
Wayne County Commission	5,293.85
Webster County Commission	5,293.85
Wirt County Commission	5,293.85
Wood County Commission	<u>5,293.85</u>
	250,576.89

JEFFERSON COUNTY, WEST VIRGINIA

Engineering Department

116 East Washington Street

P.O. Box 716

Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

Email: engineering@jeffersoncountywv.org

September 16, 2013

Mr. Daniel P. Lutz, Jr.
175 Wheatland Road
Charles Town, WV 25414

COPY

Re: Fegans Mill – Information Request

Dear Mr. Lutz,

In response to your August 26, 2013 letter, find enclosed the following information, as requested:

1. Jefferson County Building Code Enforcement Ordinance.

You requested the BOCA building code; however the BOCA building was not adopted by the Jefferson County Commission; the current ordinance adopts the 2012 International Building Code (IBC). Therefore, I enclosed a copy of the ordinance that spells out all the building codes currently in effect. Appendix G of the IBC contains the requirements for construction within the floodplain; however, Appendix G was not adopted as part of the Building Code Enforcement Ordinance since Jefferson County has a separate Floodplain Ordinance.

If you wish to review the International Building Code, please contact Mr. Mason Carter, Ordinance Compliance Officer/Floodplain Manager, at 304-728-3257. He will coordinate a date and time that our conference room is available for you to stop by our office and review the code books.

2. Jefferson County Floodplain Ordinance.

I flagged the definition that applies to your grist mill meeting the definition of a historic structure; and Section 9.2, "Appeal Review Criteria", under which you may request a variance.

3. Jefferson County Zoning Ordinance.

A copy of the Zoning Ordinance is enclosed. In addition, I ask the Zoning Administrator for any key sections that apply to your project. They are as follows;

Section 4.10 - A site plan is required for a purpose that entails access by members of the public – such as for a museum or for site tours (Note: Site plan standards and processes are found in the Subdivision Regulations).

Section 5.7 Rural District – Permitted Uses – this is where the reference to “agricultural tourism” is listed, which describes the use of the millhouse as a museum.

This section also includes height restrictions and side, rear, and front yard setbacks. The mill itself is nonconforming if it doesn't meet the setbacks, but any new structures and/or parking areas would need to meet setbacks.

Section 10.4 - There may be restrictions related to proposed signs for the mill found in this section.

Section 11.1 - Non-residential Off Street Parking - If the site is used for a purpose that entails access by members of the public, improvements to the site such as parking facilities, handicapped accessible parking spaces and walkways would be required; the number of spaces would be determined at a later date based on the proposed uses. (Note that while the Rural Site Plan standards found in the Subdivision Regulations would apply, the parking lot would need to be designed by an engineer and would require 9” of gravel, under the Subdivision Regulations as it is currently written).

Section 3.2C – A Zoning Certificate will be required.

In addition, the following information is excerpted from the PPC Memo dated 4/11/12 (re: the 2/29/12 PPC meeting) and is provided for your use:

“Staff’s understanding is that the applicants seek to utilize a historic mill for grinding grain and to restore the millhouse as a museum.

Land Use

The proposed land uses are permitted in the Rural District according to the Zoning Ordinance definition of “agricultural use”. This definition includes “agricultural tourism”, which describes the use of the millhouse as a museum.

Site Plan

If the site is used solely for agricultural purposes (i.e. grinding grain for area farmers or other agricultural producers), no site plan would be required. Restoration of buildings on the site for purely agricultural or residential purposes would not require a site plan.

If the site is used for a purpose that entails access by members of the public – such as for a museum or for site tours – then improvements to the site such as parking facilities, handicapped accessible parking spaces and walkways, and stormwater management (for the additional impervious area, including gravel) would be required. These improvements require submittal and approval of a site plan prior to commercial occupancy. As there are no proposed new structures, the proposed development is eligible for a Limited Site Plan.

Because the property is located in the Rural District, the parking area can meet the standards for a Rural Site Plan – i.e. a gravel surface is permitted if the parking lot meets all other standards of the Subdivision and Land Development Regulations. An applicant can request that the Engineering Department consider other parking material types, if these materials have been certified by an engineer as meeting the performance standards of the ordinance. All required site improvements must be bonded with the Engineering Department.

The applicant has the option of seeking County Commission waiver of building permit fees and/or bonding requirements. The Planning Commission is the body authorized to grant waivers of specific site plan requirements.

Building Code

Use of the buildings for public occupancy will require that the buildings be brought up to current code requirements. Building plans certified by a licensed architect must be submitted to (and approved by) the Engineering Department.

A historical exemption is available for buildings on the state or federal historic registry. While historic buildings are still required to meet public safety and life safety standards, some leeway is available for alternative methods of compliance.

If the buildings are to be solely used for agricultural purposes and the applicant provides an affidavit that the property is identified as an agricultural structure by the Assessor's office, a building permit must be submitted for any improvements but no inspections will be conducted.

The applicant has the option of submitting a building permit for a residential or agricultural use, and "overbuilding" with the intent of future occupancy as a commercial building; however, the County will only inspect the building for standards of the structure use listed on the building permit application.

Floodplain

The property includes floodplain area. Parking must be located outside of the floodplain. The applicant has the option of having an engineer conduct a floodplain study and to subsequently request a floodplain map amendment from FEMA, which could potentially remove some of the property from the designated floodplain area. Any onsite wetlands must be addressed with the appropriate buffer.

The structure must be dry-flood-proofed to 3' above the base flood elevation (BFE). Flood-proofing must be Engineer certified – this requires a Flood Proofing Certificate. All new ductwork and utilities, machinery, or equipment servicing the building must be elevated 3' above the base flood elevation (BFE). No fill shall be permitted in the floodplain or floodway. The existing stream cannot be altered in any way.

Other Agency Approvals

Jefferson County Health Department approval of well and septic for the proposed development will be required.

West Virginia Division of Highways approval of a highway entrance permit for the proposed land use will be required. The WVDOH may require bonding for any required improvements.

The applicant must contact the Impact Fee office to determine if any impact fees would be applicable to the proposed use.”

4. Title 42, Chapter 68, “Disaster Relief”.

This is provided in response to your request for the “Federal Emergency Management Act”. It is also known as the “Disaster Relief and Emergency Assistance Act”, and creates the Federal Emergency Management Agency (FEMA) and its rules and regulations. I obtained the information from the following web site:

<http://uscode.house.gov/>

5. With regard to the “WV Department of Homeland Security and Emergency Management”, I have no documents from them. You may contact Mr. Kevin Snead, WV Flood Insurance Program Coordinator, at 304-957-2571 to request information directly from them.
6. I also enclosed a copy of the memorandum I provided to the Jefferson County Commission outlining the options available to you and the justification for granting a variance.

There is no form for applying for a variance under the Floodplain Ordinance. You just simply need to send a letter to me requesting the variance under the Floodplain Ordinance, Article 9, Section 9.2.3. Or you can just simply sign the following request and return this letter to Mr. Carter. We will then present your request and the justification for granting the variance to the Jefferson County Commission for their consideration. Mr. Carter and I will support the variance request:

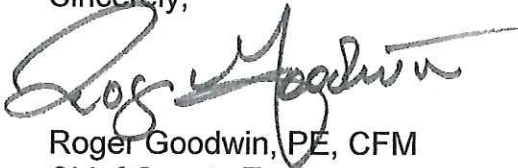
I am requesting a variance under Article 9, Section 9.2.3, of the Jefferson County Floodplain Ordinance, on the basis that Fegans Mill meets the definition of a historic structure under the Floodplain Ordinance.

Mr. Daniel P. Lutz, Jr.

Date: _____

Please let me know if you need any other information.

Sincerely,



Roger Goodwin, PE, CFM
Chief County Engineer

Enc.

C: **Jefferson County Commission**
Debbie Keyser, County Administrator
Mason Carter, Ordinance Compliance Officer
Rebecca Burns, Officer Manager
Jennifer Brockman, Director, Planning & Zoning
Kevin Sned, WV State Floodplain Insurance Coordinator



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

RECEIVED

September 10, 2013

SEP 16 2013

To Whom It May Concern:

Jefferson County Commission

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 over the next four years. This letter has been sent to inform you a draft copy of the 2014 – 2019 STIP has been made available for public comment. A copy of the document may be viewed and/or downloaded on the web at www.transportation.wv.gov. If you cannot access the web and would like to receive a copy of the document, you may send a request to the address below.

All written comments are to be received no later than October 13, 2013, and should be mailed to:

Mr. Gregory L. Bailey, P.E.
Deputy State Highway Engineer
Planning and Programming
West Virginia Division of Highways
Building 5, Room 148
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0430

Should you have any questions, please contact Mr. Carovillano at (304) 558-9736. Thank you for your assistance in the matter; your efforts are indeed appreciated.

Very truly yours,

Gregory L. Bailey, P. E.
Deputy State Highway Engineer –
Planning and Programming

GLB:Cs

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



WEST VIRGINIA DEVELOPMENT OFFICE

1900 Kanawha Boulevard East • Charleston, WV 25305-0311
(304) 558-2234 • (800) 982-3386 • WVDO.org

September 10, 2013

RECEIVED

SEP 16 2013

The Honorable Dale Manuel
President
Jefferson County Commission
Post Office Box 250
124 East Washington Street
Charles Town, West Virginia 25414

Jefferson County Commission

Re: Old Standard Quarry Brownfield Development District

Dear Commissioner Manuel:

As you are aware, the director of the West Virginia Development Office ("WVDO") approved the economic development plan and plat for the Old Standard Quarry Brownfield Project in Jefferson County, West Virginia (the "Project") in June of 2010. This approval resulted in the Project earning designation as a Brownfield Economic Development District in accordance with applicable state law.

The legislative rule governing Brownfield Economic Development Districts in West Virginia requires the project engineer or architect retained or employed by the applicant (e.g., Old Standard Quarry, or its successor) to certify to the Director of the WVDO that the project remains in "substantial compliance," as defined therein, with all material provisions of the economic development project concept plan within 36 months of becoming so designated (See W.Va. C.S.R. 145-1-9). Moreover if the applicant fails to submit such certification in this time-frame, the Director of the WVDO is required to automatically revoke the district's designation as a Brownfield Economic Development District without further action.

The WVDO has not received the required certification set for the W.Va. C.S.R. 145-1-9 and therefore the Project is not in compliance with applicable state rules. Accordingly, please be advised that the Brownfield Economic Development Status previously awarded to the Project is hereby revoked.

Thank you for your cooperation on this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd E. Hooker".

Todd E. Hooker
Senior Manager, Financial Programs and National Accounts

TEH:njs

cc: Keith Burdette
Josh Jarrell
Mark Julian

RECEIVED

SEP 16 2013

U.S. Department of Homeland Security
Region III
One Independence Mall, Sixth Floor
615 Chestnut Street
Philadelphia, PA 19106-4404



FEMA

Jefferson County Commission September 9, 2013

Mr. Dale Manuel, President
Jefferson County Commission
124 E. Washington Street
PO Box 250
Charles Town, West Virginia 25414

Municipality: Jefferson County
County, State: Jefferson, WV
Planning District: Region 9
Adoption Date: 05/16/2013
Date Approved: 09/09/2013
Expiration Date: 09/09/2018

Re: Hazard Mitigation Plan Approval

Dear Mr. Manuel:

The Hazard Mitigation Plan for your community has been approved by the Federal Emergency Management Agency (FEMA). Your community is now eligible to apply for federal disaster assistance until the plan expires as stated above.


The plan was reviewed and approved based on the criteria contained in 44 Code of Federal Regulations, Part 201, as authorized by the Disaster Mitigation Act of 2000 (DMA2K). These criteria address the planning process, risk assessment (including hazard identification), mitigation strategy and plan maintenance process requirements. Enclosed is a list of specific recommendations for improving the plan. FEMA encourages communities to improve and update their plans as well as take mitigation actions by implementing strategies within the plan. Some resources to assist you include:

Mitigation Ideas: A Resource for Reducing Risk to Natural Hazards
<http://www.fema.gov/library/viewRecord.do?id=6938>

Integrating Hazard Mitigation Into Local Planning: Case Studies and Tools for Community Officials <http://www.fema.gov/library/viewRecord.do?id=7130>

If you have questions, please contact Matthew Wall, Virginia State Hazard Mitigation Officer, at (804) 897-6500. I commend you for your dedication demonstrated in preparing and adopting a strategy to reduce future disaster losses.

Sincerely,


Eugene K. Gruber, P.E.
Director, Mitigation Division

Enclosures: Adopted Resolution
Recommendations for Improvement

cc: Brian Penix, Acting State Hazard Mitigation Officer

RESOLUTION -- JEFFERSON COUNTY COMMISSION

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

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

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

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

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

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

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

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

NOW BE IT RESOLVED THAT the Jefferson County Commission does hereby adopt the updated *Jefferson County Multi-Jurisdictional All-Hazard Mitigation Plan* (as presented and with any state/federally-required modifications) this 16th day of May, 2013.

SIGNED: Dale Manuel
President, Jefferson County Commission

Recommendations for Improvements Hazard Mitigation Plan

Jefferson County, West Virginia

1. The lowest floor elevation of the most vulnerable structures could be determined and kept as an annex to the plan.
2. The annual meetings of the planning committee should be held and documentation of those annual meetings needs to be placed in the updated plan.
3. A thorough reporting of the progress to implement mitigation projects needs to be included when the plan is updated.
4. In the next plan update, the plan could include information on how the NFIP is managed in each of the jurisdictions. Information that could be included in the plan: a process to ensure new construction is compliant with the local floodplain ordinances, how residents are assisted in mapping issues and how substantially damaged structures are managed to ensure compliance with the latest floodplain ordinance.
5. For the next plan update try to identify specific outside entities/agencies that are relevant to the hazard areas or could boost capabilities and invite them to the planning process via direct invitations.
6. In the next plan update a discussion could occur on the potential land use areas in relation to current known hazard areas as to where future vulnerabilities lay.
7. If possible, place the plan on the County website for public comment throughout the 5-year planning cycle for suggestions and comments. Tracking the number of hits to the plan could document public interest and participation in the plan.
8. The County should consider obtaining basic information for potential mitigation project to allow submission of HMA application when application period is open. Much of the information could be complete to allow ample time for application development.

Public Service Commission
Of West Virginia

201 Brooks Street, P. O. Box 812
Charleston, WV 25323



Phone: (304) 340-0300
FAX: (304) 340-0325

September 16, 2013

Jefferson County Commission
110 East Washington Street
Charles Town, WV 25414

SUBJECT: Disbursement of Wireless E-911 Subscriber Fees

Dear County Commissioner:

A check in the amount of \$191,507.62 representing a disbursement of Wireless E-911 subscriber fees **will be mailed directly from the West Virginia State Auditor's Office.** This amount is your County's share of the fees remitted to the Public Service Commission for the months of June, July, and August 2013. The next disbursement will be in three months.

I can be reached at our toll-free number, 1-800-344-511, Extension 364, or direct at 304-340-0364, should you have any questions about the disbursement calculation or about the fees in general.

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Mitchell".

Sandra Mitchell
Budget & Finance Manager

SM:kp

RECEIVED

SEP 23 2013

Jefferson County Commission



The County Line

Circuit Clerk Jean Friend Recognized in Courthouse Book Longest Serving County Official Currently in Office

The Monongalia County Commission and the West Virginia Association of Counties honored Circuit Clerk Jean Friend as the longest serving county official currently in office. She is the only county official pictured in the new publication about courthouses, *West Virginia's Living Monuments*. The West Virginia Association of Counties presented Circuit Clerk Friend, a past president, with a book. Her staff and WVACO President Monongalia County Sheriff Al Kisner and other Monongalia County Officials were also present to honor her.

Circuit Clerk Friend said the biggest change she's seen in her nine consecutive terms (almost 54 years) is the growth of the court and the population growth of Monongalia County, both of which have about tripled in size. Asked if she ever thinks about retiring, she said, "I think about it every now and then."

Jean Friend was honored by her fellow county officials including:

- Assessor Mark Musick
 - Sheriff Al Kisner and staff of the Circuit Clerk's office
 - Commissioner Eldon Callen
 - Marion County Clerk Janice Cosco
 - Monongalia County Clerk Carye Blaney
- and
- Prosecuting Attorney Marcia Ashdown



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INTERIM HIGHLIGHTS

August's legislative interim session was followed by several legislators going to North Dakota to learn about their mineral trust fund and how it has been used. Senate President Kessler has been promoting the establishment of a Future Fund from the Marcellus and other shale-drilling activities that have come to the state. Other issues of interest to counties include:

► Judiciary Committee is studying "**How Your Vote is Counted**" and had a show and tell demonstration at the Kanawha County Voters Registration office. *Kanawha County Clerk Vera McCormick* demonstrated the hand count for optical scan systems while *Jackson County Clerk Jeff Waybright* demonstrated it for ivotronics systems. *Cabell County Clerk Karen Cole* talked about the changes from 2001-2013 in hand count procedures. Kanawha County attorney Mark Slotnick presented a draft bill that would amend hand county procedures to 2% of the precincts instead of 5%, but not less than one precinct. Several County Clerks and staff attended the demonstration, including *Monongalia County Clerk Carye Blaney*, *Marion County Clerk Janice Cosco*, *Marshall County Clerk Jan Pest*, *Pleasants County Clerk Sue Morgan*, *Harrison County Clerk Susan Thomas*, *Putnam County Clerk Brian Wood*, and *Upshur County Clerk Debbie Wilfong*

► Government Organization Committee is studying the **safety, roles and responsibilities of WV's Deputy Sheriff Reserves**. *Berkeley County Sheriff Kenneth Lemaster* told the committee that his county's deputy sheriff reserves program is about 45 years old. He explained that the reserves are a big help to the county and to the Sheriff's office by providing services such as directing traffic, security in neighborhoods, accompanying deputies on mental hygiene transports and other transports, securing an accident scene such as waiting with a vehicle until a tow truck arrives, and other non-law enforcement activities. Sheriff Lemaster responded to a question that reserves cannot by law carry a weapon even if they have a concealed weapon permit. "It's a liability issue. They are not trained like a police officer," he explained. The WV Sheriffs' Association is not sure how many Sheriffs' departments use reserves as each county sets up its own under the Office of Sheriff. Sheriff Lemaster emphasized the importance of training for the reserves and noted that Jefferson County has arranged for college credit hours at a community college when training is completed. Sheriff Lemaster said the deputy reserves add to the quality of life in Berkeley County and they are called upon all the time for traffic control at events and other duties.

inside

THE President's View

*Greetings Members,
Well it looks like we're rapidly headed to the fall of the year and with that brings you know what, yep you guessed it.....Let's GOOOOO MOUNTAINEERS.*

WVU football is just around the corner. The fans, the excitement, the thousands of people in one place to cheer on the mighty Mountaineers.

We hope they have a great season and remember, if you attend the games, celebrate with dignity and treat visiting fans with respect because, we'll have to travel to their

WEST VIRGINIA ASSOCIATION OF COUNTIES
2211 WASHINGTON STREET, EAST
CHARLESTON, WV 25311

TELEPHONE (304) 346-0591 | FAX (304) 346-0592
EMAIL: WVACO@WVACO.ORG | WEBSITE: WW.WVCOUNTIES.ORG

WVACO's County Line is published monthly by the WV Association of Counties. It is mailed to county officials, legislators, Affiliated members, & other interested parties.

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Kathy Yates **MEMBER SERVICES COORDINATOR**
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Jan Pest, Marshall County Clerk, Secretary to the Board of Directors

THE President's View

Continued from Page 1

city one day.

Also, as a reminder, the WVACO's Board of Directors will be having a retreat at Camp Dawson in Preston County in September..

This meeting will be held to do strategic planning for the future. More information will be forthcoming.

I hope everyone enjoys the rest of the summer and be safe..

Al Kisner



Goodbye and Good Luck to Marion County Circuit Clerk Barb Core as she takes on a new opportunity working with e-filing and the courts. Circuit Clerk Core is a WVACO Past President for two terms and a long-time board member.

"We thank her for her service!!"

NACO National Association of Counties

Green Government Initiative

- ✿ www.naco.org/greencounties
- ✿ www.naco.org/energy
- ✿ www.naco.org/energystart

The Naco Green Government Initiative provides comprehensive resources for counties on all things green. The initiative introduces members to cutting-edge sustainability technologies and policies that work. The program provides tools for counties to engage their communities on sustainability issues.

REGIONAL JAIL FINANCES REVIEWED AT COUNTY COMMISSIONERS' MEETING

Regional Jail Authority (RJA) Director Joe DeLong provided detailed information about RJA finances to the County Commissioners' Association at their annual Auditor's training session. DeLong emphasized that their bond payment shortfall should be the focus for both counties and the Legislature, due to uncollected court costs.

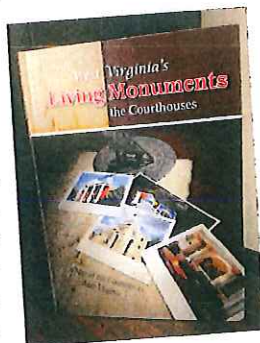
In 2013, RJA's portion of collected court costs came to \$7.4 million but the bond payment is \$8.9 million. In the past 7 years, the shortfall of bond funding from the court cost revenue stream has amounted to \$5.5 million. DeLong noted that statute specifically does not allow for bond payments to be paid from counties' per diem collections but said that this shortfall indirectly affects the per diem. Ancillary revenue that could be used to offset the per diem costs must be directed towards reserves to cover the shortfall in bond payments.

Currently, RJA has a reserve balance of \$44,932,000. Of that, \$19,246,000 is statutorily required 3-month operating reserve. An additional \$13,000,000 is earmarked for capital projects and \$8,000,000 is reserved for future bond payments deficits, for a total of \$40,246,000. In addition, there are pension fund liabilities for RJA liabilities and OPEB liabilities for retiree health care costs.

Another concern that must be addressed for the future is that the Governor's prison overcrowding passed this session should reduce the number of DOC inmates held in regional jails due to unavailability of beds in the prisons. The per diem paid by DOC for their inmates held in the jails has helped to offset per diem increases to counties.

PRESENT LIVING MONUMENTS TO YOUR SCHOOLS!

West Virginia's Living Monuments – the Courthouse is an excellent resource for your county's WV History classes in the 8th grade and for other History classes. If you would like to order a book and/or DVD of the movie to present to your schools, contact the WVACO or go to www.wvcounties.org to order online. We also have posters and bookmarks available to enhance your presentation.



WHERE TO GO FOR RETIREMENT INFORMATION

**CONSOLIDATED PUBLIC RETIREMENT BOARD
W. VA. INVESTMENT MANAGEMENT BOARD**
(Information about your retirement or pension):
(Information on retirement fund investments):

4101 MacCorkle Avenue, SE
500 Virginia Street, East
Charleston, WV 25304
Charleston, WV 25301
Phone: 304-558-3570 or 1-800-654-4406 (toll-free)
Phone: 304-345-2672
Website: www.wvretirement.com
Website: www.wvimb.org
Email: CPRB@wv.gov
Email: info@wvimb.org

**PUBLIC EMPLOYEES INSURANCE AGENCY
WEST VIRGINIA LEGISLATURE**
(Information on medical or life insurance):
(Legislator addresses & legislative matters):

601 57th Street, SE
Building 1
Charleston, WV 25304
State Capitol Complex
Phone: 304-558-7850 or 1-888-680-7342 (toll-free)
Charleston, WV 25305
Website: www.wvpeia.com
Phone: 304-347-4836 or 1-877-565-3447 (toll-free)
Email: PEIA.Help@wv.gov
Website: www.legis.state.wv.us

The West Virginia Encyclopedia



NEED INFORMATION
ABOUT West Virginia?
TRY

www.wvencyclopedia.org

It's e-WV,
the WV Encyclopedia online!

"I realize as I get older that the thing I value the most is good heartedness." - Alice Walker



Calendar of Events



MEMBER PROFILE: PAMELA GAMES-NEELY JEFFERSON COUNTY PROSECUTOR



- SEPT. 15-18, 2013 WV Sheriffs' Assoc. Annual Conference
Glade Springs, Raleigh County
- SEPT. 20, 2013 WV Board of Directors RETREAT
Camp Dawson, Preston County
- OCTOBER 3-4, 2013 Community Leadership Academy
Morgantown, Monongalia County
- OCTOBER 6-8, 2013 WVACo Fall Board Meeting
Oglebay Resort, Ohio County
- FEBRUARY 9-11, 2013 WVACo Conference of Counties
Kanawha County

Years in office: 20 years as elected 4 years as assistant

Education: BA from WVU: JD from West Virginia College of Law

My favorite sport is: Football

The hardest thing I have done: Try to balance demands of work, family, home and community

You would be surprised to know: That I sew, tailor, craft and garden

I'm most proud of: my family and my work.

The last book I read was: Inferno by Dan Brown

The favorite meal: Lobster, twice bake potatoes, salad, green beans, and the entire dessert cart

Three people (living or dead) I'd invite to dinner: Leonardo D Vinci, Catherine the Great, and Thomas Jefferson

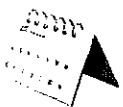
My favorite movie is: Dr. Zhivago

My favorite music is: Rock

My pet peeve is: Failing to try

My motto is: It can always get worse-find a solution

- SEPTEMBER 23-25
- OCTOBER 21-23
- NOVEMBER 18-20
- DECEMBER 9-11
- JANUARY 5-7, 2014



LEGISLATIVE Interim Dates for 2013

DOES YOUR COUNTY HAVE A COUNTY SEAL? WE WANT TO SEE IT!!

We are still working on getting all 55 county seals. If you do not have a seal, the 150th birthday of WV is a good time to work on highlighting the wonderful things about your county by creating a seal.

**Please send us your seal.
We will proudly display it in the newsletter.**

"The use of official seals is a practice handed down from old English law, in which individuals and officials from the King on down used a distinctive seal as a means of authenticating official documents. No document, even those signed by the King himself, was considered valid and effective without the official seal."



RECIPE OF THE MONTH
BAKED PINEAPPLE BREAD



½ cup unsweetened applesauce
 1 cup firmly packed dark brown sugar
 1 large can crushed pineapple, thoroughly drained
 8 to 10 slices of old bread
 4 egg whites
 2 ½ cups skim milk

Spray a 9 x 13 inch pan with non-stick spray. Put applesauce, brown sugar, and drained pineapple into the pan. Mix thoroughly and spread over the bottom of the pan. Trim crusts from the bread and cut each slice in half (like a stick). Place bread on top of the pineapple mixture. Mix egg whites and skim milk together. Pour over bread and put in refrigerator overnight. Bake uncovered in pre-heated 325 degree oven for 30 minutes. After removing from oven, cut between the slices. To serve, flip the slices over onto a platter. Garnish the platter with mint leaves, pineapple chunks and a maraschino cherry at each end of the platter. Serve with warmed maple syrup.

"Be courteous to all, but intimate with few. Let those few be well tried before you give them your confidence." GEORGE WASHINGTON



WV Fairs & Festivals SEPTEMBER 2013

Webster County Fair
September 1

Pennsboro Country Roads Festival
September 5

Nicholas County Potato Festival
September 6

Berkeley County Pickin' in the Panhandle
September 6

Brooke County Fair
September 6-8

WV Oil & Gas Festival
September 12

Craigsville Fall Festival—Nicholas
September 16-21

Barboursville Fall Festival—Cabell
September 18

Frontier Days—Harrison County
September 18-21

Burnsville Harvest Days—Braxton
September 19

Clay County Golden Delicious Festival
September 19

Treasure Mountain Festival—Pendleton
September 19

Hancock County Old Time Fair
September 20

Lincoln County Fair/Festival
September 25

Preston County Buckwheat Festival
September 26

Mountain State Forest Festival—Randolph
September 28

WV Law Enforcement Day
September 28

WV Roadkill Cook Off—Pocahontas
September 28

West Virginia University

Barbour	304-457-3254
Berkeley	304-264-1936
Boone	304-369-5869
Braxton	304-765-2809
Brooke	304-737-3666
Cabell	304-743-7151
Calhoun	304-354-6332
Clay	304-587-4267
Doddridge	304-873-1801
Fayette	304-574-4253
Gilmer	304-462-7061
Grant	304-257-4688
Greenbrier	304-647-7408
Hampshire	304-822-5013
Hancock	304-564-3805
Hardy	304-530-0273
Harrison	304-624-8650
Jackson	304-372-8199
Jefferson	304-728-7413
Kanawha	304-720-9573
Lewis	304-269-4660
Lincoln	304-824-7911
Logan	304-792-8690
McDowell	304-436-9006
Marion	304-367-2772
Marshall	304-843-1170
Mason	304-675-0888
Mercer	304-425-3079
Mineral	304-788-3621
Mingo	304-235-0370
Monongalia	304-291-7201
Monroe	304-772-3003
Morgan	304-258-8400
Nicholas	304-872-7898
Ohio	304-234-3673
Pendleton	304-358-2286
Pleasants	304-684-2448
Pocahontas	304-799-4852
Preston	304-329-1391
Putnam	304-586-0217
Raleigh	304-255-9321
Randolph	304-636-2455
Ritchie	304-643-2164
Roane	304-927-0975
Summers	304-466-7113
Taylor	304-265-3303
Tucker	304-478-2949
Tyler	304-758-2101
Upshur	304-473-4208
Wayne	304-272-6839
Webster	304-847-2727
Wetzel	304-455-0934
Wirt	304-275-3101
Wood	304-424-1960
Wyoming	304-732-8000

LIVEW
West Virginia

"The greatest pleasure in life is doing what people say you cannot do." Walter Bagehot

COUNTY WELLNESS.....

Maintain healthy eating habits—Avoid fad diets like the plague; to get all the nutrition the human body needs, eat carbs, protein, and fat (yes, even fat!) at every meal. By doing so, you'll have a healthy heart, healthy brain, and a fully functional immune system. Eating highly varied foods will also help insure you get all the vitamins, minerals, oils and enzymes your body craves.

Sleep well every night. Adults should get 7 to 9 hours daily, whereas school-aged children should get 10– 11. One of the absolute most important ways of improving the quality of your sleep is to do it in complete darkness. If you can't eliminate the light in your room, wear an eye mask. Another one of the best ways to improve your sleep is to exercise.

Stick to an exercise regimen. If you don't want to pay for a gym membership, try strength-training at home. The muscle you develop will help increase your metabolism: the bodies of muscular people burn more calories even while they're at rest. To keep your heart in shape, do cardio.

Know that friends play an important role. Many studies show that people with a wide range of social contacts get sick less than those who don't. Friends make you laugh, and laughing is also an important part of health.

A FEW BASICS OF ACA & PEIA FOR PEIA PARTICIPANTS

How will the Affordable Care Act (ACA) impact counties as employers who are participants in the Public Employees Insurance Agency (PEIA)? Jason Haught, Chief Financial Officer for PEIA, helped to answer that question at the County Commissioners' Association Auditor's Training sessions held this month.

With the recent news from the federal government that the employer shared responsibility has been partially delayed, there is more time for everyone to prepare. The most important aspect, employer fines, has been delayed in implementation to January, 2015. Haught emphasized that employer fines are applicable only to those employers with 50 or more employees. The exchange notification to employees is still required of all employers and has not been delayed.

PEIA has for many years had a 20 hour work week as an eligibility rule (80 hours/month or 1040/year). This is a more generous eligibility requirement for full-time employees than the ACA, which provides that 30 hours/week is full-time employment. "There is a lot of language in the regulations," said Haught, regarding what is defined as part-time, temporary, or seasonal employment.

The employer is responsible for their compliance and reporting for the eligibility regulation, (Dept. of Treasury Reg 138006-12), described by Haught as "144 pages of reading enjoyment."

The new
Lewis County
Judicial Annex



LEWIS COUNTY

Lewis County
Officials and others
cut the ribbon.



Mary Lou
Myers,
Circuit
Clerk, with
the newly
created
Lewis
County
Seal.

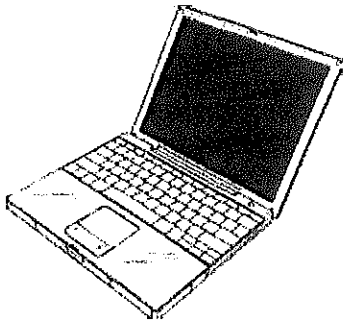


Judy Wolfe, Software Systems
Inc., and John Hinzman, Lewis
County Clerk.
HAPPY BIRTHDAY JOHN!



"Each person must live their life as a model for others." Rosa Parks

CYBER SECURITY TIP



it may contain.

Laptops are increasing in popularity for both business and personal use. The portability of laptops makes them extremely convenient. However, we must also be aware of the security risks from the loss or theft of laptops, and take proper precautions. The potential loss is twofold; the loss of the laptop itself and any personal, private or sensitive information that

Laptops can easily be stolen from the locked trunk of a car, at an airport security checkpoint, at an Internet cafe or even from a hotel room. Keep these tips in mind when you travel with your laptop:

- Secure your laptop when unattended (e.x. attach the laptop with a security cable to something immovable or to a heavy piece of furniture when it is unattended).
- Don't store your password with your laptop.
- Don't leave your laptop in your car.
- Don't store your laptop in checked luggage.
- Keep track of your laptop when you go through airport screening. Hold onto your laptop until the person in front of you has gone through the metal detector, and watch for your laptop to emerge from the screening equipment.
- Use tracking software. Consider use of commercial software that reports the location of a stolen laptop once it's connected to the Internet.

Backup your files. Make a backup of your files before every trip. In the event that your laptop is lost or stolen, you will still have a copy of your data.



MULTI-STATE
Information Sharing & Analysis Center



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CONGRATULATIONS

To the Monongalia County Commission, winner of the Thelma J. Stone Award at the County Commissioners' Auditor's Annual Training meeting.

OCTOBER 3—4, 2013 COUNTY LEADERSHIP ACADEMY

WORKING TOGETHER:

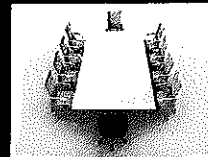
CIVIC-MINDED CITIZENS, LEADERS, AND OFFICIALS
— WORKING COLLABORATIVELY
TO BUILD VIBRANT COMMUNITIES

The 2013 conference centers around the theme of collaboration and offers two tracks: Community Leadership and Local Government Leadership.

Community Leadership sessions will include strategic planning, entrepreneurship and job creation, tourism, land use, board development, and planning.

The **Local Government Leadership** track will include sessions about economic development trends, cyber security, ethics, funding strategies, human resources, emergency preparedness. Presenters include local and nationally recognized experts and leaders.

VISIT TO LEARN MORE: <http://cla.ext.wvu.edu/>



BOARD Responsibilities series RULES OF ORDER

Agenda—used to ensure that important business is covered.

Motions—proposals for action, beginning with the words, "I move we....."

A Second—required for the motion to be discussed.

Amendments—may be made to most motions if they improve the intent or clarify the original motion.

Tabling—lays the motion aside.

Calling the Question—refers to ending the discussion and voting on the motion.

Minutes—protect the organization by recording the time and location of the meeting, participants, and the outcome of the motions. They are not a place to record conversations, assignments, reports, etc.

Voting—the officials action after discussion to adopt, amend, kill or table the motion.

Quorum—a majority of directors or the required number as set in the bylaws in order to conduct business.

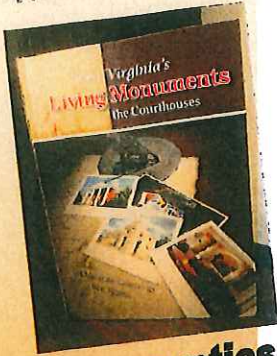
"The great art of life is sensation, to feel that we exist, even in pain." - Lord Byron

RECEIVED

SEP 23 2013

Jefferson County Commission

**West Virginia's Living Monuments:
The Courthouse**



60

www.wvcounties.org

www.wvcounties.org



27*****MIXED AADC 450

TIM BOYDE
JEFFERSON COUNTY ADMINISTRATOR
PO BOX 250
CHARLES TOWN, WV 25414-0250

Direct to You



WVACO proudly presented a copy of the book *Living Monuments to the Courthouse* to Governor Tomblin. Pictured are Rick Staton, former chairman of the WV Courthouse Facilities Improvement Authority, WVACO Immediate Past President Jeff Waybright, me, Governor Tomblin, Past President David "Bugs" Stover, and WV CFIA Executive Director Melissa Garretson Smith. We also presented a book and movie to State Archivist Joe Geiger for state archives and to Division of Culture and History Commissioner Randall Reid-Smith for the Culture Center Library.

Patti

BRIDGE PROJECT WILL KEEP 130TH AIRLIFT WING

The Kanawha County Commission and Yeager Airport's Board have been part of the team that will help keep the WV A National Guard's 130th Airlift Wing secure for the future. The Guard must have a secure entrance to the base or face closure and Kanawha County Commission and Yeager Airport each pledged \$1.5 million to that project. Commissioner Ken Carper emphasized the importance of the 1,100 jobs at the facility, stating that the state couldn't afford to lose this economic engine for the whole state. The project was announced by Governor Tomblin and will include a new entrance and bridge to Coonskin Park that will correct the security concerns raised in the federal Base Realignment and Closure report.



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

Week Ending Date	Week Ending
	September 14, 2013
	FY14
To be Deposited on:	September 20, 2013
Amount Played	55,400,233.92
Amount Won	49,627,721.89
Amount Promo	209,393.00
MWAP Contribution	<u>3,304.99</u>
Adjusted Gross Terminal Revenue	<u>5,559,814.04</u>
Administrative Costs @ 4%	222,392.57
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>5,337,421.47</u>
Surcharge @ 10%	0.00
State Share Excess @ 58%	0.00
Track Share of Capital Reinvestment @ 42%	0.00
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	0.00
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	0.00
Adjusted Net Terminal Revenue	<u>5,337,421.47</u>
Racetrack @ 46.50% / 42%	2,481,900.98
Lottery Fund @ 30% / 0%	1,601,226.42
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	373,619.50
Workers' Compensation Debt Reduction @ 7% / 0%	373,619.50
Employee Pension Fund @ 1% / .5%	53,374.22
Greyhound Development @ .75%	40,030.66
Thoroughbred Development @ .75%	40,030.66
Racing Commission @ 1%	53,374.22
County/Municipality @ 2%	106,748.44
3% Funds:	
Tourism Promotion Fund @ 1.375%	73,389.55
Development Office Promotion Fund @ .375%	20,015.33
Research Challenge Fund @ .5%	26,687.11
Capitol Renovation and Improvement Fund @ .6875%	36,694.77
2004 Capitol Complex Parking Garage Fund @ .0625%	3,335.89
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	26,687.11
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>26,687.11</u>
	<u>5,337,421.47</u>

WEST VIRGINIA LOTTERY
 First Benchmark
 Charles Town
 County / City Split
 Fiscal Year 2014

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

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 7.93%	CHARLES TOWN 39.90%	HARPERS FERRY 2.17%	RANSON 33.68%	SHEPHERDS TOWN 16.32%
6 days ending: 07/06/13	\$ 123,196.88	\$ 123,196.88	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending: 07/13/13	\$ 128,060.40	\$ 128,060.40	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/20/13	\$ 115,128.84	\$ 115,128.84	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/27/13	\$ 123,049.56	\$ 123,049.56	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/03/13	\$ 116,180.80	\$ 116,180.80	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/10/13	\$ 120,078.64	\$ 120,078.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/17/13	\$ 124,888.56	\$ 124,888.56	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/24/13	\$ 118,284.44	\$ 89,882.12	\$ 28,402.32	\$ 2,252.30	\$ 11,332.53	\$ 616.33	\$ 9,565.90	\$ 4,635.26
08/31/13	\$ 117,826.36	\$ 58,913.18	\$ 58,913.18	\$ 4,671.81	\$ 23,506.36	\$ 1,278.42	\$ 19,841.96	\$ 9,614.63
09/07/13	\$ 135,517.48	\$ 67,758.74	\$ 67,758.74	\$ 5,373.27	\$ 27,035.74	\$ 1,470.36	\$ 22,821.14	\$ 11,058.23
09/14/13	\$ 106,748.44	\$ 53,374.22	\$ 53,374.22	\$ 4,232.58	\$ 21,296.31	\$ 1,158.22	\$ 17,976.44	\$ 8,710.67
Subtotal	\$ 1,328,960.40	\$ 1,120,511.94	\$ 208,448.46	\$ 16,529.96	\$ 83,170.94	\$ 4,523.33	\$ 70,205.44	\$ 34,018.79

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

VIDEO LOTTERY REPORT

FY 2010		FY 2011		FY 2012		FY 2013		FY 2014	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
07/04/2009 *	128,262.42	07/03/2010	115,402.58	7/1-2/2011	69,824.12	07/07/2012	161,637.92	07/06/2013	123,196.88
07/11/2009	168,815.08	07/10/2010	205,731.64	07/09/2011	171,717.28	07/14/2012	129,458.04	07/13/2013	128,060.40
07/18/2009	160,652.98	07/17/2010	161,386.76	07/16/2011	143,019.52	07/21/2012	130,037.00	07/20/2013	115,128.84
07/25/2009	158,869.08	07/24/2010	160,368.28	07/23/2011	146,508.00	07/28/2012	137,164.44	07/27/2013	123,049.56
08/01/2009	174,493.08	07/31/2010	157,802.08	07/30/2011	144,510.28	08/04/2012	132,931.16	08/03/2013	116,180.80
08/08/2009	138,408.80	08/07/2010	136,494.98	08/06/2011	151,495.28	08/11/2012	134,212.88	08/10/2013	120,078.64
08/15/2009	81,222.14	08/14/2010	78,376.68	08/13/2011	117,350.38	08/18/2012	110,241.90	08/17/2013	124,888.56
08/22/2009	76,260.31	08/21/2010	76,199.02	08/20/2011	71,614.12	08/25/2012	66,209.90	08/24/2013	89,882.12
08/29/2009	80,472.92	08/28/2010	72,460.03	08/27/2011	63,432.14	09/01/2012	67,133.42	08/31/2013	58,913.18
09/05/2009	80,798.15	09/04/2010	76,362.84	09/03/2011	80,837.76	09/08/2012	74,029.40	09/07/2013	67,758.74
09/12/2009	86,286.92	09/11/2010	82,969.36	09/10/2011	84,845.80	09/15/2012	61,838.04	09/14/2013	53,374.22
09/19/2009	70,010.15	09/18/2010	67,638.78	09/17/2011	66,748.62	09/22/2012	56,996.90		
09/26/2009	69,316.87	09/25/2010	70,435.06	09/24/2011	68,929.80	09/29/2012	61,611.40		
10/03/2009	72,286.04	10/02/2010	71,013.86	10/01/2011	68,871.64	10/06/2012	62,715.20		
10/10/2009	69,650.63	10/09/2010	69,311.50	10/08/2011	70,866.90	10/13/2012	60,710.18		
10/17/2009	73,560.21	10/16/2010	75,234.62	10/15/2011	75,262.66	10/20/2012	62,333.08		
10/24/2009	67,581.66	10/23/2010	70,290.80	10/22/2011	68,757.72	10/27/2012	58,073.54		
10/31/2009	64,528.30	10/30/2010	65,615.04	10/29/2011	60,507.98	11/03/2012	56,545.30		
11/07/2009	63,741.59	11/06/2010	61,337.62	11/05/2011	70,673.88	11/10/2012	56,110.96		
11/14/2009	65,959.64	11/13/2010	64,595.28	11/12/2011	67,627.10	11/17/2012	57,432.36		
11/21/2009	59,547.05	11/20/2010	56,010.08	11/19/2011	60,690.60	11/24/2012	65,888.86		
11/28/2009	72,399.98	11/27/2010	71,170.90	11/26/2011	74,140.54	12/01/2012	50,243.34		
12/05/2009	51,006.51	12/04/2010	53,215.08	12/03/2011	59,429.94	12/08/2012	50,770.96		
12/12/2009	52,460.58	12/11/2010	46,944.00	12/10/2011	51,395.44	12/15/2012	47,022.38		
12/19/2009	32,834.39	12/18/2010	42,076.76	12/17/2011	55,981.32	12/22/2012	46,838.96		
12/26/2009	53,406.34	12/25/2010	50,450.28	12/24/2011	54,248.62	12/29/2012	59,697.22		
01/02/2010	92,980.40	01/01/2011	85,152.12	12/31/2011	94,661.00	01/05/2013	71,673.52		
01/09/2010	55,020.46	01/08/2011	54,301.30	01/07/2012	74,863.40	01/12/2013	50,416.30		
01/16/2010	60,551.28	01/15/2011	54,005.90	01/14/2012	58,901.92	01/19/2013	51,211.88		
01/23/2010	69,943.53	01/22/2011	60,924.74	01/21/2012	61,819.92	01/26/2013	46,966.26		
01/30/2010	48,527.75	01/29/2011	48,036.94	01/28/2012	62,898.78	02/02/2013	52,067.92		
02/06/2010	37,155.14	02/05/2011	60,777.44	02/04/2012	72,154.66	02/09/2013	52,222.20		
02/13/2010	44,334.00	02/12/2011	67,471.84	02/11/2012	66,429.04	02/16/2013	64,243.52		
02/20/2010	76,946.12	02/19/2011	72,018.54	02/18/2012	77,455.88	02/23/2013	64,115.70		
02/27/2010	72,024.40	02/26/2011	75,544.02	02/25/2012	77,611.78	03/02/2013	62,602.74		

03/06/2010	76,936.85	03/05/2011	74,535.34	03/03/2012	75,963.86	03/09/2013	59,213.26
03/13/2010	71,007.37	03/12/2011	66,979.48	03/10/2012	76,808.62	03/16/2013	62,366.36
03/20/2010	74,335.38	03/19/2011	73,113.26	03/17/2012	76,883.92	03/23/2013	59,841.02
03/27/2010	69,941.88	03/26/2011	68,490.80	03/24/2012	72,108.36	03/30/2013	57,567.98
04/03/2010	70,636.28	04/02/2011	70,846.58	03/31/2012	74,244.22	04/06/2013	63,108.84
04/10/2010	69,692.79	04/09/2011	67,076.78	04/07/2012	75,382.98	04/13/2013	56,849.30
04/17/2010	69,335.92	04/16/2011	64,698.56	04/14/2012	71,065.34	04/20/2013	55,432.12
04/24/2010	68,714.11	04/23/2011	67,674.14	04/21/2012	68,055.08	04/27/2013	58,612.74
05/01/2010	68,799.06	04/30/2011	66,807.50	04/28/2012	72,880.66	05/04/2013	61,102.92
05/08/2010	67,403.54	05/07/2011	66,379.74	05/05/2012	71,582.30	05/11/2013	57,428.70
05/15/2010	70,186.32	05/14/2011	66,699.76	05/12/2012	63,357.92	05/18/2013	61,172.80
05/22/2010	64,695.71	05/21/2011	63,210.44	05/19/2012	78,984.36	05/25/2013	57,131.24
05/29/2010	67,157.40	05/28/2011	64,724.06	05/26/2012	67,396.24	06/01/2013	65,920.66
06/05/2010	77,371.80	06/04/2011	74,952.34	06/02/2012	76,959.44	06/08/2013	55,233.74
06/12/2010	66,106.29	06/11/2011	62,203.12	06/09/2012	63,584.86	06/15/2013	54,067.52
06/19/2010	64,888.48	06/18/2011	61,200.76	06/16/2012	59,436.12	06/22/2013	54,690.28
06/26/2010	63,950.29	06/25/2011	65,470.44	06/23/2012	55,921.30	06/29/2013	55,991.38
06/30/2010	29,667.19	06/30/2011	34,351.16	06/30/2012	58,207.40	06/30/2013	11,509.54

TOTALS **4041141.56**

4016541.01

4124906.8

3580645.18

1120512

Table Game Revenue

Date	Amount	Date	Amount	Date	Amount	Date	Amount
July/August, 2010	154,185.68	July, 2011	141,718.01	July, 2012	138,663.64	July, 2013	99,274.36
September, 2010	94,247.84	August, 2011	137,473.92	August, 2012	133,245.83	August, 2013	111,427.75
October, 2010	105,903.60	September, 2011	110,375.25	September, 2012	127,532.40		
November, 2010	108,717.67	October, 2011	124,273.94	October, 2012	126,482.02		
December, 2010	118,721.11	November, 2011	121,118.87	November, 2012	134,443.93		
January, 2011	106,189.21	December, 2011	140,509.93	December, 2012	146,677.92		
February, 2011	105,776.45	January, 2012	137,812.68	January, 2013	132,650.35		
March, 2011	120,927.10	February, 2012	142,770.01	February, 2013	121,636.62		
April, 2011	130,654.61	March, 2012	151,845.46	March, 2013	149,033.62		
May, 2011	130,492.02	April, 2012	127,862.26	April, 2013	105,545.23		
June, 2011	121,576.41	May, 2012	137,905.13	May, 2013	109,747.38		
		June, 2012	129,235.38	June, 2013	104,803.37		
Total 2010-2011	1297391.7	Total 2011-2012	1602900.84	Total 2012-2013	1530462.31	Total 2013-2014	210702.11

Table Game Revenue Distribution - Jefferson County School Board

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2011	425,154.03	July, 2012	415,990.92	July, 2013	297,823.08
August, 2011	412,421.76	August, 2012	399,737.49	August, 2013	334,283.25
September, 2011	331,125.75	September, 2012	382,597.20		
October, 2011	372,821.82	October, 2012	379,446.06		
November, 2011	363,356.61	November, 2012	403,331.79		
December, 2011	421,529.79	December, 2012	440,033.75		
January, 2012	413,438.04	January, 2013	397,951.05		
February, 2012	428,310.03	February, 2013	381,857.07		
March, 2012	455,536.38	March, 2013	447,100.86		
April, 2012	383,586.78	April, 2013	316,635.69		
May, 2012	413,715.39	May, 2013	329,242.14		
June, 2012	387,706.12	June, 2013	314,410.11		
Total 2011-2012	4,808,702.50	Total 2012-2013	4,608,334.13	Total 2013-2014	632,106.33

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

Week Ending Date	Week Ending September 21, 2013 FY14 September 27, 2013
To be Deposited on:	
Amount Played	57,901,974.40
Amount Won	52,036,874.77
Amount Promo	207,793.00
MWAP Contribution	<u>3,355.31</u>
Adjusted Gross Terminal Revenue	<u>5,653,951.32</u>
Administrative Costs @ 4%	226,158.04
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>5,427,793.28</u>
Surcharge @ 10%	0.00
State Share Excess @ 58%	0.00
Track Share of Capital Reinvestment @ 42%	0.00
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	<i>0.00</i>
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	<i>0.00</i>
Adjusted Net Terminal Revenue	<u>5,427,793.28</u>
Racetrack @ 46.50% / 42%	2,523,923.88
Lottery Fund @ 30% / 0%	1,628,337.94
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	379,945.53
Workers' Compensation Debt Reduction @ 7% / 0%	379,945.53
Employee Pension Fund @ 1% / .5%	54,277.94
Greyhound Development @ .75%	40,708.45
Thoroughbred Development @ .75%	40,708.45
Racing Commission @ 1%	54,277.94
County/Municipality @ 2%	108,555.88
3% Funds:	
Tourism Promotion Fund @ 1.375%	74,632.16
Development Office Promotion Fund @ .375%	20,354.22
Research Challenge Fund @ .5%	27,138.97
Capitol Renovation and Improvement Fund @ .6875%	37,316.08
2004 Capitol Complex Parking Garage Fund @ .0625%	3,392.37
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	27,138.97
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>27,138.97</u>
	<u>5,427,793.28</u>

WEST VIRGINIA LOTTERY
 First Benchmark
 Charles Town
 County / City Split
 Fiscal Year 2014

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

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 7.93%	CHARLES TOWN 39.90%	HARPERS FERRY 2.17%	RANSON 33.68%	SHEPHERDS TOWN 16.32%
6 days ending: 07/06/13	\$ 123,196.88	\$ 123,196.88	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending: 07/13/13	\$ 128,060.40	\$ 128,060.40	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/20/13	\$ 115,128.84	\$ 115,128.84	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/27/13	\$ 123,049.56	\$ 123,049.56	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/03/13	\$ 116,180.80	\$ 116,180.80	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/10/13	\$ 120,078.64	\$ 120,078.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/17/13	\$ 124,888.56	\$ 124,888.56	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/24/13	\$ 118,284.44	\$ 89,882.12	\$ 28,402.32	\$ 2,252.30	\$ 11,332.53	\$ 616.33	\$ 9,565.90	\$ 4,835.26
08/31/13	\$ 117,826.36	\$ 58,913.18	\$ 58,913.18	\$ 4,671.81	\$ 23,506.36	\$ 1,278.42	\$ 19,841.96	\$ 9,614.63
09/07/13	\$ 135,517.46	\$ 67,758.74	\$ 67,758.74	\$ 5,373.27	\$ 27,035.74	\$ 1,470.36	\$ 22,821.14	\$ 11,058.23
09/14/13	\$ 106,748.44	\$ 53,374.22	\$ 53,374.22	\$ 4,232.58	\$ 21,296.31	\$ 1,158.22	\$ 17,976.44	\$ 8,710.67
09/21/13	\$ 108,555.88	\$ 54,277.94	\$ 54,277.94	\$ 4,304.24	\$ 21,656.90	\$ 1,177.83	\$ 18,280.81	\$ 8,858.16
Subtotal	\$ 1,437,516.28	\$ 1,174,789.88	\$ 262,726.40	\$ 20,834.20	\$ 104,827.84	\$ 5,701.16	\$ 88,486.25	\$ 42,876.95

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

VIDEO LOTTERY REPORT

FY 2010		FY 2011		FY 2012		FY 2013		FY 2014	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
07/04/2009 *	128,262.42	07/03/2010	115,402.58	7/1-2/2011	69,824.12	07/07/2012	161,637.92	07/06/2013	123,196.88
07/11/2009	168,815.08	07/10/2010	205,731.64	07/09/2011	171,717.28	07/14/2012	129,458.04	07/13/2013	128,060.40
07/18/2009	160,652.98	07/17/2010	161,386.76	07/16/2011	143,019.52	07/21/2012	130,037.00	07/20/2013	115,128.84
07/25/2009	158,869.08	07/24/2010	160,368.28	07/23/2011	146,508.00	07/28/2012	137,164.44	07/27/2013	123,049.56
08/01/2009	174,493.08	07/31/2010	157,802.08	07/30/2011	144,510.28	08/04/2012	132,931.16	08/03/2013	116,180.80
08/08/2009	138,408.80	08/07/2010	136,494.98	08/06/2011	151,495.28	08/11/2012	134,212.88	08/10/2013	120,078.64
08/15/2009	81,222.14	08/14/2010	78,376.68	08/13/2011	117,350.38	08/18/2012	110,241.90	08/17/2013	124,888.56
08/22/2009	76,260.31	08/21/2010	76,199.02	08/20/2011	71,614.12	08/25/2012	66,209.90	08/24/2013	89,882.12
08/29/2009	80,472.92	08/28/2010	72,460.03	08/27/2011	63,432.14	09/01/2012	67,133.42	08/31/2013	58,913.18
09/05/2009	80,798.15	09/04/2010	76,362.84	09/03/2011	80,837.76	09/08/2012	74,029.40	09/07/2013	67,758.74
09/12/2009	86,286.92	09/11/2010	82,969.36	09/10/2011	84,845.80	09/15/2012	61,838.04	09/14/2013	53,374.22
09/19/2009	70,010.15	09/18/2010	67,638.78	09/17/2011	66,748.62	09/22/2012	56,996.90	09/21/2013	54,277.94
09/26/2009	69,316.87	09/25/2010	70,435.06	09/24/2011	68,929.80	09/29/2012	61,611.40		
10/03/2009	72,286.04	10/02/2010	71,013.86	10/01/2011	68,871.64	10/06/2012	62,715.20		
10/10/2009	69,650.63	10/09/2010	69,311.50	10/08/2011	70,866.90	10/13/2012	60,710.18		
10/17/2009	73,560.21	10/16/2010	75,234.62	10/15/2011	75,262.66	10/20/2012	62,333.08		
10/24/2009	67,581.66	10/23/2010	70,290.80	10/22/2011	68,757.72	10/27/2012	58,073.54		
10/31/2009	64,528.30	10/30/2010	65,615.04	10/29/2011	60,507.98	11/03/2012	56,545.30		
11/07/2009	63,741.59	11/06/2010	61,337.62	11/05/2011	70,673.88	11/10/2012	56,110.96		
11/14/2009	65,959.64	11/13/2010	64,595.28	11/12/2011	67,627.10	11/17/2012	57,432.36		
11/21/2009	59,547.05	11/20/2010	56,010.08	11/19/2011	60,690.60	11/24/2012	65,888.86		
11/28/2009	72,399.98	11/27/2010	71,170.90	11/26/2011	74,140.54	12/01/2012	50,243.34		
12/05/2009	51,006.51	12/04/2010	53,215.08	12/03/2011	59,429.94	12/08/2012	50,770.96		
12/12/2009	52,460.58	12/11/2010	46,944.00	12/10/2011	51,395.44	12/15/2012	47,022.38		
12/19/2009	32,834.39	12/18/2010	42,076.76	12/17/2011	55,981.32	12/22/2012	46,838.96		
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01/02/2010	92,980.40	01/01/2011	85,152.12	12/31/2011	94,661.00	01/05/2013	71,673.52		
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01/30/2010	48,527.75	01/29/2011	48,036.94	01/28/2012	62,898.78	02/02/2013	52,067.92		
02/06/2010	37,155.14	02/05/2011	60,777.44	02/04/2012	72,154.66	02/09/2013	52,222.20		
02/13/2010	44,334.00	02/12/2011	67,471.84	02/11/2012	66,429.04	02/16/2013	64,243.52		
02/20/2010	76,946.12	02/19/2011	72,018.54	02/18/2012	77,455.88	02/23/2013	64,115.70		
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03/06/2010	76,936.85	03/05/2011	74,535.34	03/03/2012	75,963.86	03/09/2013	59,213.26
03/13/2010	71,007.37	03/12/2011	66,979.48	03/10/2012	76,808.62	03/16/2013	62,366.36
03/20/2010	74,335.38	03/19/2011	73,113.26	03/17/2012	76,883.92	03/23/2013	59,841.02
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04/17/2010	69,335.92	04/16/2011	64,698.56	04/14/2012	71,065.34	04/20/2013	55,432.12
04/24/2010	68,714.11	04/23/2011	67,674.14	04/21/2012	68,055.08	04/27/2013	58,612.74
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05/29/2010	67,157.40	05/28/2011	64,724.06	05/26/2012	67,396.24	06/01/2013	65,920.66
06/05/2010	77,371.80	06/04/2011	74,952.34	06/02/2012	76,959.44	06/08/2013	55,233.74
06/12/2010	66,106.29	06/11/2011	62,203.12	06/09/2012	63,584.86	06/15/2013	54,067.52
06/19/2010	64,888.48	06/18/2011	61,200.76	06/16/2012	59,436.12	06/22/2013	54,690.28
06/26/2010	63,950.29	06/25/2011	65,470.44	06/23/2012	55,921.30	06/29/2013	55,991.38
06/30/2010	29,667.19	06/30/2011	34,351.16	06/30/2012	58,207.40	06/30/2013	11,509.54

TOTALS **4041141.56**

4016541.01

4124906.8

3580645.18

1174790

Table Game Revenue

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July/August, 2010	154,185.68	July, 2011	141,718.01	July, 2012	138,663.64	July, 2013	99,274.36
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January, 2011	106,189.21	December, 2011	140,509.93	December, 2012	146,677.92		
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March, 2011	120,927.10	February, 2012	142,770.01	February, 2013	121,636.62		
April, 2011	130,654.61	March, 2012	151,845.46	March, 2013	149,033.62		
May, 2011	130,492.02	April, 2012	127,862.26	April, 2013	105,545.23		
June, 2011	121,576.41	May, 2012	137,905.13	May, 2013	109,747.38		
		June, 2012	129,235.38	June, 2013	104,803.37		
Total 2010-2011	1297391.7	Total 2011-2012	1602900.84	Total 2012-2013	1530462.31	Total 2013-2014	210702.11

Table Game Revenue Distribution - Jefferson County School Board

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2011	425,154.03	July, 2012	415,990.92	July, 2013	297,823.08
August, 2011	412,421.76	August, 2012	399,737.49	August, 2013	334,283.25
September, 2011	331,125.75	September, 2012	382,597.20		
October, 2011	372,821.82	October, 2012	379,446.06		
November, 2011	363,356.61	November, 2012	403,331.79		
December, 2011	421,529.79	December, 2012	440,033.75		
January, 2012	413,438.04	January, 2013	397,951.05		
February, 2012	428,310.03	February, 2013	381,857.07		
March, 2012	455,536.38	March, 2013	447,100.86		
April, 2012	383,586.78	April, 2013	316,635.69		
May, 2012	413,715.39	May, 2013	329,242.14		
June, 2012	387,706.12	June, 2013	314,410.11		
Total 2011-2012	4,808,702.50	Total 2012-2013	4,608,334.13	Total 2013-2014	632,106.33