

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, JANUARY 16, 2014
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

COUNTY COMMISSION ORGANIZATION

a. **Committee Assignments**

APPROVAL OF MINUTES

- January 9, 2014 Budget Work Session

APPROVAL OF PURCHASE ORDERS

- January 16, 2014

APPROVAL OF ACCOUNTS PAYABLE

- January 16, 2014

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. Angie Banks, Assessor
- Apportionment of a tax ticket - Discussion/Action
2. 10:00 a.m. Doug Rockwell
- Request Zoning Ordinance Text Amendment - Discussion/Action
3. 10:10 a.m. Bob Aitcheson
- Request to create a Mass Gathering Ordinance - Discussion/Action
4. 10:20 a.m. Jennifer Myers, Director of Parks and Recreation
- Approval of Grant application and Resolution - Discussion/Action

5. 10:35 a.m. **BREAK**
6. 11:00 p.m. Patricia McMillian, City of Martinsburg HOME Administrator
 - Public Hearing on FY2014 HOME Program
 - Approval of Resolution renewing its participation in the Eastern Panhandle HOME Consortium of West Virginia for FY 2014 - Discussion/Action
7. 11:15 a.m. Roger Goodwin, Chief County Engineer and Michelle Mason, Impact Fee Program Specialist
 - Modification of FY 2014 Capital Improvement Plan for Middleway Volunteer Fire Company Generator Project - Discussion/Action
8. 11:30 a.m. Jennifer Brockman, Director of Planning and Zoning
 - Follow up Workshop/Discussion to 11-21-13 Public Hearing input on proposed Zoning Ordinance Text Amendment (ZTA 12-01) to establish additional commercial and industrial zoning district categories, and related changes to the ordinance; including changes to the following sections of the Zoning and Land Development Ordinance: 4.4; 4.6; 4.10; 4.11; 5.1; 5.4; 5.6; 5.7; 5.8; 5.10; 6.3; 6.5; 8.1; 8.9; 8.12; 12.2; 12.3; Appendices A, B, and C; and the addition of new Sections 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 and 5.17- Discussion/Action

NEW BUSINESS:

9. Discussion of implementation of Fire Fees (including method & location of collection) - Discussion/Action (DM)
10. The Morgan County Commission is requesting a letter of support for funding from excess Lottery revenue for bonds to fund improvements to Cacapon State Park and Beech Fork State Park - Discussion/Action (PN)
11. Judicial Building Renovation - Discussion/Action (JT)
12. Legislative Updates

FINANCIAL DIRECTOR REPORTS

- Budget Update
- 7 year expenditure/revenue trend

COUNTY ADMINISTRATOR REPORTS

- Discuss current website

COUNTY COMMISSION REPORTS

13. 12:00 p.m. Break for Lunch

----- AFTERNOON SESSION -----

14. 1:30 p.m. Lynn Fields, Probate Office
- Probate Quarterly Review - Discussion/Action
- Public Hearing - Estate of Daniel D. Duncan - Discussion/Action

15. ADJOURN

DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS

- Jefferson County Planning and Zoning Departments, Planning Commission and Board of Zoning Appeals

CORRESPONDENCE:

Notice of the Board of Review and Equalization Dates for 2014.

Additional date for Board of Review and Equalization.

Jefferson County Commission Notice of Public Hearing on Zoning Map Amendment request.

Letter from B. Lee Snyder regarding the Old Standard Quarry in relation to the Comprehensive Plan.

Notice of the State Auditor's 2014 Budget Preparation and Employment Tax Issues Regional Workshops

Administrative Order from Brent D. Benjamin, Chief Justice of the West Virginia Supreme Court of Appeals regarding the assignment of the Honorable Andrew N. Frye Jr. in the case of David C. Tabb V. The Jefferson County Commission, et al.

Letter from the West Virginia Offices of the Insurance Commissioner regarding flood insurance. Memorandum from the Jefferson County Engineering Department Office of Impact Fees regarding the Transfer of Funds from Office of Impact Fees General Account to Sheriff's Fire & EMS Impact Fee Account.

Letter from the West Virginia Offices of the Insurance Commissioner regarding flood insurance.

Memorandum from the Jefferson County Engineering Department Office of Impact Fees regarding the Transfer of Funds from Office of Impact Fees General Account to Sheriff's Parks and Recreation Impact Fee Account.

**Letter from the West Virginia Offices of the Insurance Commissioner regarding flood insurance.
Memorandum from the Jefferson County Engineering Department Office of Impact Fees regarding the Transfer of Funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account.**

Regular Meeting Minutes from the December 2, 2013 Jefferson County Public Service Meeting.

West Virginia Lottery Weekly Settlement for Charles Town week ending January 4, 2014.

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.

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Lyn Widmyer

Department or Entity: _____

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: December 19

Date Requested – 2nd Choice: _____

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

This issue needs to be discussed before we meet in January

Subject: **Clarifying role of County Commission liaison to different boards and commissions**

Please provide the County Commission with a description of your request or presentation, including any background information: **Each January, County Commissioners are assigned as liaison to various boards, committees and commissions. The function of voting and non-voting liaisons needs to be discussed.**

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

Role of non-voting liaison commissioners

Attend meetings as needed to discuss items of County Commission interest—either to provide information or hear from committee/board members. Report back to County Commission.

Role of voting liaison commissioners

Attend meetings.

Advise county commission of upcoming items of county concern and review voting options.

Update county commission of actions, particularly votes made as representative of county commission.

Attachments:

Assignment to Boards, Commissions & Organizations			Calendar Year 2014			
Organization	Commissioner 2013	Commissioner 2014	Voting or Non-voting	State Mandate	Code Section	Comments
Affordable Housing	Noland/Manuel		Voting	No	WV § 16-15-3	CC gives money, recommend CC keep rep
Air Quality Control Board (Region 9)	Noland		Voting	Not sure	WV § 8-25-6	Region 9 initiative, not mandated by code that cc have rep. If it is, would be same commissioner that serves as Region 9 rep.
Approval of Bills	Widmyer		Non-Voting	Yes		CC, as fiscal agent required to approve expenditures, must have a commissioner or entire cc review
Board of Health	Widmyer		Non-Voting	No	WV § 16-2-7	Code does not provide for a CC rep on board
Building Repair/Courthouse Committee	Manuel/Widmyer		n/a	No		CC created this committee
Community Corrections Committee - Day Report Center	Manuel/Widmyer		Voting	No	WV § 62-11C-6	Code does not provide for commissioner on board, CC appoints members
Development Authority	Pellish		Voting	Yes	WV § 7-12-3	
E-911 Council	Manuel		Voting	Yes	Ordinance	Bylaws require CC member
Eastern Panhandle Transportation Board	Manuel/Widmyer		Voting	No	WV § 8-27-5	CC has option to appoint Commissioner or resident
Extension Service	Tabb		Voting	Yes	WV § 19-8-1	
Farmland Protection Board	Tabb		Non-Voting	Yes	WV § 8A-12-4	
Jefferson Co. Convention & Visitors Bureau	Noland/Pellish		Voting	No	Defined in W.Va. Code 7-18-14	A public/private partnership, CVB is actually a non-profit corporation not a governing board. Because it receives monies from taxpayers, recommend
Jefferson Co. ESA / Fire & Rescue	Manuel		Voting	Yes, by ordinance	Senate Bill 224	Board is performs function of Co. Fire Board, W.Va. 7-17-6, requires CC rep, and Ambulance Authority, W.Va. 7-15-5, provides option of CC rep.
Historic Landmarks Commission	Widmyer		Non-Voting	No	WV § 8-26A-4	
Homeland Security	Tabb/Manuel		Voting	No	created by CC	According to B. Miller, no such thing but could be a CC created committee

Legislative Liaison	Noland/Manuel		n/a	No		
Local Emergency Planning Committee	Tabb		voting	Yes	WV § 15-5A-7	Board required to have local elected official
Mental Health Center	Pros. Attorney		?			
MPO Interstate Council	Widmyer		Voting	Yes	Federa; Highway	Bylaws require CC member
Pan Tran	Widmyer		Voting	No	WV § 8-27-5	This should be the same as Eastern Panhandle Transportation Board
Parks and Recreation	Manuel/Widmyer		Non-Voting	No	WV § 7-11-3	Code does not provide for commissioner on board, CC appoints members
Planning Commission	Pellish		Voting	Yes	WV § 8A-2-4	
Public Service District Liaison	Tabb/Noland		Non-Voting	No	WV § 16-3A-3	Code does not provide for commissioner on board, CC appoints members
Region 9	Noland		Voting	Yes	WV § 8-25-6	
Roundtable/Council of Government	Manuel		n/a	No		Created by CCs in in three counties
Solid Waste Authority	Pellish		Yes	No	WV § 22C-4-3	CC appoints 2 members of board, no provision for commission rep on the board
Telamon Board	Widmyer		Yes	No	Bylaws of organiza	Bylaws require CC apointed member, does not have to be commissioner, not a government agency
Water Advisory Committee	Manuel/Widmyer		Voting	No	CC created	
Workforce Investment Act Liaison	Widmyer		Voting	Yes	Federal Workforce	

Minutes

Jefferson County Commission

Thursday, January 9, 2014

A meeting of the Jefferson County Commission was held on Thursday, January 9, 2014 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, Jessica Carroll, Executive Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of the Thursday, January 9, 2014 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Tabb led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the Regular Meeting Minutes of January 2, 2014 with noted correction. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Noland to approve Purchase Orders in the amount of \$2,094.08 to include P.O. Nos. 52198, 51458, 51816, 51834, and 51835. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
071404	425	B-K OFFICE SUPPLY INC	52197	\$ 1,421.51	\$ -	\$ 1,421.51
071405	405	MARCIA L. CHANDLER, RPR	51833	\$ 716.10	\$ -	\$ 716.10
071406	428	CDW-GOVERNMENT LLC	52217	\$ 532.50	\$ -	\$ 532.50
071406	428	CDW-GOVERNMENT LLC	52218	\$ 264.57	\$ -	\$ 264.57
071407	425	COVENANT BUILDING MAINT		\$ -	\$ 11,827.43	\$ 11,827.43

071408	GRANT	CHEERS SCHOOL FAMILY		\$ -	\$ 2,000.00	\$ 2,000.00
071409	425	DAYCON	52195	\$ 1,553.06	\$ -	\$ 1,553.06
071410	717	DONALD B. RICE TIRE CO.	52194	\$ 569.68	\$ -	\$ 569.68
071411	GRANT	GOOD SHEPHERD INTERFAITH		\$ -	\$ 2,000.00	\$ 2,000.00
071412	405	STEPHEN V GROH		\$ -	\$ 138.00	\$ 138.00
071413	405	CHARLES B HOWARD		\$ -	\$ 138.00	\$ 138.00
071414	412	MICHAEL HARMAN		\$ -	\$ 182.84	\$ 182.84
071415	401	RICOH USA, INC		\$ -	\$ 496.99	\$ 496.99
071415	403	RICOH USA, INC		\$ -	\$ 116.28	\$ 116.28
071415	404	RICOH USA, INC		\$ -	\$ 58.14	\$ 58.14
071415	405	RICOH USA, INC		\$ -	\$ 411.75	\$ 411.75
071415	406	RICOH USA, INC		\$ -	\$ 58.14	\$ 58.14
071415	425	RICOH USA, INC		\$ -	\$ 75.39	\$ 75.39
071415	433	RICOH USA, INC		\$ -	\$ 58.14	\$ 58.14
071415	440	RICOH USA, INC		\$ -	\$ 297.61	\$ 297.61
071415	700	RICOH USA, INC		\$ -	\$ 145.35	\$ 145.35
071415	712	RICOH USA, INC		\$ -	\$ 522.61	\$ 522.61
071416	405	RALPH A LORENZETTI JR		\$ -	\$ 138.00	\$ 138.00
071417	405	LYNDSEY W. LEATHERMAN		\$ -	\$ 68.93	\$ 68.93
071418	405	MATTHEW BENDER & CO	51831	\$ 848.51	\$ -	\$ 848.51
071419	712	MOTOROLA INC	49839	\$ 55,466.16	\$ -	\$ 55,466.16
071420	406	PIFER OFFICE SUPPLY, INC	51426	\$ 18.73	\$ -	\$ 18.73
071421	424	POTOMAC EDISON/OH		\$ -	\$ 2,004.03	\$ 2,004.03
071421	425	POTOMAC EDISON/OH		\$ -	\$ 16,548.38	\$ 16,548.38
071421	425	POTOMAC EDISON/OH		\$ -	\$ 3,042.46	\$ 3,042.46
071422	402	RECORD MANAGEMENT SOLUTN	51631	\$ 35.00	\$ -	\$ 35.00
071423	401	LESLIE D SMITH		\$ -	\$ 10,665.43	\$ 10,665.43
071424	712	SPECIALTY BUS SUPPLIES	51691	\$ 497.00	\$ -	\$ 497.00
071425	405	STAPLES CREDIT PLAN	51640	\$ 289.95	\$ -	\$ 289.95
071426	704	ST/WV REGIONAL JAIL &	52220	\$ 90,903.00	\$ -	\$ 90,903.00
071427	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 42.16	\$ 42.16
071427	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 9.86	\$ 9.86
071428	401	STAPLES CREDIT PLAN		\$ -	\$ 206.70	\$ 206.70
071428	412	STAPLES CREDIT PLAN		\$ -	\$ 140.81	\$ 140.81
071429	425	SHERWIN-WILLIAMS		\$ -	\$ 1,016.45	\$ 1,016.45
071430	405	BRANDON C.H. SIMS		\$ -	\$ 92.00	\$ 92.00
071430	405	BRANDON C.H. SIMS		\$ -	\$ 13.94	\$ 13.94
071431	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,610.45	\$ 10,610.45
071432	425	THOMPSON GAS		\$ -	\$ 315.41	\$ 315.41
071433	403	UNITED SYSTEMS & SOFTWARE		\$ -	\$ 212.00	\$ 212.00

071434	PAYROLL	UNICARE EAP		\$ -	\$ 644.40	\$ 644.40
071435	712	PANHANDLE ACCIDENT RECON	51680	\$ 1,500.00		\$ 1,500.00
071436	405	WV PROS.ATTYS ASSOC/WVPA	51832	\$ 600.00	\$ -	\$ 600.00
071437	GRANT	WEBB-BLESSING HOUSE		\$ -	\$ 3,000.00	\$ 3,000.00
071438	402	XEROX CORPORATION	51632	\$ 761.24	\$ -	\$ 761.24
071438	439	XEROX CORPORATION	50339	\$ 512.90	\$ -	\$ 512.90
TOTAL						\$ 223,787.99
TOTAL				\$ 156,489.91	\$ 67,298.08	\$ 223,787.99

Motion by Ms. Tabb to approve the accounts payable for January 9, 2014 in the amount of \$223,787.99. Motion seconded and unanimously approved.

PUBLIC COMMENT:

There were no speakers during the Public Comment portion of the meeting.

PRESENTATIONS

1. Tim Stanton, Jefferson County Finance Director
 Provided the Commissioners with a discussion of the current budget, reminding them of the 1.2 million dollars still required for an adequate fund balance and the \$700,000 needed for a balanced budget for FY2014.
 - A. General County Fund Budget Revisions
 - **Motion by Ms. Noland to approve Budget Revision #14 from the adjustment of the health insurance budget in the amount of \$108,997. Motion seconded and unanimously approved.**
 - **Motion by Mr. Manuel to approve Budget Revision #15 from the adjustment of revenue lines in the amount of \$35,124. Motion seconded and unanimously approved.**
 - **Motion by Ms. Tabb to approve Budget Revision #16 from non-profit organizations and component units in the amount of \$416,505. Motion seconded and unanimously approved.**
 - **Motion by Mr. Manuel to approve Budget Revision #17 from the County Assessor (406) in the amount of \$94,186. Motion seconded and unanimously approved.**

- **Motion by Ms. Noland to approve Budget Revision #18 to fund General Fund operation expenditures from the Coal Severance Fund in the amount of \$427,000. Motion seconded and unanimously approved.**
- **Motion by Ms. Widmyer to approve Budget Revision #19 from the adjustment of the Coal Severance Fund in the amount of \$26,353. Motion seconded and unanimously approved.**

B. Presentation of County Employee Health Insurance Options for July 1, 2014.

Mr. Stanton presented the Commission with four options for changes in the County's employee benefits package, effective July 1, 2014. For each option, Mr. Stanton explained the changes in deductible, co-pay, and drug costs. He also provided the Commission with a breakdown of the potential cost increase or cost savings associated with each option. The Commission requested Mr. Stanton and Ms. Keyser conduct further research on the County health care insurance options to be discussed at a future meeting.

C. Recommended Budget Charge for FY15

Mr. Stanton presented the Commission with the recommended Budget Charge for FY15. In effort to reduce and reform the FY15 budget, Mr. Stanton recommended the County use Target-Based Budgeting, a budgeting method that is recommended by the Government Finance Officers Association. Using the Target-Based Budgeting method will result in \$5.9 million dollars in net budget savings in the target packages.

- **Motion by Ms. Widmyer to approve the recommended Budget Charge for FY15 as presented and forward to all Elected Officials, Departments Heads, and Directors of Component Units. Motion seconded and unanimously approved.**
2. Jane Tabb, Commissioner – requested the Commission set a budget goal to segregate gambling revenue from the budget for onetime expenses only.
- After discussion, President Pellish directed Ms. Keyser to schedule a Resolution for approval on the agenda in March to formally establish Ms. Tabb's budget goal.

COUNTY ADMINISTRATOR REPORTS

Discussion of Capital Outlay Policy

- **Motion by Ms. Noland to approve the Capital Outlay Policy (#307) as presented with the following amendments: omit “Finance Director” from the Investment Limit section and change “unanimous consent” to “unanimous vote” in the first paragraph. Motion seconded and unanimously approved.**
- Regional Jail Team Meeting – Ms. Keyser stated she held a Regional Jail Team meeting on Wednesday, noting the members are currently working to gather numbers and statistics in attempt to find savings. Ms. Keyser noted the great need for a mental health facility within the tri-county area, and also stated there would be a formal presentation from the Regional Jail Team before the Commission within a few months.
- Contract Sheets for Departments – Ms. Keyser notified the Commission she developed sheets for each of the department heads to record of all current contracts so they may be easily accessed during budget presentations.
- Distribution of Timeline of Last Year’s Budget and Data Processing Budget – Ms. Keyser distributed documents verifying last year’s budget number and budget input.

COUNTY COMMISSIONERS’ REPORTS

- President Pellish suggested the County Commissioners’ Reports portion of the meeting not be used to list all the meetings and events attended by the Commissioners but only report on information that may be of value to the other Commissioners and the public.

Lyn Widmyer

- Attended the Telemon meeting and discovered they do not require a Commissioner to sit on the board and would like to discuss the possibility of appointing a citizen representative.
- Commended the Board of Health for working with Asbury United Methodist Church to hold a warming center for the public during the Polar Vortex.

Dale Manuel

- Participated in a Legislative conference call and updated the Commission on key issues for the State and the County.

Patsy Noland

- Attended Partnership for Affordable Housing Meeting and notified the Commission she will have the Executive Director of the Partnership for Affordable Housing come before the Commission to discuss whether or not the Commission was still interested in pursuing the efforts put forth by the Partnership for Affordable Housing.

Walt Pellish

- Spoke of a recent Martinsburg Journal article in which the Governor of West Virginia emphasized the need for economic development within the state.
- Notified the other Commissioners that Commissioner Manuel expressed interest in being appointed as the Commission liaison for the Planning Commission and they will be attending the next meeting together.

The Commission meeting was adjourned at 11:31 am on a motion by Ms. Noland. Motion was seconded and unanimously approved.

WALT PELLISH, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant

PURCHASE ORDERS TO BE APPROVED

January 16, 2014

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
ANIMAL CONTROL	51925	\$ 138.00	Specialty Business Supply	In-Tickets
	51927	\$ 125.00	VDACS Office of Lab Services	Necropsy Services
	51928	\$ 323.00	Total Equine Veterinary Assoc.	Veterinary Services
	51929	\$ 565.00	Valley Pet Cemetary	Carcass Disposal
CIRCUIT CLERK	51463	\$ 127.43	Matthew Bender & Co., Inc.	WV Court Rules
COUNTY CLERK	51817	\$ 2,707.75	Cat Tail Run Hand Bookbinding	Repair of Cross Index/ Deed Books
COUNTY COMMISSION	52269	\$ 97,320.25	WV Regional Jail & Correctional Facility	Inmate Charges for December 2013
ENGINEERING	50244	\$ 125.00	International Code Council, Inc.	Membership Dues
PROSECUTING ATTORNEY'S OFFICE	51837	\$ 125.00	NDAА	NDAА Capital Conference Reg. Fee
SHERIFF'S OFFICE	51547	\$ 816.89	WV Uniforms	Uniforms & Accessories
	51528	\$ 502.00	Galls	Uniforms & Accessories
	51549	\$ 8,682.75	Town Police Supply	Uniforms & Accessories
	51550	\$ 210.00	Jefferson County Health Dept.	Professional Services
TAX OFFICE	52124	\$ 1,134.86	Jefferson Publishing Co.	List of Tax Liens for 2012 Real Estate
GRAND TOTAL		\$ 111,624.50		

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Angie Banks, Assessor

Department or Entity: Assessor's Office

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: January 16th, 2014

Date Requested – 2nd Choice: _____

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

Subject: **Apportionment of a tax ticket**

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

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

Attachments:

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Greg Rockwell

Department or Organization: Citizen

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: 12-5-2013 Jan 16 2014
Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda):

Zoning Ordinance Amendment

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

See Attached

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

Adopt Amendment

Are documents attachments? Yes No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: _____

Phone number: 9 _____

Request for Zoning Ordinance Text Amendment

Comes now the undersigned residents and citizens of Jefferson County, West Virginia and requests a Text Amendment to Section 9.8 as follows:

Existing:

Section 9.8 Seasonal Uses (5,7)


Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing. Newspaper notification requirements of Section 3.4A(3)(b) apply. Seasonal uses cannot be approved for longer than one year at a time. (17,21,23)

Amendment:

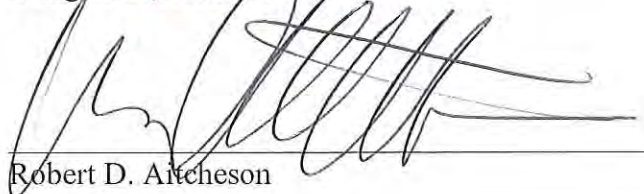
Section 9.8 Deleted.

Comprehensive Plan

The existing Section 9.8 is not compatible with the Comprehensive Plan. This Section allows any use in any district, which is contrary to the Plan's statement of goals. New amendments of the Zoning Ordinance expand the permitted uses in the Growth Area, thus eliminating any possible need for Section 9.8.



Douglas S. Rockwell



Robert D. Aitcheson

AGENDA REQUEST FORM

www.jeffersoncountyvva.org



Name: Bob Aitchison

Department or Organization: Citizen

Estimation of amount of time needed for appointment: 15 min

Date Requested - 1st Choice: 12/5/13 Jan 16, 2014

Date Requested - 2nd Choice: _____

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

urgent matter

Subject (Wording to be placed on agenda):

1. Mass Gathering Ordinance 2. LTR for Douglas D. Wolfe
UPRESEN 2013 + Related documents

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

See Attached

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

Amendment of zoning Ordinance & Adopt MASS
Gathering Ordinance

Are documents attachments? Yes No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: bob.aitch46@gmail.com

Phone number: 304-725-7639

An Ordinance pursuant to WEST VIRGINIA CODE Section 7-1-3kk to eliminate hazards to public health and safety and abate public nuisances associated with temporary mass gatherings of people for entertainment events.

Be it enacted by the Preston County Commission,

An Ordinance to Regulate Mass Gatherings

It appearing to the County Commission (the Commission) of Preston County, West Virginia that it is authorized by Chapter 7, Article 1, Section 3kk of the Official Code of West Virginia, 1931, as amended, to enact ordinances, issue orders and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance, the Commission hereby adopts the following Ordinance which provides as follows:

(1) **Purpose**

The Commission **FINDS** that temporary mass gatherings of people to attend musical performances and other entertainment events have created a hazard to public health and safety and a public nuisance due to increased criminal activity, high levels of traffic congestion in the public roads surrounding such events, and high demands on police, emergency, and medical resources in Preston County.

(2) **Definitions**

For purposes of this Ordinance

"Mass gathering" is defined as any event which has more than 3,000 attendees who will reside at the event for 14 hours or more in temporary shelters that will be removed when the event has been completed.

"Temporary shelters" are defined as a non-permanent structure such as a tent which is designed to be easily removed and which is not assessed under West Virginia Law for tax purposes as either an improvement upon real property or as personal property.

(3) **Permit Required**

No person, firm, corporation, or partnership, shall stage, promote, or conduct any entertainment event creating a "mass gathering" unless there shall have first been obtained a permit from the Commission. Applications for said permit shall be in writing, on forms provided by the County Clerk and filed with the County Clerk not more than one year but at least 30 days prior to the beginning of said entertainment event. Said Application shall have attached the plans, statements, approvals and other documents required by this Ordinance. The Commission anticipates that the application process may occur over time with some application requirements submitted earlier than others. However, the Commission will not act until all Application requirements have been submitted.

The Commission shall docket and act on said Application at the next regularly scheduled meeting held after all Application requirements have been filed which allows said matter to be docketed at least three business days before the Commission meeting.

(4) **Application Requirements**

The Application for permit shall include the following plans, statements, approvals, and documents:

- a statement by the applicant of the date(s) and times for the event;
- a statement by the applicant of the total number of tickets that will be provided for attendees whether sold or provided otherwise, the applicant's best reasonable estimate of the total expected persons in attendance at the event, and the applicant's certification that it will comply with all applicable state and local laws and regulations;

a statement of the name and addresses of the promoter of the event, the financial backing of the event, and the names of all persons that will perform at the event;

a statement of all lands upon which any part of the event will occur, and the names and addresses of all owner(s) of those lands;

a plan for adequate sanitation facilities and garbage, trash, and sewage disposal for the event which shall comply with all applicable state and local law and regulations which shall be approved by the County Health Department;

a plan for providing food and water for persons attending the event which shall comply with all applicable state and local law and regulations which shall be approved by the County Health Department;

a plan for providing adequate medical care for persons attending the event which shall be approved by the Director of the Office of Emergency Management for the County;

a plan for providing adequate security and traffic control for the event including surrounding roads which shall be approved by the Sheriff of Preston County;

a list of all vendors that will be providing goods or services to the event and documentation showing that they are legally certified and licensed to do business in West Virginia.

(5) **Deposit Required**

A deposit in an amount sufficient to cover the cost of additional police, emergency, and medical resources which shall be paid to the Commission when the Application is finally approved by the Commission. Said deposit will be determined as follows:

3,000 to 9,999 attendees	\$1 per person per day
10,000 to 19,999 attendees	\$1.25 per person per day
20,000 to 39,999 attendees	\$1.50 per person per day

40,000 or greater attendees

\$1.75 per person per day

(6) Geographical Coverage

This Ordinance applies to all geographical areas of Preston County, West Virginia, whether inside or outside the boundaries of any municipal corporation. Provided: this Ordinance shall not be construed as prohibiting a municipal corporation from lawfully adopting a municipal ordinance with greater protections against the hazards addressed by this Ordinance, to the extent allowed by the laws of this State.

(7) Severability

In the event that any court declares any provision of this Ordinance to be unenforceable, said declaration shall not be construed as invalidating the remaining provisions.

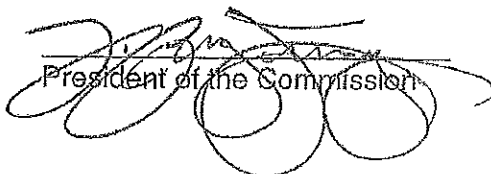
(8) Civil Sanctions


The Commission shall have the right to revoke any permit granted under this Ordinance and prohibit the Applicant from obtaining any future permits after appropriate notice and hearing for the Applicant if there are violations of any portion of the Ordinance; In addition, the Commission may seek injunctive relief in the Circuit Court of Preston County for public nuisance if there are violations of any portion of the Ordinance.

(9) Criminal Violations

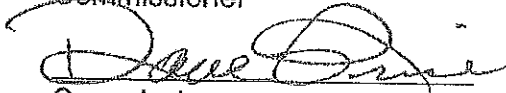
Any person, firm, corporation, or partnership which willfully violates any portion of this Ordinance shall upon conviction be subject to a jail sentence of not more than 12 months and/or a fine not to exceed \$25,000 by the Preston County Magistrate Court.

Adopted this 24 day of January 2011,
effective immediately upon passage.

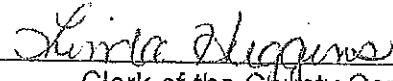

President of the Commission



Commissioner



Commissioner

Attest: 

Clerk of the County Commission

PRESTON COUNTY COMMISSION

Application for Permit to Conduct A Mass Gathering

General Information: Pursuant to the Preston County Commission Mass Gathering Ordinance, no person, firm, corporation or partnership, shall stage, promote or conduct any entertainment event creating a mass gathering unless there shall have first been obtained a permit from the Commission. Applications shall be in writing on forms provided by the County Clerk and filed with the County Clerk, 106 W. Main Street, Suite 103, Kingwood, West Virginia 26537 not more than one year but at least 30 days prior to the beginning of entertainment event. The Commission shall docket and act on application at the next regularly scheduled meeting held after all application requirements have been filed which allows the said matter to be docketed at least three business days before the Commission meeting. A cover letter must accompany this application on Organizer's letterhead with signature in blue ink.

A deposit to cover the costs pursuant to the Preston County Commission Mass Gathering Ordinance shall be paid to the Commission when the application is finally approved by the Commission.

Mass Gathering permit is issued based on information submitted in application packet. Inspections may be conducted by county officials at any time prior to or during the event to determine compliance with applicable rules and regulations.

A copy of the Preston County Commission Mass Gathering Ordinance is included with this application.

A copy of Preston County Health Department 64 CSR18 and form SG 49 are included with this application. Also included as a guideline is form SG 52 General Sanitation Inspection Report which will be utilized by the Health Department to inspect the Mass Gathering Site(s)

A copy of the Mass Gathering Requirements from the Office of Emergency Management is included with this application.

Please attach additional pages of information if needed.

GATHERING INFORMATION

Date(s) Gathering will be held : _____

Gathering Name: _____

Gathering Site Name: _____

Gathering Site Address: _____

Purpose of Gathering (concert, fair, etc) [provide details]: _____

Hours of Operation: _____

Maximum Number of Attendees at Any Given Time: _____

How long is an attendee likely to be on site? (hours) _____

Maximum Number of Attendees Expected Each Day: _____

Maximum Number of available tickets for entire Gathering: _____

What will be the source of the required water supply? _____

[The Organizer shall provide and strategically locate drinking water stations, complying with the local health department to effectively meet the drinking water needs of attendees, participants and staff]

Will food booths be present? _____ yes _____ no

Will alcoholic beverages be sold on the premises? _____ yes _____ no

Will amplified sound or public address system be used? _____ yes _____ no

How many first aid stations will be provide? _____

[Each event shall have Emergency Medical Facilities and Mutual Aid agreements as required by the Office of Emergency Management. Additional facilities may be required by the E-911/OEM Office or County Health Department, due to the nature of the event, time of year, number of attendees and participants, risk of injuries or other public health and safety needs]

Will there be fireworks? _____ yes _____ no

If yes, what time? _____ How long? _____

Company Name _____

[Company must have certified pyrotechnic]

Contact Name _____

Phone Number _____

Will animals be present? _____ yes _____ no

If yes, how will the animals be involved? _____

Will the event be held after daylight hours? _____ yes _____ no

[If the temporary event will be held after daylight, there must be adequate lighting to ensure the comfort and safety of the attendees, participants, and staff. Lighting is required in the parking areas as well as on the event site]

What type of lighting source and number of lighting fixtures will be used?

What electrical source will be used? _____

How many, and what type, trash containers will be on site? _____

Will the Organizer handle solid waste management and site clean-up
_____ yes _____ no

If no, who is the contractor, under written contract with the Organizer that will handle the solid waste and site clean up?

Company Name _____

Contact Name _____

Phone Number _____

If yes, who will be responsible for the solid waste management and site clean-up ? _____

When will the clean-up take place? _____

How will the waste be collected and where will it finally be disposed?

Will the event utilize public sewage waste disposal? ____ yes ____ no

If no, the Organizer must provide portable toilets? ____ yes ____ no

Who is the contractor, under written contract with the Organizer that will handle (service and supply) the portable toilets?

Company Name _____

Contact Name _____

Phone Number _____

How many portable toilets will be provided on the site(s) for entire gathering? _____

How many portable toilets will be provided along all inbound routes to the site(s)? _____

ORGANIZER INFORMATION

The Organizer includes any person who holds, stages or sponsors a mass gathering and the owner, lessee or possessor of the real property upon which the mass gathering is to take place. The Organizer shall establish a headquarters at the gathering site and the Organizer or Organizer's designee shall be present at the gathering at all times during the operating hours.

Organizer Name: _____

Organizer's Address: _____

City/State/Zip Code _____

Organizer's Phone Number _____ Fax Number _____

Organizer's E-mail Address _____

Contact Person (Person-in-charge) _____

Contact Person's Phone Number _____

Contact Person's Phone Number while at the event _____

FOOD BOOTH INFORMATION

Will there be Food Booths on the gatherings site(s) ____ yes ____ no

Will the Organizer provide the Food Booths ____ yes ____ no

If no, who will provide the food booths?

[Food booths may be provided by the event Organizer, the food vendor or other person(s)]

[Each individual food vendor must obtain a permit to operate a temporary food establishment from the Preston County Health Department and pay the fee for permit prior to selling food. Applications for a temporary food establishment permit and fee amount may be obtained directly from Preston County Health Department 106 W. Main Street, Suite 203, Kingwood, WV 26537 304.329.0096].

Food Booth Coordinator's Name _____

Food Booth Coordinator's Phone Number _____

Fax Number _____

Food Booth Coordinator's E-Mail Address _____

Food Booth Coordinator's Phone Number while at the event

Will the Food Booth Coordinator provide the electricity for the booths?
_____ yes _____ no

If no who will provide the electricity? _____
Will the Food Booth Coordinator provide hand wash stations IN the food
booths ? _____ yes _____ no

If no, who will provide the hand wash stations IN the food booths?

Will the Food Booth Coordinator provide refrigeration trucks?

_____ yes _____ no

SITE PROPERTY INFORMATION

Owner refers to any person, who alone, or severally with other, has legal title to the premises where any part of the mass gathering will take place. This can be a person or group who has charge or control of the property such as the owner's agent or lessee.

Owner Name _____

Owner Address _____

City/State/Zip Code _____

Owner Phone Number _____ **Fax Number** _____

Owner E-mail Address _____

Tax Account Number(s) _____

Description of site (fields, forest, meadow, etc., including the identification of any ponds, lakes, creeks streams, rivers or wetlands) _____

SITE PLAN AND DIRECTION SIGNS

Sufficient signage shall be required for identifying and directing attendees, participants and staff to: all entrance and exit locations, the Organizer's headquarters, first aid station(s), restrooms, and free drinking water facilities. All lettering shall be in a color and design that is in high contrast with the background and of an appropriate font size to be clearly visible and easily read from anywhere on the gathering site. Signage on the first aid station(s) shall be posted in all directions for everyone to clearly identify. All signage will be in compliance with local fire codes. If a gathering is held at night time, all exit signs and exit markings shall be illuminated. Additionally, within an enclosed building, illuminated low level exit signs and directional markings shall be required.

A site plan of the area where the gathering will take place, including the following details, shall be submitted with this Application (a 24"X 36" scaled map is required)

- Show parking areas available and designate areas for handicapped, attendees, participants, and staff both those under the control of the Organizer and others which may be used off site for the gathering;
- Location of the entrances and exits designated for attendees, participants, and staff including placements of directional signs leading to these locations, as well as any interior walks and roadways (Please detail emergency vehicle access and mark in which direction traffic will flow on the interior roadways);
- Location of the Organizer's headquarters, including the placement of directional signage showing this location;
- Location of any trails, tracks, runs, roadways and the like.
- Location of food booths and vendor booths;
- Location of restrooms, indicating which are handicap, and hand washing stations, both permanent and portable, including placement of directional signs leading to these facilities.
- Location of lighting, if event takes place after daylight hours;
- Location and type of electrical power sources;
- Location of stage and sound equipment, indicating the direction they are pointing
- Location of the first aid station(s), including the placement of directional signage showing this facility , emergency vehicle parking and emergency vehicle ingress and egress routes.

OTHER INFORMATION REQUIRED

- **A statement of the financial backing of the event and the name(s) of all person(s) who will perform at the event**
- **A plan for providing adequate security and traffic control for the event including surrounding roads.**
[Approved by Sheriff]
- **A list of all vendors that will be providing goods or services to the event and documentation showing that they are legally certified and licensed to do business in West Virginia.**
- **The application must include a completed copy of SG-49**
[Preston County Health Department]
- **The application must comply with General Sanitation Rule 64 CSR 18.**
[Preston County Health Department]
- **The application must meet all criteria governed by 64 CSR 18.**
[Preston County Health Department]
- **The application must meet the guidelines as set forth by the Office of Emergency Management**

This application and all attachments must be submitted for the approval and signed by the following:

Preston County Health Department

_____ Registered Sanitarian

E-911-Office of Emergency Management

_____ Director

Preston County Sheriffs Department

_____ Sheriff

FINAL APPROVAL

On this day _____, 2011 with a quorum present
the Preston County Commission approved the permit application for
_____ to hold a Mass Gathering at
name of event
_____ on the following dates
name of site
_____, 2011. A deposit of _____ is
date(s) amount
due to the County Clerk of Preston County this day _____, 2011
date

_____, President
On Behalf of the Preston County Commission

Ex. 8C



PRESTON COUNTY

Office of Emergency Management

300 Rich Wolfe Drive
Kingwood, WV 26537

Phone: 1-304-329-1855

Fax: 1-304-329-2530

Duane K. Hamilton
Director

Clark Nicklow III
Public Information Officer

Justin R. Wolfe
Assistant Director

MASS GATHERING REQUIREMENTS

In the event of a public function with attendance of over 5,000 people, the event coordinator shall supply the following supplies and services:

- ② Two (2) EMS transport units inspected to WVOEMS standards for attendance up to 10,000 people. One (1) additional transport unit must be provided for each additional 10,000 people (example 10,000 people = 2 units, 20,000 people = 3 units, 30,000 people = 4 units etc...). One (1) EMS transport unit must be staffed at an ALS unit (Current WV Certified EMT-Paramedic or EMT-Intermediate crewmember with practice rights).
- ② At least one triage area must be operational during the entirety of the event with a minimum staffing of two current WV Certified EMT-Basic, EMT-Intermediate, or EMT-Paramedic personnel for attendance up to 10,000 people. One (1) additional WV Certified EMT-Basic, EMT-Intermediate, or EMT-Paramedic must be added to the triage staffing for each additional 10,000 people attending (example 10,000 people = 2 personnel, 20,000 people = 3 personnel, 30,000 people = 4 personnel etc...).
- ② Contracts must be made between the event coordinator and regional Emergency Medical Service (EMS) agencies for additional transport services/medical provider care in cases that a mass casualty event occurs.
- ② Contracts must be made between the event coordinator and a fire department agency recognized by the West Virginia Fire Commission - Office of the State Fire Marshal to provide minimum staffing for a fire department response unit pursuant to the standards set forth by the West Virginia Fire Commission - Office of the State Fire Marshal. This contract shall serve for the contracted fire department to be on standby and readily available to respond in emergencies such as but not limited to hazardous materials incidents, landing zone setup, and rescue calls for service.
- ② Maps displaying all pre-determined landing zones (with GPS coordinates), all first aid stations on event grounds, all detour routes, all emergency access/egress routes, and all automated external defibrillator (AED) sites.
- ② Communication equipment needed for direct communication between emergency command and event staffing.

Ex. 8d

- ④ In the event that actual attendance at a public function shall exceed the estimate used for determining the required equipment, supplies, and personnel, it shall be the responsibility of the event holder to provide any and all extra supplies and personnel required to manage the incident.
- ④ A coordination meeting shall be held no later than thirty (30) days prior to the start of the event and shall include representatives from the Preston County Office of Emergency Management, Preston County Sheriff Department, the Preston County fire department/emergency medical service agency responsible for the service area of the event, any additional contract agencies as assigned from above, and any additional persons as felt necessary by the Preston County Commission.

DEPARTMENT OF HEALTH
STATE OF WEST VIRGINIA
GENERAL SANITATION INSPECTION REPORT



Name of Facility _____ Owner/Operator _____ Date _____
Address _____ City/State/Zip Code _____

- | | | | | |
|--|--|---|---|---|
| <input type="checkbox"/> Adult Day Care Center | <input type="checkbox"/> Correctional Facility | <input type="checkbox"/> Hotel, Motel | <input type="checkbox"/> Organized Camp | <input type="checkbox"/> Work Release Center |
| <input type="checkbox"/> Bed & Breakfast Inn | <input type="checkbox"/> Emergency Shelter | <input type="checkbox"/> Institution | <input type="checkbox"/> Park, Playground | <input type="checkbox"/> Other - Specify: _____ |
| <input type="checkbox"/> Campground | <input type="checkbox"/> Fair, Festival | <input type="checkbox"/> Labor Camp | <input type="checkbox"/> Public Restroom | |
| <input type="checkbox"/> College, University | <input type="checkbox"/> Group Home | <input type="checkbox"/> Mass Gathering | <input type="checkbox"/> School | |

Notice: Based on an inspection this day, the items marked below and on the reverse must be corrected within the period of time specified in writing by the health authority. Failure to comply with this notice may result in official enforcement action. An opportunity for an appeal will be provided if a written request for a hearing is filed with the health authority within the period of time established in this notice for the correction of the violations. Please note that the numbers in parentheses to the right of each heading correspond to the applicable section numbers in the General Sanitation Rule, 64 CSR 18.

REMARKS

VIOLATIONS MUST BE CORRECTED
ON OR BEFORE _____

SANITARIAN

<p>1. ANIMALS (Sec. 5)</p> <p>a) Housing conditions conducive to proper sanitation and good health. b) No live reptiles without written plan. c) No threat from wild, dangerous, ill animals. d) Domestic animals not running at large. e) Dogs, cats immunized. f) Quarters clean, located, maintained. g) Manure removal, disposal; no odor, insects, or rodents. h) No water supply contamination from disposal of drainage from quarters. i) Animals limited to number that can be adequately housed, fed, maintained. j) Excluded from food prep., storage, serving and in-use dining areas (does not apply to edible fish, crustacea, shellfish, aquariums or service animals).</p>	<p>i) Bed and bedding for each person. j) Napping mats/cots 2 ft. apart. k) Bedding, furniture clean, good repair. l) Fabric mattresses have pads/covers. m) Linens provided where required, clean, changed weekly, between occupants. n) Storage area for luggage, clothing, etc.</p>	<p>f) Storage rooms & outside enclosures easily cleanable, nonabsorbent, washable, clean, vermin proof. g) Containers accessible for use, servicing. h) Frost-proof hose bib & sanitary drain. i) Disposal complies with Solid Waste Act.</p>
<p>2. BEDDING AND SLEEPING AREAS (Sec. 6)</p> <p>Primitive, outpost camping exempt. a) Clean, sanitary, safe, good repair. b) Floors easily cleanable, good repair, located to prevent water entry. c) Tents for permanent sleeping quarters on platforms, floors or concrete pads min. 1 foot above ground. d) 70 sq.ft/person for single occupancy. e) 50 sq.ft/person for multiple occupancy & combination eating/sleeping/cooking areas. f) Ceiling height 7 ft. from floor excluding tents. g) 3 ft. between beds on all sides; heads 6 ft. apart. Excludes hotels/motels/ b&b inns. h) Double-decker beds min. 27" between and above. No triple-decker beds.</p>	<p>3. COMMUNICABLE DISEASE (Sec. 7)</p> <p>a) Good hygienic practices, disease control. b) Ill staff members restricted. c) Schools, care, correctional facilities staff: Clean outer garments, personal cleanliness. Good hygienic practices. Wash hands, arms before work, after smoking, eating, drinking, using toilet, & as needed. Tobacco use restricted. d) Register of occupants maintained for 12 mos. with name, address & dates of use. Excludes mass gatherings, parks, playgrounds, public restrooms.</p>	<p>5. HEATING & VENTILATION (Sec. 9)</p> <p>a) Indoor occupied spaces ventilated. 5 cu.ft./minute outdoor air per person. b) No excessive heat, steam, condensation, vapors, obnoxious odors, smoke, fumes. c) No nuisance when venting to outside. d) HVAC systems comply w. State Bldg. Code. e) Ducts located, maintained to prevent entry of dust, dirt, contaminants. f) Indoor design temperature 68°F heating, 78°F cooling. g) Provide, maintain 68°F if occupied in normal heating season, unless designed for low-temperature operation. h) Oil, gas fired heating devices vented to outside air per State Building Code. i) Clothes dryer vent systems independent and vented to outside.</p>
	<p>4. GARBAGE & REFUSE (Sec. 8)</p> <p>a) No odor, insects, rodents, nuisance. b) Stored in approved watertight, vermin proof easily cleanable containers; sufficient number provided; kept clean. c) Covered when not in use unless used only for nonputrescible, noninfectious wastes. d) Outside containers, enclosures elevated, metal rack, concrete/asphalt pad; clean, good repair. e) Outside areas/enclosures adequately sized, kept clean.</p>	<p>6. HOUSEKEEPING & MAINTENANCE (Sec. 10)</p> <p>a) Premises, contents maintained in good repair, clean, sanitary. Adequate maintenance/cleaning facilities, equip. b) Written housekeeping schedule for institutions, schools, care & lodging facilities, and organized camps.</p> <p>SEE REVERSE SIDE</p>

Ex. 8c

<p>7. LAUNDRY (Sec. 11)</p> <p>a) Separate area, room. b) Soiled laundry stored in nonabsorbent, easily cleanable, covered containers or covered laundry bags. c) Clean laundry protected from contamination. d) Handled, stored, processed, transported to prevent spread of infection. e) Rooms, equip. clean, sanitary. f) Chemicals labeled, stored, handled, used for max. efficiency, safety. g) Wash temp., time, agitation, chemical action adequate, per manufacturer. h) Articles rinsed. Mechanically dried; or chemically sanitized & air dried. i) Individuals laundering own belongings exempt from g) & h) if they do not contaminate other laundry or areas. j) Laundry facilities available on regular basis to occupants of labor camps.</p>	<p>d) Adequate access for cleaning vehicles & operations for self-contained privies and portable disposal units.</p> <p>13. SIZE, SPACE (Sec. 17)</p> <p>a) <u>Campgrounds</u>: 1200 sq.ft./campsite. Max. average density 25 campsites/acre. b) <u>Campgrounds</u>: 10 ft. separation from camping units, buildings, street, common use or parking area. Excludes backpack type camping. c) <u>Mass gatherings</u>: 20 sq.ft./person for day time assemblage. 40 sq.ft./person for overnight assemblage, exclusive of parking areas. Parking space for every 4 persons. Max. density 100 cars or 30 buses/acre. d) <u>School classrooms</u> 28 sq.ft./student.</p> <p>14. STORAGE (Sec. 18)</p> <p>a) Appropriate facilities of cleanable construction provided (for food, utensils, toys, work materials, cleaning supplies, clothing, linens, medicines, toxic materials, etc.) b) Neat, orderly, clean condition. c) Only necessary articles on premises. d) Protected from contamination. e) Poisons, potentially hazardous items labeled, separated, locked, keys restricted to staff.</p> <p>15. STRUCTURE, MATERIALS CONSTRUCTION, REPAIR (Sec. 19)</p> <p>a) Foundations, roofs, exterior walls, doors, skylights, windows weatherlight, watertight, damp-free, in sound condition, good repair. b) Floors, interior walls, ceilings sound, in good repair. c) No offensive, hazardous emissions from materials, adhesives, coverings. d) Exterior wood surfaces decay resistant or painted, covered; non-toxic if accessible to children. e) Interior finish materials suitable for intended use & for type and frequency of cleaning methods. f) In food prep., bathing, & all wet cleaned areas, floors, walls, ceilings easily cleanable, nonabsorbent. g) Accessory structures sound, good repair or removed. Exterior weather-resistant. h) Foundations, roofs, floors, walls, ceilings, stairs, porches, etc., safe, capable of supporting normal loads.</p> <p>16. SURROUNDINGS (Sec. 20)</p> <p>a) Neat, clean, adequately drained, free of litter & vermin harborage. b) Does not endanger public health or create nuisance or safety hazard.</p> <p>17. TOILET, HANDWASHING, BATHING FACILITIES (Sec. 21)</p> <p>a) Numbers meet State Building Code. b) <u>Labor & Organized Camps</u>: 1 lavatory, 1 w.closet/10; 1 bathtub, shower/8. c) <u>Parks, Playgrounds</u> 1 lavatory, 1 w.closet for each sex. d) <u>Campground comfort stations</u>: For each 20 campsites: 1 w. closet for males, 2 w.closets for females, 1 lav. and 1 bathtub/shower for each sex. e) <u>Mass gatherings</u>: 1 w.closet/100 for 1st 1000, then 2/1000. If water under pressure provided, 1 lav./2 w.closets. f) Urinal sub. max. 50% of w.closets. g) Designed, constructed, installed, maintained, operated sanitary manner.</p>	<p>h) Toilet rooms vented to outside. Adequate ventilation in showers, high humidity areas. i) Toilet tissue provided, adequate. j) Soap, sanitary towels, drying device at each sink. Waste container for towels. k) Unless occupant-provided, soap, clean washcloths, towels minimum once/week. l) No common use towels. m) Handwash facilities in or adjacent to toilet. n) Self-closing, metered faucets 15 seconds. o) Privacy barrier, or toilet room enclosed, tightfitting doors, doors kept closed. p) Covered waste container for women. q) For children, fixtures sized or safe, easily cleanable stepstools. <u>Institutions, schools, care facilities:</u> <u>Changing area for diapers, underwear:</u> 1) Established area, approved location. 2) Accessible to handwashing facilities. 3) Surface, clean, safe, impervious, non-absorbent, used for no other purpose. 4) Perineal area cleaned. 5) Staff hands wiped on moist towelette or paper towel after removing soiled diaper, before putting on fresh diaper. 6) Staff & individual's hands washed. 7) Surface cleaned & disinfected after each use. Disposable paper discarded after each changing. 8) Soiled disposable diapers stored in approved container; covered, labeled; kept clean, odor, buildup free. 9) Soiled cloth diapers stored in approved container; emptied, cleaned, disinfected daily. 10) Toilet training chairs easily cleanable. Emptied into toilet, cleaned, sanitized in utility sink after each use. 11) Handwash sinks not used for rinsing soiled items or for cleaning equip.</p>
<p>8. LIGHTING (Sec. 12)</p> <p>Primitive, outpost camping areas exempt</p> <p>a) Commensurate with type of activity. b) <u>20 ft. candles in critical cleaning areas</u> (food prep. utensil wash, bathing, toilets, laundry; excludes dining areas) c) <u>10 ft. candles in normal cleaning areas</u> (corridors, lobbies, janitors closets, storage areas, lodging quarters). d) <u>100 ft. candles in hazardous work areas</u> (workshops, laboratories). e) <u>40 ft. candles in reading & activity areas</u> (classrooms, day/play/meeting rooms) f) Shields, shatterproof bulbs in food prep. areas, showers, gyms, classrooms in primary, secondary schools & where safety is a concern. g) Tamper-proof fixtures where needed.</p>		
<p>9. NOISE (Sec. 13)</p> <p>a) Acoustic planning in design, site selection. Consider physical, mental health, comfort.</p>		
<p>10. PLUMBING (Sec. 14)</p> <p>a) Comply with State Building Code. b) Good repair, sanitary, serviceable. c) Fixtures easily accessible for cleaning; no interference with use, operation of doors, windows, exit openings. d) Exposed lines, pipes do not obstruct, prevent cleaning floors/walls/ceilings. e) Lines, pipes not unnecessarily exposed on floors/walls/ceilings. f) Vents extend to outer air; clogging and return of foul air minimized. g) Water-seal traps as needed. h) Service/utility sink for wet cleaning. i) No cross connection, backflow, backsiphonage.</p>		<p>18. VECTOR CONTROL (Sec. 22)</p> <p>a) Effective measures used to minimize rodents, insects, vermin. b) No harborage, feeding of vermin. c) Openings protected. d) Screening material \geq 16 mesh/inch. e) Approved pesticides. f) Poison, toxic use per manufacturer. Non-hazardous use, storage, disposal.</p>
<p>11. SAFETY (Sec. 15)</p> <p>a) Designed, maintained, operated to minimize safety hazards. b) Protection against electrical hazards. c) Comply with State Fire Marshal's rules. d) Fence/barrier for outdoor playground or activity area as needed or if used by children or those not capable of self-preservation. e) First aid kit (not required for parks, playgrounds, public restrooms).</p>		<p>19. WATER SUPPLY (Sec. 23)</p> <p>a) Provided, potable, approved, adequate, easily accessible. May be waived for remote campgrounds, campsites, mass gatherings, etc. b) Comply with Div. of Health rules on public water supplies, water wells, and cross connection/backflow. c) Hot & cold provided thru mixing valve, comb. faucet where food prepared, & at handwash & bathing facs. Hot water means \geq 110°F. No steam-mixing valves. Temp. controlled for safety. d) Drinking fountains, if provided: Number per State Building Code. Approved construction, maintained, sanitary. e) No common use cups/vessels. f) Dispenser for single service cups. g) Portable containers/coolers approved construction, good repair, clean, sanitized between uses, properly stored, handled. h) Ice from approved source, stored, transported, handled sanitarly. Automatic dispenser for self-service. i) Potable water tanks approved source, min. 1mg/liter free chlorine residual or other approved disinfectant. Approved equip., procedures.</p>
<p>12. SEWAGE (Sec. 16)</p> <p>a) Comply with sewage rules. b) Good repair, maintained, operated. c) No nuisance from liq. waste deposited on ground.</p>		



APPLICATION FOR A PERMIT TO OPERATE

In accordance with applicable West Virginia Division of Health Legislative Rules, application is hereby made for a permit to operate a:

- | | | |
|---|--|--|
| <input type="checkbox"/> Adult Day Care Center | <input type="checkbox"/> Labor Camp | <input type="checkbox"/> Residential Care Facility |
| <input type="checkbox"/> Bed & Breakfast Inn | <input type="checkbox"/> Mass Gathering, Fair, Festival | (Shelter, Group Home) |
| <input type="checkbox"/> Bottled Water Plant | <input type="checkbox"/> Motel/Hotel -No. of rooms _____ | <input type="checkbox"/> Retail Food Store |
| <input type="checkbox"/> Campground | <input type="checkbox"/> Mobile Food Unit | No. of cash registers _____ |
| No. of sites _____ | <input type="checkbox"/> Mobile Home Park | <input type="checkbox"/> School |
| <input type="checkbox"/> Child Care Center | No. of sites _____ | <input type="checkbox"/> Swimming Pool, Beach |
| <input type="checkbox"/> Correctional Facility | <input type="checkbox"/> Organized Camp | <input type="checkbox"/> Tattoo Studio |
| <input type="checkbox"/> Food Service Establmt. | <input type="checkbox"/> Park, Playground | <input type="checkbox"/> Temporary Food Service Est. |
| No. of seats _____ | <input type="checkbox"/> Producer Dairy Farm | <input type="checkbox"/> Other _____ |

I hereby certify that I have received a copy of the applicable rules and that I am familiar with the contents and requirements therein.

Name of Facility _____

Located At _____

Mailing Address _____

City _____ State _____ Zip Code _____

Telephone Number _____

Owner or Agent _____

Social Security No. (not required of corporation or gov't agency) _____

Date

Signature of Applicant
() Owner () Agent

FOR HEALTH DEPARTMENT USE ONLY

Date application received: _____ Permit no. _____

Date plans received: _____ By: _____ Date issued: _____ By: _____

Date plans reviewed: _____ By: _____ Expiration date: _____

Date plans approved: _____ By: _____ Date application denied: _____ By: _____

Date inspected: _____ By: _____ Comments: _____

Amount paid \$ _____ Date paid _____

Dear Mr. Aitcheson,

November 25, 2013

Shortly after I took office as the Preston County Sheriff in January of 2009, plans were to actively provide a police presence at the "All Good Music Festival" located near Masontown, West Virginia. This event had been located in Preston County for several years and recently, brought in over 30,000 visitors from all around the United States. This actually doubled the county's population for nearly four days. Problems with having this very large event had never been properly addressed by law enforcement. During my first year as Sheriff, the Preston County Sheriff's Department worked diligently with Mr. Tim Walther and his representatives to make this event as safe and lawful as possible for the citizens of Preston County as well as for those attending the festival.

Prior to the 2009 "All Good Music Festival", it was agreed that Mr. Walther would continue to provide security personnel to manage the crowd related to the All Good Festival patrons inside the grounds and near the gates. The Preston County Sheriff's Department would provide non-uniformed personnel inside the festival grounds and uniformed officers would patrol the routes leading to the festival from the Masontown area. Mr. Walther agreed to provide a secure area on the festival grounds for continuous police activities. This worked very well as everyone was dedicated to making this event as safe and lawful as possible. After our presence during 2009, it was determined more police officers would be required to address the many problems seen inside the grounds as well as those seen outside.

During the 2010 "All Good Music Festival" the number of police officers were increased and special details were developed to address the problems seen during 2009. Mr. Walther continued his support by providing the secure area for discrete police operations. These operations consisted mainly of addressing the prevention of the sale of narcotics and the many illegal drugs observed the year before.

The Preston County Commission passed a "Mass Gathering Ordinance" to assist with the financial needs of Preston County. During 2011, the funds collected from the "All Good Music Festival" relating to this ordinance, secured much needed funds to assist with hiring more police officers and equipment needed to manage the large number of arrests associated with this event.

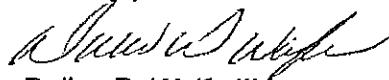
The 2011 "All Good Music Festival" was the last event in Preston County. During this event, the Preston County Sheriff's Department hired over one hundred (100) police officers from over ten (10) outside police agencies throughout the State of West Virginia. Additionally, nearly twenty (20) undercover drug officers associated with the West Virginia State Police Bureau of Criminal Investigations as well as other local drug task force members assisted with our police efforts. Many State Police, Sheriffs Department and City Police

Department K-9 teams were also employed during the event to assist with the drug problem observed at prior events. The Preston County Sheriff's Department also purchased a large bus to assist with the transportation of the many individuals that were arrested and transported to the Magistrate for arraignment. Additional officers and police vehicles were required to keep up with the many transports throughout the event to supplement the efforts of the bus and drivers.

During the 2011 "All Good Music Festival", our officers were able to make over 75 felony drug arrests and more than 200 drug and traffic citations were issued. This festival brought in a variety of individuals from around the country along with an assortment of illicit drugs. Due to the "open air drug sales mentality" inside the festival grounds, more officers could have been employed and many more drug arrests could have been made. At one point, our investigative team decided our legal system in Preston County was becoming saturated and it would be unable to manage if we continued.

In this letter, I am representing my observations and have provided as many facts as possible. Mr. Walther and his staff continued to support law enforcement efforts to suppress the drug activity and he certainly did not represent to me he condoned the drug activity of the patrons of this festival. It was understood by me, the "All Good Music Festival" attracts certain types of people and individual communities should make their own decisions as to what is allowed in their respective areas.

Sincerely,



Dallas D. Wolfe III

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MONDAY, JULY 22, 2013

Concert Review: All Good Festival at Legend Valley

Posted by Jacob DeSmit on Mon, Jul 22, 2013 at 3:29 PM

Since moving back to Legend Valley last summer, All Good Music Festival — now in its 17th year — has had little problem drawing fun and talented acts to play the four-day-long party. This year's iteration was no different: in the shadow of headliner Furthur, bands from as diverse a range as '90s weird-rock Primus to EDM up-and-comer/light show virtuoso Pretty Lights rocked the Crane, Dragon, and Grassroots stages of the festival despite less than-ideal weather conditions.

The four-day festival kicked off Thursday without a hitch, as throngs of people took to the pastures of the extensive farmland in Thornville, Ohio. The tough summer heat had many peeling off their clothes early in the afternoon, but shirtless seemed to become the standard in the free-spirited environment of the festival. Mind-altering drugs were in no short supply — while a car search did greet those entering the venue, it wasn't uncommon to hear a call of "Doses?" (of LSD) from a passing dealer at any point throughout the weekend.



For those camped at Gate 1 of the venue, the central area of the festival was far from their home campsites. The main stages sat at the foot of a giant hill. Vendors lined the left side, selling overpriced festival food of all shapes and sizes and all kinds of toys, pins, hammocks, and clothing. At the top, a giant, colorful statue of Buddha overlooked the masses below. By nightfall, the festival's opening bands took the stage to kick off the weekend's opening ceremonies: Athens' own Papadosio played a mind-bending set of electronic tunes before diversifying its set with a smattering of more standard rock jamming, all as the bright LED screens that flanked each end of the two main stages supplemented the music with the weekend's trippiest videos. Yonder Mountain String Band proved to be one of the more impressive bluegrass bands to play the weekend, riffing quickly through twangy tunes with bombast and proficiency. As the band rounded out its near two hour set with the slow and steady "Two Hits and Joint Turns Brown," a billow of smoke could be seen rising through its fluorescent light show, blanketing the hill with a stuffy warmth.

While Friday promised the first full day of music, a heavy rain cut the end of the Bright Light Social Hour's set short mid-afternoon. Venue officials asked those on the hill to wait it out an hour to see if conditions would clear, and few seemed disappointed as they trudged back to their camps in the pouring rain — while the newly created mud threatened to ruin shoes. The rain was a welcome relief from the heat. The show went on as the Everyone Orchestra, an improvisational act composed of members of most of the other band's involved in All Good, jammed through a quick set. While it's hard to pick a "best day" of music at the festival, Saturday was certainly one of the most fun. Honorable mention for the night goes to the bands like Leftover Salmon, the Stepkids, and Nahko & Medicine for the People, all of whom adequately prepped the stage and audience for the night's bigger names. But it was three of the night's last acts that would have the most people talking around their halogen lanterns when they got back to camp. John Butler Trio absolutely decimated the stage as they flew through their brand of Australian roots and jam music. A lot of festival goers were surprised that they liked Primus as much as they did, but it was hard not to when Les Claypool plucked and slapped his bass like he did through songs like "Jerry Was a Racecar Driver" and "Tommy the Cat." Last, but not least for those still awake enough to dance, STS9 finished the night with a late blend of electronic, funk, jazz, and hip-hop.

Despite all of the great music through the first through days, Saturday was the day that would define the festival. Furthur, whose lineup includes former Grateful Dead members Bob Weir and Phil Lesh, was aptly the headliner for a festival that was originally started in honor of an iconic Grateful Dead performance at the same spot. The festival advertised a four-hour set by Furthur. While this was a bit overblown because of the 45-minute wait between the two sets, few seemed to care. Few is an understatement here, too, because Furthur's presence appeared to bring a host of new guests to the venue, turning what had previously been a densely packed hill into a legitimate sea of people. The band coolly soloed through fan-favorites like "Scarlet Begonias" and "St. Stephen" as those at the front of the stage — a pit that more or less extended the length of the field — let loose to the jam.

Fans of the Grateful Dead, young and old, couldn't have asked for much more out of the aging rockers, the supporting acts, or the weekend as a whole. Aside from the fact that one guest from Arkansas died at his campsite (reason for death TBD) and a woman reported an instance of sexual assault, the overall free-spirited nature of the festival made for an extremely relaxing and care-free weekend, one that this reporter hopes to revisit in the very near future.

Tags All Good Festival, Legend Valley, Image

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Decent article, but you might want to proofread your stuff. Glad you enjoyed yourself though.

reposit

Posted by mojo4395 on 07/23/2013 at 7:49 AM

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After fatal accident in West Virginia, All Good Music Festival moves to Ohio

November 29, 2011 | By Erik Maza | The Baltimore Sun

After a fatal accident in July at the All Good Festival in West Virginia, Walther Productions, the festival's Maryland-based promoter, has moved the jam band music festival to Ohio, the company has said.

The accident, which left a 20-year-old woman dead and two others injured, has resulted in three lawsuits, as first reported by The Baltimore Sun, accusing the company, as well as several of the festival's vendors, like a security company, of negligence



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Negligence

Earlier this month, Walther Productions moved to dismiss the lawsuits in U.S. District Court in Clarksburg, West Virginia. It also filed a cross-claim against the festival's security company, Event Staffing, Inc., charging the independent contractor with negligence.

Walther Productions announced last week the festival would move to Legend Valley in Ohio for its 16th edition, from July 19-22.

Without addressing the accident, the company acknowledged in the statement that Marvin's Mountaintop, the West Virginia fairgrounds that has hosted the festival for the past 9 years, had created "challenges and frustrations" for fans and the grounds' neighbors.

"While Marvin's Mountaintop was a brilliant place for the music and camping aspects of the All Good Festival, getting over 12,000 cars up and down single lane country roads was problematic," said company president Tim Walther.

This year's festival ended in tragedy when a truck careened into a camp of tents where attendees slept, killing a South Carolina woman, Nicole Faris Miller. Her friends Yen Ton and Elizabeth Rose Doran were injured.

In three separate lawsuits filed in September and October, Ton, Doran, and Kim S. Miller, Nicole's father, accused Walther, his company, Marvin's Mountaintop and several of the festival's vendors, including parking and security operators, of "wanton, reckless, grossly negligent" acts.

Walther Productions filed its first response to the allegations in U.S. District Court November 15, denying it should be held responsible for the accident. Instead, it claims Event Staffing, Inc., an independent contractor it hired, was responsible for assessing the venue's security needs and implementing a security plan.

In failing to do so, the security company "breached" its contract with Walther Productions and should be held liable for negligence.

A U.S. District judge has set a planning meeting on Kim Miller's lawsuit for January 6 and the initial discovery process due by February 3.

The civil lawsuits do not preclude a criminal case. In October, Preston County Sheriff Dallas Wolfe said West Virginia State Police have completed an accident reconstruction report. And the department's own report on the accident would be released this month.

IN THE UNITED STATE DISTRICT COURT FOR
THE NORTHERN DISTRICT OF WEST VIRGINIA

CLARKSBURG DIVISION

YEN TON,)
)
Plaintiff,)

vs.)

CASE NO. 1:11-cv-00152-IMK

WALTHER PRODUCTIONS, INC., d/b/a)
ALL GOOD FESTIVAL, a Maryland)
corporation; ALL GOOD FESTIVAL,)
INC., a Maryland corporation;)
TIM WALTHER; JUNIPA CONTENTO;)
MARVIN HUGGINS; MARVIN'S)
MOUNTAINTOP, LLC, a West Virginia)
limited liability company;)
JAMES CARRICO; M & M PARKING, INC.,)
a/k/a M & M PARKING SERVICES, INC.,)
a/k/a M & M EVENT SERVICES, LLC, a)
Pennsylvania corporation; EVENT)
STAFFING, INC., a Virginia)
corporation; NATIONAL EVENT)
SERVICES, INC., a New Hampshire)
corporation; AXIS SECURITY, INC.,)
a Tennessee corporation; and)
CLAY HARLIN LEWIN,)
)
Defendants.)

COMPLAINT

Plaintiff Yen Ton hereby alleges and complains of Defendants Walther Productions, Inc., d/b/a All Good Festival; All Good Festival, Inc.; Tim Walther; Junipa Contento; Marvin Huggins; Marvin's Mountaintop, LLC; James Carrico; M & M Parking, Inc., a/k/a M & M Parking Services, Inc., a/k/a M & M Event Services, LLC; Event Staffing Services, Inc.; National

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED

OCT 10 2011

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CLARKSBURG DIVISION

U.S. DISTRICT COURT
CLARKSBURG, WV 26301

ELIZABETH ROSE DORAN,

Plaintiff,

v.

CIVIL ACTION NO. 1:11cv160
(Judge: Healey)

**TIMOTHY WALTHER, JUNIPA CONTENTO,
WALTHER PRODUCTIONS, INC. d/b/a ALL GOOD PRESENTS,
JAMES CARRICO, MARVIN HUGGINS, MARVIN'S MOUNTAINTOP, LLC,
EVENT STAFFING INCORPORATED,
NATIONAL EVENT SERVICES, AXIS SECURITY, INC.,
M & M PARKING, INC. a/k/a M & M EVENT SERVICES, LLC.,
and CLAY LEWIN,**

Defendants.

COMPLAINT

The plaintiff, Elizabeth Rose Doran, comes now by C. Michael Bee and Douglas A. Spencer, and the law firm of HILL, PETERSON, CARPER, BEE & DEITZLER, P.L.L.C., of 500 Tracy Way, Charleston, West Virginia 25311 and, for her cause of action against the defendants, states the following:

PARTIES

1. Plaintiff Elizabeth Rose Doran, at all relevant times is and was a citizen and resident of Mount Pleasant, Charleston County, South Carolina.
2. Upon information and belief, defendant Timothy Walther is believed to be a citizen and resident of Ellicott City, Howard County, Maryland. Upon information and belief defendant

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Jennifer Myers, Director of Parks and Recreation

Department or Organization: Jefferson County Parks and Recreation

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: January 16, 2014

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda):

Approval of grant application and Resolution

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

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

Are documents attachments? Yes No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: _____

Phone number: _____

RESOLUTION

At a meeting of the Jefferson County Commission held on the 16th day of January 2014, the following order was made and entered;

Subject: Land and Water Conservation Fund Application

For: Expansion & Construction of playground equipment to include ADA equipment at South Jefferson Park.

In the amount of \$60,000.00

Whereby, the Jefferson County Commission authorizes the Jefferson County Parks & Recreation Commission to apply on its behalf and further authorizes Jefferson County Parks & Recreation Commission to submit an application to the State of West Virginia requesting funding for the above-mentioned project out of the Land and Water Conservation Fund.

The Jefferson County Commission authorizes Jefferson County Parks & Recreation Commission and/or Jennifer L. Myers to sign any and all documents and papers which accompany or are part of the application, and any and all documents and papers necessary for the completion of the project should it receive National Park Service Approval.

The Jefferson County Parks & Recreation Commission agrees to abide by all rules and regulations pertaining to the Land and Water Conservation Fund Program, and to operate and maintain the proposed facility for public use under the requirements of the Land and Water Conservation Fund should this project receive Federal Assistance.

The adoption of the foregoing motion having been moved by _____, and duly seconded by _____.

Whereupon it was declared that said motion was unanimously adopted; and it is therefore adjudged and ordered that said motion be, and the same is hereby adopted.

PRESIDENT
Jefferson County Commission

APPLICATION BOOKLET
for the
**LAND AND WATER
CONSERVATION FUND**

United States Department of Interior
National Park Service



STATE OF WEST VIRGINIA

West Virginia Development Office

Community Development Division
Capitol Complex
Building 6, Room 553
Charleston, West Virginia 25305-0311

Telephone/TDD: (304) 558-2234

Fax: (304) 558-3248

Web Page: www.wvdo.org

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PROJECTS ELIGIBLE FOR ASSISTANCE

Only costs for acquisition or development of outdoor recreation areas are eligible. Nonrecreation uses, such as water conservation or other natural resource uses may be carried out within the area if they are clearly described in the project application and are compatible and secondary to recreation use. As previously mentioned, there are no federal funds available under this program for operation and maintenance of facilities.

Costs must be incurred after the project has received National Park Service approval and the sponsor has been notified that the monies have been obligated. Expenses for planning and engineering which are necessary to prepare the project for submission can be included in the eligible project costs. This is the only exception to the ban on funding retroactive costs. If any other work is performed or in the case of land acquisition, title to the land is accepted prior to federal approval of the project, the expenses incurred are ineligible for reimbursement.

REQUIREMENT TO MAINTAIN AND OPERATE PROJECT

Statutory requirements demand that the LWCF assisted properties remain open to the public for outdoor recreation use. Section 6(f)(3) of the LWCF Act prohibits the conversion of assisted properties to other than public outdoor recreation use. In the equivalent, usefulness must be provided.

PUBLIC PARTICIPATION REQUIREMENT

In designing a LWCF project, an assessment of outdoor recreation needs, including the needs of special populations, and the activities to be undertaken to meet those needs is required. In doing so, it is necessary to hold one or more public meetings and take other actions deemed appropriate to obtain the views of citizens on recreation needs. The applicant shall make available to the public for review and comment any proposed project prior to submission to the state for review. Applications shall contain a description of this process and the records and minutes of any public meeting or comments.

PROJECT SCOPE

A development project may consist of one improvement or a group of related improvements designed to provide basic facilities for outdoor recreation. In all cases, the project must be a logical unit of work to be accomplished in a specific time frame. Ineligible facilities to be funded through sources other than the LWCF program may be included in the development concept plan of a project. The development of such ineligible facilities on lands acquired and/or developed with LWCF assistance will be allowed only if they do not constitute a conversion under Section 6(f)(3) of the Act.

Funding of development project proposals may cover construction, renovation, site planning, demolition, site preparation, architectural services, and similar activities essential for the proper completion of the project.

DESIGN CRITERIA

Plans for the development of land and/or facilities should be based on the needs of the public, the expected use, and the type and character of the project area. Facilities should be attractive for public use and generally be consistent with the environment. Plans and specifications for the improvements /facilities should be in accord with established engineering and architectural practices. Emphasis should be given to the health and safety of users, accessibility to the general public, and the protection of the recreational and natural values of the area.

DEVELOPMENT PROJECT SELECTION

In selecting development projects for submission to the state, applicants must undertake a public participation process to allow the public the opportunity to identify community outdoor recreation needs and to comment upon the plans of the applicant agency. A special effort should be made to eliminate questionable, elaborate or border-line projects which raise serious questions concerning the project's cost, use, priority, competition with the private sector, or inclusion of ineligible facility types.

ELIGIBLE RECREATION FACILITIES

Development projects may include but are not limited to the following facility types:

- a. Sports and Playfields. LWCF assistance may be available for fields, courts and other outdoor spaces used in competitive and individual sports.
- b. Picnic Facilities. LWCF assistance may be available for tables, fireplaces, shelters, and other facilities related to family or group picnic sites.
- c. Trails. LWCF assistance may be available for the development and marking of trailheads, overlooks, turnouts and trails for nature walks, hiking, bicycling, horseback riding, exercising, motorized vehicles, and other trail activities.
- d. Swimming Facilities. LWCF assistance may be available for swimming beaches, outdoor pools, wave making pools, wading pools, spray pools, water slides, bathhouses, and other similar facilities.
- e. Boating Facilities. LWCF assistance may be available for most facilities related to boating. These facilities include, but are not limited to, docks, berths, floating berths secured by buoys or similar services, launching ramps, mechanical launching devices, boat lifts, boat storage, sewage pump-out facilities, fuel depots, water and sewer hookups, restrooms, showers, electricity, and parking areas. Assistance will not be provided for operational equipment such as buoys, ropes, life jackets, or boats. Marinas are eligible for assistance and are subject to special provisions regardless of when LWCF assistance was provided. If the applicant is considering a marina project, contact the state immediately for your requirements to be met.
- f. Fishing/Hunting Facilities. LWCF assistance may be available for facilities necessary for public fishing or hunting.

- g. Winter Sports Facilities. LWCF assistance may be available for facilities such as ski trails, jumps, lifts, slopes and snowmaking equipment used in downhill skiing, cross country skiing, tobogganing, sledding, snow mobiling, and other winter sports. Outdoor ice skating and ice hockey rinks are also eligible.
- h. Camping Facilities. LWCF assistance may be available for tables, fireplaces, restrooms, information stations, snackbars, utility outlets, and other facilities needed for camping by tent, trailer or camper. Cabins or group camps of simple austere design and accessible to the general public in an equitable manner are eligible. Group camps designated for specific groups or for which specific groups will be given priority access are not eligible. Lodges, motels, and luxury cabins are not eligible.
- i. Exhibit Facilities. LWCF assistance may be available for outdoor exhibit or interpretive facilities that provide opportunities for the observation or interpretation of natural resources located on the recreation site or in its immediate surrounding areas.
- j. Spectator Facilities. LWCF assistance may be available for amphitheaters, bandstands, and modest seating areas related to playfields and other eligible facilities, provided the facility is not designed primarily for professional or semiprofessional arts or athletics, nor intercollegiate or interscholastic sports. Some bleachers or other modest seating areas are encouraged to be incorporated where needed into eligible recreation facilities to serve the physically challenged, elderly, and other non-participants in the facility's major recreation activity. Seating shall not be expanded solely to provide capacity for a limited number of special events.
- k. Renovated Facilities. LWCF assistance may be available for extensive renovation or redevelopment to bring a facility up to standards of quality and attractiveness suitable for public use, if the facility or area has deteriorated to the point where its upgraded to meet public health and safety laws or requirements. However, such renovation is not eligible if the facility's deterioration is due to inadequate maintenance during the reasonable life of the facility.
- l. Handicapped Facilities. LWCF assistance may be available for the adaptation of new or existing outdoor recreation facilities and support facilities for use by the handicapped. However, outdoor recreation facilities to be used exclusively by the handicapped are not eligible unless such facilities are available to the general public or are part of an outdoor recreation area that serves the general public.
- m. Zoo Facilities. Outdoor display facilities at zoological parks are eligible to receive LWCF assistance provided they portray a natural environmental setting that services the animal's physical, social, psychological and environmental needs, and that is compatible with the activities of the recreation.

ELIGIBLE SUPPORT FACILITIES

- A. Public Use Facilities. LWCF assistance may be available for support facilities needed by the public for outdoor recreation use of an area, such as roads, parking areas, utilities, sanitation systems, restrooms buildings, shelters, interpretive centers, bathhouses, permanent spectator seating, walkways, pavilions, snack bar stands, and equipment rental spaces.
- B. Operation and Maintenance Facilities. Facilities that support the operation and maintenance of the recreation resource on which they are located are eligible, such as maintenance building, storage areas, administrative offices, dams, erosion control works, fences, sprinkler systems, and directional signs.
- C. Beautification. This includes landscaping, the clearing or restoration of areas that have been damaged by natural disasters and the screening, removal, relocation, or burial of overhead powerlines.
- D. Roads. Roads constructed outside the boundaries of the recreation area or park are not eligible, unless:
- (1) They are, in fact, access roads to a designated park and recreation area and not part of a state, county, or local road system extending beyond or through the boundaries of the area.
 - (2) The access corridor must be owned or adequately controlled by the agency sponsoring or administering the park or recreation area.
 - (3) The principal objective is to serve the park and visitors. Any use of service to private parties must clearly be incidental to the primary use of the access road for recreation purposes in which case assistance may be granted on a prorata basis.
- G. Equipment. Equipment required to make a recreation facility initially operational and certain supplies and materials specifically required under State Health Department regulations may be eligible for assistance.
- H. Relation to Project Proposal. Development projects in new or previously undeveloped recreation areas may not consist solely of support facilities.
- I. Energy Conservation Elements. The energy conservation elements of an eligible outdoor recreation facility and its support facilities are eligible for LWCF assistance.
- J. Prorata Basis. Support facilities that exclusively serve ineligible facilities are not eligible. However, if support facilities will serve both eligible and ineligible facilities, assistance may be provided on a prorata basis.

FACILITY LOCATION

Development project must be located on lands and waters owned by or leased to the project sponsor. In certain situations, however, the following conditions also apply:

- A. **Tourist Areas.** Outdoor recreation and support facilities may be located in primary or potential tourist market areas, provided their primary purpose is for public outdoor recreation as opposed to entertainment or economic development, and provided they do not create unfair competition with the private sector.
- B. **Historic Sites.** Outdoor recreation and support facilities may be located on historic sites or in conjunction with historic structures.

PROJECTS NOT ELIGIBLE FOR ASSISTANCE

- A. Restoration or preservation of historic structures.
- B. Areas and facilities to be used primarily for semiprofessional and professional arts and athletics.
- C. Amusement facilities (such as ferris wheels, children's railroads, exhibit type development, etc.) convention facilities, commemorative exhibits, or professional type outdoor theaters.
- D. Employee residences.
- E. The acquisition of areas and facilities to be used solely for game refuges or fish production purposes.
- F. Areas and facilities designed primarily for semi-professional or professional arts or athletics.
- G. Mobile recreation units including playmobiles, skatemobiles, swimmobiles, show wagons, puppet wagons, and porta-bleachers.
- H. Assistance will not be provided for support facilities, or portions of support facilities which contribute primarily to public indoor activities, such as meeting rooms, auditoriums, libraries, study areas, restaurants, lodges, motels, luxury cabins, food preparation equipment, kitchens, and equipment sales areas.

APPROVAL TIME AND PROCEDURES

Applications are to be returned to the state within the time frame established by the state. Applications will be reviewed using the Open Project Selection Process and projects will be selected for submission to the National Park Service by the Governor.

APPLICATION REQUIREMENTS

The following information is required as part of your application.

1. Local government resolution authorizing submission of the application.
Original Signatures Required
2. LWCF Project Description and Environmental Screening Form: This form will be partially completed by the local sponsor and partially completed by the WV Development Office. Be sure to complete everything possible per the instructions with the form. Any unanswered questions that could be answered on the local level may delay or negate the application.
3. Environmental Review:
 - a. Certification of Flood Insurance. Original Signature Required
 - i) Include a Flood Insurance Rate Map from FEMA and indicate the project location on the map.
 - b. Environmental Certification. Original Signature Required
 - i) If an Environmental Assessment is need, include:
 - (1) Environmental Assessment
 - (2) NEPA Environmental Checklist
 - ii) Additional information may be required once the initial information is reviewed.
4. Documentation of the 50 percent minimum local share being available and commitment for continued operation and maintenance. Include information about the different types of money that your agency is using as a match to the LWCF grant money. Describe the origins and availability of the match money. Original Signature Required
5. Property Information:
 - a. Vicinity Map. One copy of a location map of the property which indicates where property may be found by driving.
 - b. Survey (preferred) or Tax Map -- Must include:
 - i) Acreage
 - ii) Scale
 - iii) North Arrow
 - iv) Easements
 - v) Public Road Access
 - vi) Natural Landmarks
 - vii) Dimensions of Property Lines (metes and bounds are preferred)
 - c. Copy of deed(s). Show the area that you propose to be protected by the Section 6(f)(3) boundary. The National Park Service will determine if your proposed boundary will meet their qualifications. **If the application is approved, the property must have a restriction recorded with the county courthouse as noted in the Section 6(f)(3) guidelines.**
 - d. Certificate of Title. Original Signature Required

6. Development Plans.
 - a. Two copies of a site development plan showing all existing improvements, including utilities and the location of the proposed facilities and any outstanding property interests.
 - b. Two copies of the floor plans and elevations to scale of any building for which assistance is sought to include conformance with Uniform Federal Accessibility Standards.
 - c. Include tax parcel maps.
7. Detailed Cost Estimate: Include a cost estimate for each element of the project. Some projects may require an estimate to be completed by a design professional. This estimate shall include a detailed list of materials to be used in the project.
8. Standard Form 424: Original Signature Required.
9. Form 424C: Budget Information.
10. Form 424D: Assurances – Construction Programs. Original Signature Required.
11. Form DI 1350: Civil Rights Assurance. Original Signature Required
12. Form DI 2010: Certification Regarding Lobbying, Certification Regarding Drug-Free Workplace, Certification Regarding Debarment. Original Signature Required
13. General Provisions. Original Signature Required
14. Intergovernmental Review. E.O. 12372 comments
 - a. Send request to: Intergovernmental Review Officer
 West Virginia Development Office
 Capitol Complex, Building 6 Room 553
 Charleston, West Virginia 25305
 - b. Include with request letter:
 - i) Standard Form 424
 - ii) Standard Form 424C
 - iii) Project Narrative
 - c. Regional Clearinghouse Review. Obtain comments from your Regional Council Representative.
15. State Historic Preservation Office review comments: Visit their web site to obtain the instructions for their review procedure - <http://www.wvculture.org/shpo/review.html>
16. Other Clearance Letters: Other clearance letters may be required pending the outcome of the PD&ESF. If you are unsure if clearance from other agencies will be required, it will greatly improve the chances of getting your project approved if the application is submitted early. The WV Development Office and the Intergovernmental Review process can assist in the determination if other clearance letters are needed.
17. Handicap Accessibility: Section 504 Transition Plan and ADA Checklist can be found at - <http://www.wvdo.org/community/appforms.html>.
18. Land Acquisitions: If you plan on acquiring property for park development, you should call the WV Development Office to discuss the additional requirements.

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application <input checked="" type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		Pre-application <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	2. DATE SUBMITTED 12/30/2013	Applicant Identifier
			3. DATE RECEIVED BY STATE	State Application Identifier
			4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name: Jefferson County Parks & Recreation Commission

Organizational DUNS: 118730998

Address: 235 Sam Michael's Lane

City: Shenandoah Junction

County: Jefferson

State: West Virginia Zip Code 25442

Country: United States

Organizational Unit:
Department: Jefferson County Parks & Recreation Commission

Division:

Name and telephone number of person to be contacted on matters involving this application (give area code)
Prefix: First Name: Jennifer

Middle Name L

Last Name Myers

Suffix:

Email: jmyers@jcprc.org

6. EMPLOYER IDENTIFICATION NUMBER (EIN): 55-0676727

Phone Number (give area code) (304) 728-3207

Fax Number (give area code) (304) 728-9746

8. TYPE OF APPLICATION:
 New Continuation Revision
If Revision, enter appropriate letter(s) in box(es)
(See back of form for description of letters.)

Other (specify)

7. TYPE OF APPLICANT: (See back of form for Application Types)
C. County
Other (specify)

9. NAME OF FEDERAL AGENCY: U.S. Department of Interior, National Park Service

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 15-916

TITLE (Name of Program): Land & Water Conservation Fund

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: South Jefferson Park Playground Expansion

12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): Jefferson County, WV

13. PROPOSED PROJECT
Start Date: 04/01/2014 Ending Date: 05/31/2014

14. CONGRESSIONAL DISTRICTS OF:
a. Applicant b. Project

15. ESTIMATED FUNDING:

a. Federal	\$	\$28,195.00
b. Applicant	\$	\$28,195.00
c. State	\$	
d. Local	\$	
e. Other	\$	
f. Program Income	\$	
g. TOTAL	\$	\$56,390.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?
a. Yes. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE: 12/12/2013
b. No. PROGRAM IS NOT COVERED BY E. O. 12372
 OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
 Yes If "Yes" attach an explanation. No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Authorized Representative

Prefix First Name Jennifer Middle Name L

Last Name Myers Suffix

b. Title Director c. Telephone Number (give area code) (304) 728-3207

d. Signature of Authorized Representative e. Date Signed 12/20/13

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative and legal expenses	\$0.00		
2. Land, structures, rights-of-way, appraisals, etc.	\$0.00		
3. Relocation expenses and payments	\$0.00		
4. Architectural and engineering fees	\$0.00		
5. Other architectural and engineering fees	\$0.00		
6. Project inspection fees	\$0.00		
7. Site work	\$0.00		
8. Demolition and removal	\$5,000.00		\$5,000.00
9. Construction	\$51,390.00		\$51,390.00
10. Equipment			
11. Miscellaneous			
12. SUBTOTAL (sum of lines 1-11)	\$56,390.00		\$56,390.00
13. Contingencies	\$5,639.00		\$5,639.00
14. SUBTOTAL (add line 12 and line 13)	\$62,029.00		\$62,029.00
15. Project (program) income			
16. TOTAL PROJECT COSTS (subtract line 15 from line 14)	\$62,029.00		\$62,029.00
FEDERAL FUNDING			
17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share.) Enter the resulting Federal share.	Enter eligible costs from line 16c Multiply X 50.0 %		\$31,014.50

ASSURANCES – CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

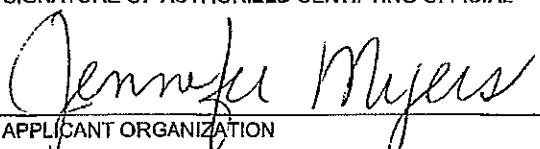
NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683 and 1685 - 1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

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11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S. C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L.93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§741 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205)
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	NAME AND TITLE Jennifer Myers Director
APPLICANT ORGANIZATION JCPRC	DATE SUBMITTED 12/30/2013

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U. S. DEPARTMENT OF THE INTERIOR
CIVIL RIGHTS ASSURANCE

As the authorized representative of the applicant, I certify that the applicant agrees that, as a condition to receiving any Federal financial assistance from the Department of the Interior, it will comply with all Federal laws relating to nondiscrimination. These laws include, but are not limited to: (a) Title VI of Civil Rights Act of 1964 (42 U.S.C. 2000d-1), which prohibits discrimination on the basis of race, color, or national origin; (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicap; (c) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101 *et. Seq.*), which prohibits discrimination on the basis of age; and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, handicap or age, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the applicant. **THE APPLICANT HEREBY GIVES ASSURANCE THAT it will immediately take any measures necessary to effectuate this agreement.**

THIS ASSURANCE shall apply to all aspects of the applicant's operations including those parts that have not received or benefited from Federal financial assistance.

If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Applicant by the Department, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is so provided, this assurance shall obligate the Applicant for the period during which it retains ownership or possession of the property. In all other cases, this assurance shall obligate the Applicant for the period during which the Federal financial assistance is extended to it by the Department.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Applicant by the Department, including installment payments after such date on account of applicants for Federal financial assistance which were approved before such date.

The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, and subrecipients and the person whose signature appears below who is authorized to sign this assurance on behalf of the Applicant.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL <i>Jennifer Myers</i>	TITLE <i>Director</i>
APPLICANT/ORGANIZATION <i>Jefferson Co Parks & Rec.</i>	DATE SUBMITTED <i>12/30/2013</i>
APPLICANT/ORGANIZATION MAILING ADDRESS <i>235 Sam Michaels Ln. Shen Jct WV 25442</i>	BUREAU OR OFFICE EXTENDING ASSISTANCE <i>US Department of Interior, National Park Service</i>

DI-1350
(REV. 6/91)

U.S. Department of the Interior

**Certifications Regarding Debarment, Suspension and
Other Responsibility Matters, Drug-Free Workplace
Requirements and Lobbying**

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions. See below for language to be used or use this form for certification and sign. (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion- Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements -Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

**PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters –
Primary Covered Transactions**

CHECK IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion –
Lower Tier Covered Transactions**

CHECK IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART C: Certification Regarding Drug Free Workplace Requirements

CHECK IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL.

Alternate I. (Grantees Other Than Individuals)

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

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about --
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(d), with respect to any employee who is so convicted --
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

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

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

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

PART D: Certification Regarding Drug Free Workplace Requirements

CHECK IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL

Alternate II. (Grantees Who Are Individuals)

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice made to such a central point, it shall include the identification number(s) of each affected grant.

DI-2010
June 1995
(This form replaces DI-1953, DI-1954
DI-1955, DI-1956 and DI-1963)
11/27/2007

**PART E: Certification Regarding Lobbying
Certification for Contracts, Grants, Loans, and Cooperative Agreements**

CHECK IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT; SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.


CHECK IF CERTIFICATION FOR THE AWARD OF A FEDERAL LOAN EXCEEDING THE AMOUNT OF \$150,000, OR A SUBGRANT OR SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-L.L.L., "Disclosure Form to Report Lobbying" in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above-specified certifications are true.


SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

Director
TYPED NAME AND TITLE

12/20/13
DATE

DI-2010
June 1995
(This form replaces DI-1953, DI-1954
DI-1955, DI-1956 and DI-1963)

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Patricia McMillan

Department or Organization: City of Martinsburg HOME Administrator

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: January 16, 2014 *11am*

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda):

- (1) Public Hearing on FY14 HOME Program**
- (2) Request the Commission to approve a resolution renewing its participation in the Eastern Panhandle HOME consortium of West Virginia for FY 2014**

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

Provide an overview of the HOME Program and program outcomes for the Eastern Panhandle HOME consortium

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

Motion to approve Resolution

Are documents attachments? Yes No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: _____

Phone number: _____

**JEFFERSON COUNTY COMMISSION, JEFFERSON COUNTY, WEST VIRGINIA
FY 2014 HOME INVESTMENT PARTNERSHIP PROGRAM**

Notice is hereby given by the Jefferson County Commission that it will hold a public hearing on **Thursday, January 16, 2014 at 11:00 a.m.**, prevailing time, in the County Commission meeting room located at the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia. The Jefferson County Commission Chambers are accessible to persons with physical disabilities. If special arrangements need to be made to accommodate citizens in order for them to participate in the public hearing, please call **Sandy Slusher McDonald, Deputy County Administrator, at 304-728-3284** to make those arrangements.

The purpose of this public hearing is to discuss the specific housing needs of Jefferson County, WV. The Jefferson County Commission is a member of the Eastern Panhandle HOME Consortium of West Virginia which consists of the City of Martinsburg, Berkeley County, part of Jefferson County and part of Morgan County, West Virginia. The HOME Consortium is eligible to receive a HOME Investment Partnership Grant in FY 2014. The U.S. Department of Housing and Urban Development will be notifying the City of Martinsburg in the future of the amount of HOME funds that will be available for FY 2014. In order to receive those funds, the member jurisdictions in the Eastern Panhandle HOME Consortium must develop a program for the use of HOME funds as a part of the City of Martinsburg's FY 2014 Consolidated Annual Action Plan. The HOME Consortium will be preparing their HOME Program and they intend to afford citizens, local agencies, and interested parties the opportunity to become involved in the planning process.

The following general types of activities are eligible for funding under the HOME program: Homeowner Rehabilitation, including repair, rehabilitation or reconstruction of owner occupied houses; Homebuyer Activities, including funds for purchase and/or rehabilitation of existing houses or new construction of houses for homebuyers; Rental Housing, including acquisition and/or rehabilitation of existing rental housing or new construction of rental housing; and Tenant Based Rental Assistance, including financial assistance for rent, security deposits and under certain conditions, utility deposits for tenants. All HOME funds must be used for persons and households that meet the HUD income guidelines and definition of low- and moderate-income.

Notice is also hereby given that the JEFFERSON COUNTY COMMISSION is accepting proposals for the use of its portion of the HOME Consortium funds for FY 2014 beginning December 2, 2013. Application packets, instructions and information are available on an open basis. All interested applicants are encouraged to contact the Jefferson County Commission office, in order to obtain the application packet and to address any questions. **Please contact Sandy Slusher McDonald at 124 E. Washington Street, Charles Town, WV 25414 or 304-728-3284.**

All interested citizens are encouraged to attend this public hearing and they will be given the opportunity to present oral or written testimony concerning the housing needs of Jefferson County and the use of HOME funds to address those needs. Written comments may be addressed to **Sandy Slusher McDonald, Deputy County Administrator, 124 E. Washington Street, Charles Town, WV 25414 or 304-728-3284**

Dale Manuel, President
Jefferson County Commission

RESOLUTION

A RESOLUTION OF THE County Commission of Jefferson County, West Virginia AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA FOR THE PERIOD OF JULY 1, 2014 TO JUNE 30, 2015.

WHEREAS, TITLE II of the National Affordable Housing Act of 1990 provides for the creation of the HOME Investment Partnership Program (hereinafter referred to as "HOME"); and

WHEREAS, the HOME regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) under 24 CFR Part 92 authorizes units of general local government to enter into Housing Consortium Cooperation Agreements; and

WHEREAS, there is a need throughout the Eastern Panhandle of West Virginia to provide affordable housing for the low and moderate income residents; and

WHEREAS, the City of Martinsburg, County of Berkeley, Town of Hedgesville, County of Jefferson, City of Charles Town, City of Ranson, City of Shepherdstown, Town of Bolivar, Town of Harpers Ferry, County of Morgan, Town of Paw Paw, Town of Bath West Virginia, have formed a Consortium that has been designated as a Participating Jurisdiction under the HOME Program, thereby entitling the Consortium to seek annual funding; and

WHEREAS, the Jefferson County Commission entered into a three (3) year Housing Consortium Cooperation Agreement with an annual renewal clause for participation in the HOME Consortium for the Eastern Panhandle; and

WHEREAS, the U.S. Department of Housing and Urban Development is expected to award the HOME Consortium of the Eastern Panhandle a HOME grant upon request and consideration for Fiscal Year 2014-2015; and

WHEREAS, the Jefferson County Commission recognizes the need to obtain funding for affordable housing and has identified the HOME Program as a source of funds to meet this need.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY THAT:

1. Jefferson County will cooperate with the City of Martinsburg, County of Berkeley, Town of Hedgesville, City of Charles Town, City of Ranson, City of Shepherdstown, Town of Bolivar, Town of Harpers Ferry, County of Morgan, Town of Paw Paw, Town of Bath West Virginia, in a Consortium for participation in the HOME Program; and
2. The President of the Jefferson County Commission is hereby authorized to enter into a one-year Cooperation Agreement for the period of July 1, 2014 to June 30, 2015 with the other members which form the Eastern Panhandle HOME Consortium of West Virginia; and

3. A copy of this resolution is to be submitted in the request to US. Department of Housing and Urban Development to approve funding of the Eastern Panhandle HOME Consortium of West Virginia for the above Fiscal Year 2014 HOME Investment Partnership Program.

Adopted this _____ day of _____, 2014.

BY:

President, Jefferson County Commission

ATTEST:

Jennifer S. Maghan, County Clerk



CITY OF MARTINSBURG
WEST VIRGINIA

232 NORTH QUEEN STREET
P.O. BOX 828
MARTINSBURG, WEST VIRGINIA 25402
(304) 264-2131
Telecopier (304) 264-2136

November 25, 2013

**EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA
Funding Application Information FY 2014-2015**

The City of Martinsburg, as the lead jurisdiction for the Eastern Panhandle HOME Consortium of West Virginia (EPHC), invites interested organizations to submit funding proposals for the use of HOME Investment Partnership Program funds for FY 2014 (July 1, 2014 – June 30, 2015).

Projects must be eligible under the HOME Investment Partnerships Program (24 CFR Part 92). Proposals are accepted on an open basis. Applicants are encouraged to contact the HOME Administrator to discuss their proposal and the HOME requirement, prior to submitting their proposal.

The HOME Consortium's funding allocation from the US Department of Housing and Urban Development is not known at this time. The FY 2013 allocation was \$304,309. HOME funds for FY 2013 and member allocations are: below:

HOME Consortium Allocation	\$304,309
Administration (10%)	\$ 30,430
CHDO Set-Aside (15%)	\$ 45,647
Available for Project Funding	\$238,232

Member Allocation based on percentage
Low-Moderate Income Population:

City of Martinsburg	\$ 33,710
Berkeley County	\$ 96,930
Jefferson County	\$ 73,673
Morgan County	\$ 23,919
Project Funding	\$238,232

HOME funding applications are available by contacting the Community Development Department by calling (304) 254-2131, ext. 278 or by E-mail at pmcmillan@cityofmartinsburg.org.

Funding decisions will be made by the EPHC member governments and depend on available funding, project readiness, and current project commitments. The City of Martinsburg will submit its Annual Action Plan to U.S. HUD by May 15, 2014.

HOME Funding Applications should be returned to:
Community Development Department
City of Martinsburg
232 North Queen Street
P.O Box 828
Martinsburg, WV 25402

All programs and services of the Eastern Panhandle HOME Consortium of West Virginia are available without regard to race, color, religion, sex, handicap or disability, familial status, or national origin.



Eastern Panhandle HOME Consortium of West Virginia

FUNDING REQUEST
HOME INVESTMENT PARTNERSHIPS PROGRAM
FY 2014-2015 (JULY 1, 2014 - JUNE 30, 2015)

Applicant:
Address:
City: ZIP Code:

Contact Name/Title:

Telephone number: Fax number:
E-mail:

Is this organization registered as a charitable organization under Section 501(c) (3) of the Internal Revenue Code? No Yes Year incorporated as a Nonprofit:

Federal Tax ID Number: D-U-N-S Number:

Purpose of Project:

Project/Program Location (include street address, neighborhood or area served):

County:

Total project cost: HOME funds requested:

Project Start Date: Completion Date:

Are you requesting project capital funds? NO YES \$

Are you requesting CHDO operating funds? NO YES \$

Attach agency operating budget with revenue sources and expenses.

Summary of Other Project Funding (Attach additional information if needed)

Table with 3 columns: Source(s), Amount, Status. Includes checkboxes for Applied and Committed.

What non-federal sources will count as HOME matching funds?

Will this project be continued in subsequent years? YES NO

PROJECT ACTIVITY

- Homebuyer Assistance for acquisition
- Homebuyer Assistance new construction
- Homebuyer Assistance rehabilitation
- Homeowner Rehabilitation/Repair
- Rental Housing acquisition
- Rental Housing rehabilitation
- Rental Housing new construction
- Tenant Based Rental Assistance

PROJECT BENEFICIARIES

Estimate the number of low to moderate income households served by this project: _____

Identify the **primary** beneficiaries this project will serve. Check the appropriate category below:

- Low and/or moderate income households
- Elderly individuals (over age 62)
- At risk and abused children/youth
- Persons living with HIV/AIDS
- Other (explain) _____
- Individuals with disabilities
- Homeless persons
- Battered spouses

PROJECT DESCRIPTION

In the space below, (may attach up to 2 additional sheets) provide a detailed description of the proposed project. Explain its purpose and how it will benefit _____ (Jurisdiction Name), as well as how the funds will be used. Include ways to document quantifiable performance measures to demonstrate program impact and how it addresses local affordable housing needs.

APPLICATION AUTHORIZATION

The undersigned certifies that:

1. He/she is legally authorized to request and accept financial assistance from the Eastern Panhandle HOME Consortium of the West Virginia.
2. To the best of his/her knowledge, all representations that are part of this application are true and correct;
3. Should the requested financial assistance be provided, that in execution of this project, the applicant will comply with all assurances required by federal laws which govern the HOME Investment Partnership Program of the Department of Housing and Urban Development and all assurances set forth in the contract to be signed with the City of Martinsburg, as HOME Administrator. The applicant also certifies that physical construction on the project as defined in the application has not begun, and will NOT begin until a FY 2014 Program Year HOME investment Partnerships agreement with City of Martinsburg has been executed. Action to the contrary may result in termination of the agreement.

Name of Certifying Representative: _____

Title of Certifying Representative: _____

Signature of Certifying Representative

Date Signed

Non-government organizations must attach a copy of the following items (as applicable):

- Organization Budget for current year showing sources of funds and types of expenses.
- Commitment letters from non-HOME sources or evidence of application for funds, if available
- Most recent financial audit or statement, including balance sheet and income statement
- Most recent IRS Form 990 submittal (or tax return)
- Most recent annual report
- Most recent Officer and Board Member list. Indicate how many members are low income.
- List of Staff and/or volunteers working on this project
- Articles of Incorporation (if not HOME funded in last 3 years)
- IRS Determination Letter (if not HOME funded in last 3 years)
- Any other appropriate information about your project or organization (annual reports, maps, brochures, newsletters, news articles, etc.)
- **Capital projects may be required to provide additional information regarding project budget, sources and use of funds, site control, project timeline and benchmarks, and plans and specifications, if available.**

Funding Requests must be submitted to: City of Martinsburg Community Development Department, 232 North Queen Street, PO Box 828, Martinsburg, WV 25402.

Provide one (1) original application, and one (1) copy. DO NOT STAPLE or BIND the application. Applications and attachments should be in an 8-1/2" x 11" format. Applications maybe submitted electronically, if signed.

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Roger Goodwin/Michelle Mason

Department or Entity: Engineering Department/Impact Fees

Estimation of amount of time needed for appointment: 15

Date Requested – 1st Choice: 1/02/2013

Date Requested – 2nd Choice: 1/16/2013

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

Subject: Modification of FY 2014 Capital Improvement Plan for Middleway Volunteer Fire Company Generator Project

Please provide the County Commission with a description of your request or presentation, including any background information: Request the modification of the FY 2014 Capital Improvement Plan Generator Project for the Middleway Volunteer Fire Company from the previously approved amount of \$50,000.00 to \$68,420.00 to compensate for a larger generator to handle the additional operational needs of future sprinkler system and bids as received.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): Move to approve the modification of the Middleway Volunteer Fire Company Generator project from \$50,000.00 to \$68,420.00 to handle the additional operational capacity requirements for the current FY 2014 Capital Improvement Plan.


Attachments:

Roger Goodwin


From: Debbie Keyser <dkeyser@jeffersoncountywv.org>
Sent: Friday, January 03, 2014 3:05 PM
To: 'Roger Goodwin'
Subject: Impact Fee

Why is Friendship and Parks & Rec being signed off by the Commission President and yet you're taking Middleway
before the Commission? Why weren't they all taken before the Commission? Or rather, why is Middleway standing
alone? Thanks!

Debbie



Authorization To Pay for
WHAT WAS ~~ALREADY~~
APPROVED FOR PURCHASE



Authorization To Spend
MORE THAN WHAT WAS
APPROVED in the CIP.

CIP FORM 2

Jefferson County Government

ANNUAL and FIVE YEAR PROJECT REQUEST and JUSTIFICATION

Date: 12 December 2012

Prepared by: Mike Mood

Contact Information

Name: Mike Mood

Phone Number: 304-582-0204

Email: middlewayvfc@aol.com

Project Title: Back up generator

Project Type: Fees Services Construction Renovation Acquisition of major equipment
 Other (Specify): _____

Project Location: Middleway

Project Rank: (1) Urgent/Mandatory (2) Necessary/Needed (3) Optional/Deferrable
OR Provide Ranking Number _____

Project Need: This project **does not** benefit new growth. This project **only** benefits new growth.
 This project benefits **both** current and new residents and/or businesses.

Budget Impact: This project will affect the county operating budget: Yes No
(if Yes – Attach Form 2B).

DESCRIPTION AND JUSTIFICATION (See instructions for Form 2 – attach additional pages as needed.)

Back up generator for the Middleway Vol Fire Company, Inc which will supply backup power for the operation of the fire station. Currently the MVFC has no back up generator to allow the station to operate during periods of no power. We have had multiple occasions that power has gone out which causes bay doors to fail to operate as well as radio system used for dispatching calls. The addition of a back up generator would also allow the fire station to be used as an emergency shelter in the event of widespread power outages within the community.

Estimated Total Cost of Project (\$):	<u>\$50,000.00</u>	
Funding Request Breakdown by Year (\$):	<u>\$50,000.00</u>	Current (FY 2014) Request of County Funds
	<u>\$0.00</u>	Current (FY 2014) All Other Sources
	_____	Out Year 1 (FY 2015)
	_____	Out Year 2 (FY 2016)
	_____	Out Year 3 (FY 2017)
	_____	Out Year 4 (FY 2018)
	_____	Out Year 5 (FY 2019)

DESCRIBE METHOD OF CALCULATING ESTIMATED COST OF PROJECT: (See Instructions)
 The cost calculation comes from other comparable projects within the county fire stations.

Additional pages attached.

Request for Proposal

The Jefferson County Emergency Services Agency located in Jefferson County, West Virginia, will be accepting qualified bids for a design/build proposal for One (1) turn-key Emergency Power Systems for one existing Fire Station within the County. This will include design, purchase of equipment, coordination with the utility company, installation and testing of the system. Procurement of the equipment and installation and testing services will be in accordance with all local, State and Federal electrical codes, and NFPA 110 Standards. Interested firms must submit their sealed bid to:

Jefferson County Emergency Services Agency
419 Sixteenth Avenue
Ranson, WV 25438

All bids are to be submitted November 15, 2013 at 2:00 PM at the JCESA. Specifications are available upon request. A tour of the facility will be provided by appointment to all interested firms.

JCESA will afford full opportunity to women-owned and minority business enterprises to submit a show of interest in response to this Request For Proposal and will not discriminate against any interested firm or individual on the grounds of race, creed, color, sex, age, handicap or national origin in the award of these projects.

For Specifications and/or Questions call JCESA at 304 728 3287 or email jcesa@jcesa.org

Request for Design/Build Proposal

JCESA is soliciting a proposal for the design, purchase of equipment, installation and testing of an Emergency Power System at the following location:

Middleway Fire Department
110 Dark Hill Road
Kearneysville, WV 25430
Current Project estimate is \$50,000

General Requirements: The Emergency Power System must provide emergency power supply adequate to power all existing electrical service in the event of an interruption of power utilizing LP gas. Your proposal should include, but is not limited to, a generator adequate to supply total electrical service, a transfer switch and related wiring as required, a structural base, fuel hook up and testing.

Specific Requirements: This system will be in compliance with NFPA 110 standards which include among other things that this must be a level 2 system, restore power automatically within 10 seconds, the system must be installed on a foundation or structural base that raises 6 inches off the ground and the generator will utilize LP gas and provide power for a minimum of three days. NFPA standards are available for review upon request.

Among other things, the bid will be evaluated on the ability of the design proposal to meet the needs at the location therefore it is important that a narrative description of the design be included. A proposed timeline for the entire project should be included in the proposal.

All bidders must provide references in the submission and the successful bidder must provide proof of insurance, licensing, and be in good standing with the State of West Virginia.

This project will be funded by Impact Fees in accordance with the Jefferson County Commission's Approved FY 2013/2014 Capital Improvement Plan.

BIDS DUE NOVEMBER 15, 2013

REQUEST FOR PROPOSAL

The Jefferson County Emergency Services Agency located in Jefferson County, West Virginia, will be accepting qualified bids for a design/build proposal for one (1) turn-key Emergency Power Systems for one existing Fire Station within the County. This will include design, purchase of equipment, coordination with the utility company, installation and testing of the system. Procurement of the equipment and installation and testing services will be in accordance with all local, State and Federal electrical codes, and NFPA 110 Standards. Interested firms must submit their sealed bid to:

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For Specifications and/or Questions call JCESA at 304.728.287 or email jcesa@jcesa.org 10/23/13

Certificate of Publication

JEFFERSON PUBLISHING COMPANY, INC., Publisher
SPIRIT OF JEFFERSON ADVOCATE

Charles Town, W. Va. October 30 20 13

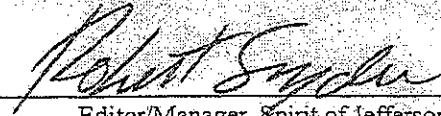
is annexed Request for proposal

turn-key Emergency Power Systems for one existing Fire Station

one a week for two successive weeks, in the Spirit of Jefferson

as published in Charles Town, Jefferson County, West Virginia, in the issues of

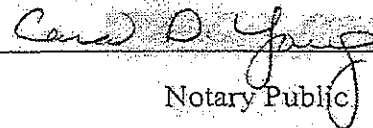
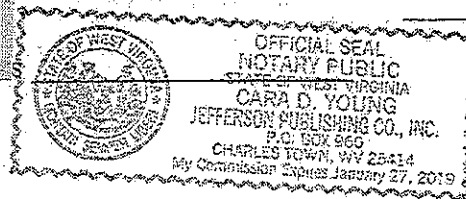
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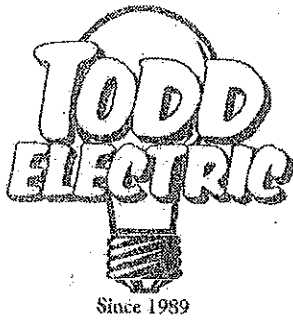


Editor/Manager, Spirit of Jefferson Advocate

Subscribed and sworn to before me, Robert Snyder, Editor/Manager

of the Spirit of Jefferson Advocate, and made oath that the above certificate is true and correct.


Notary Public



197 Edmond Rd. • Kearneysville, WV 25430 • (304) 728-7193

November 15, 2013

Jefferson County Emergency Services Agency
419 Sixteenth Ave.
Ranson, WV 25438

Re: Middleway Volunteer Fire Dept.—Co#6

One major question had to be answered before any bid could be prepared.

Was this to be a Level 1 or a Level 2 NFPA compliant installation?

Because the structure at Middleway Volunteer Fire Dept. was to have a Fire-Pump, Level 1 compliancy had to be explored.

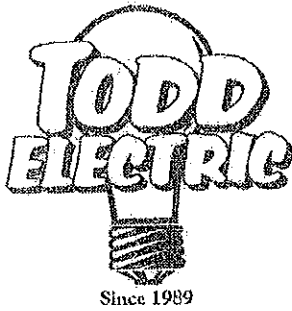
After several phone conversations with:

West Virginia Fire Marshal's Office
Spectrum Fire Safety of Hagerstown, MD
Generac Technical Engineers
RONK Energy Management
Rusty Biedler-Biedler's Electric Motor Repair

Do to the size Fire-Pump needed to supply the building, the electrical requirements of the motor and the electrical service available to the fire station, an Electric Fire-Pump was not an economical path to pursue.

That being said, Todd Electric Inc. is please to offer the following Level 2 NFPA compliant installation.

Thank you.



197 Edmond Rd. • Kearneysville, WV 25430 • (304) 728-7193

November 15, 2013

Jefferson County Emergency Services Agency
419 Sixteenth Ave.
Ranson, WV 25438

Re: Middleway Volunteer Fire Dept.—Co#6

Per your request, please find the following quotation for a “turn-key Emergency Generator system capable of restoring full electric service in the case of an outage. Complete Generator & Transfer Switch specifications included.

All equipment and operation to conform to NFPA Sec 110 Ed2013.
All work performed to NEC specifications.
All work to be inspected by Middle Department Inspection Agency.

All work performed to be warranted for a period of one year.
Generator is covered by Generac two year warranty.

Should there be any question, please call me at 304-728-7193

Thank you,

Tim Offutt
Todd Electric Inc.

ONE(1) - Generac industrial gas engine driven generator, naturally aspirated 6.8L V-10 engine, consisting of the following features and accessories:

- Fuel system - LP Vapor
- SG0060AG036, 8V18HPSYA
- Stationary Emergency-Standby rated
- 60 kW Rating, synchronous alternator, wired for 120/240 VAC 1 Phase, 60 HZ
- Permanent magnet excitation
- H-100 Control Panel
 - Meets NFPA 99 and 110 requirements
 - Temp Range -40 to 70 degrees C
 - Digital microprocessor:
 - Two 4 line x 20 displays, full system status
 - 3 phase sensing, +/-0.25% digital voltage regulation
 - RS232, RS485 and Canbus remote ports
 - Waterproof connections
 - All engine sensors are 4-20 ma for minimal interference
 - Programmable I/O
 - Built-in PLC for special applications
 - Engine function monitoring and control:
 - Full range standby operation; Programmable auto crank, Emergency Stop, Auto-Off-Manual switch
 - Isochronous governor, +/-0.25% frequency regulation
 - Full system status on all AC output and engine function parameters
 - Service reminders, trending, fault history (alarm-log)
 - I2T function for full generator protection
 - Selectable low-speed exercise
 - HTS transfer switch function monitoring and control
 - 2-wire start controls for any 2-wire transfer switch
- Electronic governor Frequency regulation, Isochronous Steady state regulation +/-0.25%
- 300A UL mainline circuit breaker
- Sound attenuated, Level 1 Acoustic enclosure
 - Industrial Grey enclosure, powder paint finish
- Critical muffler - installed
- 110AH, GRP 31, 925 CCA battery
 - w/rack installed
- 10A Battery Charger-Installed
- Battery charging alternator
- Battery cables
- Battery tray
- Fuel shut-off solenoid valve
- Solenoid activated starter motor
- Air cleaner and oil filter with internal bypass
- Oil and antifreeze

- Oil and radiator drain extensions
- Vibration Isolators between engine/alternator and base frame
- Standard flex exhaust
- Block heater 1500W
- Alternator strip heater
- 21 Light annunciator with 8 function relay - surface mount
- 120V GFCI & 240V Outlet
- Air Filter Restriction Indicator
- Standard set of 3 manuals
- Listed to standard UL2200
- EPA Certified
- Flex fuel line-LP vapor
- Two (2) year standard warranty

ONE(1) Zenith ZTGSE - Service Entrance Transfer Switch

ZTGSE0A00040B
Operation: ZTGSE - Open Transition
Application: Utility to Generator - Auto Transfer
Amperage: 400 Amp
Poles: 2 Pole

Included options on both switches above:

Voltage/Phases/Wires: 1 Phase/3 Wire
Voltage Frequency: 60HZ
Utility Main Breaker: 250AF/200AT Service Entrance WCR 30ka@480V
ZVC20 - 120/240 volt, 1 phase, 3 wire, 60 Hz
ZEC3R0EA - Nema 3R



Todd Electric, Inc.
197 Edmond Road
Kearneysville, WV 25430
304-728-7193
Lic.# WV004370

Estimate

Date	Estimate #
11/15/2013	5374

Name / Address
Jefferson Cty Emergency Services Agency 419 Sixteenth Ave. Ranson, WV 25438

Project

Qty	Description
1	MIDDLEWAY VOLUNTEER FIRE DEPT. CO#6--EMERGENCY BACK-UP GENERATOR
1	SITE WORK: EXCAVATION, TRENCHING & BACK-FILL, RAKE & SEED, PREP/FORM/POUR CONCRETE.
1	60 KW GENERAC GENERATOR, AUTOMATIC TRANSFER SWITCH. ALL SPECIFICATIONS INCLUDED.
1	MATERIAL: CONDUIT, CONDUCTORS, TERMINATIONS, HARDWARE, FITTINGS.
1	EQUIPMENT/SERVICES
1	PROPANE GAS PIPE WORK BY VALLEY ENERGY
1	LABOR
1	PERMIT/INSPECTION
PAYMENT TERMS: 40% OR \$27,368.00 DEPOSIT/DOWN-PAYMENT 40% OR \$27368.00 WHEN GENERATOR IS SET IN PLACE 20% OR \$13,684.00 ON DAY OF START-UP Non Taxable	

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as specified. Estimate is good for 30 days. Thank you!

Total	\$68,420.00
--------------	--------------------

SIGNATURE / DATE _____

November 15, 2013

Jefferson County Emergency Services Agency
419 Sixteenth Ave.
Ranson, WV 25438

Re: Middleway Volunteer Fire Dept.—Co#6

The following load items were considered in determining size of generator needed:

- General Lighting, both interior & exterior.
- HVAC, Four 4-ton Heat Pumps with Four Air-Handlers.
- Refrigerators, Freezers.
- Water Heater
- Engine Block Heaters/Battery Chargers.

Generac's sizing program took this information and determined that a 60 Kw generator was required.

Locations:

Propane Tank—A second 1000 gallon underground tank is to be placed parallel to existing tank, 3 feet of separation (required) between Dark Hill Ln and existing tank.

Generator—To be located at southern-most end of west parking lot, approximately 60 feet from corner of building.

Automatic Transfer Switch—To be mounted on west wall immediately outside of kitchen area.

Todd Electric Inc. to:
In (Rough) Chronologic order

- Secure Contract and Deposit.
 - Order Generator & Service Entrance Rated Automatic Transfer Switch.
(Generator has 9-12 week lead time (subject to change))
 - Notify Potomac Edison of intentions, coordinate meetings and work.
 - Notify Valley Energy, coordinate work
 - Secure Building Permit from Jefferson County
 - Establish generator pad location, begin excavation for same and for trenches for both electric and new gas lines.
 - Set conduits. All electric conduits to be schedule 40, gas conduits to be schedule 35 or 40. Electric, from station to generator. Gas, from new tank site to station. Gas, from new tank site to generator.
 - Valley Energy to add second 1000 gallon underground tank to accommodate running requirements and make connections from new tank site to station and to generator.
 - Prep, Form & Pour concrete pad. Pad to be poured grade + 6" (top of pad to be 6" above finished grade).
 - Concrete Specifications, 3500 psi with fiber-strand and #4 rebar.
 - Restore all disturbed earth. Rake, seed & straw.
 - Setting of Generator. Advanced notice will be given to have parking lot clear.
 - Valley Energy to complete connections to generator.
 - Second Draw.
 - Installation of Automatic Transfer Switch and Annunciator Panel. Coordination with Potomac Edison for installation of transfer switch. On day of install Co #6 will be without power for roughly 6 hours. Electrical Inspection will be same day.
 - Start-Up. To be completed by Kelly Generator and to be scheduled for (roughly) 2-3 weeks after installation.
- Start-up to consist of final control wire terminations, complete systems check, 4 hour Load Bank test and mock outage transfer test.
- Final Draw

Estimated total time for installation, Contract to Commission—150 days

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: 30 minutes

Date Requested – 1st Choice: December 19, 2013

Date Requested – 2nd Choice: _____

Jan 2 2014
Jan 16 2014

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

Subject: **Follow up Workshop/Discussion to 11-21-13 Public Hearing input on proposed Zoning Ordinance Text Amendment (ZTA 12-01) to establish additional commercial and industrial zoning district categories, and related changes to the ordinance; including changes to the following sections of the Zoning and Land Development Ordinance: 4.4; 4.6; 4.10; 4.11; 5.1; 5.4; 5.6; 5.7; 5.8; 5.10; 6.3; 6.5; 8.1; 8.9; 8.12; 12.2; 12.3; Appendices A, B, and C; and the addition of new Sections 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 and 5.17– Discussion and possible Action**

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

On November 21, 2013, the Jefferson County Commission held a Public Hearing to consider public input regarding proposed Zoning Ordinance Text Amendments (ZTA 12-01) to establish additional commercial and industrial zoning district categories, and related changes to the ordinance affecting multiple sections of the Zoning and Land Development Ordinance noted above. The record was held open until December 5, 2013 for additional written comments. Attached is a matrix which summarizes all of the comments received with proposed staff responses to each comment for Commission consideration.

As it does appear that there are a number of concerns regarding the timing of the proposed new Zoning District categories, staff would like to remind the Commission that in addition to the creation of new zoning districts addressed in new sections 5.11 through 5.17, other related amendments to the Zoning Ordinance were identified by staff, members of the public, and the Planning Commission during the development and public review of the draft ordinance. These additional amendments did not receive negative public comment and staff would like to recommend that the County Commission move forward with the approval of these amended sections even if the new Zoning categories are tabled. The relevant sections are noted below:

Section 5.8B

Clarifies the impervious surface limit requirements for the Residential - Light Industrial - Commercial district.

Section 6.3

Clarifies that the soils component of the LESA scoring process is not applicable when the development is proposed to be located in an existing building, on an existing paved or

disturbed area, or entails an expansion of less than 1,000 square feet total of an existing building and/or an existing paved area.

This revised section would also include a sentence relocated from Section 6.5D, in order to improve the clarity of this Article.

Section 6.5

Section 6.5D moved to Section 6.3 to improve the clarity of Article 6.

Sections 5.4, 5.6, 5.7, 5.8, 5.10 and Appendices A, B and C (formatting changes only)

Lists of permitted uses are replaced with a statement that “uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.”

These revised sections also state that uses shown as conditional uses shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

All Development Standards and/or Minimum Lot Area, Lot Width and Yard Requirements replaced with the statement “Setbacks, height and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.”

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

I move to approve the Proposed Zoning Ordinance Text Amendment (ZTA 12-01) to establish additional commercial and industrial zoning district categories, and related changes to the ordinance; including changes to the following sections of the Zoning and Land Development Ordinance: 4.4; 4.6; 4.10; 4.11; 5.1; 5.4; 5.6; 5.7; 5.8; 5.10; 6.3; 6.5; 8.1; 8.9; 8.12; 12.2; 12.3; Appendices A, B, and C; and the addition of new Sections 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 and 5.17;

OR

I move to approve the following proposed revisions that were heard as a part of a larger Proposed Zoning Ordinance Text Amendment (ZTA 12-01) to establish additional commercial and industrial zoning district categories, and related changes to the ordinance, as detailed above:

- 1) Section 5.8B**
- 2) Section 6.3 and 6.5D**
- 3) Sections 5.4, 5.6, 5.7, 5.8, 5.10 and Appendices A, B and C (formatting changes only)**

Attachments:

- **Matrix outlining comments received**
- **Scanned comments received**

Proposed Zoning and Land Development Ordinance Text Amendment regarding New Commercial and Industrial Zoning Categories (ZTA 12-01)
Public Comments Received at 11/21/13 County Commission Public Hearing
(includes written comments received before & after the public hearing through 12-05-13)

#	Request	Staff Comment
General Comments		
JCDA submitted a letter in support of the seven New Zoning Categories stating that the existing two categories are too broad for development and strategic planning; additional categories would allow for efficient and streamlined planning and development would allow for efficient and streamlined planning and development. "The current zoning makes no distinction between the creation of a small scale commercial undertaking and a highly trafficked strip mall; both fall under the broad category of Commercial/Industrial."	Approve proposed amendment for new zoning categories.	Staff agrees that moving forward with the proposed text amendment will permit applicants to have a greater variety of choices when applying for a Zoning Map Amendment and will not compromise the integrity of the Comprehensive Plan. It should be noted that the 2004 Comprehensive Plan noted the short coming of the existing zoning categories and this proposed change is in keeping with the 2004 Plan
In favor of amending existing Zoning Categories but an amendment should be delayed until Comprehensive Plan is complete in order to ensure compliance with Comp Plan. (10 Comments)	Postpone amendment until Comprehensive Plan is complete.	If approved, the Envision Jefferson 2035 (2014 Comprehensive Plan) will reference the approved categories in the Future Land Use discussion.
Table amendment until Comprehensive Plan is completed and/or Department Staff is fully staffed. (1 comment)	Postpone amendment until Comprehensive Plan is complete and/or Department Staff is fully staffed.	If approved, the Envision Jefferson 2035 (2014 Comprehensive Plan) will reference the approved categories in the Future Land Use discussion.
No need for new zoning categories at all; too much growth. (1 comment)	Disregard amendment altogether.	The creation of the new zoning categories does not affect the amount of growth in Jefferson County; it merely gives interested parties more choices if pursuing future Zoning Map Amendments.
Opposes Neighborhood Commercial and Planned Neighborhood Development categories. (2 comment)	Remove 2 proposed categories from consideration.	The County Commission could determine to choose to approve other five proposed zoning categories and postpone action on these two categories to a future time.

November 21, 2013

Jefferson County Commission
124 E. Washington Street
Charles Town, WV 25414

Dear County Commissioners:

We are writing to ask you to postpone any further action on proposed amendments to the county Zoning and Land Development Ordinance until the new comprehensive plan is completed.

The proposed expansion of commercial and industrial zoning districts from two to seven is a significant change in the county's ordinance. As you well know, the locations of the proposed new zoning districts are linked directly to the county's comprehensive plan.

Because of the significance of these changes and their direct relationship to the comprehensive plan, the county commission voted wisely in the fall of 2012 to delay further consideration of the proposed changes until after the 2014 comprehensive plan was completed.

Now the commission is considering a 180° turn around, that is, linking the proposed far-reaching changes to a nearly decade-old comprehensive plan.

The proposed changes in commercial and industrial zoning will have substantial impacts effects throughout the county well into the future. It is incomprehensible to us that the commission would turn back 10 years when the county is on the cusp of producing a new comprehensive plan. It is also incomprehensible to us that a commission trying to position this county as a competitor for business start-ups and relocations with aggressive and savvy neighboring counties in Virginia and Maryland would look to the past instead of the future.

We can only ask why the commission has devoted so many taxpayer dollars and asked citizens to donate countless hours working on the 2014 plan only to repudiate it just as it could be of immense value in guiding proposed land-use changes.

In closing, we support the commission's efforts to attract new businesses to the county but we cannot support a regressive approach to those efforts based on decade-old assumptions, data, and analyses.

We urge you to vote to suspend any further action on the proposed commercial and industrial zoning districts and related text changes until after the 2014 comprehensive plan is released.

Sincerely,

Susan Rissler-Sheely
142 Long Marsh Lane
Charles Town, WV 25414

Patricia F. Rissler
443 Long Marsh Lane
Charles Town, WV 25414

Jane F. Rissler
4583 Kabletown Road
Charles Town, WV 25414

From: [Jennifer Brockman](#)
To: [Alex Beaulieu](#)
Subject: FW: New Zoning
Date: Thursday, December 05, 2013 5:19:16 PM

Jennie Brockman
Director, Planning and Zoning

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

From: Sandy McDonald [<mailto:sandy@jeffersoncountywv.org>]
Sent: Thursday, December 05, 2013 4:43 PM
To: 'Jennifer Brockman'; 'JT Redmon'
Subject: FW: New Zoning

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

From: Dannie Wall [<mailto:dwall01@frontiernet.net>]
Sent: Sunday, November 17, 2013 3:02 PM
To: webmaster@jeffersoncountywv.org; cschott@jeffersoncountywv.org; sandy@jeffersoncountywv.org; chernandez@jeffersoncountywv.org
Subject: New Zoning

Your submission:

Your Name: Dannie Wall
Your Email Address: dwall01@frontiernet.net
Subject: New Zoning
Message: Re: New Zoning recommended by Planning Commission I urge commissioners not to move forward with any new zoning until the Jefferson co. comprehensive plan is completed, finalized, and reviewed by the commissioners.

From: [Jennifer Brockman](#)
To: [Alex Beaulieu](#)
Subject: FW: New Zoning Categories
Date: Thursday, December 05, 2013 8:52:02 AM

Jennie Brockman
Director, Planning and Zoning

From: cindy spath [mailto:cindyspath@yahoo.com]
Sent: Wednesday, December 04, 2013 6:38 PM
To: jbrockman@jeffersoncountywv.org
Subject: New Zoning Categories

Dear Planning Commission,

I am writing to voice my opposition to two categories of the proposed zoning changes, Planned Neighborhood Development and Neighborhood Commercial. These categories spread commercial uses beyond the expressed wishes of those who have participated in the Comprehensive Planning process. I request the county wait until the completion of the Comprehensive Plan before making any zoning changes that include these categories.

Cindy Spath
Shepherdstown

[Sent from Yahoo Mail on Android](#)

From: [Jennifer Brockman](#)
To: [Alex Beaulieu](#)
Subject: FW: Proposed Zoning Category Changes
Date: Thursday, December 05, 2013 8:52:21 AM

Jennie Brockman
Director, Planning and Zoning

From: Meadowsonriver@aol.com [mailto:Meadowsonriver@aol.com]
Sent: Thursday, December 05, 2013 8:34 AM
To: jbrockman@jeffersoncountywv.org
Subject: Proposed Zoning Category Changes

Dear Dr. Brockman:

Please delay the implementation of the new zoning category changes and/or making any zoning changes until completion of the Comprehensive Plan.

I am opposed to making any changes until such time as the Jefferson County Comprehensive Plan is complete.

Thank you.

*Beverly A. Meadows
448 McShanes Landing
Shepherdstown, WV 25443*

From: [Jennifer Brockman](#)
To: [Alex Beaulieu](#)
Subject: FW: Opposition to Neighborhood Commercial/PND Proposals
Date: Tuesday, December 03, 2013 3:26:48 PM

Jennie Brockman
Director, Planning and Zoning

From: Bruce [mailto:bstrath334@hotmail.com]
Sent: Tuesday, December 03, 2013 1:47 PM
To: jbrockman@jeffersoncountywv.org
Subject: Opposition to Neighborhood Commercial/PND Proposals

Dear Ms Brockman:

I would like to once again voice my opposition to changes in the Jefferson County zoning regulations that would permit "neighborhood commercial" and "planned neighborhood development." It is clear most residents of Jefferson County with an interest in the zoning process don't want the changes and puzzling that your office is pushing these changes while discussion of a new comprehensive plan is on-going.

Over the years the residents of Jefferson County have worked within the parameters of the existing zoning regulations to create neighborhoods, subdivisions and rural areas that they enjoy and are proud of. The property owners have purchased their properties, invested their time and efforts to improve them and paid their property taxes to fund the basic services the state and county provide. Now you would permit, with minimal input from these property owners, commercial interests (generally non-residents) to come into these neighborhoods and exploit their very essence. We haven't been told exactly what type of businesses you expect to locate in our neighborhoods, but we have experience with "river commercial" and the County Commission has discussed shooting ranges!

Look at the strife caused by a Washington, DC businessman's attempt to operate a resort rental in Glenn Haven. He found the community so appealing he would destroy it to make a few bucks! Do you foresee gas stations/convenience stores springing up around the county?

The facts indicate that even smaller towns (Harpers Ferry/Shepherdstown) have trouble supporting (or are unable to support) more than one such establishment. The simple truth is that the people of Jefferson County are by and large content with the status quo. Charlestown/Ranson, Shepherdstown, Martinsburg, Winchester, Hagerstown, Frederick meet our needs, there is no need to destroy Jefferson County in order to save it.

To place the power to approve neighborhood commercial and planned neighborhood development in the hands of your office would be a mistake. Planning and Zoning too often

responds to the pressures of developer/commercial interests. Your recent letter to the County Commission recounting the visit of one of your staff to the River Riders campground where he failed to see construction excavation even though it was heralded by a four foot by four foot, red, white and blue sign, is one embarrassing example.

Instead of treating us like mushrooms, tell us exactly what commercial/development you have in mind. And most important allow the residents of the neighborhoods impacted to have a voice in deciding what, if any, development is acceptable.

Sincerely,

Maral P. Strathearn

From: Jennie Brockman
To: abeauleu@jeffersoncountywv.org
Subject: Fwd: Comments on new zoning
Date: Friday, November 22, 2013 11:55:23 AM

----- Original message -----

From: Ellen May <emay@ecgc.com>
Date: 11/22/2013 8:00 AM (GMT-05:00)
To:
commissionerpnoland@gmail.com,dmanuel@frontiernet.net,walterpellish@me.com,Lynwidmyer@gmail.com
Cc: 'Jennie Brockman' <jbrockman@jeffersoncountywv.org>
Subject: Comments on new zoning

Please forward to Commissioner Tabb as her email is not listed on the website

Having served on the Planning Commission, I understand the long overdue need for clarity and applaud this effort; however the timing for these changes is premature.

I would like to add my vote with those who presented at the public meeting last night, requesting you to table these new zoning categories. My request is support by two very strong reasons.

First, as you know the Steering Committee is working very hard to secure public input on many levels for the comprehensive plan. This is a detailed and complex process and I strongly believe that to interject new zoning concepts at this time would be very confusing to the public, the Committee and the staff. The comprehensive plan is intended to provide the framework to guide new zoning, not the reverse.

Secondly, our Jefferson County Planning staff is competent and dedicated but still only have a finite number of hours in a day. We no longer have a zoning administrator and, as I understand, this position is not to be filled. Therefore, the remaining staff would be required to support the education and implementation of new zoning as well as the comprehensive plan in addition to their day to day work. This does not seem reasonable.

Thank you,

Ellen May

ECGC Distributors, LTD

Executive Director

Al's Garden Center, OR

Armstrong Garden Centers, CA

Calloway's Nursery, TX

English Gardens, MI

Homestead Gardens, MD

Green Acres Nursery & Supply, CA

McDonald Garden Centers, VA

Mahoney's Garden Centers, MA

Martin Viette Nurseries, NY

Molbak's, WA

Petitti Garden Centers, OH

Pike Nurseries, GA

Southern Homes & Gardens, AL

PO 873

Charles Town, WV 25414

304/728-3791

From: [Jennifer Brockman](#)
To: [Alex Beaulieu](#)
Subject: FW: Comments on proposed zoning/land development ordinances
Date: Thursday, November 21, 2013 6:23:27 PM
Attachments: [Comments - Zoning ord-comp plan-JCCom--11-21-13.docx](#)

Jennie Brockman
Director, Planning and Zoning

From: Jessica Carroll [mailto:jcarroll@jeffersoncountywv.org]
Sent: Thursday, November 21, 2013 4:22 PM
To: 'Jennie Brockman'
Subject: FW: Comments on proposed zoning/land development ordinances

From: Susan Rissler Sheely [mailto:susanrissler@frontiernet.net]
Sent: Thursday, November 21, 2013 4:07 PM
To: info@jeffersoncountywv.org
Subject: Comments on proposed zoning/land development ordinances

November 21, 2013

Jefferson County Commission
124 E. Washington Street
Charles Town, WV 25414

Dear County Commissioners:

We are writing to ask you to postpone any further action on proposed amendments to the county Zoning and Land Development Ordinance until the new comprehensive plan is completed.

The proposed expansion of commercial and industrial zoning districts from two to seven is a significant change in the county's ordinance. As you well know, the locations of the proposed new zoning districts are linked directly to the county's comprehensive plan.

Because of the significance of these changes and their direct relationship to the comprehensive plan, the county commission voted wisely in the fall of 2012 to delay further consideration of the proposed changes until after the 2014 comprehensive plan was completed.

Now the commission is considering a 180° turn around, that is, linking the proposed far-reaching changes to a nearly decade-old comprehensive plan.

The proposed changes in commercial and industrial zoning will have substantial impacts effects throughout the county well into the future. It is incomprehensible to us that the commission would turn back 10 years when the county is on the cusp of producing a new comprehensive plan. It is also

incomprehensible to us that a commission trying to position this county as a competitor for business start-ups and relocations with aggressive and savvy neighboring counties in Virginia and Maryland would look to the past instead of the future.

We can only ask why the commission has devoted so many taxpayer dollars and asked citizens to donate countless hours working on the 2014 plan only to repudiate it just as it could be of immense value in guiding proposed land-use changes.

In closing, we support the commission's efforts to attract new businesses to the county but we cannot support a regressive approach to those efforts based on decade-old assumptions, data, and analyses.

We urge you to vote to suspend any further action on the proposed commercial and industrial zoning districts and related text changes until after the 2014 comprehensive plan is released.

Sincerely,

Susan Rissler-Sheely
142 Long Marsh Lane
Charles Town, WV 25414
304-728-6622 (H)
304-886-2390 (C)

Patricia F. Rissler
443 Long Marsh Lane
Charles Town, WV 25414
304-725-1184

Jane F. Rissler
4583 Kabletown Road
Charles Town, WV 25414
304-728-6166

From: [Jennifer Brockman](#)
To: [Alex Beaulieu](#)
Cc: [JT Redmon](#)
Subject: FW: Take no action on new zones
Date: Wednesday, November 20, 2013 12:57:00 PM

Jennie Brockman
Director, Planning and Zoning

From: Jessica Carroll [<mailto:jcarroll@jeffersoncountywv.org>]
Sent: Tuesday, November 19, 2013 12:30 PM
To: 'Jennie Brockman'
Cc: 'JT Redmon'
Subject: FW: Take no action on new zones

From: Carolyn Rodis [<mailto:cjrodis@yahoo.com>]
Sent: Tuesday, November 19, 2013 10:13 AM
To: info@jeffersoncountywv.org
Subject: Take no action on new zones

We respectfully request that the County Commission continue to defer action on new zones until the Comprehensive Plan is complete. No action should be taken at this time.

Thank you.

Carolyn Rodis and Elloyd Lotridge
4878 Kearneysville Pike
Shepherdstown, WV 25443

From: [Jennifer Brockman](#)
To: [Alex Beaulieu](#)
Cc: [JT Redmon](#)
Subject: FW: New zones
Date: Wednesday, November 20, 2013 12:56:16 PM

Jennie Brockman
Director, Planning and Zoning

From: Sandy McDonald [mailto:sandy@jeffersoncountywv.org]
Sent: Wednesday, November 20, 2013 12:23 PM
To: 'Jennifer Brockman'; 'JT Redmon'
Subject: FW: New zones

From: Lynn Yellott [mailto:lynnellott@gmail.com]
Sent: Wednesday, November 20, 2013 3:00 PM
To: webmaster@jeffersoncountywv.org; cschott@jeffersoncountywv.org; sandy@jeffersoncountywv.org; chernandez@jeffersoncountywv.org
Subject: New zones

Your submission:

Your Name: Lynn Yellott
Your Email Address: lynnellott@gmail.com
Subject: New zones

Message: I think it is imperative that no action be taken on proposed "new zones" until the Comprehensive Plan has been adopted. The decision taken last year to that effect was the wise one. I do hope that this time I receive some responses to my message. The last time I contacted each of you, I received no replies and wonder if you actually received my communication?

Lynn Yellott, Shepherdstown



Jefferson County
Development Authority

November 21, 2013

Commissioner Dale Manuel, President
Jefferson County Commission
124 East Washington Street
Charles Town, WV 25414

Dear Commissioner Manuel,

On behalf of the Board of Directors of the Jefferson County Development Authority I am writing to support the creation of seven new zoning categories to replace the current two zoning classifications of Residential and Commercial/Zoning.

The current two categories are too broad for development and strategic planning needs and often lead to unnecessary misunderstanding and enmity when commercial projects of any size and impact are proposed. The creation of additional categories does not change the actual zoning regulations but allows for more efficient and streamlined planning and development. These new categories will further define what is allowed in specific areas of the County. For example, the current zoning makes no distinction between the creation of a small scale commercial undertaking and a highly trafficked strip mall; both fall under the broad category of Commercial/Industrial.

In closing, I would like to add that the JCDA believes that these new categories will provide clarity for economic development projects in the County. Therefore, we strongly encourage the Jefferson County Commission to look favorably upon the creation of additional zoning categories.

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

Sincerely,

John W. Reisenweber
Executive Director

PO BOX 237
CHARLES TOWN
WV 25414

304.728.3255
304.725.3133 fax

www.JCDA.net

11/21/13 PH on New Zoning Categories

① Cathy Vance

- thinks changes help
- but bcs Camp Plan is in process, this should happen 1st

② Kathy Loftin

- good changes
- also thinks it should be tabled - Camp Plan should be framework

③ Bernard Simmons

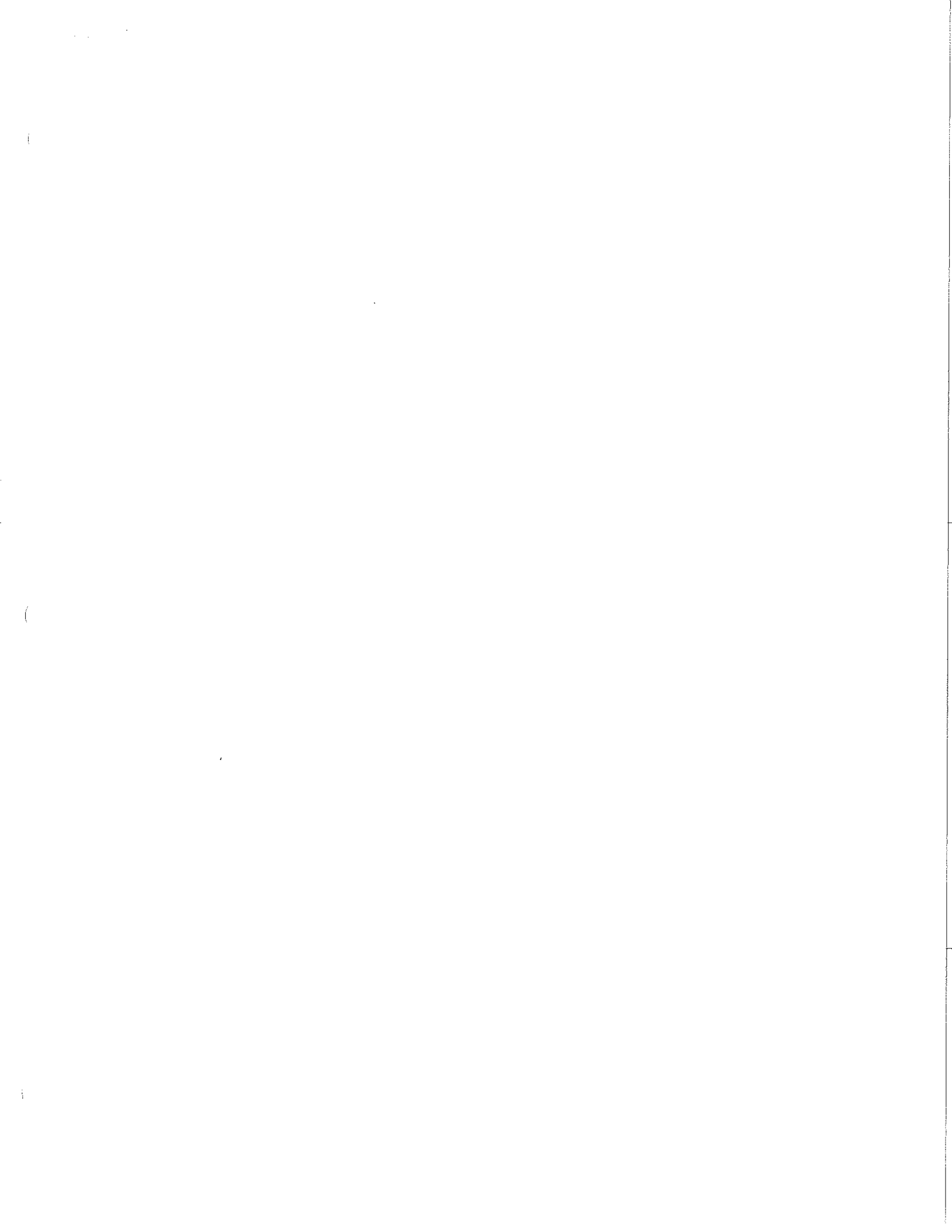
- ~~too~~ too much growth
- no pl in town - 340 corridors is a mess
- to many wells

④ Ted Schiltz

- Camp Plan 1st - prior to underlying document so that this doesn't drive the plan
- need more ind but not in neighborhoods (ie N'borhood Comm + PND - not there)

COB 12/15/13 - written comments

(put on 12/19/13 agenda for matrix)



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Dale Manuel

Department or Entity: Jefferson County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: January 16, 2014

Date Requested – 2nd Choice: _____

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

Subject: **Discussion of Implementation of Fire Fees (including method & location of collection)**

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

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

Attachments:

EMS FEE TIMELINE, ISSUES AND COST

✓

① Approve Ordinance

✓

② Select Rate

Start	Complete
-------	----------

31-Jan-14 ③ Commission Sign Ordinance Commission, Legal Counsel

16-Jan-14 15-Feb-14 ④ Determine Roles of Commission, Tax Office and JCESA

15-Mar-14 15-Jun-14 ⑤ Billing System Development Begins

Cost

Purchase SSI Fire Fee System
 Customize for Jefferson County
 SSI Ambulance Fee System \$ 20,000
 Hardware, Data Conv
 Contractor Support Upto \$ 35,675

The contractor support was based on complete use of SSI
 Utilization of Jefferson County IT support could reduce
 the cost especially in setting up the VPN connections and
 Hardware

Pro System existing and utilized by WV counties
 Contractor Support Available

Con Not Web Based
 Requires manual update annually
 Requires annual contractor support
 Does not interface with Credit Card System
 Requires staff to operate and update

Entities Involved
 Tax Office
 JCESA
 IT Staff
 Assessor
 SSI
 Commission

15-Mar-14 15-Jun-14 ⑥ Begin Discussions with SSI/ Credit Card Vendor and IT Staff on Web Payment

15-Jun-14 15-Jun-14 ⑦ Issue Annual Bill
 Design Invoice
 Electronically Deliver Billing Info to Vendor
 22,000 Invoices Printed and Mailed
 11,000 Reminder/Followup

\$	18,000	
\$	9,742	This cost only incurred if necessary
\$	<u>27,742</u>	

Subtotal \$ 83,417

15-Jun-14 30-Sep-14 ③

Answer Phones, Collect Funds, Post System
 Cost as originally presented
 Cost of Tax Office
 Equipment including files and Safe
 Pro Expert in data - can resolve issues
 Expert in system use, updating and reporting
 Con More costly than outside resource

Jefferson Cty	PCB/Rossman and Co.
---------------	---------------------

\$ 91,234	\$72,000	9% fee on any money collected
	TBD	
\$ 10,000		Accept check by phone, credits and debit cards
<u>\$ 101,234</u>		(800,000 Total projection)

Jan 2015 →

⑨ Collection of Unpaid Invoices
 Cost of Utilizing an outside collection agency

20% to 50% of amount collected

Potential Revenue @ 100%	\$ 840,640
Potential Revenue @ 80%	\$ 672,512
Total Potential Cost	\$ 184,651

- Unaddressed Tasks:
- Development of Public Announcements
 - Review and research into Exonerations
 - Annual Report to the Public
 - Annual Budget to the Commission

AGENDA REQUEST FORM

Name: On Behalf of Stacy Dugan, Morgan County Commissioner

Department or Organization: County Commission

Date requested: January 16, 2014

Subject: Wording to be placed on agenda: The Morgan County Commission is requesting a letter of support for funding from excess Lottery revenue for bonds to fund improvements to Cacapon State Park and Beech Fork State Park

Recommended Motion: (Please type out the wording of the motion that you would like the Commission to consider.): I move that the Jefferson County Commission send a letter of support to Governor Tomlin for funding from the excess Lottery Revenue for bonds to fund improvements to Cacapon State Park and Beech Fork Park.

Documents are attached

No projector is needed.

Contact information:

e-mail address: sdugan@stacydugan.org

Phone number: (304)676-7144

The Honorable Earl Ray Tomblin
Office of the Governor
State Capitol
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

The Morgan County Commission met on December 19, 2013 with a quorum present to support the making of any necessary changes to the already passed legislation, Senate Bill 362.

This Bill allocates funds from the excess Lottery Revenue Funds to permit the issuances of bonds for improvements to Cacapon State Park and Beech Fork State Park.

We are requesting you make the necessary adjustments to this piece of legislation during the January 2014 Interim.

It is our understanding that the contractor who bid on Cacapon State Project has agreed to hold his bid through December and possibly January if the legislators move quickly.

Senate Bill 362 has already passed the West Virginia House and Senate and been signed by you.

As you already know, the whole Eastern Panhandle supports the Cacapon State Park renovations, which is vital to the economic development and tourism of the Eastern Panhandle.

We respectfully ask your consideration to fix this already passed legislation quickly and at the January 2014 Interim.

Bradley Close
Commission President

Stacy Dugan
Commissioner

Robert Ford
Commissioner

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Jane Tabb

Department or Organization: County Commission

Estimation of amount of time needed for appointment: Jan. 16, 2014

Date Requested – 1st Choice: _____

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda):

Judicial Building Renovation

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

Renovation of 3rd floor may create enough space to move Pros. Attorney's office from the rented Briel building to the Judicial Center.

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

Request Maintenance Director to provide an estimate for 3rd floor renovation of the Judicial Building for consideration during

Are documents attachments? Yes No

If not, explain:

Budget deliberations.

Is a projector needed? Yes No

Contact information:

Email address: _____

Phone number: _____

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: County Commission

Department or Organization: _____

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: _____

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda):

Legislative Updates

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

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

Are documents attachments? Yes No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: _____

Phone number: _____

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Lynn Fields

Department or Organization: Probate

Estimation of amount of time needed for appointment: 10-15 minutes

Date Requested – 1st Choice: January 16th, 2014

Date Requested – 2nd Choice: January 30th, 2014

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

Subject (Wording to be placed on agenda): Probate Quarterly Review

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

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

Are documents attachments? Yes No

If not, explain: Will submit 7 days prior

Is a projector needed? Yes No

Contact information:

Email address: lfields@jeffersoncountywv.org

Phone number: 304-728-3210

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Lynn Field

Department or Organization: Probate

Estimation of amount of time needed for appointment: 10 minutes

Date Requested - 1st Choice: 12/5/13

Date Requested - 2nd Choice: _____

Jan ~~9~~ 16
2014
1:30
pm

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

Next possible commission meeting.

Subject (Wording to be placed on agenda):

Set a hearing date for verified petition to compel amended appointment; accounting; and to remove the executor Daniel S. Duncan

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

info contained in the petition

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

Set a date for a hearing on the above referenced matter.

Are documents attachments? Yes No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: lfield@jeffersoncountywv.org

Phone number: 304 728-0320

BEFORE THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE: Estate of Gayle Botts Duncan, deceased

**VERIFIED PETITION TO COMPEL AMENDED APPRAISEMENT;
ACCOUNTING; AND TO REMOVE THE EXECUTOR, DANIEL D.
DUNCAN, FOR BREACHES OF FIDUCIARY DUTY AND
FAILURE TO ACCOUNT**

STATE OF WEST VIRGINIA
COUNTY OF BERKELEY, to-wit:

DAVID D. DUNCAN, Petitioner herein, by me being first duly sworn upon his oath, deposes and states as follows:

NOW COMES Petitioner, David D. Duncan, by counsel, Michael L. Scales, Esq. and the law firm of Michael L. Scales, PLLC, and for his Verified Petition to Compel Amended Appraisement; Accounting; and to Remove the Executor, Daniel D. Duncan, Respondent, for Breaches of Fiduciary Duty and Failure to Account, respectfully states as follows:

1. That Petitioner is a resident of Purcellville, Loudon County, Commonwealth of Virginia.
2. That Petitioner believes upon information that Respondent, Daniel D. Duncan, resides at 479 MacBeth Drive, Charles Town, Jefferson County, West Virginia.
3. That Petitioner and Respondent are brothers.
4. That Petitioner and the Respondent's father, Gayle Botts Duncan, died domiciled and residing in Jefferson County, West Virginia, on November 3, 2011. Gayle Botts Duncan is sometimes hereafter referred to as "the Decedent".

5. That attached hereto as Exhibit 1 is a true and accurate copy of the Last Will and Testament of Gayle Botts Duncan, which was duly admitted to probate before the Clerk of the County Commission of Jefferson County, West Virginia on June 27, 2012.

6. That Petitioner believes upon information that Respondent, Daniel D. Duncan, duly qualified to be the Executor of the Estate of the Decedent.

7. That attached hereto as Exhibit 2 is a true and accurate copy of the Appraisement of the Decedent, which Petitioner believes upon information was prepared and submitted by the Defendant to the Clerk of the County Commission of Jefferson County, West Virginia for recordation.

8. That Respondent, Daniel D. Duncan, as Executor and prior to the death of the decedent, as attorney in fact for the decedent, owed certain fiduciary duties to the Decedent as well as to the Petitioner, including the duty to account for the funds and property of the Decedent, and not to commingle Respondent's funds and property with the Decedent's property, or otherwise to act with good faith and fair dealing, which has been breached by virtue of the acts and conduct of Respondent, as hereinafter set forth.

9. That Respondent has failed to have appraised and inventoried as required by law (see Ex. 2), at least the following of the personal property of the Decedent which was not included in the Appraisement: (a) furniture and antiques; (b) antique lures, fishing equipment two boats and two motors; (c) personal effects of the Decedent; (d) a used Chrysler minivan which was acquired by the Petitioner and given to the Decedent prior to his death; (e) tools and equipment; and, (f) personal property and assets of which Petitioner is unaware because the Respondent has secreted and concealed the assets of the Decedent and has failed to list those as

part of the personal property of the Decedent on the Decedent's Appraisal of the Estate (Ex. 2).

10. Petitioner believes upon information that Respondent has commingled the funds of the estate and the Decedent with those of Respondent's personal funds in breach of his fiduciary duties to the Petitioner as well as the estate and the decedent.

11. That Petitioner believes upon information that Respondent has been renting the real estate of the decedent at 67 MacBeth Drive, Charles Town, Jefferson County, West Virginia, for his own benefit, and has not accounted for the funds from those leases and renting, and has commingled those funds with his own.

12. That Respondent has misrepresented to the Petitioner the amount of rents he was receiving from the house, and that there is a deed of trust encumbering the Decedent's real estate at 479 MacBeth Drive, Charles Town, Jefferson County, West Virginia, in favor of the Bank of Charles Town, and Petitioner has repeatedly requested to know whether or not the payments on the promissory note secured by that deed of trust are current, and whether Respondent is making the payments on the Decedent's deed of trust loan. Respondent has refused to provide that information.

13. That under the Last Will and Testament of the decedent (Ex. 1), Respondent as Executor, has authority to sell the Decedent's real estate at 67 MacBeth Drive, Charles Town, Jefferson County, West Virginia, but he has not sold said real estate even though it has been listed for sale from time to time, and Respondent has made no provision for the specific pecuniary bequests required to be made under the Will in Sections 3.5 and 3.6 of the Last Will and Testament, for a period in excess of almost two years since the date of death of the

Decedent, even though Respondent's Appraisement (Ex. 2) lists no personal estate of the Decedent.

14. That Defendant has refused to provide any annual accountings or any other interim accountings for the monies of the Decedent and those of the estate since qualifying to be the Executor of the estate on or about June 27, 2012, notwithstanding Petitioner's repeated requests for information about the disposition of the assets of the estate.

15. That Petitioner believes upon information that the house at 67 MacBeth Drive, Charles Town, Jefferson County, West Virginia, is in great disrepair and in need of repairs as follows: (a) crack in the front basement wall; (b) the radon level is extremely high in the basement; (c) the carpeting is in disrepair; and (d) the entire house needs repainting and maintenance.

16. That Petitioner believes upon information that the Respondent has not filed any federal income tax returns for the estate, and that the income taxes and filing requirements for income tax returns for the Internal Revenue Service and the West Virginia State Tax Department are seriously delinquent.

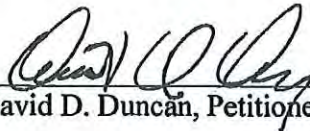
17. That the bank account at City National Bank of West Virginia, Charles Town branch for the Decedent, was a convenience type account, which should have been accounted for as an estate asset, and was not to be paid to the survivor, being the Respondent, as same was to be used to pay the Decedent's bills, and Respondent did not make any deposits to that account prior to the Decedent's death.

18. That all of the above transactions, and possibly others of which the Respondent has concealed from the Petitioner are gross breaches of fiduciary duty by the Respondent for which the Respondent must account, and be discharged as executor.

WHEREFORE, Petitioner, David D. Duncan, demands that this Honorable County Commission:

- a. That Respondent be required to file an amended appraisalment for the estate with all the personal property assets of the Decedent listed;
- b. That the Respondent be compelled to account for each and every asset of the Decedent, and all rents, cash, bank accounts and all other personal property received from the Decedent; and,
- c. That Respondent, Daniel D. Duncan be removed as Executor, and replace Petitioner as Administrator CTA of the estate of the Decedent.

AND FURTHER SAITH THE AFFIANT NAUGHT.



David D. Duncan, Petitioner

Taken, subscribed and sworn to before me the undersigned authority, this 21st day of October, 2013.

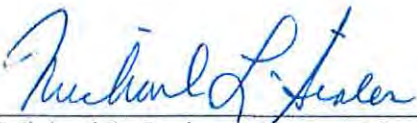




Notary Public

Nov. 5, 2013

David D. Duncan, Petitioner
By Counsel



Michael L. Scales, Attorney at Law
Counsel for Petitioner
Michael L. Scales, PLLC
314 W. John Street; P.O. Box 6097
Martinsburg, WV 25402-6097
(304) 263-0000
WV Bar No. 3277

Jennifer S Macken
JEFFERSON County 02:50:25 PM
Instrument No 2012013533
Date Recorded 06/27/2012
Document Type WILL
Pages Recorded 6
Book-Page 21-267
Recording Fee \$6.00
Additional \$6.00

LAST WILL AND TESTAMENT

OF

GAYLE BOTTS DUNCAN

I, Gayle Botts Duncan, of 67 Macbeth Drive, Charles Town, County of Jefferson, State of West Virginia, do hereby make, publish and declare this to be my last will and testament, hereby revoking all former wills and testamentary dispositions made by me.

ARTICLE 1. RECITALS

Section 1.1: Family Status. I am divorced and have two (2) children, namely: a son, Daniel Duncan and a son, David Duncan.

ARTICLE 2. DEBTS, ESTATE EXPENSES AND TAXES

Section 2.1: Payment. I direct that all my legally enforceable debts, funeral expenses, expenses of administration of my estate, and all inheritance, estate, transfer and other succession taxes or death duties that may be imposed by any taxing authority, State or Federal, or other, upon my estate, or any part thereof, arising directly or indirectly by reason of my death, upon any property which passes to my beneficiaries hereunder, or to any persons as beneficiaries of life insurance policies on my life, or by survivorship, or otherwise by reason of my death, be paid as soon as practicable by my executor hereinafter named, from my gross estate.

ARTICLE 3. DISPOSITION OF ESTATE

Section 3.1: I will, devise, and bequeath all my property, real and personal, tangible and intangible, unto my sons, Daniel Duncan and David Duncan, in equal shares, with the exception of special bequests mentioned in Section 3.5.

1

Gayle Botts Duncan

EXHIBIT #

Section 3.2: In the event that my son, David Duncan, does not survive me by more than thirty (30) days, then, in that event, the deceased David Duncan's share is to go to my surviving son, Daniel Duncan, with the exception of special bequests mentioned in Section 3.5.

Section 3.3: In the event that my son, Daniel Duncan, does not survive me by more than thirty (30) days, then, in that event, the deceased Daniel Duncan's share is to go to my surviving son, David Duncan, with the exception of special bequests mentioned in Section 3.5.

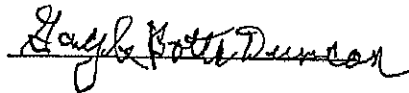
Section 3.4: In the event that neither of my sons, David Duncan or Daniel Duncan, do not survive me by more than thirty (30) days, then, in that event, the entirety of my estate to my my grandsons, Christopher Duncan and Adam Duncan, equally, with the exception of special bequests mentioned in Section 3.5.

Section 3.5: I will, devise, and bequeath as special bequests the items listed below:

1. The sum of Five Thousand Dollars (\$5,000) to my sister, Rachael Reynolds.
2. The sum of Five Thousand Dollars (\$5,000) to my sister, Alice Barna.
3. The sum of Five Thousand Dollars (\$5,000) to my grandson, Christopher Duncan.
4. The sum of Five Thousand Dollars (\$5,000) to my grandson, Adam Duncan.

Section 3.6: In the event that my sister, Rachel Reynolds, does not survive me by more than thirty (30) days, then, in that event, the deceased Rachael Reynolds' bequest of Five Thousand Dollars (\$5,000) is to go to my nephew, Larry Reynolds.

2



Section 3.7: In the event that my sister, Alice Barna, does not survive me by more than thirty (30) days, then, in that event, the deceased Alice Barna's bequest of Five Thousand Dollars (\$5,000) is to go to my nephew, Brian Barna.

Section 3.8: Notwithstanding the foregoing, I will, devise, and bequeath the sum of one dollar (\$1.00) to any and all persons who contest this, my last will and testament, and said bequests above shall be revoked to such persons.

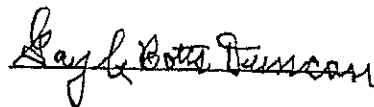
ARTICLE 4. APPOINTMENT AND POWERS OF EXECUTOR

Section 4.1: Appointment. I appoint my son, Daniel Duncan, as executor of this my last will and testament and direct that he serve without bond.

Section 4.2: Specific Powers. In addition to all powers granted him by law, I authorize and empower my executor, Daniel Duncan, in his sole discretion:

- (a) To borrow money in such amounts and for such terms and conditions as he, in his sole discretion, may consider to be in the best interests of my estate, using any part of my estate as security for any sums so borrowed.
- (b) To sell at private sale, so much or all of my real estate as he may, in his sole discretion, consider for the best interests of my estate.
- (c) To encumber, mortgage, pledge, contract, option, sell, transfer, assign and convey any real estate, and to make, execute, acknowledge, and deliver all writings of any nature necessary or convenient to execute any sale or sales so made, or consummate any loan so made.

3



ARTICLE 5. BURIAL

Section 5.1: I hereby direct that I be buried, with my ceremony being a simple affair in accordance with my religious beliefs and that I be returned to the Earth.

IN WITNESS WHEREOF, I hereunto subscribe my name and affix my seal to this, my last will and testament, which is written without any interlineations on six (6) sheets of legal cap paper with my signature on each sheet at Charles Town, State of West Virginia, this the 20th day of February, 2007.

Gayle Botts Duncan
Gayle Botts Duncan
TESTATOR

The foregoing will was signed, sealed, acknowledged, published and declared by Gayle Botts Duncan, the above named testator, as and for his last will testament, in the presence of us, the undersigned three (3) competent witnesses, and we, at his request, in his presence, and in the presence of each other, all present at the same time, have hereunto subscribed our names as attesting witnesses to said will on this 20th day of February, 2007.

[Signature]

Residing at:

6005 Somers St
Charlton, W.V.

Gayle Botts Duncan

Nicole Comegna

Residing at: 534 Dickerson Drive
Inwood WY 83458

Carol Z. Hitcho

Residing at: 112 Sleepy Hollow Cir
Charles Town, WY

STATE OF WEST VIRGINIA
COUNTY OF JEFFERSON, to-wit:

This day personally appeared before me the undersigned authority, a Notary Public in and for the state and county aforesaid, James T. Kratovil, Nicole Comegna, and Carol Hitcho , who, being first duly sworn, say that they are all adults residing at the addresses set forth above, and that they are the subscribing witnesses to the last will and testament of Gayle Botts Duncan resident of Charles Town, County of Jefferson, State of West Virginia, which will is dated this 20th day of February, 2007, and that on said date the said Gayle Botts Duncan, testator in said will, signed, sealed, acknowledged, published and declared the same as and for his last will and testament, in the presence of all of these affiants; and that these affiants, at the request of the testator, in the presence of each other, and in the presence of said testator, all present at the same time, signed their names as attesting witnesses to said will.

5

Gayle Botts Duncan

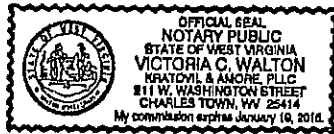
Affiants further say that this affidavit is made at the request of the said Gayle Botts Duncan, testator, and in his presence, and that the said Gayle Botts Duncan, at the time said will was executed, was, in the opinion of affiants, of sound and disposing mind and memory and over the age of twenty-one (21) years.

J.T.W.
Nicole Comegna
Carol E. Hitcho

Taken, sworn to and subscribed before me by the James T. Kratovil, Nicole Comegna, and Carol Hitcho, this the 20th day of February, 2007.

Given under my hand and official notarial seal.

My commission expires: January 19, 2016.



Victoria C. Walton
Notary Public

This instrument prepared by:

J.T.W.

James T. Kratovil, Esquire
Kratovil & Amore, PLLC
211 W. Washington
Charles Town, West Virginia 25414
(304) 728-7718

6

Gayle Botts Duncan

**APPRAISEMENT OF THE ESTATE
FOR DECEDENTS DYING ON OR AFTER JULY 13, 2001**

ET 6.01
Rev. 03/02

PART 1: GENERAL INFORMATION QUESTIONNAIRE

TAX DEPARTMENT
USE ONLY

A. Decedent's Name GAYLE BOHS DUNCAN		B. Social Security Number 405-14-1279	C. Date of Death 3-18-11-03-12
D. Decedent's Residence at Death 479 MACBETH DRIVE CLADESTOWN		E. State WV	F. County Jefferson
G. Marital Status at Death Married <input type="checkbox"/> Single, Widow(er) or Divorced <input checked="" type="checkbox"/>	Name of Surviving Spouse N/A	H. West Virginia Counties Where Decedent Held Real Estate Jefferson	
I. Will this estate be required to file a Federal Estate Tax Return FORM 706 (see the instructions on page 2)?			YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
J. Will this estate be required to file the Nonprobate Inventory Form ET 6.02 (see the instructions on page 3)?			YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
K. Did the Decedent leave a WILL?			YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
L. Fiduciary's Name and Mailing Address (Include zip code) Charles Towner - Executor 479 Macbeth Dr. Cladestown WV 25114		M. Preparer's Name and Address NAME	
Fiduciary's Phone Number 507-225-3100		Preparer's Phone Number	

PART 2: QUESTIONNAIRE OF NONPROBATE REAL ESTATE

Answer each of the following questions concerning the decedent's interest in NONPROBATE REAL ESTATE. If you answer "YES" to any question below, you must complete the attached Inventory of Nonprobate Real Estate provided with this form which shows:

- the type of transfer(s) with reference to the question number below;
- name(s) of the person(s) with an interest in the real estate as joint tenant or transferee;
- relationship to the decedent of ALL above named persons;
- market value at the date of death; and
- description of the real estate including assessed value.

	MARKET VALUE
1. Did the decedent own an interest in any real estate as joint tenant with right of survivorship? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	1
2. Did the decedent transfer an interest in any real estate without adequate consideration within three years prior to date of death? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	2
3. Did the decedent own an interest in any real estate in an inter vivos trust (living trust) arrangement or in which the decedent retained the right of use and enjoyment? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	3
4. Did the decedent own an interest in any real estate in which the decedent retained a power of appointment, whether special or general? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	4
5. Did the decedent own an interest in any real estate as a life estate including a dower interest? ... YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	5
6. TOTAL VALUE OF NONPROBATE REAL ESTATE (add lines 1 through 5 above)	6 — 0 —

PART 3: SUMMARY OF PROBATE ASSETS

Complete PART 4 first. Enter the total from each schedule of PART 4 on the appropriate line below.

	MARKET VALUE
1. Schedule A: Real estate or any interest therein	1 237,166.⁰⁰
2. Schedule B: Tangible personal property of every kind	2
3. Schedule C: Government bonds and securities of every kind	3
4. Schedule D: Shares of corporate stock of every kind	4
5. Schedule E: Money, certificates of deposit, notes, accounts, etc	5
6. Schedule F: All other assets not hereinbefore mentioned	6
7. TOTAL VALUE OF PROBATE ASSETS (add lines 1 through 6 above)	7 237,166.⁰⁰

EXHIBIT #

2

PART 4: INVENTORY OF PROBATE ASSETS - TRANSFERS BY WILL OR INTESTACY

After completing PART 4, enter the total from each schedule on the appropriate line in PART 3.

SCHEDULE A: Describe any real estate or any interest in real estate. Include description and appraised value of out of state property, but do not include this amount in the total. See page 3 of the instructions.	ASSESSED VALUE	APPRAISED VALUE
Lt B. (.96 AC) Ann Bend MAP 9 parcel 0020 0000 0000 book 751 page 327		
TOTAL (enter the total appraised value on line 1 of PART 3)	142,300	237,166

SCHEDULE B: Tangible personal property of every kind. See page 3 of the instructions.	APPRAISED VALUE
NONE	
TOTAL (enter the total appraised value on line 2 of PART 3)	0

SCHEDULE C: Bonds and securities of every kind. See page 3 of the instructions.	APPRAISED VALUE
NONE	Jennifer S. Koshan Jefferson County 10:35:51 AM Jefferson # 2012017716 Date Recorded 08/29/2012 Document Type NRE Pages Recorded 4 Book Page 22-692 Recording Fee \$5.00 Additional \$5.00
TOTAL (enter the total appraised value on line 3 of PART 3)	0

PART 4 (continued)

SCHEDULE D: Corporate stock of any kind. See page 3 of the instructions.

NAME OF THE COMPANY	CLOSELY HELD	NUMBER OF SHARES	MARKET VALUE PER SHARE	TOTAL MARKET VALUE
NONE				
TOTAL (enter the total market value on line 4 of PART 3)				0

SCHEDULE E: Money, bank accounts, certificates of deposits, notes, accounts receivable, etc. Show dates of notes. See page 3 of the instructions.

	APPRAISED VALUE
NONE	
TOTAL (enter the total appraised value on line 5 of PART 3)	0

SCHEDULE F: All other assets, not hereinbefore mentioned, including insurance payable to the estate. See page 3 of the instructions.

	APPRAISED VALUE
NONE	
TOTAL (enter the total appraised value on line 6 of PART 3)	0

PART 5: BENEFICIARIES. List the names and relationships of all beneficiaries or heirs of the estate. Show the age of any life tenant after their name. See page 3 of the Instructions.

BENEFICIARY OR HEIR	RELATIONSHIP	BENEFICIARY OR HEIR	RELATIONSHIP
David Linneman	Son		
Brenda Reynolds	Sister		
Glenn Reynolds	Sister		
Christopher Linneman	Son		
William Linneman	Son		

PART 6: OATH OF FIDUCIARY

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

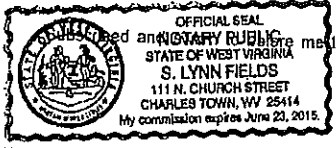
Samuel L. Linneman fiduciary for the estate of Gayle B. Linneman after diligent effort to ascertain the taxable property of this estate, have made answers to each of the questions and have completed, in detail, the schedules for each category of property and believe each item thereof to be correct. I thereby believe the foregoing to be the true and lawful appraisal of ALL real estate and probate property of the estate of the above named decedent.

Samuel L. Linneman Fiduciary

Samuel L. Linneman day of August, 2012

Samuel L. Linneman Notary Public

My Commission expires 8/23, 2015



PART 7: APPROVAL OF FIDUCIARY COMMISSIONER/FIDUCIARY SUPERVISOR

I, _____, Fiduciary Commissioner/Fiduciary Supervisor of _____ County, West Virginia, to whom the estate of the above named decedent was referred, do hereby approve the foregoing appraisal of such estate.

Given under my hand this _____ day of _____, 20____

Fiduciary Commissioner/Fiduciary Supervisor

By _____
Deputy

PART 8: CLERK OF THE COUNTY COMMISSION

STATE OF WEST VIRGINIA

COUNTY OF Jefferson, To-wit.

In the Clerk's office of Jefferson County on the 29 day of August, 2012 the foregoing appraisal of the above named decedent was presented and upon examination admitted to record.

Attest _____ Clerk

By Samuel L. Linneman Deputy

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Departments of Planning and Zoning

Estimation of amount of time needed for appointment: if requested by CC

Date Requested – 1st Choice: 1/16/13

Date Requested – 2nd Choice: _____

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

Subject: Second Quarterly Report of the Planning and Zoning Departments, Planning Commission and Board of Zoning Appeals Report and Discussion of FY 2014 Work Plan

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

Attached is a summary of the Second Quarterly Report regarding the work initiated, completed and/or pending for the Departments of Planning and Zoning, the Jefferson County Planning Commission and the Jefferson County Board of Zoning Appeals, for the second quarter of Fiscal Year 2014, as requested by the County Commission. Also attached is a condensed spread sheet detailing the numbers of customers served in this time period. The report and spreadsheet will have been reviewed by both the Planning Commission and the Board of Zoning Appeals at their respective meetings prior to being forwarded to the County Commission.

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

N/A

Attachments:

- **2nd Quarterly Report for Planning and Zoning Departments, Planning Commission and Board of Zoning Appeals for FY 14 (October – December, 2013) Summary and Spreadsheet**



Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor
Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

MEMORANDUM

TO: Jefferson County Commission
FROM: Jennifer M. Brockman, AICP, Director, Planning and Zoning;
Jefferson County Planning Commission;
Jefferson County Board of Zoning Appeals
DATE: January 9, 2013
RE: 2nd Quarterly Report for Planning and Zoning Departments, Planning Commission
and Board of Zoning Appeals for FY 14 (October – December, 2013)

1. Projects Undertaken in 2nd Quarter (New this Quarter):

a. Long Range Planning:

- On-going – Future Land Use for Envision Jefferson 2035 (2014 Comprehensive Plan)
– see progress in “Projects Underway” section below

b. Major Site Plans or Subdivisions (PC):

- No new submittals

c. Concept Plans:

- River Riders, Inc.; Harpers Ferry Holding, LLC; Matt and Laura Knott – All Inclusive Family Adventure Resort; Alstadts Hill Road, Harpers Ferry, WV
- Mission Tabernacle Church; Robert E. Longerbeam, Trustee and Robert Roadcap, Pastor; 1,951 square foot addition to existing church on 0.824 acres; Mission Road, Harpers Ferry, WV

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

- Sustainable Solutions, LLC – CUP for office relocation to 4419 Kearneysville Pike, Shepherdstown, WV for the purpose of operating a business that helps private landowners, state and federal agencies, and non-profits manage their land for ecological, economic, and social returns.

e. Zoning Map Amendments (PC)

- Land-owner initiated petition to amend the County Zoning Map for a 107 acre property owned by Ann, James and Ernest Hunter located on the north side of Route 115 (Old Route 9 / Charles Town Road), approximately 700 feet southeast of Berkeley/Jefferson County Line from Rural to the Residential-Light Industrial-Commercial (RLIC) zone – CC PH scheduled for 1/23/14

f. Zoning Text Amendments (PC):

- No new amendments this quarter

g. Subdivision Regulation Text Amendments (PC):

- Planning Commission initiated draft text amendment regarding landscaping between commercial and industrial uses (PH to be held next quarter)

h. Zoning Certificates:

- 15 requests for Zoning Certificates undertaken in 2nd Quarter FY 14 (see details below)

2. Proposed Projects/Underway (during the 2nd Quarter -- not completed):

a. Long Range Planning:

i. Envision Jefferson 2035 (2014 Comprehensive Plan):

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

b. Major Site Plans or Subdivisions Under Review:

None

c. Zoning Text Amendments:

- i. ZTA 12-01 Previously recommended proposed text amendments to the Zoning and Land Development Ordinance regarding the creation of new commercial and industrial zoning categories and related amendments (CC 1/02/14 – action continued to 1/16/14)

d. Subdivision Regulation Text Amendments (PC):

None

e. Zoning Certificates Pending:

- ZC 13-39 – Burr Park, LLC (Owner); Variance Request.

3. Projects Completed (during the 2nd Quarter):

a. Long Range Planning:

i. Envision Jefferson 2035 (2014 Comprehensive Plan)

- Preferred Growth Area and future land use finalization
- draft Future Land Use Map for January 2014 Joint meeting
- 2 public meetings held in October
- 4 Stakeholder Meetings in October
- Open Houses at five Libraries for public review and input of proposed PGAs and future land uses in those areas in November

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

None

c. Zoning Text Amendments (CC):

- i. Proposed text amendment ZTA 13-01 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 (CC Approved on 1/02/14)

d. Subdivision Regulation Text Amendments (PC):

- i. Development of stand-alone Stormwater Management and related Amendments to the Jefferson County Subdivision Regulations (CC Approved on 10/31/13)

e. Zoning Certificates Approved:

- ZC 13-39 – Rebecca Simmons-Hood (Owner/Applicant); Retail concession stand selling “Kansas City Smoked BBQ” from a 10’x10’ trailer occupying 2 parking spaces; Blair Road; Harpers Ferry, WV
- ZC 13-37 – Michael Hampshire (Owner)/Michael Hensley (Applicant); Body shop and mechanical automotive repair including State Inspections; Tasker Lane, Kearneysville, WV
- ZC 13-35 – Weese Rentals, LLC (Owner)/Richard Weese (Applicant); Cottage Industry. Full service nail salon operated by full-time resident; Jefferson Avenue, Charles Town, WV
- ZC 13-40 – Summit Point Automotive Research Center (Owner)/Cellco Partnership dba Verizon Wireless (Applicant); Telecommunications tower, adding 12 antennas to existing 195’ monopole at a height of 180’; Hardesty Road, Summit Point, WV
- ZC 13-42 Maddex Square Associates, LP (Owner)/Hagerstown Goodwill Industries, Inc. dba Horizon Goodwill (Applicant); Goodwill Store; Shepherdstown, WV
- ZC 13-43 – Mark O’Dell (Owner)/Mark Pantelone (Applicant); Gun Shop; Berryville Pike, Rippon, WV
- ZC 13-44 – William Marlow (Owner)/Rizwan Kushwaha (Applicant); Cell phone and PC repairs; East Washington Street, Charles Town, WV
- ZC 13-50 – Summit Point Automotive Research Center, LLC (Owner)/Summit Point Raceway Associates, Inc. dba BSR (Applicant); Federal Firearms Licensing, transfer of firearms, and ammunition sales as relates to existing training facility. Not a “store front” gun shop. No guns sold to the general public; Motorsports Park Circle, Summit Point, WV
- ZC 13-45 – Ramey’s Enterprise, LLC (Owner)/Christian Ramey (Applicant); Grocery/Convenience Store; Sulpher Springs Road, Kearneysville, WV
- ZC 13-51 – Shenandoah Lanes, LLC (Owner)/Jawaan Holmes (Applicant); Restaurant/Sports bar to include five slot machines; Keys Ferry Road, Charles Town, WV
- ZC 13-47 – William E. Jr & Jo Ann Knode (Owners)/Moshen Sadeghzadeh (Applicant); Parking area for Southern States building as commercial retail liquor store and restaurant; Washington Street, Shepherdstown, WV

- ZC 13-46 – Cable Holdco Exchange V, LLC (Owner)/Shenandoah Personal Communications (Applicant); Wireless facility co-location, self-supporting communications tower, upgrading site; Sandpiper Lane, Shepherdstown, WV.
- ZC 13-48 – Edwards S. Jr & Frances H. Kurz (Owners/Applicants); two-unit rental in existing single family home, second unit consists of one large room with bath and does not have a complete kitchen; Middleway Pike, Kearneysville, WV
- ZC 13-49 – American Towers, LLC (Owners)/General Communications, LLC (Applicant); Wireless facility co-location, property contains self-supporting cell tower, there will be no increase in tower height or expansion of existing ground area; Raven Rock Road, Charles Town, WV

f. Zoning Certificates Denied:

- ZC 13-41 – Episcopal Diocese of West Virginia (Owner)/The Rev. Georgia DuBose (Applicant); Use of church for various religious purposes, such as: worship, charitable enterprises, homeless shelter and meeting spaces; Berryville Pike, Rippon, WV.

4. Items Requiring Commission Attention (Upcoming):

- a. Public Hearing Hunter Rezoning – January 23, 2014 6 pm
- b. Joint Meeting with Steering Committee – January 23, 2014 7 pm
- c. Envision Jefferson 2035 – 4th Series of Public Meetings -- Finalize Future Land Use Map and Preferred Growth Areas – tentatively February 10 and 12, 2014 (location TBD)

FY 2014 Work Plan 2nd Quarterly Report to the County Commission (October - December 2013)

PROJECTS	TIME FRAMES from FY 13-14 Work Plan	Status or Number Completed (July 13 -- Sept. 13)	Status or Number Completed (Oct. 13 -- Dec. 13)	Status or Number Completed (Jan. 14 -- March 14)	Status or Number Completed (Apr. 14 -- June 14)
Day to Day Customer Service	on-going				
Walk in Customers - general information, zoning requests, process questions		205	158		
Information Request Forms		65	36		
Pre-proposal Conferences		10	12		
Zoning Certificates Processed		12 Issued/0 Denied/2 Pending	14 Issued/1 Denied/ 0 Pending		
Call-in customers - general info, zoning, questions		472	588		
E-mail to general planning/zoning mailboxes (note: individuals receive over 100 per month each)		1127	1179		
Day to Day Development Review Responsibilities:	on-going				
Minor Site Plans		2 (Coast Guard and Summit Point Class room)	1		
Major Site Plans, including Concept Plans		1	2		
Merger Deeds, Lot Line Adjustments		2	3		
Minor Subdivision Plats		1	1		
Major Subdivision Plats (Concept, Preliminary, Final)		0	0		
Conditional Use Permits/Neighborhood Compatibility Meetings		0	1		
Zoning Variances (requirements, dimensional variances, CUP Time extensions)		10	9		
Appeal of Zoning Administrator's Decision		3	0		
Subdivision Waivers/Variances including requests related to time frames or requirements submittals		7	1		
Zoning Map Amendments (Rezoning)		1	0		
Staff to Planning Commission meetings, including staff reports and presentations	on-going	4 Regular Meeting; 7 staff reports related to land development applications	1 Regular Meeting; 3 staff reports related to land development applications		
Staff to Board of Zoning Appeals meetings, including staff reports and presentations	on-going	3 BZA meetings 13 staff reports for land development applications	3 Regular Meetings; 7 staff reports for land development applications		
Various non-PC and non-BZA Meetings including participation in County Commission; other agencies such as WAC, JCDA, Health Department, PSD, HEPMPO TAC, WIP II Work Group; other Region 9 Meetings as requested; and follow up meetings with applicants and their representatives	on-going	JB - 140 meetings attended; SR - 83 meetings attended	JB - 108 meetings attended; SR - 78 meetings attended		

NOTICE
Board of Review and
Equalization

The County Commission of Jefferson County will convene as a Board of Review and Equalization in the County Commission Courtroom at the Courthouse of said County, 100 E. Washington Street, Charles Town, WV on Thursday, January 30, 2014, at 1:30 p.m., for the purpose of reviewing and equalizing assessments returned by the Assessor of Jefferson County for the tax year 2014.

The Commission will continue to sit as a Board of Review and Equalization on Tuesday, February 4, 2014, at 1:30 p.m., Thursday, February 6, 2014, at 1:30 p.m., Tuesday, February 11, 2014, at 1:30 p.m., and thereafter as deemed necessary.

Persons wishing to appear before the Commission should apply to the Assessor no later than Thursday, February 20, 2014, at noon, in order to complete the proper forms and to schedule a hearing date prior to the planned final date of Tuesday, February 25, 2014.

Given under my hand this 19th day of December, 2013.

JENNIFER MAGHAN, COUNTY CLERK

NOTICE
Board of Review and Equalization

The County Commission of Jefferson County will sit as a Board of Review and Equalization in the County Commission Courtroom at the Courthouse of said County on Thursday, February 13th, 2014, at 1:30 p.m., for the purpose of reviewing and equalizing assessments returned by the Assessor of Jefferson County for the tax year 2014.

Given under my hand this 9th day of January, 2014.

By Order of the County
Commission of
Jefferson County
Walt Pellish, President

JEFFERSON COUNTY COMMISSION
PUBLIC HEARING NOTICE

The Jefferson County Commission has scheduled a public hearing on a Zoning Map Amendment (Rezoning) request for the property designated as Tax District: Middleway (07); Tax Map: 1; Parcel: 2. The property is located on the north side of Route 115 (Old Rte 9 / Charles Town Rd), approximately 700 feet southeast of the Berkeley/Jefferson County Line and is a total of 107 acres. The property is currently zoned Rural and a request has been made by the owners, Ann, James, and Ernest Hunter, to change the zoning to Residential/Light Industrial/Commercial.

You may provide oral or written comments at the hearing, **6:00 PM, Thursday, January 23, 2014, in the Charles Town Library meeting room at 200 East Washington Street**, at the side entrance on Samuel Street. In addition, you may also provide written comments to info@jeffersoncountywv.org, or mail to P.O. Box 250, Charles Town, WV 25414, or fax to (304) 728-8126.

By Order of the Jefferson County Commission
Dale Manuel, President

B. Lee Snyder

270 Industrial Blvd.
Kearneysville, WV 25430

January 7, 2014

County Commission of Jefferson County
P.O. Box 250
Charles Town, WV 25414

Dear Commissioners:

I, or my representative, have attended many of the Comprehensive Plan meetings over the past year or so. Now, I understand that a joint meeting between the Steering Committee and the County Commission is going to be held in January 2014. Accordingly, I am compelled to let the elected officials know my feelings regarding the Old Standard Quarry property and how it should be considered in the new Comprehensive Plan.

The 2004 Comprehensive Plan recognizes this area as the primary industrial growth corridor since the Civil War. The area was the major area of growth for mineral extraction, as well as the textile industry and paper board production. Since the last Comprehensive Plan four major changes have taken place. First, public water and wastewater services have become available in this area and specifically on the Old Standard Quarry property. Second, the County Commission rezoned several properties in the vicinity to the Residential/Light Industrial/Commercial District. Third, the property was recognized by the West Virginia Department of Commerce as a Brownfield that is ripe for commercial and economic development. And, fourth, the major Route 340 intersection that serves this site has been signalized.

The Jefferson County Zoning Ordinance already zones approximately 85 acres of this property as residential growth. The above cited changes to the area since the original zoning ordinance was adopted certainly support this area to be recognized as a 'Preferred Growth Area' in the new Comprehensive Plan. From a planning perspective, commercial and industrial development should be encouraged to locate along a jurisdiction's most accessible routes that have the availability of public water and wastewater facilities. This property fits these parameters perfectly. Based on these amenities, this is one of the best areas in the County for mixed-use development. Old

Standard's property was already significantly developed when the quarry operation was active. The quarry operation there was started over 100 years ago. Because of the prior use of the land, the federal government also looked at this site for major development opportunities for federal agencies. It stands to reason that this land should also be recognized as a Preferred Growth Area in the Comprehensive Plan. There are very few vacant properties that are zoned for commercial or industrial development in this area. This property, that was actively used for industry and is not conducive to farming, should be considered a prime spot in the new Comprehensive Plan for preferred growth.

Regarding water and wastewater infrastructure, the Old Standard property is already served by these facilities. The owners of the Old Standard property constructed a wastewater treatment facility on this property based on the fact that the 2004 Comprehensive Plan recognized this area as the primary growth area in Jefferson County. A considerable amount of money, in fact, over five million dollars, was spent constructing the treatment facility along with a collection system because of the recommendations in the Plan. My company, East Jefferson Sewer Services, now owns and operates the former Old Standard Wastewater Treatment plant and continues to offer advanced treatment service to the area from Millville Road to Halltown. Additionally, Jefferson Utilities has substantial water distribution facilities that serve this area as well. These services, combined with the location being close to Route 340, make this an ideal location to be considered a Preferred Growth Area.

It seems that many people who have been involved in this process have very little property ownership interests. This vocal minority attempts to speak on behalf of many of our larger property ownership interests. I find this difficult to accept. I have put many hours and a tremendous amount of money into my property interests in Jefferson County and hope that my comments provides a prospective that protects my rights and investments. Beyond my personal and pecuniary interests, it just makes proper planning sense to make this area a Preferred Growth Area.

I just can't understand why the County would be interested in making the Route 340 corridor anything but an area for economic development. The Federal Government certainly recognized the significance of the location when they chose it for major developments in the area. As a matter of fact, a portion of their development is a redevelopment of the Americast plant site, a major precast concrete manufacturer. The US Customs Advanced Training Center is surrounded by the Old Standard property and the Millville and Shenandoah Quarry properties. It would be ludicrous not to

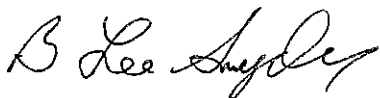
Page 3
County Commission
1-7-14

allow a tax-paying private entity to do the same thing that the tax free government entity is doing in the same corridor.

Prior to initiating the rewrite of the Comprehensive Plan, many people asked that the County Commission set proper parameters to avoid what happened with the 340 East Corridor Study. These concerns included the recognition of the existing uses in Jefferson County, as well as the decisions made by property owners based on the existing zoning ordinance and Comprehensive Plan, existing and planned water and wastewater facilities and good transportation routes. The shelved 340 East Corridor study failed to recognize this area as the economic engine that it is to Jefferson County. Please don't let the Comprehensive Plan continue in the same direction. The Old Standard property meets every definition of an area that would support future growth. Please recognize it as such in the new Plan.

Thank you for taking my comments into consideration while addressing the new Comprehensive Plan.

Sincerely,



B. Lee Snyder

cc: Commissioner Dale Manual, President
Commissioner Patsy Noland
Commissioner Walt Pellish
Commissioner Jane Tabb
Commissioner Lyn Widmyer
Jennifer Brockman, Director of Planning & Zoning
Chris Whittaker, Comprehensive Plan Consultant



State Auditor's 2014 Budget Preparation and Employment Tax Issues Regional Workshops

State Auditor Glen B. Gainer III, through his Local Government Services Division, is pleased to announce regional Budget Preparation Workshops for both county and municipal governments at convenient locations throughout West Virginia. These workshops will cover the basics of local government budget preparation in relation to preparing, approving and adopting a budget. Other related topics will include budget revisions, property tax rates and special excess levies. **There will be a discussion concerning taxable fringe benefits and the difference between contracted labor and an employee.**

City	Type	Workshop Date/Time	Location	Deadline
Martinsburg	County	Jan. 30, 9:00 am-11:30 am	Holiday Inn, Martinsburg 301 Foxcroft Avenue, (304) 267-5500	January 23
Bridgeport	County	Feb. 4, 9:00 am -11:30 am	Best Western, Bridgeport 100 Lodgeville Road (304) 842-5411	January 28
Wheeling	County	Feb. 7, 9:00 am-11:30 am	Hampton Inn & Suites, Triadelphia 35 Bob Wise Drive - (304) 547-4222	January 28
Charleston	County	Feb 11, 1:30 pm-4:30 pm	Embassy Suites 300 Court Street - (304) 347-8700	January 28
Beckley	County	Feb. 20, 9:00 am-11:30 am	Country Inn & Suites, Beckley 2120 Harper Road - (304) 252-5100	February 13

Note: At least ten participants must register for a workshop or we may be forced to cancel.

Please return the registration form no later than the deadline for the specific workshop. For questions concerning the content of the workshops, contact: Ora Ash, (304) 627-2415, ext. 5114 Email: ora.ash@wvsao.gov

2014 BUDGET PREPARATION REGIONAL WORKSHOP **Free to attend, but you must register!**
ONE NAME PER FORM

Name: _____ County of: _____

Mailing Address: _____

Telephone: _____ Fax: _____

Mail to: **Karen Drain, Admin. Support**
Budget Prep. Regional Workshop
200 West Main Street
Clarksburg, West Virginia 26301

<input type="checkbox"/> Martinsburg,, January 30	<input type="checkbox"/> Charleston, February 11
<input type="checkbox"/> Bridgeport, February 4	<input type="checkbox"/> Beckley, February 20
<input type="checkbox"/> Wheeling, February 7	

FAX TO: 304-627-2417

IMPORTANT: If unable to attend after registering, please call our office at 304-627-2415 to cancel.

RECEIVED

JAN 02 2014

JEFFERSON COUNTY
CIRCUIT CLERK

ADMINISTRATIVE ORDER

SUPREME COURT OF APPEALS OF WEST VIRGINIA

Admin # 14-AD-1

RE: RECALL OF THE HONORABLE ANDREW N. FRYE JR. TO ACTIVE SERVICE TO PRESIDE IN THE TWENTY-THIRD JUDICIAL CIRCUIT OVER THE PROCEEDING OF DAVID C. TABB V. THE JEFFERSON COUNTY COMMISSION, ET AL., JEFFERSON COUNTY CIRCUIT COURT CASE NO. 13-C-432

The Honorable David H. Sanders, Judge of the Twenty-Third Judicial Circuit, has advised the Chief Justice of the Supreme Court of Appeals of a motion filed for his disqualification from presiding over the above-styled proceeding.

Inasmuch as the Jefferson County Commission is a party in this proceeding, the Chief Justice deems the disqualification of Judge Sanders to be warranted.

IT IS, THEREFORE, ORDERED, that the Honorable Andrew N. Frye Jr., Senior Status Judge, be, and he hereby is, recalled for temporary assignment to the Circuit Court of Jefferson County, in the Twenty-Third Judicial Circuit, under the provisions of Article VIII, §§ 3 and 8 of the Constitution of West Virginia and W.Va. Code § 51-9-10 for the purpose of presiding over said proceeding.

IT IS FURTHER ORDERED, that the Circuit Clerk of Jefferson County record this Order in the Office of the said Clerk and provide copies of the same to all parties of record or their counsel.

IT IS FURTHER ORDERED, that the Circuit Clerk of Jefferson County forward to the Honorable Andrew N. Frye Jr. copies of such documents and materials in the Clerk's Office as directed by him.

ENTERED: DECEMBER 31, 2013

5 cc:
D. TABB
JEFF. CO. COMMISSION
13-C-432
JUDGE FRYE
S. GERRH
1/3/14
MO

A TRUE COPY
ATTEST:

LAURA E. STORM
CLERK, CIRCUIT COURT
JEFFERSON COUNTY, W.VA.

BY _____
DEPUTY CLERK

Brent D. Benjamin, CJ

BRENT D. BENJAMIN
Chief Justice

WV Offices of the Insurance Commissioner
Legal Division
PO Box 50540
Charleston, WV 25305-0540



EARL RAY TOMBLIN
Governor

MICHAEL D. RILEY
Insurance Commissioner

RECEIVED

JAN 06

COMMISSIONER, JEFFERSON COUNTY
100 E. WASHINGTON STREET
CHARLES TOWN, WV 25414

IMPORTANT NOTICE

December 2013 **Jefferson County Commission**

To all West Virginia State and Local Governmental Entities and Non-profit Agencies:

The West Virginia Offices of the Insurance Commissioner is responsible for notifying all West Virginia state and local governmental entities and non-profit organizations that low-cost, federally-subsidized flood insurance may be available through the National Flood Insurance Program (NFIP). The notification is being sent in accordance with WV Code §33-2-15a and in conjunction with the Robert T. Stafford Emergency Assistance and Disaster Relief Act.

Please review your eligibility for this program. Penalties in the form of reductions in Federal Emergency Management Agency (FEMA) relief funds are possible for entities **that fail to purchase** adequate flood insurance on all property located in identified flood zones. Section 406(d) of the Stafford Act mandates a special reduction in the amount of public assistance funding for a structure that is:

- insurable under the NFIP,
- located in a Special Flood Hazard Area as identified by FEMA, and
- damaged or destroyed by flooding

For insurable structures that do not have flood insurance or carry inadequate coverage, FEMA will reduce eligible loss payments to **the lesser of**:

- the maximum amount of insurance proceeds that could have been obtained from a standard NFIP flood insurance policy **OR**
- the value of the structure at the time of the disaster.

If you are unsure as to whether your agency's structure is located within a flood plain, contact your local county planning office or the NFIP at 1-800-358-9616. Flood maps are available at www.msc.fema.gov and graphical flood information covering most of the state can also be found on the WV Flood Hazard Determination tool at www.mapwv.gov/flood.

Any other questions may be answered by visiting www.floodsmart.gov or by contacting the Consumer Service Division of the WV Offices of the Insurance Commissioner at 1-888-TRY-WVIC (1-888-879-9842). Our website can be found at www.wvinsurance.gov.

Sincerely,

Michael D. Riley
Insurance Commissioner

ICFLOOD
Rev.
07/2013

WV Offices of the Insurance Commissioner
1124 Smith Street
P.O. Box 50540
Charleston, WV 25305-0540

Telephone (304) 558-6279 ext. 3386
Facsimile (304) 558-4965
www.wvinsurance.gov

"We are an Equal Opportunity Employer"

JEFFERSON COUNTY, WEST VIRGINIA
Engineering Department
Office of Impact Fees
116 East Washington Street, P.O. Box 716
Charles Town, WV 25414

Michelle Mason
Impact Fee Program Specialist

Phone: (304) 728-3331
Fax: (304) 728-3953
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Debbie Keyser, Vivian Fields, and Teresa Hendricks
FROM: Michelle Mason *MM*
DATE: Monday, 6 January 2014
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Fire & EMS Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Fire & EMS Impact Fee Account (Bank of Charles Town account 3122816)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of December 2013.

This transfer consists of two components:

- Impact Fee Process Numbers 1300226 through 1300249, inclusive. Within this range there were 23 non-exempt impact fee payments. This amounts to \$14,404.00.
- Interest earned by the Office of Impact Fees General Account in December 2013 amounts to \$83.41, of which \$4.18 is attributed to fees collected for Fire & EMS.

As per the attached invoice, the total amount of this transfer is \$14,408.18.

Check # 931

RECEIVED

JAN 07 2014

Jefferson County Commission

Jefferson County Commission

P.O. Box 250
Charles Town, WV 25414

Invoice

Number: 14004

Date: 1/6/2013

Bill To:

Office of Impact Fees
116 East Washington Street
Suite 100
Charles Town, WV 25414

Pay To:

Sheriff of Jefferson County
P.O. Box 9
Charles Town, WV 25414

P.O. Number

Vendor Number

Description

Amount

Impact Fee payments collected for month of December 2013 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Fire & EMS Impact Fees Bank Account (3122816). \$14,404.00

Interest earned by the Office of Impact Fees General Account December 2013. \$4.18

Impact Fee Process Numbers 1300226 through 1300249, inclusive. Within this range, there were 23 non-exempt impact fee payments.

Total: \$14,408.18

Notes/Comments Transfer of funds into Fire & EMS Impact Fee Account (3122816).

Check Number: 931

JEFFERSON COUNTY, WEST VIRGINIA
Engineering Department
Office of Impact Fees
116 East Washington Street, P.O. Box 716
Charles Town, WV 25414

Michelle Mason
Impact Fee Program Specialist

Phone: (304) 728-3331
Fax: (304) 728-3953
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Debbie Keyser, Vivian Fields, and Teresa Hendricks
FROM: Michelle Mason *MM*
DATE: Monday, 6 January, 2014
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Parks & Recreation Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Parks & Recreation Impact Fee Account (Bank of Charles Town account 3122808)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of December 2013.

This transfer consists of two components:

- Impact Fee Process Numbers 1300226 through 1300249, inclusive. Within this range there were 23 non-exempt impact fee payments. This amounts to **\$15,526.00**.
- Interest earned by the Office of Impact Fees General Account in December 2013 amounts to **\$83.41**, of which **\$5.00** is attributed to fees collected for Parks & Recreation.

As per the attached invoice, the total amount of this transfer is **\$15,531.00**.

Check # 930

RECEIVED

JAN 07 2014

Jefferson County Commission

Jefferson County Commission

P.O. Box 250
Charles Town, WV 25414

Invoice

Number: 14003

Date: 1/6/2014

Bill To:

Office of Impact Fees
116 East Washington Street
Suite 100
Charles Town, WV 25414

Pay To:

Sheriff of Jefferson County
P.O. Box 9
Charles Town, WV 25414

P.O. Number

Vendor Number

Description

Amount

Impact Fee payments collected for month of December 2013 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Parks & Recreation Impact Fees Bank Account (3122808). \$15,526.00

Interest earned by the Office of Impact Fees General Account December 2013. \$5.00

Impact Fee Process Numbers 1300226 through 1300249, inclusive. Within this range, there were 23 non-exempt impact fee payments.

Total: \$15,531.00

Notes/Comments Transfer of funds into Parks & Recreation Impact Fee Account (3122808).

Check Number: 930

JEFFERSON COUNTY, WEST VIRGINIA
Engineering Department
Office of Impact Fees
116 East Washington Street, P.O. Box 716
Charles Town, WV 25414

Michelle Mason
Impact Fee Program Specialist

Phone: (304) 728-3331
Fax: (304) 728-3953
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Debbie Keyser, Vivian Fields, and Teresa Hendricks
FROM: Michelle Mason *MM*
DATE: Monday, 6 January, 2014
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Law Enforcement Impact Fee Account (Bank of Charles Town account 3120120)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of December 2013.

This transfer consists of two components:

- Impact Fee Process Numbers 1300226 through 1300249, inclusive. Within this range there were 11 non-exempt impact fee payments. This amounts to \$2,758.00.
- Interest earned by the Office of Impact Fees General Account in December 2013 amounts to \$83.41, of which \$0.83 is attributed to fees collected for Law Enforcement.

As per the attached invoice, the total amount of this transfer is \$2,758.83.

Check # 929

RECEIVED

JAN 07 2014

Jefferson County Commission

Jefferson County Commission

P.O. Box 250
Charles Town, WV 25414

Invoice

Number: 14002

Date: 1/6/2014

Bill To:

Office of Impact Fees
116 East Washington Street
Suite 100
Charles Town, WV 25414

Pay To:

Sheriff of Jefferson County
P.O. Box 9
Charles Town, WV 25414

P.O. Number

Vendor Number

Description	Amount
Impact Fee payments collected for month of December 2013 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Law Enforcement Impact Fees Bank Account (3120120).	\$2,758.00
Interest earned by the Office of Impact Fees General Account December 2013.	\$0.83
Impact Fee Process Numbers 1300226 through 1300249, inclusive. Within this range, there were 11 non-exempt impact fee payments.	
Total:	\$2,758.83

Notes/Comments Transfer of funds into Law Enforcement Impact Fee Account (3120120).

Check Number: 929

JEFFERSON COUNTY, WEST VIRGINIA
Engineering Department
Office of Impact Fees
116 East Washington Street, P.O. Box 716
Charles Town, WV 25414

Michelle Mason
Impact Fee Program Specialist

Phone: (304) 728-3331
Fax: (304) 728-3953
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Debbie Keyser, Vivian Fields, and Teresa Hendricks
FROM: Michelle Mason *DM*
DATE: Monday, 6 January, 2014
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Schools Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Schools Impact Fee Account (Bank of Charles Town account 3107582)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of December 2013.

This transfer consists of two components:

- Impact Fee Process Numbers 1300226 through 1300249, inclusive. Within this range there were 23 non-exempt impact fee payments. This amounts to **\$233,254.00**.
- Interest earned by the Office of Impact Fees General Account in December 2013 amounts to **\$83.41**, of which **\$73.40** is attributed to fees collected for Schools.

As per the attached invoice, the total amount of this transfer is \$233,327.40.

Check # 928

RECEIVED

JAN 07 2014

Jefferson County Commission

Jefferson County Commission

P.O. Box 250
Charles Town, WV 25414

Invoice

Number: 14001

Date: 1/6/2014

Bill To:

Office of Impact Fees
116 East Washington Street
Suite 100
Charles Town, WV 25414

Pay To:

Sheriff of Jefferson County
P.O. Box 9
Charles Town, WV 25414

P.O. Number

Vendor Number

Description

Amount

Impact Fee payments collected for month of December 2013 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County School Impact Fees Bank Account (3107582). \$233,254.00

Interest earned by the Office of Impact Fees General Account December 2013. \$73.40

Impact Fee Process Numbers 1300226 through 1300249, inclusive. Within this range, there were 23 non-exempt impact fee payments.

Total: \$233,327.40

Notes/Comments Transfer of funds into School Impact Fee Account (3107582).

Check Number: 928

Jefferson County Public Service District

Jefferson County Public Service District Regular Board Meeting December 2, 2013

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, December 2, 2013 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Jim Cummins; Secretary, Peter Appignani; Treasurer, Bill Strider; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; Finance Manager, April Shultz; District Legal Counsel, Jim Kelsh; from Pentree Engineering, Zane Summerfield; from Dunn Engineering, Fred Hypes; Liaison for the County Commission, Commissioner Jane Tabb; and Customer Liaison, Charles Cheezum.

CALL TO ORDER

Chairman Jim Cummins called the meeting to order at 7:00PM.

APPROVAL OF AGENDA

The Board moved the sewer system cash flow agenda item to the first item under New Business.

PUBLIC COMMENTS

None.

OLD BUSINESS

Review Minutes of November 4 regular board meeting

The minutes of the November 4, 2013 regular board meeting were approved as presented.

Action: Motion made by Mr. Appignani and seconded by Mr. Strider to accept the November 4, 2013 minutes as presented. Approved 2-0. Mr. Cummins abstained due to his absence at the meeting.

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

- Approve construction bid notice

Ms. Lawton informed the Board that the District is finishing up with the easement issues for the project and has received approval from the Division of Culture and History's State Historic Preservation Office. The engineer has prepared the advertisement for bids for the project which the Board approved.

Action: Motion made by Mr. Appignani and seconded by Mr. Strider to approve the bid notice as presented. Unanimously approved.

Discuss Mountain Water Project

- Discuss the Public Private Partnership agreement
- Consider revisions to draft Preliminary Engineering Report

Mr. Kelsh informed the Board that Mr. Snyder is not interested in pursuing a public private partnership agreement with the District for a mountain water project, but he is open to the option of a possible sale of Jefferson Utilities to the District. The Board is open to this option and will have further discussions to negotiate a price.

Last month the Board directed Mr. Summerfield to remove sections of the revised preliminary engineering report that are outdated including the financial section and to insert a cover letter explaining this for the public to view on the website. Since that time, the Board found more errors in the report and would like to hold off on making the document public until these errors are corrected.

Action: No action taken by the Board.

Thank Jim Cummins for 6 years of service as a Jefferson County Public Service District Board Member
Mr. Cummins term as a board member will expire after a new board member is appointed by the County Commission which is set to occur on December 5th. The Board and District staff recognized Mr. Cummins for his six years of dedicated service. Ms. Lawton presented him with a plaque for the service and accomplishments while on the Board.

Action: No action taken by the Board.

NEW BUSINESS

Discuss the District's sewer system cash flow and rates

Finance Manager, April Shultz, was present to discuss the Districts cash flow issue. Ms. Shultz suggested the Board possibly file a petition with the Public Service Commission to allow for the District to use some of the funds in the capital improvement fee account to reimburse the sewer operating account.

Action: Motion made by Mr. Appignani and seconded by Mr. Strider to petition the Public Service Commission to request to utilize the capital improvement fee account to solve the cash flow problem. Unanimously approved.

Consider offer from Freshwater Institute for generator

Ms. Lawton informed the Board that she was contacted by former board member, Joe Hankins, about a 60KW, Kohler generator the Freshwater Institute is replacing and asked if the District would like to purchase for approximately \$500.

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to purchase the generator from the Freshwater Institute for \$500. Unanimously approved.

Consider legislative topics for next session

Ms. Lawton suggested a legislative session topic for next session regarding a change to the laws regarding the Public Service Commission's process for project approval. The discussion amongst those present suggested that the date of the next session was in January and there was not enough time for any action to be taken.

Action: No action taken by the Board.

Consider 2014 Board Meeting Dates

Action: Motion made by Mr. Appignani and seconded by Mr. Strider to accept the 2014 board meeting dates as presented which are the first Monday of the month except for September which is a Tuesday. Unanimously approved.

Discuss License Agreement and Addendum to Alternate Sewer Main Line Extension Agreement for Norborne Glebe

Ms. Lawton informed the Board that the District has been servicing the Norborne Glebe development since 2006, but has not accepted ownership of the pump station. Currently the developer pays a private company for the operation and maintenance. Mr. Kelsh is concerned with this arrangement and has drafted a license agreement to allow the District access and more control over the pump station until it is turned over to the District at final build out. The Board would like to discuss this further before making any decisions.

Mr. Kelsh also drafted an addendum to the alternate mainline extension agreement for the Norborne Glebe development to transfer the rights and responsibilities from the original owner, Thomas Nulls, to the current owner, Arcadia Development. The Board had no problem with this agreement and Mr. Kelsh will forward to Arcadia for their comments.

Action: Motion made by Mr. Appignani and seconded by Mr. Strider to approve the addendum to the alternate mainline extension agreement transferring the rights and responsibilities from the original owner, Thomas Nulls, to the current owner, Arcadia Development. Unanimously approved.

Update on Statuses of Current Public Service Commission Cases

Mr. Kelsh informed the Board that the District has no cases at the Public Service Commission which he is involved in at this time.

Action: No action taken by the Board.

Discussion of any Expenses over Budget

There were no items over budget.

Action: No action taken by the Board.

Disbursements

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve disbursements for Public Service District water expenses in the amount of \$3,255.29. Unanimously approved.

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve disbursements for the Public Service District sewer expenses in the amount of \$193,887.61. Unanimously approved.

Approve transfer of \$1,699.07 from the renewal & replacement account to the Sewer Operating account for new pump at PS 2-14

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve the transfer of \$1,699.07 from the renewal & replacement account to sewer operating account for new pump at PS 2-14. Unanimously approved.

Approve transfer of \$5,025.64 from the Sewer Security Deposit account to the Sewer Operating account for security deposit refunds

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve the transfer of \$5,025.64 from the sewer security deposit account into the sewer operating account for security deposit refunds. Unanimously approved.

General Manager's Report

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

Action: No action taken by the Board.

Other staff reports

Action: No action taken by the Board.

Comments from customer liaison

Mr. Cheezum thanked the Board and staff for their cooperation and assistance during his customer liaison term which has come to an end with the appointment this month of the next board member who will be a residential customer.

Mr. Cheezum also made a request for notice to be put on the customer bills when a rate increase will take effect. Mr. Kelsh stated that the District is only required to put notice in the newspaper and not on actual bills, but can at the discretion of the Board.

Action: No action taken by the Board.

Public Comment

John Maxey, Harpers Ferry resident, stated that he is neither a District nor Jefferson Utilities customer, but recognizes appropriate sewer and water infrastructure benefits to the taxpayers of the County and are crucial for economic growth. He also stated that it's puzzling as to why these current customers are responsible for paying for these future upgrades/expansion and possibly consolidation would help with the overall costs since it really benefits the entire County. He expressed his appreciation for the six years of service that Mr. Cummins has given. And lastly, Mr. Maxey was curious as to when the preliminary

engineering report would be released to the public since the Board approved the release of the document to the public last month.

Correspondence

None.

Mr. Cheezum, Mrs. Shultz, Mr. Hypes, and Mr. Summerfield exited the meeting.

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

Mr. Summerfield and Mr. Hypes were invited by the Board to take part in the discussions on the Mountain Water Project/public private partnership.

Mr. Bob Rodecker was called to discuss the Old Standard land issues. Mr. Kelsh exited the room for that discussion.

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

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

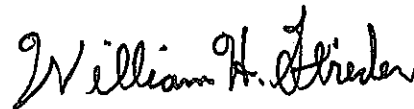
There being no further business at this time, the meeting was adjourned at 10:15PM.

The next regular meeting is scheduled for Monday, January 6, 2014 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



Peter L. Appignani
Secretary



William H. Strider
Treasurer

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

Week Ending Date	Week Ending January 4, 2014 FY14 January 10, 2014
To be Deposited on:	
Amount Played	73,353,906.18
Amount Won	65,913,559.05
Amount Promo	148,656.00
MWAP Contribution	<u>4,205.10</u>
Adjusted Gross Terminal Revenue	<u>7,287,486.03</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>291,499.46</u>
Net Terminal Revenue	<u>6,995,986.57</u>
Surcharge @ 10%	699,598.67
State Share Excess @ 58%	405,767.23
Track Share of Capital Reinvestment @ 42%	293,831.44
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	<i>282078.18</i>
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	<i>11753.26</i>
Adjusted Net Terminal Revenue	<u>6,296,387.90</u>
Racetrack @ 46.50% / 42%	2,644,482.92
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,581,519.04
Race Track Purses @ 7% / 14% / 8%	503,711.03
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	31,481.94
Greyhound Development @ .75%	47,222.91
Thoroughbred Development @ .75%	47,222.91
Racing Commission @ 1%	62,963.88
County/Municipality @ 2%	125,927.76
3% Funds:	
Tourism Promotion Fund @ 1.375%	86,575.33
Development Office Promotion Fund @ .375%	23,611.45
Research Challenge Fund @ .5%	31,481.94
Capitol Renovation and Improvement Fund @ .6875%	43,287.67
2004 Capitol Complex Parking Garage Fund @ .0625%	3,935.24
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	31,481.94
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>31,481.94</u>
	<u>6,296,387.90</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: 07/08/13	\$ 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	\$ 9,614.83
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
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
09/28/13	\$ 109,763.00	\$ 54,881.50	\$ 54,881.50	\$ 4,352.10	\$ 21,897.72	\$ 1,190.93	\$ 18,484.09	\$ 8,956.66
10/05/13	\$ 111,901.48	\$ 55,950.74	\$ 55,950.74	\$ 4,436.89	\$ 22,324.35	\$ 1,214.13	\$ 18,844.21	\$ 9,131.16
10/12/13	\$ 111,675.84	\$ 55,837.92	\$ 55,837.92	\$ 4,427.95	\$ 22,279.33	\$ 1,211.68	\$ 18,806.21	\$ 9,112.75
10/19/13	\$ 122,654.40	\$ 61,327.20	\$ 61,327.20	\$ 4,863.25	\$ 24,489.55	\$ 1,330.80	\$ 20,655.00	\$ 10,008.60
10/26/13	\$ 105,708.12	\$ 52,854.06	\$ 52,854.06	\$ 4,191.33	\$ 21,088.77	\$ 1,146.93	\$ 17,801.25	\$ 8,625.78
11/02/13	\$ 115,087.08	\$ 57,543.54	\$ 57,543.54	\$ 4,563.20	\$ 22,959.87	\$ 1,248.70	\$ 19,380.66	\$ 9,391.11
11/09/13	\$ 109,333.52	\$ 54,666.76	\$ 54,666.76	\$ 4,335.07	\$ 21,812.04	\$ 1,186.27	\$ 18,411.76	\$ 8,921.62
11/16/13	\$ 112,991.92	\$ 56,495.96	\$ 56,495.96	\$ 4,480.13	\$ 22,541.89	\$ 1,225.96	\$ 19,027.84	\$ 9,220.14
11/23/13	\$ 97,257.24	\$ 48,628.62	\$ 48,628.62	\$ 3,856.25	\$ 19,402.82	\$ 1,055.24	\$ 16,378.12	\$ 7,936.19
11/30/13	\$ 119,291.32	\$ 59,645.66	\$ 59,645.66	\$ 4,729.90	\$ 23,798.62	\$ 1,294.31	\$ 20,088.66	\$ 9,734.17
12/07/13	\$ 94,612.48	\$ 47,306.24	\$ 47,306.24	\$ 3,751.38	\$ 18,875.19	\$ 1,026.55	\$ 15,932.74	\$ 7,720.38
12/14/13	\$ 58,458.04	\$ 29,229.02	\$ 29,229.02	\$ 2,317.86	\$ 11,662.38	\$ 634.27	\$ 9,844.33	\$ 4,770.18
12/21/13	\$ 89,162.04	\$ 44,581.02	\$ 44,581.02	\$ 3,535.27	\$ 17,787.83	\$ 967.41	\$ 15,014.89	\$ 7,275.62
12/28/13	\$ 124,234.28	\$ 62,117.14	\$ 62,117.14	\$ 4,925.89	\$ 24,784.74	\$ 1,347.94	\$ 20,921.05	\$ 10,137.52
01/04/14	\$ 125,927.76	\$ 62,983.88	\$ 62,983.88	\$ 4,993.04	\$ 25,122.59	\$ 1,366.32	\$ 21,206.23	\$ 10,275.70
Subtotal	\$ 3,045,574.80	\$ 1,978,819.14	\$ 1,066,755.66	\$ 84,593.71	\$ 425,635.53	\$ 23,148.60	\$ 359,283.29	\$ 174,094.53

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	09/28/2013	54,881.50
10/03/2009	72,286.04	10/02/2010	71,013.86	10/01/2011	68,871.64	10/06/2012	62,715.20	10/05/2013	55,950.74
10/10/2009	69,650.63	10/09/2010	69,311.50	10/08/2011	70,866.90	10/13/2012	60,710.18	10/12/2013	55,837.92
10/17/2009	73,560.21	10/16/2010	75,234.62	10/15/2011	75,262.66	10/20/2012	62,333.08	10/19/2013	61,327.20
10/24/2009	67,581.66	10/23/2010	70,290.80	10/22/2011	68,757.72	10/27/2012	58,073.54	10/26/2013	52,854.06
10/31/2009	64,528.30	10/30/2010	65,615.04	10/29/2011	60,507.98	11/03/2012	56,545.30	11/02/2013	57,543.54
11/07/2009	63,741.59	11/06/2010	61,337.62	11/05/2011	70,673.88	11/10/2012	56,110.96	11/09/2013	54,666.76
11/14/2009	65,959.64	11/13/2010	64,595.28	11/12/2011	67,627.10	11/17/2012	57,432.36	11/16/2013	56,495.96
11/21/2009	59,547.05	11/20/2010	56,010.08	11/19/2011	60,690.60	11/24/2012	65,888.86	11/23/2013	48,628.62
11/28/2009	72,399.98	11/27/2010	71,170.90	11/26/2011	74,140.54	12/01/2012	50,243.34	11/30/2013	59,645.66
12/05/2009	51,006.51	12/04/2010	53,215.08	12/03/2011	59,429.94	12/08/2012	50,770.96	12/07/2013	47,306.24
12/12/2009	52,460.58	12/11/2010	46,944.00	12/10/2011	51,395.44	12/15/2012	47,022.38	12/14/2013	29,229.02
12/19/2009	32,834.39	12/18/2010	42,076.76	12/17/2011	55,981.32	12/22/2012	46,838.96	12/21/2013	44,581.02
12/26/2009	53,406.34	12/25/2010	50,450.28	12/24/2011	54,248.62	12/29/2012	59,697.22	12/28/2013	62,117.14
01/02/2010	92,980.40	01/01/2011	85,152.12	12/31/2011	94,661.00	01/05/2013	71,673.52	01/04/2014	62,963.88
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	1,978,819.14
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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	September, 2013	80,857.74
November, 2010	108,717.67	October, 2011	124,273.94	October, 2012	126,482.02	October, 2013	81,066.09
December, 2010	118,721.11	November, 2011	121,118.87	November, 2012	134,443.93	November, 2013	79,853.94
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	452479.88

Table Game Revenue Distribution - Jefferson County School Board

Date	Amount	Date	Amount	Date	Amount
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	September, 2013	242,573.22
October, 2011	372,821.82	October, 2012	379,446.06	October, 2013	243,198.27
November, 2011	363,356.61	November, 2012	403,331.79	November, 2013	239,561.82
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	1,357,439.64