

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, OCTOBER 28, 2010
9:30 A.M.

Old Charles Town Library Meeting Room
200 E. Washington Street, Charles Town, WV

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS.

- November 18, 2010 Meeting Time - 10:30 a.m.

PRESENTATIONS:

1. 10:00 a.m. Angela Banks, Assessor
- Exonerations
2. 10:15 a.m. Barbara Miller, Director of Homeland Security and Emergency Management
- Memorandum of Understanding with Jefferson County Schools -
Discussion/Action
3. 10:30 a.m. Rolfe M. Kelley, President, Jefferson County Emergency Services Agency
- Request for additional funding in the amount of \$6,500 to cover the entire
cost of the Strategic Plan
4. 10:45 a.m. Legal Update - Stephanie Grove, Assistant Prosecuting Attorney
- Approval of Representation Agreement with Brad Stephens -
Discussion/Action
- Test Well Drilling - Approval of Services by Analytical Services, Inc. -
Discussion/Action

5. 11:00 a.m. Tom Bayuzik, Executive Director of the Jefferson County Development Authority
- Approval for the Split Agriculture Development Office and Farmland Protection Administrator Positions - Discussion/Action
6. 11:15 a.m. Interviews and Appointments to the Jefferson County Emergency Services Agency
7. 11:30 a.m. Jennifer S. Maghan - County Clerk's Report
- Set Time and Location for General Election Canvass on November 8, 2010
8. 11:45 a.m. Mark Schiavone, Director of Capital Planning and Management
- Resolution to amend the Coal Severance Fund - Discussion/Action

NEW BUSINESS:

9. Legislative Issues
10. Linda Briganti of the Dolley Madison Garden Club - request to use Commission Meeting Room all day Sat., Dec. 4, 2010 for a Christmas Market Place, with free refreshments, Santa and sale of Christmas House Tour tickets. Discussion/Action
11. Approval of Employment - Jefferson County Commission - Administrative Assistant - Discussion/Action
12. Request from Corporation of Harpers Ferry to utilize the Part-Time Services of Kirk Davis, Capital Projects Manager with assistance in the Potomac Street Construction Project - Discussion/Action
13. Approval of Appointment of Tommy Lee Longerbeam to the Jefferson County Sheriff Reserve - Discussion/Action

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

14. 1:30 p.m. J. Michael Cassell, Esquire - Proposed US 340 Federal Lands Rezoning
15. 1:45 p.m. John Maxey, President Jefferson County Commission
- Response to letter from Lyn Widmyer, County Commission President, regarding the Rezoning of certain Federal lands along US 340

16. 2:00 p.m. Jennie Brockman, Director of Planning and Zoning
- Draft Wireless Telecommunications Facilities Ordinance - Schedule a Public Hearing regarding the Final Draft Wireless Telecommunications Facilities Ordinance amendments to the Zoning and Land Development Ordinance as recommended by the Planning Commission - Discussion/Action
- Quarterly Report of the FY 2011 Work Plan for the Departments of Planning and Zoning

CORRESPONDENCE:

WV Video Lottery Report Received.

Correspondence received regarding approval of 2011 HMEP Planning Grant Application in the amount of \$5,000.00.

WVACO E911 Survey received.

CCAWV notification of upcoming regional meetings with registration information received.

ANNOUNCEMENTS:

Notice - Jefferson County Commission Office closed on Tuesday, November 2, 2010. (Election Day)

RECESS

At all times the County Commission reserves the right to rearrange agenda times because of time constraints and to accommodate the Commission schedule or the public.

Minutes

Jefferson County Commission

Thursday, October 21, 2010

A meeting of the Jefferson County Commission was held on Thursday, October 21, 2010 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. Present were Lyn Widmyer, President, Commissioners Patsy Noland, Dale Manuel, Jim Surkamp and Frances Morgan; Tim Boyde, County Administrator and Debbie Stellato, Administrative Assistant. (An audio tape of this October 21, 2010 meeting is available through the Jefferson County Commission Office.)

The Meeting was called to order at 9:30 a. m. by Commissioner Widmyer.

PLEDGE OF ALLEGIANCE.

APPROVAL OF MINUTES.

Motion by Mr. Manuel to approve the minutes of the September 7, 2010 Special Session/Public Hearing as presented. Motion seconded by Ms. Noland and unanimously approved. (An audio tape of the September 7, 2010 Special Session/Public Hearing is available through the Jefferson County Commission Office.)

Unanimous consent to hold over for one week approval of the Minutes of the October 14, 2010 meeting.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$92,424.69 being purchase order numbers: 49119, 48725, 48970, 48976, 49029, 49031, 48977, 48829, 48831, 49025, 49027, 49028, 49030, 49032, 49033, 48633, 49024 and 48595. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Mr. Manuel to approve \$412,243.15 in accounts payable. Motion seconded by Ms. Morgan and unanimously approved.

Ms Widmyer recommended preparation and implementation of a policy for the use of the P-cards. Mr. Boyde advised that he was currently in the process of drafting a policy.

COUNTY ADMINISTRATOR REPORTS

County Administrator Tim Boyde:

- (1) Reported that repairs are progressing at the Hunter House. He explained that the existing chimney is being torn down and will be built back up at a cost of \$9,000.00. Work should be finished in a week or two.

- (2) Reported that the IPrism web filter services need to be renewed. The vendor has extended a special offer whereby the Commission can purchase a 5-year renewal for the cost of a 3-year renewal. A regular 5-year renewal costs \$18,650.00 and a 3-year renewal is \$11,000.00. There would be a savings of \$7,650.00 by purchasing the 5-year renewal.

Motion by Mr. Manuel to authorize the purchase of a 5-year renewal of the IPrism web filter services at the cost of a 3-year renewal plan. Ms. Morgan seconded the motion and it was unanimously approved.

Ms. Widmyer commented that she received a letter from Lou Tiano of the Parks and Recreation Board complimenting Mark Schiavone, Kirk Davis and Bill Polk for working with them to save money on heating, air conditioning, lighting and electrical. The Board members extended special thanks to Bill Polk for walking the building with them.

COUNTY COMMISSION REPORTS

Commissioner Patricia Noland:

- (1) Reported that she attended the TIF meeting on October 18, 2010 and feels it would benefit Jefferson County.
- (2) Reported that on October 19, 2010 she attended the Jefferson Council on Aging meeting. She stated that its client base is continuing to grow and that it is currently looking for a new director. Meal service will be expanded to Harpers Ferry.

Commissioner Dale Manuel:

- (1) Reported that on October 15, 2010 he attended the Breeders' Classic at the Charles Town Race Track. After the special County Commission Race Mr. Manuel and Ms. Morgan were given the opportunity to present trophies to the winners.
- (2) Reported that on October 16, 2010 he attended the Shepherdstown Train Station Reception and watched a film which outlined the remarks of individuals who had recollections of the train station and what was happening there in the past.
- (3) Reported that on October 18, 2010 he attended the Ranson Centennial Celebration at the Jefferson County Council on Aging. Watched a program on the roots of Ranson 1890 on which was extremely informative.
- (4) Reported that he attended the TIF meeting on October 18, 2010. Stated that he would like to have more specifics on its impact on the education system and funding that's available for schools in Jefferson County.
- (5) Reported that he attended the Emergency Services Agency meeting on October 19, 2010. Emergency Services projected it may have a shortfall in the future, possibly as much as \$200,000.00.
- (6) Reported that on October 19, 2010 he attended a meeting of the Eastern Panhandle Transportation Authority. He stated that the Transportation Authority may need help with allocations for a truck and manpower.
- (7) Reported that on October 20, 2010 he attended a hot dog roast at the Open House Ranson at Lance/Slusher Park. This was part of the Ranson Centennial Celebration that is happening all week.

- (8) Reported that on October 20, 2010 he attended a meeting of Parks and Recreation. They are working on numerous grants, some of which are approved and some have been submitted. Also reported that Parks and Recreation had its elections and it retained its current officers.

Commissioner Jim Surkamp:

- (1) Reported that he attended the TIF meeting on October 18, 2010.
- (2) Reported that he attended the NAACPP Forum at the Clarion Hotel on October 19, 2010.

Commissioner Frances Morgan:

- (1) Reported that she and her niece attended the Breeders' Classic County Commission Stakes Race with Mr. Manuel and his wife on October 15, 2010. She noted that the Municipalities Stakes Race and the County Commission Stakes Race have the same purse as the Governor's - \$50,000.00.
- (2) Reported that on October 18, 2010 she traveled to the Day Report Center in Martinsburg and attended a small graduation for three people who had been through the whole program.
- (3) Reported that on October 19, 2010 she attended a special meeting of the Jefferson County Planning Commission.
- (4) Reported that on the evening of October 19, 2010 she attended the NAACP Forum regarding the State races at the Clarion Hotel.
- (5) Ms. Morgan noted that she read a very interesting article on the front page of the Herald Mail about the Governor of Pennsylvania kicking off the creation of an intermodal freight facility in Franklin County, Pennsylvania that will be worth millions and millions of dollars. According to the article it will bring thousands of jobs to the 81 corridor from Martinsburg stretching up to Carlisle.
- (6) Noted that with regard to election news a Virginia group had placed an ad in Nevada pleading with Latino voters not to vote. The justification behind it was that the candidates had all disappointed this particular group of voters and they were encouraged to boycott the vote.

Commissioner Lyn Widmyer:

- (1) Reported that she attended the Ranson Centennial Celebration about the history of Ranson on October 18, 2010.
- (2) Reported that she attended the Region 9 meeting on October 18, 2010 where it was reported that a new GIS staff member had been hired. Additionally, it was decided to establish a Neal Carpenter Community Service Award. Ms. Widmyer was selected to chair the committee for Region 9 regarding the Chesapeake Bay Initiative.

Unanimous Support for the School Excess Levy:

Motion by Ms. Morgan to express the Commission's support of a resolution and to authorize the drafting of a letter to be used as an advertisement and placed in the Journal and other newspapers and on the County Commission website. Motion seconded by Mr. Manuel and unanimously approved.

Ms. Widmyer will have a press release prepared which will state "Jefferson County Commission urges you to support the tax levy. Paid for by the Commissioners."

Edward Urzan of 949 Summit Point, inquired as to the percentage of property tax that is allocated for the school levy and stated that he supports the school levy.

PRESENTATIONS:

(1) Interview and Appointment – Jefferson County Summit Point Library

Motion by Mr. Surkamp to appoint Edward Urzan to the Board of the Jefferson County Summit Point Library. Motion seconded by Mr. Manuel and unanimously approved.

(2) Doug Pittinger, Director Jefferson County Emergency Services Agency – Strategic Plan Update

Doug Pittinger presented an update on ESA's Strategic Plan. He stated that a formal fiscal management agreement between the fire companies had been signed. In process of hiring a consultant (Delta Development Group based in Pennsylvania) to put together a 5-year strategic plan for ESA. ESA is drafting a letter to Mr. Boyde regarding Commission assistance in paying the consultant's fee.

(3) Lynn Fields, Deputy Probate Clerk – Estate Closings in October 2010

Motion by Ms. Morgan to commence the quarterly fiduciary review. Motion seconded by Mr. Manuel and unanimously approved. Commissioner Noland recused herself.

Ms. Fields presented a listing of estate closings for approval. Motion by Mr. Manuel to accept the listing of estate closings as presented. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Mr. Manuel to adjourn the quarterly fiduciary review. Motion seconded by Ms. Morgan and unanimously approved.

(4) Jennifer S. Maghan, County Clerk's Report

Ms. Maghan reported on early voting statistics.

**(5) Lynn Fields, Deputy Probate Clerk
-Status of Proposed Order – First Interim Accounting of the John J. Warfield Estate**

There were no objections to the proposed order by Jefferson County Commission attorneys. Fiduciary Commissioner, David DeJarnett, Esq., had no objections to its entry.

Motion was made by Ms. Morgan to approve and adopt the First Interim Accounting of the John Warfield Estate. Ms. Noland seconded the motion and it was unanimously approved.

**(6) Legal Update – Ralph Lorenzetti, Prosecuting Attorney
-Contract Brad Stevens**

Reported that the proposed contract for hiring attorney Brad Stevens will be presented to the Commission next week. **Ms. Hewitt-Thomas**, who works with Mr. Stevens, offered a brief overview of Mr. Stevens and his legal work. Mr. Stevens' fee for his legal services is \$27,000.00. The Commission will determine if it will be paid in one lump sum or in installments, monthly or otherwise.

Motion by Mr. Manuel that attorney Brad Stevens' fee be paid in monthly installments. Ms. Morgan seconded the motion and it was unanimously approved.

Mr. Lorenzetti reported that he received a letter from attorney Michael Cassell who is representing individuals who are in opposition to rezoning. Mr. Lorenzetti would like to discuss this matter further with the Commission and asked that the Commission determine if this is an agenda item.

(7) Legislative Issues - Interim Session

Ms. Noland offered an update on several legislative issues. She reminded the Commission that Ms. Vivian Parsons will be here on November 29, 2010 at 3:00 p.m. to report on pending legislative issues. Ms. Noland and Ms. Widmyer recommended that at least one half hour before the 3:00 p.m. meeting on November 29, 2010, the Commissioners should discuss what issues they consider priorities and would like Ms. Parsons to focus on. The time for this discussion should be posted on the agenda.

(8) Proclamation – November 14 – 20, 2010 – National Hunger and Homelessness Awareness Week in Jefferson County, WV (DM)

Motion by Mr. Manuel to approve a Proclamation setting forth the week of November 14 – 20, 2010 as National Hunger and Homelessness Awareness Week in Jefferson County, WV. Motion seconded by Ms. Morgan and unanimously approved.

It was further recommended by the Commissioners to place boxes for the collection of donations in the lobby of the Hunter House and other Jefferson County offices.

**(9) Tim Boyde, County Administrator – Work Session #4
- Policies and Procedures**

- a. **Classification Plan** – Mr. Boyde explained how the Plan is designed and there were no revisions recommended by the Commission.
- b. **Calculation of Compensation** – Mr. Boyde explained the application of the calculations. Discussion followed and it was agreed that some revisions were needed. Mr. Boyde will make the recommended revisions and present a new draft to the Commission next week.

**(10) Cam Siegrist, Attorney, Bowles, Rice, McDavid, Graff & Love, PLLC
Public Hearing on the Issuance of Commercial Development Bonds by Jefferson
County**

The hearing was called to order at 11:30 a.m. Ed McDevitt, Esq. of Bowles, Rice, McDavid, Graff & Love, LLC and Bob Bates, President of Rural Housing Preservation Associates explained the housing rehabilitation program. Currently there are 43 housing units within two projects in Harpers Ferry and Shepherdstown. Mr. McDevitt and Mr. Bates requested approval to issue tax exempt bonds and go forward with the two rehabilitation projects.

There was no public comment or questions regarding the projects.

Ms. Widmyer closed the public hearing and the Commission went into a work session.

Motion by Ms. Noland to approve the rehabilitation of the project apartments in Harpers Ferry and Shepherdstown, subject to legal review and subject to final approval by the Jefferson County Commission. Motion seconded by Ms. Morgan and unanimously approved.

**(11) Alana C. Hartman, WV Department of Environmental Protection, Potomac Basin
Coordinator**

Ms. Hartman presented the Commission with an update on the West Virginia Watershed Implementation Plan. Public meetings will be held on November 3, 2010 from 6:00 p.m. to 8:00 p.m. at the Martinsburg Holiday Inn, and on November 4, 2010 from 6:00 p.m. to 8:00 p.m. at the south Branch Inn in Romney, WV. The Romney meeting will be in the form of a webinar.

Also in attendance at Ms. Hartman's presentation to the Commission were Senator Herb Snyder and Delegates Tiffany Lawrence and Terry Walker. Following Ms. Hartman's presentation Senator Snyder and Delegate Lawrence commented on the Watershed Plan and other legislative issues.

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

LYN WIDMYER, PRESIDENT



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

AGENDA REQUEST FORM

Name: Angie Banks

Department or Entity: Assessor

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: October 28, 2010

Date Requested – 2nd Choice: _____

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

Subject: **Exonerations**

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

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

Attachments:

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

AGENDA REQUEST FORM

Name: Barbara Miller

Department or Entity: Homeland Security and Emergency Management

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: October 28, 2010

Date Requested – 2nd Choice: _____

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

Subject: **Memorandum of Understanding with Jefferson County Schools**

Please provide the County Commission with a description of your request or presentation, including any background information: **Attached are MOUs with each of the Jefferson County Schools for Jefferson County Homeland Security and Emergency Management to use the schools for Points of Distribution, back up command centers, shelters or other uses deemed necessary during a disaster or large emergency. The principals and the school board have already signed off on these. A copy was given to Stephanie Grove for a legal review.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **I move to approve the MOUs with Jefferson County Schools for use of their buildings during disasters.**

Attachments:
One MOU for each school

**Memorandum of Understanding
Between
Jefferson County Board of Education
&**

Jefferson County Office of Homeland Security and Emergency Management

General Purpose: To work together during a disaster whether man-made or natural or during a pandemic/epidemic to make available locations for shelters, command, or food and supplies distribution facilities during an incident.

Jefferson County Board of Education agrees to the following:

1. Provide Blue Ridge Elementary School for the purpose of setting up shelter, command center, or Point of Distribution (POD) site during an incident.
2. Provide the Jefferson County Office of Homeland Security and Emergency Management with two points of contact in case of an emergency:
 - a. An Administrator who will serve as a primary Point of Contact. The person will have authority to open the building for activation.
 - b. A custodian point of contact, who will work with the Jefferson County Jefferson County Office of Homeland Security and Emergency Management personnel to locate and arrange tables, chairs, etc.
3. Work with the Jefferson County Office of Homeland Security and Emergency Management to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they become available.
4. Allow school to be visited by members of the Jefferson County Jefferson County Office of Homeland Security and Emergency Management for the development and maintenance of the County Site Dispensing Plan.
5. Agree to maintain records of school personnel time records and any other school expenses incurred as a result using this facility.

Jefferson County Jefferson County Office of Homeland Security and Emergency Management agrees to the following:

1. Provide a Jefferson County Office of Homeland Security and Emergency Management point of contact to answer questions that the Jefferson County Board of Education may have regarding these arrangements.
2. Use the after-hours contact or request the use of school buildings only during a true disaster or pandemic/epidemic.
3. Work with the Board of Education to ensure good communications prior to and during an incident by relaying pertinent information, advisories, and updates as they are received.

- Return all buildings to the state they were found in prior to the Jefferson County Office of Homeland Security and Emergency Managements use and replace any supplies used during an incident.

This document is a statement of understanding and is not intended to create binding or legal obligation on either party. This document will be reviewed and revised on a yearly basis to remain in effect.

Agreed to and accepted by:

Susan K. Wall

Superintendent, Jefferson County Schools

10-14-10

Date

Susan Begley

Administrator, Blue Ridge Elementary School

10/7/10

Date

Administrator, Jefferson County Office of Homeland Security
& Emergency Management

Date



JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

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

RECEIVED

OCT 18 2010

JEFFERSON COUNTY COMMISSION

October 18, 2010

Jefferson County Commission
Tim Boyde, County Administrator
P O Box 250
Charles Town, WV 25414

Dear Tim:

The Jefferson County Emergency Services Agency has accepted a revised proposal from Delta Development Group for our EMS / Fire and Rescue Strategic Plan in the amount of \$31,500. As you are aware the original proposal was quoted at \$36,936.00 prior to our meeting with the associates from Delta Group on Thursday, October 14th. As a result of this meeting, we now have a new quote of \$31,500. The JCESA committee appointed to award this contract has accepted the new proposal with an immediate start date.

On behalf of JCESA, I would like to ask that the Commission give serious consideration to providing the additional funding needed to cover this contract in it's entirety. The Commission had previously agreed to fund \$25,000 for this project and our Agency is very grateful for that. However, due to budget restraints and increased operating expenses, we are asking for the additional funds of \$6,500.00 to cover the entire cost of our strategic plan. And, if possible, we would like to receive this amount in a lump sum payment to allow us to make payments as invoiced. I appreciate your consideration in this matter and look forward to a favorable response.

Sincerely,

Rolfe M. Kelley
President

cc: Michael Alvarez
JCESA Treasurer

Douglas Pittinger
JCESA Director



JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

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

October 18, 2010

Delta Development Group
Troy D. Truax, AICP, Vice President
2000 Technology Parkway
Mechanicsburg, PA 17050

Dear Mr. Truax:

This letter serves as formal notification that the Jefferson County Emergency Services Agency accepts the revised proposal for your consulting services for our EMS / Fire and Rescue Strategic Plan as outlined. This proposal, dated October 15, 2010, in the amount of \$31,500 is acceptable with the Committee and we wish to start as soon as possible. We will sign and return the contract as soon as we receive it.

From this point forward Michael Athey will be your primary point of contact for our Strategic Plan, as he has been hired as our Strategic Planning Coordinator. Feel free to contact myself or Director Pittinger if we can be of further assistance.

Sincerely,

Rolfe M. Kelley
President

cc: Michael Athey
JCESA Strategic Planning Coordinator

Michael Alvarez
JCESA Treasurer

Douglas Pittinger
JCESA Director

Tim Boyde
Jefferson County Administrator

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

AGENDA REQUEST FORM

Name: Lauren Crowther

Department or Entity: Prosecutors Office

Estimation of amount of time needed for appointment: (under Stephanie's legal update)

Date Requested - 1st Choice: 10/28/10

Date Requested - 2nd Choice: _____

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

This date requested so this process can proceed forward in a timely fashion

Subject:

Contract with Brad ~~Stevens~~ on PATH
Stephens

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

The representation agreement with Brad Stevens has been received & discussed. We need to get this agreement finalized for approval & signatures received.

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

Approval of representation agreement with Brad Stephens,

Attachments:

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Lauren Crowther

Department or Entity: Prosecutors Office

Estimation of amount of time needed for appointment: (under Stephanie's legal update)

Date Requested - 1st Choice: 10/28/10

Date Requested - 2nd Choice: _____

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

This date requested so matters & discussion can continue on quickly to completion.

Subject:

Well drilling for test wells, by Analytical Services, Inc.

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

This matter has been discussed in previous meetings. This will be a continuation of discussion to get closer to completion of matter.

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

Motion for approval of the test well drilling by Analytical Services, Inc.

Attachments:



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

AGENDA REQUEST FORM

Name: Thomas Bayuzik

Department or Entity: Jefferson County Development Authority

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: October 28th

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date: **Advise JCC of status of positions for the Ag Development Officer and the JC Farmland Protection Board Administrator**

Subject:

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:

Commission Office Use Only
 Date on Agenda: 10/28/10
 Appt Time or New Business: 11:15 am

AGENDA REQUEST FORM

Name: Nichelle Hosby

Department or Entity: County Commission

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

Date Requested – 1st Choice: 10-28-2010

Date Requested – 2nd Choice: _____

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

Subject: **Interviews and appointments to the Jefferson County Emergency Services Agency**

Please provide the County Commission with a description of your request or presentation, including any background information: **The Commission needs to appoint one citizen and two fire and EMS representatives to the JCESA each for a three year term and one citizen for an unexpired term ending November 2, 2011.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to appoint _____ to the JCESA for a three year term ending November 2, 2013.**

Motion to appoint _____ to the JCESA for an unexpired term ending November 2, 2011.

Attachments:

Jefferson County Emergency Services Agency

Members Currently serving as of October 18, 2010

Name	Represents	Phone	Expiration
Michael Mood	Fire	304-582-0204	11/2/2011
Todd L. Wilt, II	Fire / EMS	304-728-3926	11/2/2011
Dave Withers	Fire / Resuce	304-725-2570	11/2/2011
John L. Matthews	Citizens	304-725-5624	11/2/2012
R.M. Pete Kelley	Fire / EMS	304-876-3409	11/2/2012
Brendan Soennecken	Citizens	304-261-8178	11/2/2012
Dale Manuel	County Commission	304-728-3284	1/6/2011
Doug Pittinger	Director of ESA	304-728-3287	

Expiring or Resigning member(s) effective October 2010

Name	Represents	Phone	Expiration
Paul Rosa	Fire/EMS	535-9961	11/2/2010
Benda Engle	Fire/EMS	725-6124	11/2/2010
Michael Alvarez	Citizens Kable town	535-6124	11/2/2010
Toni Milbourne	Citizens H.F.	304-724-7970	11/2/2011

Interested Applicants effective June 2009

Name	Represent Address District	Phone	Appearing
Paul Rosa	Fire/EMS	535-9961	yes
Michael Alvarez	Citizens - Kable town	535-6124	yes
Marty Freeman	Citizen Kable town	725-0470	
Brenda Engle	Fire / EMS		no

JEFFERSON COUNTY EMERGENCY SERVICES AGENCY BOARD

Brenda Engle ***Represents Fire/EMS***
50 Westhall Drive
Charles Town, WV 25414
h: 725-7258
3 years 11/2/10

Michael Alvarez ***Represents Citizen***
3775 Kabletown Road
Charles Town, WV 25414
w: 535-6124 / h: 725-2350
3 years 11/2/10

Paul Rosa ***Represents Fire/EMS***
P.O. Box 1350
Harpers Ferry, WV 25425
535-9961
3 years 11/2/10

Toni Milbourne ***Represents Citizen***
P.O. Box 586
Harpers Ferry, WV 25425
304-535-6851
3 years 11/2/2011

Michael Mood ***Represents Fire***
51 Shady Acres Lane
Kearneysville, WV 25430
304-582-0204
3 years 11/02/2011

Todd L. Wilt, II ***Represents Fire/EMS***
1890 Meyerstown Rd.
Charles Town, WV 25414
304-728-3926
3 years 11/2/2011

Jefferson County Commission
East Washington Street
Charles Town, West Virginia 25414

October 25, 2010

Madam President and Commissioners:

I have been serving on the JCESA board for the last 3 years as an EMS Representative. During my tenure I have served as chair of the EMS/Training Committee and have been helping to develop training policy and procedure that will be consistent thru out the county volunteer departments as well as the JCESA. It is my continued hope that we as an agency will be able to grow with and support the volunteers.

Presently I am serving on two committees-the Personell committee and the new Training committee. I would like the opportunity to continue my volunteer work on the JCESA board and complete the projects that are in progress. I am also just getting started on a new project for donation of funds which is in early stages,most recently requested by Mr. Kelly ,our president. I maintain my paramedic staus in the county and have been keeping abreast of all changes in the emergency service world. I have been a firefighter in the past and have knowledge to also be helpful in developing our firefighter base to where we as an agency can offer fire and rescue support to our volunteers 24/7.

Having been a life-long resident with strong family ties to the community I understand the need to have our service expand and bring the county residents into an understanding of what it takes physically and financially to make our families safe.

I would respectfully request that I be re-appointed to the JCESA board for another term.

Sincerely:



Brenda Engle,EMT-P



RECEIVED

OCT 13 2010

JEFFERSON COUNTY COMMISSION

October 13, 2010

Ms. Nichelle Adams Hosby, Executive Assistant
Jefferson County Commission
Post Office Box 250
Charles Town, WV 25414

Dear Ms. Hosby:

I am in receipt of your September 29, 2010 letter informing me that my current term on the board of the Jefferson County Emergency Services Agency will expire on November 2, 2010.

I am writing to let you know that I wish to be reappointed. Please let me know when the Commission will be scheduling interviews.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Rosa".

Paul Rosa

PO Box 1350
Harpers Ferry
WV 25425
phone 304.725.2990
mobile 304.839.1262
prosa@wireless.org
www.wireless.org

Michael Alvarez
3775 Kabletown Road
Charles Town, WV 25414

October 12, 2010

Dear Jefferson County Commission:

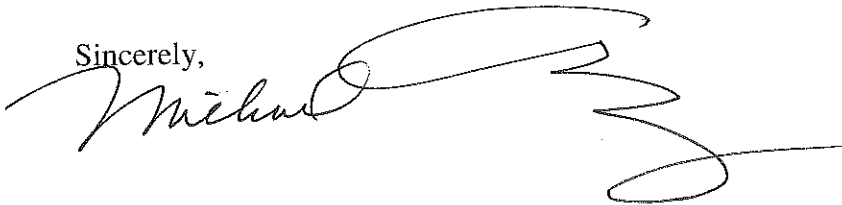
In response to your letter dated September 29, 2010, signed by Nichelle Adams Hosby, I do wish to be considered for another term on the Jefferson County Emergency Services Agency Board (JCESAB).

I served on the Jefferson County Ambulance Authority Board since it was ordinance in 1997 through this past year and in January 2010 I transitioned over to the JCESAB. I held several positions with the Ambulance Authority Board that of Secretary and Treasurer. I currently hold the office of Treasurer for the JCESAB and I'm on the Personnel Committee. My recent accomplishments include the rewrite of the Director's position description and I wrote the position description for the temporary position of Strategic Planning Coordinator. I wrote the Strategic Planning Scope of Work to solicit for bids to obtain a consultant to assist the Board with the development of a 5-year Strategic Plan. I will be involved in negotiations with a potential contractor to come up with their best and final offer. I will assist with development of the award documents.

As this Agency begins transition to paid professional fire and rescue employees; consider fee for service issues, and completes a 5-year Strategic plan I feel that I can be of value to this Agency.

If you would like to interview me or need additional information please contact me. My home email address is arsenioa@frontiernet.net or call me on my cellphone: 540-336-2741.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael", with a large, stylized flourish extending to the right.

RECEIVED

OCT 21 2010

JEFFERSON COUNTY COMMISSION

October 17, 2010

Jefferson County Commission
PO Box 250
Charles Town, WV 25414

To Whom It May Concern:

Please find attached an abbreviated version of my personal resume for your review and consideration of my application for appointment as a citizen volunteer to the Emergency Services Agency.

I have been a resident of Jefferson County since 1999 and my family has been the recipient emergency services in the County. In recent years, I have followed closely the budget "ups and downs" and their affect on this critical budget. I have a great deal of experience working for a Law Enforcement agency on budgets that funded similar critical agency missions. As a grateful recipient of our local services, I want to see this agency prosper and would like to volunteer to assist in reaching that goal.

Your consideration is appreciated.

Sincerely,



Marty L. Freeman
P O Box 945
Charles Town, WV 25414
304 725 0470

Abbreviated Resume

Work Experience:

2004-Present

Senior Tax Adviser
H & R Block, Inc

Serve as a Tax and Financial Adviser to over 350 clients with expertise in the area of personal and business income taxes.

Serve as an Instructor teaching the Basic Income Tax Course and other intermediate classes as assigned.

1998-2004

Principal/Teacher
Way of Faith Christian Academy, Fairfax, VA
The Academy of Christian Education, Reston, VA

Directed the Way of Faith Academy with student population of over 200 students and staff, K4-12 grade. (1998-2001)

Taught Fifth Grade in an advanced academic environment (2001-2004)

1970-1998

Budget and Program Analyst
U. S. Government

U. S. Treasury, Bureau of Government Financial Operations
GS 12 Budget Analyst - Budget Formulation, Presentation and Justification for all areas of the Bureau. (1970-1979)

U. S. Department of Justice, U. S. Marshals Service
GS 13 Budget Analyst – Budget Formulation, Presentation, Justification and Execution within the agency Budget Office. (1979-1988)

GS 14 Budget Analyst – Program Management – Served as Staff Assistant to the Assistant Director for Operations. Budget Formulation, Presentation, Justification with heavy emphasis in the area of Execution of the Operational Budget. Program areas included, Witness Security, Prisoner Transportation and Handling, Fugitive Investigation and Court Security. (1988-1990)

Received the Directors award in 1989 for great strides accomplished in implementing budget tracking and control of funds with the law enforcement programs at USMS.

GM 15 Program Analyst – Lead the custom development and implementation of the agencies Budget Execution and Tracking System. Upon completion of the development and testing phase, developed and presented a custom designed training class for 94 USMS Districts at the Federal Law Enforcement Training Center in Glynco, GA

Received the Directors Award December 1992 from then Director Henry Hudson (Currently a Judge in the Eastern District of Virginia) for accomplishing this demanding task.

Education:

BS Business Administration, George Mason University
BA Business Administration, Northern Virginia Community College
Passed written certification testing for position as Senior Tax Advisor
Licensed Tax Preparer with IRS under new regulations

Volunteer History:

Served on committee that planned the renovated Jail celebration
Assisted the County Budget Staff workload projection and budget development.
Volunteer at the Mt. Zion Retreat Center in Charles Town.
Volunteer for the Hospice of the Panhandle

County Residency – 1999 to Present



JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

419 Sixteenth Avenue

Ranson, WV 25438

E-mail – jeffcoamb@citllnk.net

Telephone – 304-728-3287

Fax – 304-728-6221

Fax

To: <u>Michelle</u>	From: <u>Jody Stagle</u>
Fax: <u>304-725-7916</u>	Date: <u>10/14/10</u>
Phone:	Pages: <u>Cover + 9</u>
Re: <u>JCESTA Bylaws</u>	CC:
<input type="checkbox"/> Urgent <input checked="" type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle	

BYLAWS*Of the***JEFFERSON COUNTY EMERGENCY SERVICES AGENCY**

WHEREAS, on November 13, 2008 the Jefferson County Commission (the Commission) adopted an Ordinance creating the Jefferson County Emergency Services Agency (JCESA)(the Agency)¹ pursuant to Senate Bill 224² and simultaneously dissolved³ the predecessor agency, the Jefferson County Ambulance Authority (JCAA),⁴ and;

WHEREAS, it is desirable to have Bylaws for governance by the JCESA Board of Directors (Board), the Board hereby adopts these Bylaws to effectuate the purposes of the Act and to enable the Board to conduct its business in an open, efficient, orderly, responsible and accountable manner.

ARTICLE 1. FISCAL YEAR

The fiscal year for the Jefferson County Emergency Services Agency shall commence on July 1 of each year.⁵ The fiscal year shall constitute the budget year and shall delineate terms of office for Officers.

¹ Ordinance Creating the Jefferson County Emergency Services Agency, adopted by the Jefferson County Commission on November 13, 2008.

² S.B. 224, Ch. 234, Acts Reg. Sess. (W.Va. 2008).

³ Ordinance Creating the Jefferson County Emergency Services Agency, *supra*, Section 1(b).

⁴ The Jefferson County Emergency Ambulance Authority (JCAA) was created by resolution of the Jefferson County Commission dated September 7, 1995 pursuant to the Emergency Ambulance Service Act of 1975, West Virginia Code Section 7-15-1, *et seq.* On March 27, 2008 the Commission adopted a technical correction amendment changing the name of the agency to the Jefferson County Ambulance Authority (JCAA) to conform the name of the agency to common convention and usage. During the 2008 legislative session, the legislature adopted Senate Bill 224 authorizing Jefferson County (and Jefferson County only) to create a joint Emergency Services Agency for fire and Emergency Medical Services. Section 2(b) of that Act (and Section 2(a) of the Ordinance creating the Jefferson County Emergency Services Authority) provide that "the agency shall possess all of the rights and responsibilities conferred upon emergency ambulance service authorities, county fire associations and county fire boards that are not otherwise inconsistent with state law and local ordinance." The "rights and responsibilities" of County Fire Boards are governed by West Virginia Code Sections 7-17-1, *et seq.*, and those of Ambulance Authorities by West Virginia Code Sections 7-15-1, *et seq.* Thus reference to each of these enactments is needed to ascertain the "rights and responsibilities" enjoyed by the new combined agency.

⁵ Ordinance Creating the Jefferson County Emergency Services Agency, *supra*, Section 8.

ARTICLE 2. BOARD OF DIRECTORS

(a) Governance. Management of the Agency shall be vested in a Board of Directors.⁶ The Board shall consist of eleven voting members⁷ and the Medical Director who shall be a non-voting *ex officio* member. The Board shall be comprised of individuals appointed by the Commission as follows:

- (1) One member of the Jefferson County Commission, who shall be a voting member;
- (2) Five Citizen members who are not currently employed or affiliated with the Commission, or with an emergency medical service or fire protection service in Jefferson County;
- (3) Two representatives of the emergency medical services community in Jefferson County;
- (4) Two representatives of the fire protection services community in Jefferson County;
- (5) A representative appointed by the Jefferson County Fire & Rescue Association; and
- (6) The Medical Director of the EMS program who shall be a non-voting *ex officio* member of the Board.⁸

(b) Geographic Diversity. All Board members shall be residents of Jefferson County.⁹ With the exception of the Commission and Jefferson County Fire & Rescue Association members, no more than three voting members of the Board may come from the same Magisterial District.¹⁰

(c) Terms of Office. Individuals appointed to the Board shall serve for the term specified by the Commission, or until their successors have been appointed and qualified.¹¹ Board members are limited to two consecutive terms.¹²

(d) Compensation. Members and Officers of the Board shall serve without compensation other than reimbursement of approved reasonable and necessary expenses incurred in the discharge of their duties, unless a majority of the Board shall vote to establish such compensation.¹³

⁶ *Id.* Section 3(a).

⁷ Section 3(b) of Senate Bill 224 requires that the Board consist of at least three members as follows: (1) a representative from an emergency medical service; (2) a representative from a fire protection service; and (3) a citizen member who is not employed with an emergency medical service, a fire protection service or the county commission.

⁸ Ordinance Creating the Jefferson County Emergency Services Agency, *supra*, Section 3(b).

⁹ Senate Bill 224, Section 3(c).

¹⁰ *Id.* at Section 3(b)(7).

¹¹ *Id.* at Section 3(d).

¹² Senate Bill 224, Section 3(d).

¹³ This is a carryover provision from the Emergency Ambulance Service Authority Act of 1975, West Virginia Code Section 7-15-1, *et seq.* A subsection thereof, West Virginia Code Section 7-15-6, authorized the Board to compensate members at a rate not to exceed \$20 per meeting actually attended. Section 7-15-7 authorized the Board to fix compensation for Officers without specifying a maximum amount other than the proviso that aggregate annual compensation shall not exceed \$600 per individual.

(c) Meetings. Meetings of the Board shall be classified as Regular, Special, Emergency or Work Session. All meetings shall be conducted in accordance with the West Virginia Open Governmental Proceedings Act.¹⁴ In addition to requirements of West Virginia law, meetings shall be conducted in accordance with Robert's Rules of Order. Any member of the news media or the public may record the open portion of any meeting, subject to reasonable limitations on placement.¹⁵

(1) Regular Meetings. Regular meetings of the Board shall be held on the third Tuesday of each calendar month commencing at 7:00 p.m. in the basement meeting room of the Jefferson County Open Library in Charles Town, or at such other date, time and place as the Board may from time to time determine by resolution. All regular meetings shall be general meetings for the consideration of any and all matters which may properly come before the Board. The notice of, and agenda for, any Regular Meeting shall comply with the requirements of Article 2, Section (e) of these Bylaws so that the public and the news media may be properly informed of the particulars of matters to be discussed at any Regular Meeting.

(2) Special Meetings. Special Meetings of the Board may be called by the President or by any two members upon written request to the Secretary. Upon receipt of a proper request for a Special Meeting the Secretary shall send to all members, at least two business days in advance of any Special Meeting, a written notice setting forth the date, time and place of the Special Meeting and the matters to be considered at the Special Meeting.¹⁶ The notice of, and agenda for, any Special Meeting shall comply with the requirements of Article 2, Section (e) of these Bylaws so that the public and the news media may be properly informed of the particulars of matters to be discussed at any Special Meeting.

(3) Emergency Meetings. Emergency meetings may be called at any time with such advance public notice as is practicable in light of the immediacy of the

¹⁴ West Virginia Code, Chapter 6, Article 9-A-1, *et seq.*

¹⁵ West Virginia Ethics Commission Advisory Opinion 2008-09, at p.5, states "this Committee previously recognized in Open Meetings Advisory Opinions 2001-07 and 2005-08 that the Act allows the media and any member of the public to use a tape recorder, video camera, or other similar device to record the open portion of a public meeting, subject to reasonable limitations set forth in Section 9 of the Act," and that ... "these same rules apply to work sessions."

¹⁶ West Virginia Ethics Commission Advisory Opinion 2007-05, at p. 3, states "the purpose or purposes of any Special Meeting should be stated in a manner that makes the public and the news media aware of the particular matters that will be dealt with at the meeting." Further, Advisory Opinion 2007-06 states, at p. 2, that "in the case of a Special Meeting, where only one or two matters will be addressed by the governing body, the purpose statement within the meeting notice may describe the matters requiring official action to be addressed during the Special Meeting, and no further meeting agenda shall be required. However, if the Special Meeting will deal with several matters, the meeting notice should state that the Special Meeting will address those agenda items described on the Special Meeting agenda, a separate document which should be made available and posted at the same time and in the same manner as the meeting notice."

official action that is required and the nature of the emergency.¹⁷ Notice of the date, time, place and particulars requiring such emergency action shall be given as soon as is practicable in advance of the Emergency Meeting. The notice must explain the facts and circumstances warranting the emergency, and such explanation must also be included in the minutes for the meeting.¹⁸

(4) **Work Sessions.** Work Sessions are meetings subject to the requirements of the Open Meetings Act.¹⁹ Notice of the date, time, place and agenda of a work session should be provided at least two days in advance of the work session.²⁰ A Work Session constitutes an Open Meeting where the public and the media should be able to hear and observe the discussions which take place, subject to the same Executive Session exceptions that apply in a formal meeting.²¹ Minutes for Work Sessions must be prepared in the same manner as for Regular, Special and Emergency meetings.²²

(5) **Executive Sessions.** Executive Sessions are only authorized to consider matters that fall within the twelve exceptions²³ to the West Virginia Open Governmental Proceedings Act.²⁴ Executive Sessions may only be held in the course of a properly noticed public meeting. In order to proceed into Executive Session, a Board member must first move that the governing body meet in Executive Session to discuss a particular agenda item.²⁵ The President or other presiding officer must identify the purpose for, and statutory exception justifying convening an Executive Session.²⁶ The motion to convene an Executive Session

¹⁷ West Virginia Ethics Commission Advisory Opinion 2007-05, at p. 2, states that "ordinarily, an 'emergency' involves an unexpected situation or sudden occurrence of a serious nature, such as an event that threatens public health or safety. In order to satisfy the terms of the exemption, not only must a matter involve an emergency, the governing body must be required to take official action in response to the situation."

¹⁸ *Id.* Further West Virginia Ethics Commission Advisory Opinion 2007-09 states "If an agenda is amended to accommodate an action of an emergency manner, both the meeting agenda and the meeting minutes must explain the facts and circumstances of the emergency."

¹⁹ West Virginia Ethics Commission Advisory Opinion 2008-09, at p. 4, states "work sessions where a quorum of a governing body is present and matters requiring official action by the governing body are discussed, are meetings subject to the requirements of the Open Meetings Act."

²⁰ *Id.*, at pp. 4-5, states "notice should be provided of the date, time, place and agenda of a work session in the same manner as any regular or special meeting of the Board."

²¹ *Id.*, at p. 5.

²² *Id.* The opinion states "the Act requires that minutes be prepared for each meeting. Because a work session ordinarily involves a meeting, minutes are required. If the work session is followed by a formal meeting, the minutes of the work session may be incorporated into the minutes of the subsequent meeting as a single document."

²³ The twelve exceptions are set out in West Virginia Code Section 6-9A-4.

²⁴ West Virginia Code Section 6-9A-1, *et seq.*

²⁵ West Virginia Ethics Commission Advisory Opinion 2008-17, at p. 3, states "the standard procedure for convening an executive session starts with a member of the governing body making a motion to convene an executive session. In stating the motion, the member should identify the authorization in the Open Meetings Act for going into executive session."

²⁶ *Id.*, at p. 4, states "it is not necessary for the motion to reference the particular numbered section of the Code which authorizes an executive session."

must be seconded and shall require the affirmative vote of the majority of the Board members who are present.²⁷

(d) **Quorum.** A majority of the voting members of the Board shall constitute a quorum.²⁸ Each voting member shall have one vote on all matters coming before the Board. The vote of a majority of all voting members present at any meeting of the Board shall be necessary to take any action.²⁹ Votes on all matters that come before the Board shall be by recorded vote in open session.³⁰

(e) **Agendas.** Agendas shall be prepared for all Regular, Special and Emergency meetings, as well as for Work Sessions.³¹ Agendas should list each matter³² requiring official action which the Board expects to address in the course of each meeting.³³ Agenda items for any Regular meeting must be submitted in writing to the Secretary at

²⁷ West Virginia Ethics Commission Advisory Opinion 2007-03, at p. 2, states that "executive sessions may only be held in the course of a properly noticed public meeting. In order to proceed into Executive Session, a member must first move that the governing body meet in Executive Session to discuss a particular agenda item. The required 'authorization' for going into Executive Session may be provided simply by stating the general subject matter covered by a particular exemption in the Act.... The statute requires the presiding officer to identify the authorization for convening an Executive Session. This may be accomplished by the presiding officer either (1) repeating the authority stated in the motion by a member to convene an Executive Session; or (2) stating the authority, while soliciting any of the member to make a motion to convene an Executive Session. An affirmative majority vote is required to convene an Executive Session." Further, Advisory Opinion 2008-17, at p. 3, states "...governing bodies should not decide to go into executive session for a particular agenda item until that item is reached on the agenda, and an appropriate motion is made and vote taken," and at p. 4, states "once the motion to convene an executive session has been made, a majority of the governing body must vote to convene an executive session."

²⁸ Ordinance creating the Jefferson County Emergency Services Agency, *supra*, Section 3(d); West Virginia Code Section 7-15-8. Also Section 6-9A-2(7) of the open Governmental Proceedings Act defines a quorum as "the gathering of a simple majority of the constituent membership of a governing body, unless applicable law provides for varying the required ratio."

²⁹ West Virginia Code Section 7-15-8, *supra*.

³⁰ The West Virginia Open Governmental Meetings Act mandates that "a public agency may not vote by secret or written ballot." West Virginia Code Section 6-9A-8(b). Also, West Virginia Ethics Commission Advisory Opinion 2007-03, at p. 2, states "a series of phone calls to Board members does not constitute a proper meeting. Likewise, a series of face-to-face meetings involving less than a quorum of Board members may not be conducted to avoid holding a properly noticed public meeting."

³¹ West Virginia Ethics Commission Advisory Opinion 2008-17, at p. 2, states "This agenda requirement comprises an essential element of every regular meeting because a proper agenda facilitates meaningful public participation in the process of open government."

³² West Virginia Ethics Commission Advisory Opinion 2008-17, at p. 4, states "this Committee previously determined in Open Meetings Advisory Opinion 2007-10 that a motion to go into executive session may encompass multiple items listed on the agenda, provided that the same exemption, such as a personnel matter that is personal to an individual employee, applies to all of the items. However, the Act does not permit a governing body to discuss the merits of a matter that has not been properly listed on the meeting agenda and which is not encompassed by a motion to convene an executive session."

³³ West Virginia Ethics Commission Advisory Opinion 2007-12, at p. 2, states that agendas "should list each matter requiring official action which the governing body expects to address in the course of a particular meeting." Further, Advisory Opinion 2008-11, at p. 2, states "in order to comply with the Act, the agenda should list each matter requiring official action by the governing body."

least one week prior to the meeting. Agenda items must be described with sufficient specificity to inform the public of the nature of the issue to be considered by the Board.³⁴

The Secretary shall prepare agendas in consultation with the President.³⁵ Agendas should be posted at JCESA's principal offices, at the Jefferson County Courthouse, and provided to local media outlets who have requested in writing that they be placed on a notification list at least three business days in advance of a Regular meeting, and at least two business days in advance of any Special meeting or Work Session.³⁶ When the agenda is posted before the close of business on a regular JCESA business day, that day shall be considered a business day for calculating the requisite notice under this subsection. Notice of an Emergency Meeting shall be posted as soon as is practicable.³⁷

County website as well

Once an agenda has been published by the Secretary it may not be amended absent an emergency requiring immediate official action.³⁸ Although citizens, Board members, or other individuals may raise or ask questions about an issue, if the issue is not on the published agenda, Board members may not make a decision on such matters at the meeting.³⁹ Rather the President, or other presiding officer, shall rule such deliberations

³⁴ *Id.* The opinion states "each item requiring official action should be described in the agenda in a manner that makes the public aware of the particular matters that may be dealt with in the course of the meeting." Further, Advisory Opinion 2008-17, at p. 3, states that "any matter requiring official action by the governing body should be listed on the agenda, employing language that will reasonably place the public on notice of the particular items that will be considered during each meeting."

³⁵ West Virginia Ethics Commission Advisory Opinion 2007-12, *supra*, states "as the presiding official, the Board President has primary responsibility to maintain the order of business." However, in Advisory Opinion 2008-11, the Commission stated "there is no legal requirement that the governing body take up items in the order listed on the agenda. The Committee finds that governing bodies of public agencies have inherent discretion to set the order of business at the beginning of a meeting, and change the order of business in the course of a meeting as circumstances require."

³⁶ West Virginia Ethics Commission Advisory Opinion 2007-09 states "when counting 'business days' for purposes of this opinion, the day of the meeting, Saturdays, Sundays and legal holidays are excluded." Notice of an Emergency Meeting shall be posted as soon as is practicable.

³⁷ West Virginia Code Section 6-9A-3 requires that "each governing body shall promulgate rules by which the date, time, place and agenda of all regularly scheduled meetings and the date, time place and purpose of all Special Meetings are made available, in advance, to the public and news media, except in the event of an emergency meeting requiring official action."

³⁸ West Virginia Ethics Commission Advisory Opinion 2007-05, at p. 3, states "absent a *bona fide* emergency requiring official action, a governing body may neither add an item to the meeting agenda in the course of a public meeting, nor convene an Emergency Meeting including a quorum of the governing body to take official action on a matter that does not require immediate official action." Also, Advisory Opinion 2007-09 states, at p. 2, that "once the weekly agenda has been issued, it may only be amended to address an emergency requiring immediate official action. Routine matters that come up after the agenda has been issued must be held over to the next meeting." Further, Advisory Opinion 2008-11 states that any action on a matter that is not included on a meeting agenda "must be deferred to a subsequent meeting where the matter has been included on a meeting agenda, unless it involves an emergency requiring immediate official action." Advisory Opinion 2007-05, *supra*, also states "the Act provides only one circumstance when a governing body of a public agency May meet and decide a matter which was not on the meeting agenda in advance, and that is when the matter involves 'an emergency requiring immediate official action.'"

³⁹ *Id.* regarding a subject which is not on the agenda, the opinion states "the Board members are not permitted to deliberate among themselves toward a decision on that matter."

out of order⁴⁰ and, if further consideration is to be given to the matter, it must be set on the agenda for a subsequent meeting.⁴¹ Any decisions made in contravention of these provisions shall be declared legally void.

(f) **Minutes.** The Secretary shall be responsible for keeping minutes of all Regular, Special, Emergency and Work Session meetings.⁴² Draft minutes shall be made available to members of the public or news media within a reasonable time after each meeting.⁴³ After corrections and amendments to the minutes have been approved by the Board at a subsequent meeting, the approved minutes shall be signed by the President or Secretary and shall be a public record available to any member of the public or the news media.

ARTICLE 3. OFFICERS.

(a) **Designation.** The Board shall elect the following Officers from amongst its membership: President, Vice-president, Secretary and Treasurer.⁴⁴ Additional officers may be elected as the Board may from time to time deem necessary or desirable, and such additional officers need not be members of the Board.⁴⁵

(b) **Duties of Officers.** The President shall preside over all meetings of the Board and acts as the Board's liaison with the Operations Manager and JCESA staff, as well as with the Commission. The Vice-president shall act in the President's absence or incapacity, or in cases where the President has a conflict of interest. The Secretary shall prepare agendas and ensure that minutes of all Board meetings are kept, and shall make all necessary certifications. The Treasurer shall be responsible for preparing and presenting the annual budget⁴⁶ for the Board's consideration, shall have charge of all JCESA financial records, and shall provide financial reports to the Board at its regular meetings.

(c) **Term of Office.** Officers shall take office on July 1 of each year and shall serve for the ensuing fiscal year.

⁴⁰ West Virginia Ethics Commission Advisory Opinion 2008-17, *supra* at p. 5, states "the chair of the governing body has primary responsibility for seeing that a public meeting is conducted in an orderly and legal fashion, including insuring that the members do not stray into deliberating toward a decision on a matter which is not on the meeting agenda, and which does not represent a *bona fide* emergency. However, all members of a governing body share responsibility for conducting the organization's business within the parameters the Legislature has established for holding open governmental meetings."

⁴¹ West Virginia Ethics Commission Advisory Opinion 2007-05, *supra*, at p. 3.

⁴² West Virginia Code Section 6-9A-5 provides that "each governing body shall provide for the preparation of written minutes of all of its meetings." West Virginia Ethics Commission Advisory Opinion 2008-09, at p. 5, states "the Act requires that minutes be prepared for each meeting. Because a work session ordinarily involves a meeting, minutes are required. If the work session is followed by a formal meeting, the minutes of the work session may be incorporated into the minutes of the subsequent meeting as a single document."

⁴³ *Id.* at p. 4, which states "copies of draft minutes for any previous Regular or Special meeting or Work Session should also be made available to the public and media upon request."

⁴⁴ Ordinance creating the Jefferson County Emergency Services Agency, *supra*, Section 3(e).

⁴⁵ This is a carryover provision from the Emergency Ambulance Service Act of 1975, West Virginia Code Section 7-15-7, *supra*.

⁴⁶ *Id.*, at Section 7-15-9.

(d) Qualification. The President and Vice-president must have been members of the Board for at least one year prior to the beginning of the fiscal year for which they are nominated for election; and must have attended at least eight regular meetings, and a majority of Special and Emergency meetings, during the year proceeding the commencement of the fiscal year for which they are seeking office. The Secretary shall certify attendance records and requisite times of service prior to a vote on any nominees.

(e) Nominations. The President shall issue a call for nominations for each office for presentation at the June meeting, or at such other Regular or Special meeting as may be designated by a majority of the Board for election of Officers. Individuals may nominate themselves, or be nominated by other members. Prior to commencement of any election, nominees shall indicate their willingness to accept the nomination and to serve if elected. After the close of nominations and prior to voting, the President shall allow members to address questions to nominees with respect to their qualifications, and shall allow members of the public to comment on issues germane to the election. After acceptance of comments, the President shall conduct a vote, and then repeat the process for each additional office. In the event the President is a nominee for any office, the Vice-president shall act in the President's role with respect to nominations and elections for that office.

(f) Continuity. Officers shall continue in their position until such time as their successors are elected and qualified.⁴⁷ In the event an Officer position shall become vacant for any reason, the President shall cause an election to be held at a Regular or Special meeting of the Board to fill the vacant Officer position.

ARTICLE 4. COMMITTEES

The President may appoint committees as necessary to assist the Board in the conduct of the Agency's business. The President shall also designate the chair of each such committee. Committee meetings shall be held in accordance with the Open Meetings Act as more specifically set out in Article 2 of these Bylaws.

ARTICLE 5. CONTINUING JURISDICTION

The Commission shall retain continuing jurisdiction and the Agency shall in all respects remain subject to the jurisdiction and authority of the Commission.⁴⁸

ARTICLE 6. AMENDMENT

Amendments to these Bylaws must be approved by a vote of two-thirds of the members of the Board. Proposed amendments must be presented at the Regular Meeting immediately preceding the Regular Meeting at which any vote on the proposed

⁴⁷ Ordinance Creating the Jefferson County Emergency Services Agency, *supra*, Section 3(d).

⁴⁸ Ordinance Creating the Jefferson County Emergency Services Agency, *supra*, Sections 4(b) and (7).

amendments is taken. Such amendments shall be submitted to and approved by the Commission.⁴⁹


ARTICLE 7. SEVERABILITY & CONSTRUCTION

In the event of a conflict between the terms of these Bylaws and those of the Ordinance, the terms of the Ordinance shall govern. If any section, subsection, clause, phrase or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining provisions of the Ordinance, nor impair or nullify the remainder of the Ordinance, which shall continue in full force and effect.⁵⁰

THESE BYLAWS were adopted by the Board on the 3rd day of March, 2009.

WITNESS:


R. M. Kelley, President


Paul Rosa, Secretary

APPROVED BY THE JEFFERSON COUNTY COMMISSION this _____
Day of March, 2009

Dale Manuel, President

⁴⁹ *Id.* Section 4(b).

⁵⁰ *Id.* Section 9(b).

8

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: F. Mark Schiavone

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: 28 October 2010

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date: Although this is not particularly time sensitive, I will not be available the following week and the Commission will not meet on November 11th.

Subject: Approval of revision 002 to the Coal Severance Fund (Fund 002)

Please provide the County Commission with a description of your request or presentation, including any background information: This revision is required to fund certain decisions made by the County Commission.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): Move to approve the resolution to amend the Coal Severance Fund.

Attachments: (1) Draft resolution, (2) SAO Request for Revision to Approved Budget, (3) detail worksheet.

Ora Ash, Director
 West Virginia State Auditor's Office
 200 West Main Street
 Clarksburg, WV 26302
 Phone: 627-2415 ext. 5114
 Fax: 627-2417

REQUEST FOR REVISION TO APPROVED BUDGET

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

JEFFERSON COUNTY COMMISSION
 GOVERNMENT ENTITY

CONTROL NUMBER
2011
 FY
002
 FUND
002
 REV. NO.
1 OF 1
 PG. OF NO.

Person To Contact Regarding
 Budget Revision: **F. Mark Schiavone**
 Phone: **(304) 728-3337**
 Fax: **(304) 724-2178**

PO BOX 250 124 E. WASHINGTON STREET
 STREET OR PO BOX
 CHARLES TOWN 25414
 CITY ZIP CODE

County
 Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES)

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
412	Agricultural Agent		4,750		4,750
428	Data Processing		30,000		30,000
431	Economic Development		12,000		12,000
800	Local Health Department		23,700		23,700
986	County Commission	425,296		70,450	354,846
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures

APPROVED BY THE STATE AUDITOR

BY: Director, Local Government Services Division Date

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

RESOLUTION

At a regular session of the Jefferson County Commission, held 28th October, 2010, the following order was made and entered:

SUBJECT: The revision of the Coal Severance (Fund 002) Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 002, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by _____, and duly seconded by _____, the vote thereon was as follows:

_____	Yes
_____	Yes
_____	Yes
_____	Yes
_____	Yes

WHEREUPON, Lyn Widmyer, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and F. Mark Schiavone is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

Coal Severance Fund (002) Draft Budget

Account	Description	2009 Actual	2010 Budget	2010 Actual	2011 Request	REV001	PENDING
Revenues							
002-299-00-002	CS UNEMCUMB BAL BUDGETED	-	466,483	-		275,296	
002-305-TT-000	COAL SEVERANCE TAX	168,279	40,000	83,287	150,000	150,000	
002-365-II-000	CS INTEREST EARNED	11,499	-	3,529			
002-366-MM-000	MISCELLANEOUS REVENUE	-	-	-			
	TOTAL REVENUE		506,483	86,816	150,000	425,296	425,296
Expenditures							
002-401-02-223-000-GG-000	CO COMM PROF SERVICES	-	-	-			
002-401-02-230-000-GG-000	CO COMM CONTRACTED SRVCS	-	80,000	29,000			
002-401-04-459-000-GG-000	CO COMM CAP/OUTLAY-EQUIP	-	-	-			
002-401-05-566-000-GG-000	CO COMM TRANS TO FUNDS	-	113,483	21,000			
	TOTAL COUNTY COMM		193,483	50,000			
002-412-02-230-000-GG-000	AG AGT CONTRACTED SERVICE	-	-	-			4,750 /1
002-424-02-215-000-GG-000	CT HSE MAIN/REPAIR-BLDG	-	-	-			
002-425-04-457-000-GG-000	OTHR BLDGS CAP/OUTLAY	-	-	-			
002-428-03-341-000-GG-000	DATA PROC MATERIALS/SUPPLY	-	-	-			30,000 /4
002-431-05-568-000-GG-000	ECON DEV OTH CONTRIBUTION	-	-	-			12,000 /2
002-699-05-599-000-GG-000	CONTING ACTUARIAL RESERVE	-	-	-			
002-711-05-566-000-PS-000	EMG SVC TRANS TO FUNDS	-	-	-			
002-712-04-459-000-PS-000	COMM CTR CAP/OUTL EQUIP	-	-	-			
002-800-02-219-000-HS-000	HLTH DEPT BLDG RENTAL	29,660	30,000	19,774	30,000		
	TOTAL HLTH DEPT	29,660	30,000	19,774	30,000		
002-801-05-567-000-HS-000	MTL HLTH TRANS TO ENTITIE	-	8,000	-			23,700 /3
002-986-04-459-000-CP-000	CO COMM CAPITAL O/L	50,000	275,000	291,101	120,000	425,296	354,846
	TOTAL CO COMM C/O	50,000	275,000	291,101	120,000	425,296	
002-992-04-459-000-CP-911	COMM CTR - CAPITAL OUTLAY	-	-	-			
	Total Revenues				150,000	425,296	425,296
	Total Expenditures				150,000	425,296	425,296
	Rev/Exp				-	-	-

Notes

- /1 Act of County Commission on 7 Oct 2010
- /2 Act of County Commission on 14 Oct 2010
- /3 Refer to East Ridge Billing and related documents [DMS XXX]
- /4 Estimated cost to replace switches and upgrade servers in FY 2011

SAO SUMMARY	Start	adj	End
412 Ag-A			4,750 4,750
428 Data			30,000 30,000
431 EDA			12,000 12,000
800 Mental			23,700 23,700
986 CC CAP	425,296		70450 354,846
TOTALS	425,296		- 425,296

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

AGENDA REQUEST FORM

Name: Linda Briganti

Department or Entity: Dolley Madison Garden Club

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

Date Requested – 1st Choice: 10-28-10

Date Requested – 2nd Choice: _____

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

Subject: **Use of County Commission meeting room to host a Christmas Market Place**

Please provide the County Commission with a description of your request or presentation, including any background information: **Request the use of the County Commission meeting room from 9:00 a.m. to 5:00 p.m. on December 4, 2010 to use as a Christmas Market Place. Will have refreshments, a Santa and sell tickets for the Christmas House Tour in Charles Town. (The Dolley Madison Garden Club is a not-for-profit organization.) Please see documents attached.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the use of the County Commission meeting room by the Dolley Madison Garden Club from 9:00 a.m. to 5:00 p.m. on Saturday, December 4, 2010 for the purpose of a Christmas Market Place.**

Attachments: 4

10/28/10

COUNTY COMMISSION MEETING ROOM

REQUEST FORM

Date Requested: DECEMBER 4, 2010

Meeting Time: all day to

Organization Name: Dolley Madison Garden Club

Purpose of Meeting: CHRISTMAS MARKET PLACE, Refreshments, SANTA, XMAS HOUSE TOUR TICKETS

Please attach a brief description of your organization. (You may attach other printed materials.)

Please check the boxes on all that apply to your organization:

- Has previously used the library
Is a not-for-profit organization
Can provide a certificate of insurance
Indemnification Form provided in lieu of certificate of insurance

By signing this Request, I acknowledge that I have read and fully understand the Jefferson County Commission Meeting Room Policy for the use of the County Commission Meeting Room located at 200 East Washington Street lower level of the Old Charles Town Library. I agree to assume personal responsibility for my organization's compliance with these regulations, the behavior of all those attending any meeting or program, and the care of the meeting room and all property within the room.

Person Making Request: (printed): LONDA BRIGANTI

Signature of Person Making Request: [Handwritten Signature] Date: 10-15-10

Contact Person:

(If other than the representative signing above)

Representative's Address: 617 S. Seminary St Charles Town WV 25414

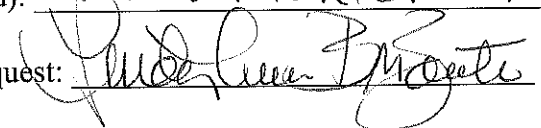
Telephone: 304-724-8801 Fax:

COUNTY COMMISSION MEETING ROOM

INDEMNIFICATION FORM

As the individual or the authorized representative of the organization making the reservation, I agree to indemnify and hold harmless the Jefferson County Commission, its agents and representatives, from any and all lawsuits, action, claims or demands of any character or nature arising out of or brought on account of injuries or damages sustained by any person(s) as a consequence or result of using the meeting room, its furnishings or its equipment.

Person Making Request: (printed): LINDA BRIGANTI

Signature of Person Making Request:  Date: 10-15-16

Contact Person: _____
(If other than the representative signing above)

Representative's Address: 617 S. Seminary St.
Charles Town WV 25414

Telephone: _____ Fax: _____

E-mail: beemup1@comcast.net

Dolley Madison Garden Club

The Dolley Madison Garden Club has been active in the community for over fifty years. The club is limited to a membership of 24 as we meet in the homes of members. Members all live within Jefferson County.

Over the years many beautification projects have been undertaken by the club.

Most recently we were responsible for the renovation of the Old Charles Town Library landscaping.

We have worked with the local schools and will soon begin a permanent gardening project at the Alternative School in Charles Town.

We started a planting pot recycling program in conjunction with Meadows Farms.

We have an on going association with Shenandoah Valley Health Center to offer enrichment programs for their residents.

We always participate in the very popular House and Garden Tour that takes place the last weekend in April.

We have offered volunteer help to Friends of Happy Retreat for the Washington Homes Tours.

Dolley Madison Mission Statement

To beautify and enhance the environment through the use of plants and projects in our county, giving selflessly of our time, knowledge and resources to each other and our community.

Christmas Walking Tour of Historic Charles Town Homes
and
Christmas Marketplace
December 4, 2010

The Tour and Market is being organized by Dolley Madison Garden Club in conjunction with the City of Charles Town and several other Jefferson County garden clubs. The purpose is to provide an additional attractive community activity on the same day as the annual Christmas Parade. This is a fundraising activity to benefit the participating clubs as they prepare to host the West Virginia Garden Clubs State Convention in April 2011.

At present, five, and perhaps seven, generous residents have agreed to having their homes shown. In addition, two churches and the Old Charles Town Museum will be on the tour. The homes will be decorated for Christmas and the tour will include only the first floors. Ticket price will be \$15.

As an enhancement to the experience, the tour will include a Christmas Market and a stop for refreshments. Local merchants will be invited to display their offerings. The table charge will be \$25. We will also encourage local non-profits, such as the Historical Society, Friends of Happy Retreat and member garden clubs to participate. We hope to have a vendor of greens, wreaths and seasonal arrangements (but not Christmas Trees) as well.

Refreshments planned are for hot spiced cider, cold cider and homemade cookies.

Ticket holders will be protected by the City of Charles Town's insurance while on the streets and sidewalks, while on private property any recourse would be to the property owner's insurance.

All docent and other volunteer help will be provided by the participating garden clubs. The clubs have a combined membership of approximately 80 members.

We expect this to be a festive experience for everyone.

Contact:

Ginny Rowzie 304-728-6641
drowzie@comcast.net

Linda Briganti 304-724-8871
beemups@comcast.net

10/15/10

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

AGENDA REQUEST FORM

Name: Tim Boyde

Department or Entity: Jefferson County Commission

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: 10-28-10

Date Requested – 2nd Choice: _____

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

Subject: **Approval of Employment - Jefferson County Commission - Administrative Assistant, II.**

Please provide the County Commission with a description of your request or presentation, including any background information: **After advertisement of the position of Administrative Assistant, II in the Jefferson County Commission Office, receipt of resumes and Employment Applications and subsequent to applicant interviews, it is requested that the Commission approve applicant for permanent employment.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve applicant for permanent employment with the Jefferson County Commission as Administrative Assistant, II.**

Attachments:

JEFFERSON COUNTY

Personnel Requisition

Department Name County Commission Office Date September 17, 2010 Date Needed 10-4-10

Job Title Administrative Assistant Salary \$25,625 Minimum Criminal History Check Yes No

Suggested Recruitment Source(s) Website; Daily publications

Applicants Interviewed By Sandy McDonald Position Reports To Same

Minimum Education Required: H.S. Diploma or Equivalent

Minimum Experience Required: Basic office software preferred but not required

Job Duties: Answering phones, taking and preparing minutes, reports, faxing, handle inner-office mail, data entry, attend assigned Commission meetings (including some night meetings) and related duties.

Budget Information

Addition Replacement Explain or For Whom Laura Kuhn

Position Budgeted Yes No Proposed Salary _____ Date of Hire _____

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

Safety/Security No Hours Per Week 35

Approvals

Elected Official Approval _____ Date _____

Department Head Approval _____ Date _____

County Commission Approval _____ Date _____

Comments _____

**Jefferson County, West Virginia
Job Description**

Position Title:	Administrative Assistant	Grade Level:	II
Department	County Commission Administration Office	Date:	06-24-10
Reports to:	County Administrator	FLSA Status	NE

Statement of Duties: The employee performs administrative, clerical services in support of the operation of the County Commission Administration department. Employee is required to perform all similar or related duties.

Supervision Required: Under general supervision of the County Administrator, the employee is familiar with the work routine and uses initiative in carrying out recurring assignments independently with specific instruction. The supervisor provides additional, specific instruction for new, difficult or unusual assignments, including suggested work methods. The employee is expected to recognize instances which are out of the ordinary and which do not fall within existing instructions; the employee is then expected to seek advice and further instructions. Reviews and checks of the employee's work are applied to an extent sufficient to keep the supervisor aware of progress, and to insure that completed work and methods used are technically accurate and that instructions are being followed. In many cases, the work is self checking, for example, requiring accounts to balance before proceeding.

Supervisory Responsibility: Employee, as a regular and continuing part of the job, does not regularly supervise other County employees.

Confidentiality: Employee has access to some confidential information obtained during performance of regular position responsibilities such as client or department records.

Accountability: Consequences of errors, missed deadlines or poor judgment may include adverse public relations, monetary loss, legal repercussions, and jeopardize programs.

Judgment: Numerous standardized practices, procedures, or general instructions govern the work and in some cases, may require additional interpretation. Judgment is needed to locate, select, and apply the most pertinent practice, procedure, regulation or guideline.

Complexity: The work consists of a variety of duties which generally follow standardized practices, procedures, regulations or guidelines. The sequence of work and/or the procedures followed vary according to the nature of the transaction and/or the information involved, or sought, in a particular situation.

Work Environment: The work environment involves everyday discomforts typical of offices, with occasional exposure to outside elements. Noise or physical surroundings may be distracting, but conditions are generally not unpleasant. Employee may be required to work beyond normal business hours to attend evening meetings.

Nature and Purpose of Public Contact: Relationships with co-workers and the public involving frequent explanation, discussion or interpretation of practices, procedures, regulations or guidelines in order to render service, plan or coordinate work efforts, or resolve operating

County Commission Administrative Office
Administrative Assistant

6/24/10

Jefferson County, West Virginia
Job Description

problems. Other regular contacts are with service recipients and employees of outside organizations such as vendors, banks and contractors. More than ordinary courtesy, tact, and diplomacy may be required to resolve complaints or deal with uncooperative or uninformed persons. Employee may furnish news media with routine information such as meeting agendas, press releases or departmental procedures.

Occupational Risk: Duties of the job present little potential for injury. Risk exposure is similar to that found in typical office settings.

Essential Functions:

The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

1. Serves the public through answering telephone calls, greeting visitors to the County Commission office and responding to inquiries from County offices and members of the public.
2. Takes and records minutes of meetings, prepares minutes, reports and agendas for meetings of the County Commission, other County departments and committees, other special meetings and attends night meetings; ensures the accurate and timely entry and indexing of County Commission minutes into Law Order books.
3. Performs secretarial and administrative duties including, but not limited to, preparing correspondence, data entry, preparing purchase orders, faxing, photocopying, picking up and delivering mail, filing, and ordering supplies and equipment.
4. Assists in the yearly budget process, organizes related documents and correspondence for the department.
5. Responsible for the Identification Badge system for county employees, contractors and outside agencies.

Recommended Minimum Qualifications:

Education and Experience: High School degree (Associate's degree preferred), with three to five (3-5) years related work experience; or any equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job.

Special Requirements: Drivers license and Notary Public may be required.

Knowledge, Abilities and Skill

Knowledge: Common policies, practices and procedures of the department and office operations; laws and regulations pertinent to position functions. Working knowledge of the Internet in support

County Commission Administrative Office
Administrative Assistant
6/24/10

Jefferson County, West Virginia
Job Description

of department operations.

Abilities: Ability to interact effectively and appropriately with the public and other personnel, perform multiple tasks and maintain confidential information.

Skills: Proficient personal computer skills, mathematical skills, recordkeeping and clerical skills, written and oral communication skills. Effective customer service skills.

Physical and Mental Requirements

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions.

Physical Demands: Little or no physical demands are required to perform the work. Work effort principally involves sitting to perform work tasks, with intermittent periods of stooping, walking, and standing. There may also be some occasional lifting of objects such as books, office equipment and computer paper.

Motor Skills: Duties are largely mental rather than physical, but the job may occasionally require minimal motor skills for activities such as moving objects, operating a telephone system, computer and/or most other office equipment, typing and/or word processing, filing, and sorting.

Visual Demands: Visual demands include constantly reading documents for general understanding and for analytical purposes, routinely reviewing non-written materials such as instrumentation for analytical purposes.

Administrative Assistant

The County Commission of Jefferson County, West Virginia is seeking an Administrative Assistant to help with day to day office activities including, but not limited to, providing customer service, taking notes and preparing weekly meeting minutes, preparing correspondence, filing, delivering mail, and clerical support.

Applicants shall be high school graduates (associate's degree preferred), with three to five years related work experience; or any equivalent combination of education, training and experience. Position requires excellent verbal and written communication skills, good typing skills and knowledge of general office equipment. Duties include general office work as well as setting up audio/visual equipment for day and evening meetings and taking notes and preparing the minutes of the meetings. Must be proficient with Microsoft Office, WordPerfect, Microsoft Excel and Powerpoint.

Employee benefits package includes West Virginia State Public Employees Retirement System plan, paid health insurance, paid vacation and sick leave, and at least twelve paid holidays per year.

Submit application/resume by October 19, 2010 to:

Jefferson County Commission
Attn: Nichelle Hosby
P.O. Box 250
Charles Town, WV 25414

Equal Opportunity Employer

12 1/10/23/A



Corporation of Harpers Ferry

1000 WASHINGTON STREET

P.O. BOX 217

Harpers Ferry, West Virginia 25425

(304) 535-2206

FAX (304) 535-6520

James Arthur Addy

MAYOR

RECORDER
KEVIN GARDEN

TOWN CLERK
BRENDA SMITH

COUNCIL MEMBERS

CHARLOTTE THOMPSON

DAN RISS

ELAYNE EDEL

JOE ANDERSON

PAT MORSE

1 October 2010

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

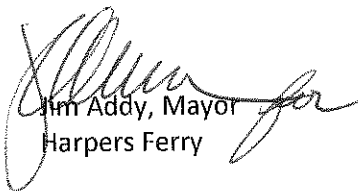
Dear Commissioners:

We are requesting the part time services of Capital Projects Manager, Kirk Davis to assist in the administration and construction phases of our Potomac Street Project.

The Jefferson County Commission graciously donated \$60,000.00 to our project to restore, preserve and revitalize Potomac Street in lower town, Harpers Ferry. This generous contribution aided us in receiving a grant from the WVDOT.

We sincerely appreciate the generosity of the County Commission and sincerely believe that Mr. Davis's expertise will aide us to bring the project to a successful completion.

Kind Regards,


Jim Addy, Mayor
Harpers Ferry


Al Alsdorf, Chairman
Harpers Ferry Historic Town Foundation

RECEIVED

OCT 20 2010

Jefferson County Commission

13

Telephone: 728-3205
Tax Office: 728-3220
Fax: 728-3299



SHERIFF and TREASURER of Jefferson County

Robert E. Shirley
P.O. Box 9
Charles Town, WV 25414

RECEIVED

OCT 4 9 2010

JEFFERSON COUNTY COMMISSION

August 23, 2010

MEMORANDUM

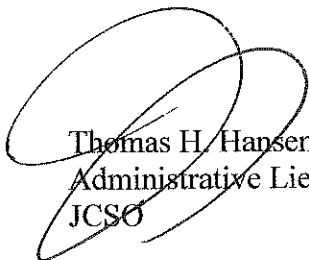
TO: Jefferson County Commission
FROM: Lt. T. H. Hansen
SUBJECT: Approval of new appointment

The Jefferson County Deputy Sheriff Reserve is a wholly volunteer organization and has become invaluable to the Jefferson County Sheriff's Office. Tommy Lee Longerbeam has applied for appointment to the Deputy Sheriff Reserve. A background investigation has been completed on Mr. Longerbeam, and he has been deemed suitable for appointment. I am requesting permission to appoint Tommy Lee Longerbeam to this exceptional organization.

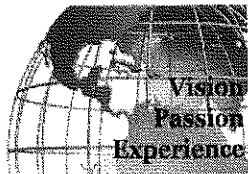
Pending your approval, we anticipate Mr. Longerbeam will be appointed soon thereafter.

Thank you for your consideration and attention to this matter.

Respectfully submitted,



Thomas H. Hansen
Administrative Lieutenant
JCSO



**CAMPBELL
FLANNERY**
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

201 North George Street
Suite 202
Charles Town, West Virginia 25414
Telephone: (304) 725-5325
Facsimile: (304) 724-8009

14
J. Michael Cassell, Esq.
Principal
JCassell@CampbellFlannery.com

October 19, 2010

Hand Delivery

Tim Boyd,
County Administrator
Hunter House
Charles Town, West Virginia

Re: Proposed US 340 Federal Lands Rezoning

Dear Mr. Boyd:

Old Standard, LLC and Eugene Capriotti retained me to represent them with regard to the above-captioned Proposal. Please place my name on the Agenda for the regular County Commission Meeting on October 28, 2010. My clients are adjoining landowners to various parcels owned by the Federal Government. We wish to lodge our objection to the proposed rezoning.

I thank you.

Sincerely,

J. Michael Cassell, Esq.

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

AGENDA REQUEST FORM

Name: Jennie Brockman, Director

Department or Entity: Planning & Zoning

Estimation of amount of time needed for appointment: 15

Date Requested – 1st Choice: October 28, 2010

Date Requested – 2nd Choice: _____

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

John Maxey, Planning Commission President has requested this date.

Subject:

Response to letter from Lyn Widmyer, County Commission President, regarding the rezoning of certain Federal lands along US 340.

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

On October 12, 2010 at the regularly scheduled Planning Commission meeting, a letter from Lyn Widmyer, County Commission President, was presented to the Planning Commission. She asked, on behalf of the County Commission, that the Planning Commission consider delaying their petition to rezone certain Federal lands until after the 340 Corridor study has been completed. Mr. Maxey, on behalf of the Planning Commission, would like to clarify why the Planning Commission feels that it is important to move forward with the rezoning as planned. Please see his attached response.

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

I move to support the Planning Commission in their efforts to rezone certain Federal lands and continue with the previously scheduled public hearing on this topic on November 18, 2010 at 7 pm in the County Commission Meeting Room.

Attachments: **Letter from John Maxey, Planning Commission President**



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

AGENDA REQUEST FORM

Name: Jennie Brockman, Director

Department or Entity: Planning & Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: October 28, 2010

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:
The Planning Commission requested that their recommended draft be forwarded to the County commission on this date.

Subject: **Draft Wireless Telecommunications Facilities Ordinance**

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

In July, 2010, the Planning Commission tasked staff with initiating a public input process of a draft Wireless Telecommunications Facilities Ordinance that would serve as an amendment to Article 4B and related sections of the Zoning and Land Development Ordinance. A number of open stakeholders meetings were held. On October 12, 2010, the Planning Commission held a Public Hearing on a revised draft ordinance. Additional comments were received from both industry representatives and citizens at the Public Hearing. The Planning Commission held a Subcommittee Meeting on October 19, 2010 to review and either approve, deny or amend all recommended changes to the Draft Wireless Telecommunication Facilities Ordinance and develop a final draft. This final draft version will be presented to the entire Planning Commission at their regularly scheduled meeting on October 26, 2010. At the October 26, 2010 Planning Commission meeting, the Planning Commission will vote to recommend the Draft Wireless Telecommunication Facilities Ordinance to the County Commission at their next regularly scheduled meeting on October 28, 2010.

Please note that in addition to rescinding the existing Article 4B and adopting the replacement Article 4B, the Wireless Telecommunications Facilities Ordinance, there are several related amendments included in this draft. These include changes to related definitions in Section 2.2; changes to Sections 4.3 and 4.4, removing the reference to a section that is no longer in effect; changes to Section 4.7; Section 4.11; and Section 9.2.

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

I move to schedule a Public Hearing on _____ (date certain) regarding the Final Draft Wireless Telecommunications Facilities Ordinance amendments to the Zoning and Land Development Ordinance as recommended by the Planning Commission.

Attachments:
Draft Wireless Telecommunications Facilities Ordinance

**Related Zoning Ordinance Amendments for Review and Adoption Concurrent with
Article 4B**

[2.2 Definitions]

Comment [SB1]: Four existing definitions to be deleted and replaced with new definitions.

Collocation

The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

{AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE JULY 1, 1998}

Monopole

A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

{AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE FEBRUARY 11, 1998}

Wireless Telecommunications Facility

A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

{AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE FEBRUARY 11, 1998}

Wireless Telecommunications Tower

A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

{AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE FEBRUARY 11, 1998}

[4.3, Nonconforming Uses Section]

4.3 (h) Nonconforming commercial wireless telecommunications antenna, commercial wireless telecommunications equipment shelter(s), commercial wireless telecommunications facility(s) and commercial wireless telecommunications tower(s) cannot expand under this provision while Article 1, Section 1.6 is in effect. {AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE FEBRUARY 11, 1998}

Comment [SB2]: Sec. 1.6 not in effect.

[4.4, Prohibited Uses Section]

4.4 J Commercial wireless telecommunications antenna, commercial wireless telecommunications equipment shelter, commercial wireless telecommunications facility and commercial wireless telecommunications tower while Article 1, Section 1.6 is in effect. {AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE FEBRUARY 11, 1998}

Comment [SB3]: Sec. 1.6 not in effect.

ARTICLE 4B. WIRELESS TELECOMMUNICATION FACILITIES

Section 4B.1 Purpose and Legislative Intent

The purpose of Article 4B, Wireless Telecommunication Facilities, is to balance the needs of residents of and visitors to Jefferson County for reliable access to wireless telecommunication networks and services with the community's desire to preserve the County's rural, historic and agricultural character and the quality of its residential neighborhoods.

To accomplish these objectives and to ensure that the placement, construction or modification of wireless telecommunication facilities complies with the provisions of the Telecommunications Act of 1996 and other Federal laws, and is consistent with Jefferson County's land use policies and Comprehensive Plan, this Article is intended to regulate the construction, placement and operation of wireless telecommunication facilities within Jefferson County. When any provision of this article is in conflict with any provision of the Jefferson County Zoning Ordinance or the Jefferson County Subdivision and Land Development Regulations, the stricter regulation shall apply.

This Article establishes parameters for the siting of Wireless Telecommunication Facilities. It is Jefferson County's intent to:

- A. Ensure access to reliable and robust wireless communications services throughout Jefferson County consistent with the aforementioned objectives;
- B. Encourage the use of existing structures such as buildings, water towers, silos, church steeples, monopoles, lattice towers, utility poles, electric distribution and transmission structures and other existing structures for the co-location of Wireless Telecommunication Facilities;
- C. Encourage the location of new Wireless Telecommunication towers in non-residential areas, with taller towers limited to the Industrial-Commercial zoning district;
- D. Minimize the number of new Wireless Telecommunication Towers that would otherwise need to be constructed by providing incentives for the use of existing structures;
- E. Encourage the location of new Wireless Telecommunication Towers, to the greatest extent possible, in areas where the adverse impact on the community will be minimal; and by encouraging the use of camouflage or concealment to create structures such as silos, faux trees and flagpoles that mimic elements that typically are found on Jefferson County's agricultural landscape and that appear in scale and context with their surroundings.

- F. Minimize or mitigate the potential adverse visual effects associated with the construction of Wireless Telecommunication Towers through the implementation of reasonable design, landscaping and construction practices;
- G. Ensure public health, safety, welfare, and convenience; and
- H. Conform to Federal and State laws that allow certain antennas to be exempt from local regulations.

2.2 Definitions

Accessory Equipment	Any equipment serving or being used in conjunction with a Wireless Telecommunications Facility. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.
Alternative Structure	For antenna-mounting purposes, a structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. The term Alternative Structure includes, but is not limited to, buildings, silos, water tanks, pole signs, lighting standards, steeples and electric distribution, electric transmission or other utility poles.
Antenna	Any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, Personal Communications Services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas.
Antenna Array	Two or more antennas that operate as components of a complete antenna suite for a single Wireless Telecommunication Facility.
Antenna, Concealed	An antenna that is designed and/or erected on or in a building or alternative structure in such a way that it blends in with the existing façade and/or is located in such a way that it is not readily visible or discernible to the average individual at the adjacent street level.
Appalachian Trail Overlay District	For purposes of the Wireless Telecommunication Facilities Ordinance, the area within one mile of the centerline of the Appalachian Trail.
Broadcast Tower	A structure situated on a lot that is intended for transmitting television or AM/FM radio signals.

Cell on Wheels “COW”	A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle- mounted and contains a telescoping boom as the antenna support structure.
Co-location	For purposes of regulating commercial wireless telecommunication facilities, co-location means the placement of additional antennas or antenna arrays on an existing or approved telecommunication tower or support structure (or alternative structure), or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. Co-location includes antennas, combiners, transmitters, receivers and related electronic equipment, cabling, wiring, equipment enclosures and other components or improvements associated with a wireless telecommunication facility.
Commercial Wireless Service Provider	Persons or entities who operate radio systems requiring an FCC license and who employ those facilities to provide point-to-point microwave links for wireline communication services (or connectivity between adjacent antenna sites), fixed wireless (including microwave), or mobile wireless communication services to third parties for compensation. Commercial Wireless Service Providers include, but are not limited to Cellular, Personal Communication Services (PCS), Specialized Mobile Radio (SMR), Enhanced Specialized Mobile Radio (ESMR), paging, Competitive Local Exchange Carriers (CLEC) utilizing point-to-point microwave, and other point-to-point microwave links for wireline communication services.
Department	The Jefferson County Planning and Zoning Department.
Discernible	Capable of being distinguished with the eye or mind from its surroundings as a telecommunications tower.
Electric Distribution Poles	Metal, wooden or concrete towers and poles used to suspend wires transporting electricity between substations at the terminus of transmission lines and individual customer premises.
Electric Transmission Towers	Metal, wooden or concrete towers and poles used to suspend wires transmitting electricity between generating plants and substations supplying electricity to distribution and feeder lines.
Equipment Enclosure	For purposes of regulating Wireless Telecommunication Facilities, equipment enclosure means a building, cabinet or shelter used to house transmitters, receivers and other electronic equipment and accessories.

FAA	Federal Aviation Administration.
FCC	Federal Communications Commission.
Functionally Equivalent Services	FCC licensed providers of Commercial Mobile Radio Services (CMRS) classified as Cellular, Personal Communication Services (PCS), Paging, Specialized Mobile Radio (SMR) and Enhanced Specialized Mobile Radio (ESMR).
Governmental User	Federal, state or local governments, or agencies or instrumentalities thereof, volunteer fire departments or rescue squads which operate radio systems (including microwave) requiring an FCC license, and which employ those facilities exclusively for intra-governmental or inter-governmental public service, public safety or administrative purposes.
Harpers Ferry Overlay District	For purposes of regulating Wireless Telecommunication Facilities, an area bounded on the north by a line running west from the Potomac River shore to and along Engle Switch Road to its intersection with Route 230; thence south along Route 230 to its intersection with the CSX Railroad Valley Line; thence south along said railroad to Milepost 4 on the railroad at its intersection with Millville Road; thence east from that point to and across the Shenandoah River to a point 1000 feet distant on the eastern shore of the said Shenandoah River; then following a line 1000 feet inland from that opposite shore of the Shenandoah River to its confluence with the Potomac River; then along a line 1000 feet inland from the Potomac river shore running east to the Virginia state line; thence north to the Potomac River shore; thence west along the shore of the Potomac River to the point of origin. This district excludes the area within the jurisdictional boundaries of the town of Harpers Ferry and the town of Bolivar.
Historic Resource	A site, structure, area, or district possessing historic importance as defined by the U.S. Department of Interior, West Virginia State Historic Preservation Office, Jefferson County Historic Landmarks Commission, or other governmental agency.
Lattice Tower	A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.
Monopole	A support structure constructed of a self-supporting hollow metal tube securely anchored to a foundation.
Neighborhood	An area generally confined to a one-mile radius from the perimeter of a proposed development.

PCS	Personal Communication Services.
Primary Public Safety Provider	An FCC licensed governmental user that uses wireless telecommunication facilities to provide primary communications for law enforcement, fire, ambulance or related emergency services. Primary Public Service Provider does not include Commercial Wireless Service Providers, or Competitive Local Exchange Carriers (CLEC), who provide telecommunication services on a commercial basis to Primary Public Service Providers, or who deliver emergency calls or messages from its customers to a Public Safety Answering Point (PSAP).
Private Business User	Persons or entities which operate radio facilities (including microwave) requiring an FCC license solely for intra-company communications and who do not employ those facilities to offer fixed or mobile wireless communication services, or point-to-point microwave links for commercial wireline communication services, to third parties for compensation.
Support Structure	A structure designed to support Wireless Telecommunication Facilities including, but not limited to, monopoles, lattice towers, utility poles and other freestanding self-supporting structures.
Tower Base	The foundation, usually concrete, on which a telecommunication tower is situated. For measurement calculations, the tower base is the actual or geometric center of the tower. For structures lacking a foundation the tower base is the ground elevation of the structure.
Tower Height	The vertical distance measured from the tower base to the highest point on a telecommunication tower, including any antennas or other equipment affixed thereto, but excluding any lightning protection rods extending above the tower and attached equipment.
Tower Site	The land area (including any associated easement areas) that contains, or will contain, any proposed telecommunication tower, related equipment enclosures and other improvements; together with any tower fall zone.
Utility Poles	Metal, wooden or concrete poles used to suspend wires or cables for electric, telephone or television cable services.
Visible	Capable of being seen by the unaided eye in the daylight.
Wireless Telecommunication Antenna	The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

Wireless Telecommunication Equipment Shelter	The structure in which the electronic receiving, transmitting and relay equipment for a wireless telecommunications facility is housed.
Wireless Telecommunication Facility	A facility consisting of the equipment and structures involved in transmitting or receiving telecommunications or radio signals to or from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.
Wireless Telecommunication Facility, Co-Located	See Co-location.
Wireless Telecommunication Facility, Concealed	A wireless telecommunication facility with all antennas camouflaged to match or complement the color and architectural treatment of the surface of an existing structure upon which they are mounted; or which have all facility components concealed behind a façade or parapet wall, or inside a radome on a monopole that does not exceed the diameter of the monopole, or interlaced within or atop an electric distribution tower.
Wireless Telecommunication Facility, Temporary	A vehicle-mounted or portable wireless telecommunication facility including portable towers, antennas, equipment enclosures, generators and associated electronics, cabling, wiring and hardware. Such a facility may include, but is not limited to, "cell on wheels" mobile equipment.
Wireless Telecommunication Tower	A structure intended to support equipment and antennas used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.
Wireless Telecommunication Tower, Speculative	A Wireless Telecommunications Tower developed without binding commitments from one or more FCC licensees to utilize the tower within six (6) months of issuance of a certificate of occupancy for the Tower.

Section 4B.2 Classification of Wireless Telecommunication Facilities and Development Review Process

For purposes of administering this Article, Wireless Telecommunication Facilities (hereafter "Facilities" or "Facility") shall be classified as follows:

1. Exempt Facilities as specified in Section 4B.3
2. Concealed Wireless Telecommunication Facilities
3. Co-located Wireless Telecommunication Facilities
4. Temporary Wireless Telecommunication Facilities
5. Wireless Telecommunication Towers

Exempt Facilities are allowed by right. Prior to the issuance of a Zoning Certificate, all other types of new Wireless Telecommunications Facilities listed above require approval of a Minor Site Plan as described in the Jefferson County Subdivision and Land Development Regulations and also meeting the submittal and design requirements of this Article. Additionally, Wireless Telecommunication Towers shall require submittal of a Concept Plan and a public hearing to allow for an analysis of demonstration of need, neighborhood compatibility, impact on cultural and historic resources, and visual mitigation.

Within ten (10) days of receiving a Concept Plan application for a Facility the Department shall notify the applicant in writing (1) that the application is sufficient or (2) the particular information needed as required by the provisions of this Article and the Jefferson County Subdivision and Land Development Regulations, to constitute a sufficient application. Once the additional information is received and the application is found to be sufficient, the Department shall notify the applicant of that finding.

Section 4B.3 Exempt Facilities Allowed by Right

This section covers antennas other than those associated with commercial wireless telecommunication facilities, such as facilities associated with governmental users, television and radio broadcast facilities, and private business users requiring an antenna support structure of twelve feet or less. Antennas allowed by right subject to special requirements of this section include:

- A. Amateur radio facilities mounted on supporting structures less than 100 feet in height provided however, that commercial wireless providers and private business users may not co-locate antennas on an amateur radio tower irrespective of its height.
- B. Residential antennas for receiving television or AM or FM radio broadcast signals.
- C. Residential or business customer premise antennas for receiving microwave, satellite or broadcast television signals, provided such antennas are less than one meter (39.4 inches) in diameter and are mounted on a support structure less than twelve (12) feet in height.

Section 4B.4 Concealed Wireless Telecommunication Facilities

Concealed Facilities are permitted in all zoning districts. The Department may issue a Zoning Certificate for a Concealed Facility consistent with the following terms and conditions:

- A. Concealed Facilities are permitted on buildings and alternative structures (other than telecommunication towers).
- B. For purposes of this section antennas mounted on electric transmission towers shall qualify as Concealed Facilities provided that antennas associated with such facilities do not extend more than twenty (20) feet above the top of the supporting structure. Equipment enclosures associated with such facilities may be mounted on the structure, placed underground or on the ground. If placed on the ground, equipment enclosures shall be placed on a concrete pad, metal skid or platform, or other foundation and screened so as to make them unobtrusive.
- C. For purposes of this section antennas mounted on an electric distribution pole, utility or street lighting pole or traffic light pole shall qualify as a Concealed Facility provided antennas associated with such facilities shall not extend more than twenty (20) feet above the top of the existing support structure.
- D. Utility poles may be extended up to twenty (20) feet in height to accommodate antennas for a Concealed Facility.
- E. For any utility pole height increases in the Harpers Ferry Overlay District, the Department shall refer the application to the Jefferson County Historic Landmarks Commission for review and comment before issuing a Zoning Certificate.
- F. Applications for such utility pole height extensions in the Appalachian Trail Overlay District shall be referred by the Department to the Appalachian Trail Conservancy and the National Park Service for review and comment prior to issuance of a Zoning Certificate.
- G. Antennas associated with Concealed Facilities, if flush-mounted on the side of a building or alternative structure, shall be camouflaged to match or complement the color and architectural texture of the surface.
- H. Antennas associated with a Concealed Facility shall not be co-located on a tower or other support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.
- I. Equipment enclosures associated with Concealed Facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or façade which is camouflaged to match or complement the color and architectural treatment of the building. If antennas are placed on a structure other than a building, equipment enclosures associated with the facility may be mounted on the structure or placed underground or at ground level on a concrete pad, metal skid or platform, or other foundation. If placed at ground level, such equipment enclosures shall be screened so as to make them unobtrusive.
- J. All cabling and wiring connecting antennas, equipment enclosures, and other components of Concealed Facilities shall be colored or concealed in a manner that renders them unobtrusive.

- K. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between 8:00 a.m. and 7:00 p.m.
- L. Equipment associated with a Concealed Facility not located in a public right-of-way must meet the setback requirements for the zoning district in which it is located.

Section 4B.5 Co-located Wireless Telecommunication Facilities

Co-located Wireless Telecommunications Facilities are permitted within all zoning districts. Co-location includes the placement of additional antennas or antenna arrays on an existing or approved telecommunication tower or support structure (or alternative structure or Concealed Telecommunication Support Structure), or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. The Department may issue a Zoning Certificate for a Co-located Facility consistent with the following terms and conditions:

- A. Antennas associated with a Co-located Facility shall not be co-located on a support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.
- B. Co-located Facilities shall meet the following design standards:
 - 1. Antennas associated with a Co-located Facility located on a monopole shall, where practical, be mounted so as to present the smallest possible silhouette, profile or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:
 - a. Antennas within a cylindrical radome matching the diameter of a monopole;
 - b. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.
 - c. Antennas mounted as an array arranged around a platform extending from the monopole.
 - 2. All equipment enclosures and other improvements accessory to a co-located Facility shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure may exceed twelve (12) feet in height.
 - 3. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between the hours of 8:00 a.m. and 7:00 p.m.
 - 4. Equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. The Department may require as a condition of approval that the fencing be screened by a landscaped buffer of at least 10 feet in width planted along the entire exterior perimeter of the fence. Such a buffer must contain at least one row of native vegetation and form a continuous screen at least 6 feet in height. All buffer yards shall be maintained by the

property owner. It will be the responsibility of the property owner to maintain the buffer yard and to replace any trees or shrubs that die. The landscaping requirements of this section do not apply to an application for co-location on a site with an approved site plan. The Department may waive or modify the fencing requirement upon a determination that doing so will enhance the overall appearance of the facility without any compromise in safety or security.

5. Signage at any ground-based portion of a Co-located Facility site shall conform to FCC and FAA standards. No commercial signage is permitted.
6. Before an application for a Co-located Facility can be processed, a copy of the applicant's FCC license must accompany its application. If FCC licenses for the applicant have been provided to the Jefferson County Department of Planning & Zoning in conjunction with previous wireless facility applications, the applicant may certify that such licenses remain in full force and effect.

Section 4B.6 Temporary Wireless Telecommunication Facilities

Temporary Facilities are permitted in all zoning districts. The Department may issue a Zoning Certificate for a Temporary Facility consistent with the following terms and conditions:

- A. Temporary Facilities, including but not limited to Cell on Wheels (COW), may be placed at or near the location of an existing, proposed or approved Facilities for periods up to seventy-two (72) hours for equipment or signal propagation testing purposes or, where an existing facility is temporarily unavailable due to scheduled or unscheduled maintenance, without any requirement for a permit. Where scheduled or unscheduled maintenance will extend beyond seventy-two (72) hours, the wireless provider must obtain a Zoning Certificate. The Department may issue such a certificate for up to thirty (30) days upon a showing of good cause by the applicant. Such certificate may be extended for an additional thirty (30) day period if the applicant can demonstrate that extenuating circumstances necessitate an extension.
- B. In the event of a natural disaster, catastrophic event or public emergency that either renders an existing Facility unusable, or creates an urgent need for supplemental capacity to manage the emergency, temporary facilities may be placed in any area as necessary to provide coverage or capacity for longer periods upon the authority of the Director of the Office of Homeland Security and Emergency Management, with notification to the Director of the Planning and Zoning Department.
- C. Permits may be issued by the Department for up to one week for temporary facilities needed in conjunction with scheduled special events at specific locales that are likely to generate a need for additional capacity at the event which is expected to exceed existing installed capacity.
- D. Fees for permits for Temporary Facilities shall be in accordance with the Department of Planning and Zoning schedule of fees and charges.

Section 4B.7 Wireless Telecommunication Towers

Wireless Telecommunication Towers (hereafter "Tower" or "Towers") are permitted in all zoning districts subject to the provisions of this section. The provisions of this section apply to an application for a new Tower, as well as for a major modification to an existing Facility or Support Structure that results in a substantial change to the facility or structure, including but not limited to a height extension of more than twenty (20) feet or ten percent (10%) of the current height of a facility or structure, whichever is greater, and/or replacement of the structure.

This section is not applicable to co-location of a new antenna array on an existing structure.

A. Site Plan Required

A minor site plan shall be required for all new Towers, as well as for Major Modifications to an existing Facility or Support Structure resulting in a substantial change to the Facility or Structure. In addition to the site plan review requirements of the Subdivision and Land Development Regulations, the site plan shall include all elements of a Concept Plan as established in Subsection B, and shall address conditions established by the Planning Commission in its review of the Concept Plan.

B. Concept Plan Submittal and Public Hearing Required

In addition to the requirements for a minor site plan, a proposed Tower shall require the submittal of a Concept Plan, subject to the following requirements:

1. Required elements for a Wireless Telecommunications Tower Concept Plan shall be the same as for a site plan as established in the Subdivision and Land Development Regulations, Appendix A, Sec. 1.3A, with the exception of Subsections 1.3A.20-22, 24-29, 31-35.
2. The following additional elements must be submitted:
 - a. Outside dimensions, use, and setbacks of all existing and proposed buildings, structures, towers, antennas, utility lines, driveways, and parking areas
 - b. Height of the proposed tower measured from ground level at the center of the proposed structure, and height comparison to any nearby buildings or trees, or other applicable structures and natural landforms part of the site's background and foreground landscape
 - c. Elevations and Cross-Section: Display topography with all proposed facilities including tower, equipment shelter and existing buildings
 - d. Number, size and location of proposed and existing antennas; number of co-locations possible
 - e. Method of camouflage (if any)
 - f. Locations of known historic structures
 - g. A description of the anticipated construction and installation schedule
 - h. Documentation verifying compliance with applicable Federal Communications Commission (FCC) standards and requirements to provide the proposed services

- i. Narrative addressing the design criteria of this section
 - j. Dates, address list, and notice for Balloon Test
 - k. Balloon Test exhibits as required in subsection G of this section
 - l. Propagation maps as required in subsection F of this section
 - m. Any other relevant information
 - n. Additional application requirements of subsection H of this section.
3. Submittal and review of a Concept Plan shall follow the review process and timeline established in Sections Sec. 24.119 – 24.122 of the Subdivision and Land Development Regulations, with the following exceptions:
- a. The application shall be exempt from 24.120A, Agency Reviews, and 24.120D, WVDOH, except as otherwise provided in this subsection.
 - b. Following the Department's determination of the sufficiency of a Concept Plan application,
 - i. the Department shall notify the Jefferson County Historic Landmarks Commission of an application filing.
 - ii. the Applicant shall provide a copy of the completed Concept Plan application to the Appalachian Trail Conservancy and the National Park Service, if required by the Cultural and Historic Resources Review standards of this section.
 - c. The Concept Plan shall be reviewed at a public hearing conducted at a scheduled Planning Commission meeting. The scope of this public hearing shall include a demonstration of need as required under this article, neighborhood compatibility, impact on cultural and historic resources, visual mitigation, the submittal and design criteria of this article, and the compatibility of the facility proposal with the Comprehensive Plan, as well as any relevant information presented by any person that addresses the purpose and intent of this Article. The Planning Commission shall review the proposed Tower for compliance with the standards in this article and, if applicable, provide conditions relevant to the scope of the public hearing and/or unique characteristics of the proposed development site, to be addressed in the Department's approval of the site plan.
 - d. Before the Department may approve a site plan for a Tower, the Planning Commission must find, by a majority vote, that the Concept Plan application complies with this article, and that the application is consistent with the Comprehensive Plan.

C. Retention of Consultants

The Department may elect to retain outside consultants or professional services to review a Concept Plan or site plan application for a Tower and to make recommendations on relevant issues including, but not limited to, verification of the applicant's compliance with the provisions of this article, analysis of alternatives, conditions of approval, and compliance with State and Federal rules and regulations at the applicant's expense.

D. Applicant's Burden of Proof

The applicant for a site plan for any Tower bears the burden of demonstrating by substantial evidence in a written record that a *bona fide* need exists for the proposed structure at its proposed height and location-as required in subsection F, "Demonstration of Need, and that it has met all submittal and design criteria in this Article.

E. Proof of Eligibility

Speculative Towers are prohibited. Before an application for a Tower can be processed, a copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the tower within six (6) months of issuance of a certificate of occupancy for the Tower. Such demonstration shall include submittal of an affidavit by the FCC licensee(s), and a copy of each wireless provider's FCC license. If such FCC licenses have been provided to the Department in conjunction with previous tower applications, the applicant may certify that such licenses remain in full force and effect.

F. Demonstration of Need

As part of its application submission for a Concept Plan and for a site plan the applicant shall be required to submit propagation maps demonstrating a technical need for its proposed Tower and justifying the height of its antennas on the structure. One propagation map shall depict existing coverage without the proposed site and another depicting coverage with the proposed site. Such maps shall identify all adjacent sites whether existing, approved or proposed, and each map shall be accompanied by an engineer's affidavit attesting to the parameters or variables used to create the map.

Such propagation studies shall be submitted in both hard copy and in electronic format to facilitate information sharing, inclusion on the county's web site and to otherwise maximize public awareness.

G. Balloon Test

1. An applicant shall conduct a balloon or crane test to simulate the maximum height of the proposed Tower. Following the test, the applicant shall submit color photo simulations showing the proposed structure as it would appear viewed from the closest residential property or properties and from adjacent roadways. Photographs should be taken from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and from up to five significant structures or locations identified by the Department. A map shall be supplied identifying the location of each photo. Before and after photo exhibits will be presented.
2. Notice of the dates and times of such tests shall be mailed to all property owners within a one-quarter mile (1320 feet radius) from the proposed location, in addition to the Historic Landmarks Commission at least ten (10) days prior to such tests. The applicant shall utilize address and owner

information on file at the Jefferson County Assessor's Office. Such notices shall designate a primary date and an alternate date in case of inclement weather. Notices shall state that there is an application to the Planning Commission for a Wireless Telecommunication Tower on the property and provide the file number. The Department shall review and approve the sufficiency of the notice and the list of addresses prior to mailing. An affidavit of mailing accompanied by a list of recipients and addresses shall be included in the application file.

3. Such notice shall also be published in the legal advertisements section of a newspaper of general circulation in Jefferson County at least ten (10) days prior to such tests. Such notices shall designate a primary date and an alternate date in case of inclement weather. The newspaper's affidavit of publication shall be submitted as part of the application file.
4. In the event the applicant seeks to increase the height of the proposed Tower, or move its location more than one hundred (100) feet laterally, from that stated in its original notices, additional notice shall be required to be given consistent with the above requirements.

H. Preferred Structures and Locations Policy

1. Co-location Encouraged. Prior to the approval of the construction of a new Tower, it is the policy of Jefferson County to encourage co-location of wireless facilities in the following locations:
 - a. Co-location of antennas on existing electric transmission towers.
 - b. Co-location and the use of existing or approved towers, buildings or alternative structures such as buildings, water towers, silos, church steeples, and utility poles more than fifty (50) feet in height within a one-quarter mile radius of a proposed Tower, where appropriate.
2. Preferred Support Structures. In light of Jefferson County's agricultural, and increasingly residential character, it is the policy of Jefferson County that for Facilities located outside the Industrial-Commercial zoning district, support structures for antennas are desired in the following descending order of preference:
 - a. Silos
 - b. Other Alternative Structures
 - c. Monopoles
 - d. Lattice Towers
3. Preferred Locations. For new Towers, it is the policy of Jefferson County to encourage use of the following facilities or locations, in descending order of priority:
 - a. The Industrial - Commercial District
 - b. Non-residential areas screened by existing vegetation and located outside of the Industrial - Commercial District

4. Application Requirements. In furtherance of the Preferred Structures and Locations Policy in this Article, the following provisions shall apply to an application for a site plan for a Tower:
- a. The application must demonstrate that the proposed Tower is designed structurally, electrically, mechanically and in all other respects to accommodate additional wireless users unless the applicant demonstrates that structure height, topography, or other factors render this requirement unfeasible. An application must include an affidavit from the tower owner affirming that, subject to exceptions for structure height, topography, or other factors which make co-location unfeasible, the tower is available for co-location.
 - b. A site plan for a Tower shall not be approved if an electric transmission tower with capacity of 230 kV or less is located above, or within twenty-five (25) feet below, the ground elevation of, and within a one quarter mile radius laterally, of a proposed Tower, unless the applicant can demonstrate that:
 - (1) Sufficient easements or other interests in real property cannot be obtained to accommodate the Facility on the electric transmission tower;
 - (2) The electric utility owning the electric transmission tower is unwilling to allow its use for wireless facilities;
 - (3) Reasonable terms, rates, or conditions cannot be negotiated with the electric utility;
 - (4) The location of the tower will not allow the applicant to meet coverage or capacity requirements; or
 - (5) Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon existing or approved towers.
 - c. Where suitable electric transmission towers are not available for co-location of antennas, a site plan for a Tower located outside the Industrial-Commercial zoning district shall not be approved unless the applicant demonstrates that the equipment planned for the proposed Tower cannot be accommodated on existing or approved towers, buildings, silos or other alternative structures more than fifty (50) feet in height within a one-quarter mile radius of the proposed Tower due to one or more of the following reasons:
 - (1) The planned equipment would exceed the structural capacity of the existing or approved tower, building or alternative structures, as documented by a qualified and licensed professional engineer, and the existing or approved tower, building or structure cannot be reinforced modified or replaced to accommodate planned or functionally equivalent equipment at a reasonable cost;
 - (2) Existing and approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary

- to function reasonably, as documented by a qualified and licensed professional engineer;
 - (3) Reasonable terms, rates, or conditions cannot be negotiated with the owner of the structure and/or property;
 - (4) The location of the structure will not allow the applicant to meet coverage or capacity requirements; or
 - (5) Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon existing or approved towers, buildings or alternative structures.
- d. Antennas associated with an application for a Facility may not be co-located on a tower or other support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.

I. Cultural and Historic Resources Review

1. In addition to the notification requirements of this Section, an application for a Tower shall comply with the following:
 - a. An application for a proposed tower within the Harpers Ferry Overlay District shall be provided, by the applicant, to the National Park Service for review and comment, and the applicant will provide the Department an affidavit certifying delivery.
 - b. An application for a proposed tower located within one mile of the Appalachian Trail shall be provided, by the applicant, to the Appalachian Trail Conservancy and the National Park Service for review and comment, and the applicant will provide the Department an affidavit certifying delivery.

J. Design Criteria

Wireless Telecommunication Towers shall comply with the following design criteria:

1. Antenna Mounting Preferences

Antennas associated with a Tower shall, where practical, be mounted so as to present the smallest possible silhouette, profile or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:

- a. Antennas within a cylindrical radome matching the diameter of a monopole.
- b. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.
- c. Antennas mounted as an array arranged around a platform extending from the monopole.

2. Height Restrictions

- a. Towers in the Industrial-Commercial zoning district shall not exceed 199 feet. Towers in all other zoning districts shall not exceed 100 feet. If a silo is used for a support structure for antennas, the height of the silo shall not exceed 120 feet.
- b. Antennas may extend up to twenty (20) feet above the height of existing electric transmission towers if such height extensions are preferable to placement of a new Tower.

3. Fall Zone

- a. With the exception of silos, Towers shall be set back from all property lines a distance equal to 110% of tower height measured from the base of the structure to its highest point. Additional easements may be acquired on adjacent properties to meet the fall zone requirement.
- b. No residential dwellings may be located in the fall zone on either the primary parcel or in any easement area on adjacent parcels.

4. Signage

Signage at any ground-based portion of a Facility site shall conform to FCC and FAA standards. No commercial signage is permitted.

5. Lighting & Marking

Towers shall not be lighted or marked unless required by the FCC or by the FAA.

6. Electrical Supply

Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between the hours of 8:00 a.m. and 7:00 p.m.

7. Fencing

Towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. The Planning Commission may require as a condition of approval that the fencing be screened by a landscaped buffer of at least 10 feet in width planted along the entire exterior perimeter of the fence. Such a buffer must contain at least one row of native vegetation and form a continuous screen at least 6 feet in height at planting. All buffer yards shall be maintained by the property owner. It will be the responsibility of the property owner to maintain the buffer yard and to replace any trees or shrubs that die.

The Planning Commission may waive or modify the fencing requirement upon a determination that doing so will enhance the overall appearance of the facility without any compromise in safety or security.

8. Tower Color

Towers shall have a flat gray or galvanized finish unless the Planning Commission determines that another color scheme would be a preferable alternative to address visual mitigation and such scheme is consistent with FCC and FAA standards for antenna structure marking.

Section 4B.11 Maintenance & Removal Bonds

Prior to issuance of a Zoning Certificate, each applicant for a Facility shall be required to execute a standard Maintenance / Removal agreement binding the applicant and its successors and assigns to properly maintain the exterior appearance of, and to ultimately remove such facilities, upon abandonment or cessation of operations. The applicant shall be required to post a bond for this purpose in accordance with the Department of Planning & Zoning schedule of fees and charges. The applicant shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of the Maintenance/Removal agreement have been satisfied. Private business users operating a single Facility at their principal place of business and Governmental Users are exempt from this bond requirement.

Section 4B.12 Abandonment & Removal

- A. Any Facility or Support Structure that is not operated for a period of twelve (12) consecutive months may be referred to the Property Safety Enforcement Agency Board for a determination of the structural soundness of the Facility or Structure.
- B. If a structure is determined to be unsound, it will be considered abandoned.
- C. The owner or operator of any Facility or Support Structure shall remove the Facility pursuant to the requirements of the Jefferson County Property Safety Ordinance.

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

AGENDA REQUEST FORM

Name: Jennie Brockman, Director

Department or Entity: Planning & Zoning

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

Date Requested – 1st Choice: October 28, 2010

Date Requested – 2nd Choice: _____

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

The first quarter of FY 2011 ended September 30, 2010. Attached is a quarterly report on the Departments of Planning and Zoning’s Work Plan for FY 2011.

Subject: Quarterly Report of the FY 2011 Work Plan for the Departments of Planning and Zoning

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

In the Spring 2010, Departments were asked to submit a Work Plan to the County Commission for their use is developing the County Budget. The Work Plan described the proposed work efforts for the Fiscal Year July, 2010 through June, 2011. At that time, the County Commission indicated that they would like to receive periodic updates as to progress made on the Work Plans. As the First Quarter of this Fiscal Year ended September 30, 2010, attached is the First Quarterly Report for the Departments of Planning and Zoning Work Plan for your information and discussion. Any input received will be incorporated into upcoming work tasks as well as the Work Plan for the upcoming budget cycle for FY 2012.

Additionally, the Planning Commission is required by state law to prepare an annual report for the County Commission. In preparation for the 2010 report, the Planning Commission was interested in receiving feedback on the Work Plan and work completed to date for inclusion in their Annual Report.

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

N/A

Attachments: **Planning & Zoning Quarterly Report FY 2011**
Copy of Planning & Zoning FY 2011 Work Plan

**JEFFERSON COUNTY
DEPARTMENTS OF PLANNING AND ZONING**

**FISCAL YEAR 2010 – 2011
WORK PLAN**

CONTENTS

1. Mission Statement	2
2. Department Background/Organizational Chart	4
3. Major Services/Products	5
4. Major Customers	8
5. Activities in Fiscal Year 2011 with flat 2010 budget	9
6. Activities in Fiscal Year 2011 with budget increases	12
7. New Services Costs	14

Prepared by Jennifer M. Brockman, AICP
Director, Planning and Zoning
February 9, 2010

Executive Summary

This document provides an overview of the proposed work program for the Departments of Planning and Zoning for Fiscal Year (FY) 2011. The Departments have five primary categories of work, as described in this Work Plan. They are: Customer Service, Planning Commission Support, Board of Zoning Appeals Support, Pre-proposal Conferences and Development Review, and Comprehensive Planning.

This work program outlines the priorities for both the department staff and the Planning Commission. While it attempts to be a realistic list of projects and tasks, a large development or other unexpected project may affect the departments' ability to complete all projected work program tasks. Additionally, while it is intended to be comprehensive, this work program may not reflect all upcoming tasks. It is meant to highlight the tasks of highest importance and those most likely to be completed.

Mission Statement

The mission of the Departments of Planning and Zoning is to provide a healthy, pleasant environment for those who live, work and visit Jefferson County, by blending the unique natural and built resources of our community with quality, sustainable development that ensures responsible and sound growth. We are a knowledgeable, respectful, dedicated staff who welcome community based problem solving and public/private cooperation that assists the community in implementing standards which create a positive impact and achieves its ultimate vision.

Department Background/Organizational Chart

The Jefferson County Planning Commission was first created in 1967 in response to the acquisition of land in Jefferson County by the federal government and the development of Dulles Airport in nearby Northern Virginia. The creation of a local Planning Commission in 1967 required staff support which resulted in the development of the Department of Planning. The Department of Planning grew to include the zoning, engineering, and building functions. In 2007, the Departments were split into the Departments of Planning and Zoning, which operate under a single Director, and the Department of Engineering, which includes the Building Division, Code Enforcement, and Property Maintenance, under the Chief County Engineer.

The first Comprehensive Plan and Subdivision Regulations were adopted in 1972. In 1976, the first efforts to adopt a Countywide Zoning Ordinance failed in a public vote. Upon completion of the 1986 Comprehensive Plan, a second effort to adopt a local zoning ordinance was more successful. In 1988, Jefferson County adopted a county-wide alternative land evaluation system as the Zoning Ordinance. The Comprehensive Plan was updated and amended in both 1994 and 2004. Upon completion of the 2004 Comprehensive Plan, the County undertook a complete rewrite of the 1988 non-traditional zoning ordinance and the 1972 subdivision regulations. After a number of years of public outreach, the County Commission approved both documents in October 2008. The newly adopted zoning ordinance was stayed by a citizens' petition and in November 2009 it failed in a referendum vote. At this time, the 2008 Subdivision Regulations and 1988 Zoning Ordinance are in effect to guide development in Jefferson County.

The Department of Planning is responsible for reviewing and processing site plans and subdivision plat applications to determine conformance with locally adopted ordinances, regulations, standards, and the 2004 Comprehensive Plan; advising the public on zoning and subdivision related questions and processes; and assisting developers and citizens with the processes and criteria for review for proposed submittals. The Department of Planning provides staff support for the Jefferson County Planning Commission, which reviews and approves Major Subdivision and Site Plan Applications and Zoning Map amendments. The Department also prepares reports, studies, and comprehensive planning documents to assist the Planning Commission and County Commission in the development of policies, regulations, and long range planning documents that guide future land use in the County.

The Department of Zoning is responsible for interpreting, administering and enforcing the Zoning Ordinance. The Department is currently working to resolve conflicts between 2008 Subdivision Regulations and the 1988 Zoning Ordinance, as amended. The Department of Zoning also provides staff support to the Board of Zoning Appeals, which hears and decides Conditional Use Permits, Dimensional Variances, and Appeals of the Zoning Administrator's decisions. The Zoning staff also works with the Code Enforcement office in the Department of Engineering to ensure that the requirements of the zoning ordinance are followed.

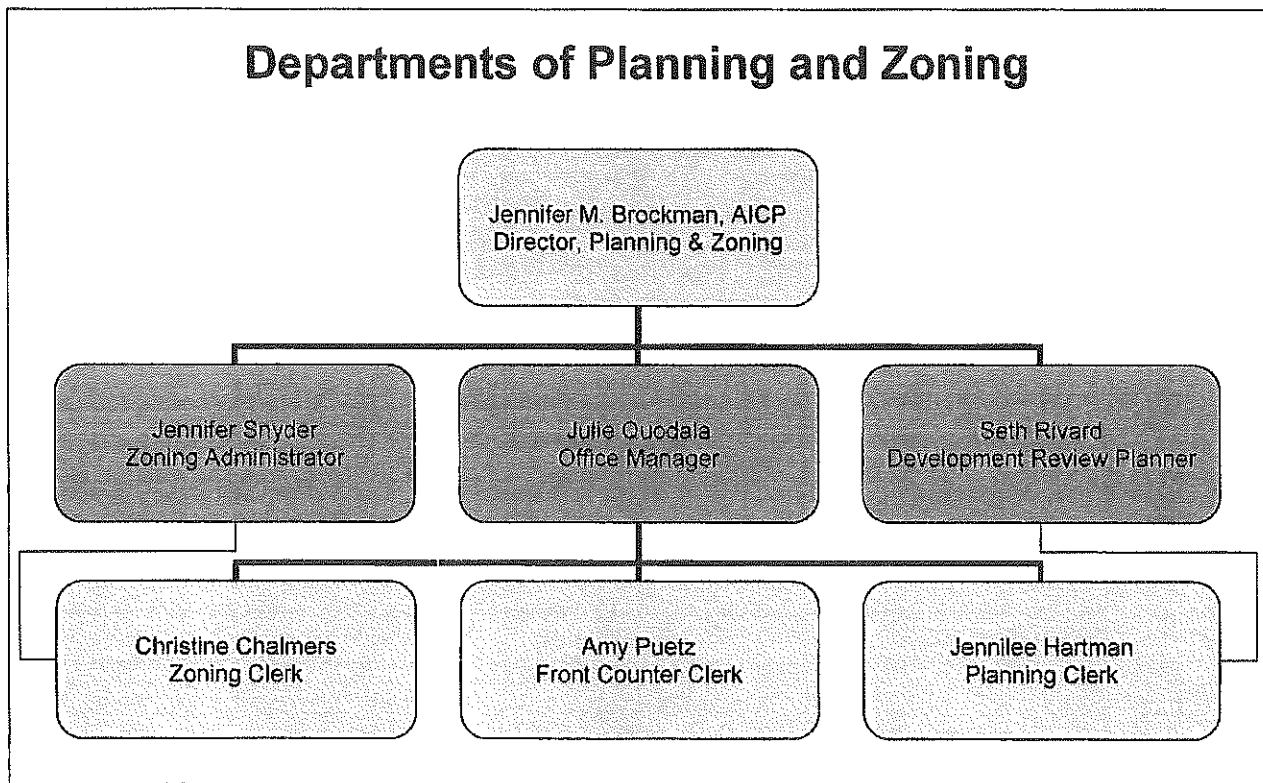
Both departments provide extensive customer service through answering questions from the general public and development community at the front counter, by phone, and by e-mail.

Generally the wide array of daily and long range tasks required of both the Departments of Planning and Zoning can be categorized as follows:

- Customer Service
- Planning Commission Support
- Board of Zoning Appeals Support
- Pre-proposal Conferences and Development Review
- Comprehensive Planning

The staffs of the Departments of Planning and Zoning are as follows. Organization chart is found below.

Department Member	Title	Hire Date
Jennifer M. Brockman	Director, Planning & Zoning	May 2009
Jennifer J. Snyder	Zoning Administrator	2007-Promoted September 2009
Seth Rivard	Development Review Planner	September 2009
Julie Quodala	Office Manager	January 2010
Jennilee Hartman	Planning Clerk	October 2003
Christine Chalmers	Zoning Clerk	October 2006
Amy Puetz	Front Counter Clerk	September 2009



Major Services/Products

The planning and zoning function of a local government is enabled through the West Virginia Code Chapter 8A. This Chapter sets forth the requirement for the establishment of a Planning Commission, a Planning Department, and the adoption of a Comprehensive Plan prior to the adoption of local land use controls such as zoning ordinances and subdivision regulations. The Code also provides for the contents and implementation of these regulations and the periodic update of the Comprehensive Plan. The locally adopted regulations and plans are in conformance with Chapter 8A.

Under the authority of this Code and the locally adopted plan and regulations, the Departments of Planning and Zoning primarily provide service to the general public and development community by providing information, interpretation of regulations, review of submittals and assistance processing applications. These services would fall under the general task categories of "Customer Service" and "Pre-proposal Conferences and Development Review". The Departments are also the primary staff support to the Board of Zoning Appeals and Planning Commission. Projects developed under the "Comprehensive Planning" generally result in the development of a new or amended ordinance or the development of a comprehensive planning document.

The following summarizes the efforts in these categories during Calendar Year 2009:

Customer Service

Walk-In Customers and Phone calls/voice mail: There are numerous daily requests for information from walk-in customers, phone calls and messages received by the Departments. Generally, the information requests received required multiple staff members to respond. In 2010, a tracking mechanism is being developed so that the magnitude of this daily customer contact can be monitored. The Departments have a standing policy that phone messages and voice mail be responded to within 72 hours.

E-mail: E-mail correspondence is received by individual staff members and in the general Planning and Zoning Department mailboxes which are posted on the web-site and on our business cards. The general e-mailboxes are monitored by the administrative staff and the messages are forwarded to the appropriate staff person. Messages in these boxes totaled 1,049 e-mails in 2009. E-mails which include a specific request for information are turned into Information Request Forms (see below) for tracking purposes. There is a Department policy that all e-mail is responded to within 7-10 business days depending on the complexity of the request.

Responses to Information Request Forms (IRFs): The Departments have an internal policy that if a walk-in or e-mail request will take more than 15 minutes of a professional staff person's time, an Information Request Form is completed and a response is prepared or maintained in writing. Often these requests require some background research and a follow up meeting, which is generally scheduled within 72 hours of the request. The number of IRFs in 2009 totaled 122, 87 of which required background research and an e-mail response from the Zoning Administrator.

Planning Commission Support

The Planning Commission (PC) is a nine member appointed volunteer board created under the provision of the WV Code Chapter 8A with specific duties and responsibilities. The Departments of Planning and Zoning support the Planning Commission meetings with professional and administrative support staff. Generally, four Department staff members are present; the Director, the Zoning Administrator, the County Planner and an administrative staff member. Additionally, the Legal and Engineering departments send representatives as necessary. The Planning

Commission held 18 regularly scheduled meetings in 2009, plus two special meetings and two workshops (including a joint meeting with the County Commission), for a total of 22 meetings. Planning Commission meetings consist of regular business which includes interaction with the public and review and decisions regarding specific development requests. Certain development requests require a formal public hearing as a part of the Planning Commission meeting. A total of 36 Public Hearings were held within the 22 times that the PC met (Final Plat – 12; Community Impact Statements – 3; Variances – 19; Site Plans – 1; Minor Plats – 1).

An additional eight (8) meetings were held for the purposes of discussing the Zoning Referendum or Amendments to Zoning Ordinance or Subdivision Regulations, including public outreach meetings and open houses.

Board of Zoning Appeals Support

The Board of Zoning Appeals (BZA) is a five member appointed volunteer board, with one alternate, created under the provision of the WV Code Chapter 8A with specific duties and responsibilities. The Departments of Planning and Zoning also support the Board of Zoning Appeals (BZA) meetings with professional and administrative support staff. Generally three Department staff members attend these meetings; the Director, the Zoning Administrator and an administrative staff member. Additionally, Legal sends a staff representative as necessary. The BZA held 11 regularly scheduled meetings in 2009. BZA meetings consist of regular business primarily focused on conditional use permits and variances, as defined in the locally adopted Zoning Ordinance and the West Virginia State Code Chapter 8A, as well as appeals of the Zoning Administrator's decision. Changes in the locally adopted Zoning Ordinance due to the conclusion of a law suit have resulted in a changing role of the BZA throughout the year and careful monitoring on the part of staff to ensure the agenda items were being heard by the correct body. The BZA held 24 public hearings during their 11 meetings (Variance Requests – 19; Conditional Use Permit Activity – 3; Seasonal Use Permits – 1; Appeals of Zoning Administrator's decisions - 1).

Pre-Proposal Conferences and Development Review

A significant part of the Departments' staff's time is spent on development related items. Even in this time of economic slowdown, the Departments receive numerous requests for information on processing minor site plans and subdivisions. The complexity of the inconsistency between the 2008 Subdivision Regulations and the 1988 Zoning Ordinance has led to the need for more intensive staff interaction with applicants, to ensure they are applying for the correct type of application and utilizing the correct process.

There are generally two types of activities related to development. The first is referred to as a Pre-Proposal Conference (PPC) and either provides an applicant the opportunity to meet with staff prior to any significant investment in engineering services or occurs when a property is in violation of the Ordinance and the property owner wants to become compliant. Staff participated in 76 such PPCs in 2009.

The second activity is the actual review of an application and its related plans and/or plats. The transition to the Subdivision Regulations adopted in October 2008 has resulted in a change in the review and processing of the various development items. If an item was submitted under the previous Subdivision Regulations, it continues to be processed under those rules as long as it is an active application. As a result staff has reviewed a number of major final subdivision plats under the old regulations due to the date of submittal. Generally, the minor plats reviewed this year have all been reviewed under the 2008 Subdivision Regulations because they have a much shorter review time. Throughout 2009, the following project reviews occurred:

• Minor Plats	42
• Merger Deeds	30
• Major Final Plats	8 (require public hearings)
• Minor Site Plans	5
• Major Site Plans	0
• Zoning Certificates	11

Comprehensive Planning

WV Code Chapter 8A outlines the requirements for the contents and updates of the locally adopted land use ordinances and the comprehensive planning documents. The comprehensive planning function helps a community establish a vision for the future and provides a guide for the review of all proposed development. The County is taking advantage of the lull in the economy to concentrate on some limited long range planning efforts. An update of the 2004 Comprehensive Plan is slated to be adopted in 2014. Prior to that planning effort, the County intends to develop a few small area plans that will be adopted as amendments to the 2004 Comprehensive Plan.

The first of these small area plans is the Blue Ridge Mountain Communities Area Watershed Plan. In September 2009, the County was awarded a National Fish and Wildlife Foundation grant for the purpose of developing a citizen's based issues analysis and vision for the Mountain area. Decisions made in the development of this Communities Area Watershed Plan are intended to provide recommendations which benefit the Chesapeake Bay watershed concerns. The grant enables the hiring of a facilitator to assist staff with an outreach effort that is intended to develop a consensus among the stakeholders regarding critical issues impacting the mountain; an analysis of relevant available data; a recommendation regarding best management practices on steep slopes within the Chesapeake Bay watershed and a recommendation regarding the next steps in this planning process.

In addition to a number of meetings related to the Blue Ridge Mountain steep slope project, the Planning staff attended numerous meetings of a regional nature that lend themselves to an awareness and participation in projects that may impact future long range planning efforts. In 2009 staff and/or Planning Commission members attended over 40 such meetings regarding topics such as Chesapeake Bay compliance, a newly formed Joint Utility Working Group, the School Board Comprehensive Educational Facilities Plan Working Group, the Water Advisory Committee; the Economic Development Authority Board Meetings; the Board of Health; the Public Service District Board meetings, and a Planner's lunch group that includes the planners from Ranson and Charles Town.

Major Customers

The major customers of the Departments of Planning and Zoning include members of the general public and the development community; members of the Planning Commission, Board of Zoning Appeals, and County Commission. Generally, the role of planning and zoning in a community is to promote the general health, safety, public welfare, comfort and morals of the community through the promotion of orderly and safe development, protection of historic and natural features, reduction in congestion. Toward this end, all residents and businesses within the County are customers of the Departments and should be active participants in the development of future plans and implementation tools. The elected and appointed officials that draft and adopt these plans and ordinances are also the Departments' customers and play a critical role in setting priorities for each year's work plans and programs.

Activities in Fiscal Year 2011 with flat 2010 budget

Consideration of the annual budget of any County department is the foremost opportunity for the County Commission to review the performance of the Departments and to make policy decisions about the priorities and performance measures the County wishes to adopt for the Departments in the forthcoming year. It is this policy direction that provides context for subsequent consideration of department staffing and expenditure decisions.

The on-going needs for the four current planning related tasks of the Planning and Zoning Departments' staff (Customer Service, PC support, BZA support and PPC and Development Review) will continue to consume a large portion of all of the staff time and efforts. While opportunities for long range planning initiatives are limited by the demand for current planning efforts, there are a number of efforts listed below that the Planning Commission and the Planning and Zoning Departments would like to request that the County Commission support and fund in a reasonable time frame. The budget for the Departments will affect how many of these initiatives can be undertaken in FY 2011. While a flat budget should mean the same bottom line for each Department, the impact of changes in retirement contributions and health insurance costs will reduce the amount available for on-going as well as special projects and will impact the initiatives that can be undertaken. Any proposed cut in the Departments' budgets will significantly impact the comprehensive planning tasks that the Commission is interested in pursuing.

In addition to the on-going planning tasks and potential comprehensive planning tasks, there are additional administrative initiatives that are critical to the ability of the Departments to work effectively and efficiently. These include staff development, the need for adequate legal, technical and geographic information systems (GIS) support and are more fully described below. These items do not necessarily impact the budget needs of this department directly but will require budget support of other departments that support the entire County.

Comprehensive Planning

The comprehensive planning initiatives proposed for FY 2011 with a flat budget include the following:

- Blue Ridge Mountain Communities Area Plan grant study – public outreach effort May 2010 – August 2010, draft recommendations to PC and CC Fall 2010; final report due to grantor March 2011
- Development Review Fees update – current fees have been in place for over 10 years and do not relate to actual staff time required to process the applications; staff is evaluating the fees to estimate what would be necessary to recover these costs
- Urban Growth Boundary – in July 2009 a new state law allowed the adoption of urban growth boundaries (UGB) around municipalities in counties that had adopted county-wide zoning; efforts to have the proposed UGBs endorsed by the municipalities are underway; revisions to the County Zoning Ordinance and Zoning Map will be required to implement this provision of state law
- Zoning Map Update – the current zoning map exists on a very old base map and is inaccurate in a number of places; an effort is underway to update the base map, correct the errors, and to include the UGBs discussed above; a proposed policy on the regular updating of the zoning map should be drafted
- Subdivision Regulation Amendments – amendments to the 2008 Subdivision Regulations to enable them to work with the 1988 Zoning Ordinance and to fine-tune processes that have

been in place through 2009 are currently underway; it is possible that in this process some new concepts for the Subdivision Regulations will be discovered and these potential revisions should be handled as a separate amendment process and should occur in conjunction with proposed revisions to the Zoning Ordinance

- Zoning Ordinance Update/Revisions – once the subdivision regulation amendments are adopted, the existing Zoning Ordinance needs a thorough review to ensure that all conflicts and inconsistencies are corrected and to determine if County policies are correctly represented in the provisions of the Ordinance
- 340 Gateway/Commercial Corridor Enhancement Study – kick off late Spring 2011; 12-15 month process; needs collaborative process to build consensus on a vision that maximizes economic growth while protecting viewsheds and sensitive resources
- Chesapeake Bay compliance requirements – federal requirements and penalties are expected to be released soon; county-wide coordination regarding the variety of compliance techniques being implemented is required; may include the need for the creation of a county-wide stormwater utility and related regulations
- Ongoing Coordination with Other Departments:
 - PSD/Health Dept/Municipal Utilities -- assist in planning efforts and developing a digital data base of existing data for use in long range planning
 - Economic Development Authority – coordinate on efforts to attract jobs and develop streamlined approval processes that support the County's economic development efforts
 - School Board – coordinate on facilities planning efforts

Note that the ability to pursue any of these comprehensive planning projects under the existing budget constraints is tied to the lull in development activities. A major subdivision, site plan, or zoning map amendment project would significantly affect any proposed time lines for comprehensive planning projects because staff would have to be redirected to current planning needs.

Staff Development

- Planning Technician position - The Departments have a very dedicated staff with a commitment and interest in their departments and professions that need to be "grown" from within. As a single Planner is currently managing both the long range and current planning functions and the Zoning Administrator is managing day to day operations and ordinance rewrites, there is a need to develop internally a Planning Technician that can support these professional staff positions in a way that an administrative staff person cannot. The budget needs to include training opportunities to allow staff to develop in a way that would allow the creation of a planning technician position, without adding additional staff. A job description and training requirements will be developed to lay the ground work for the creation of a future Planning Technician position that could support both the Planning and Zoning Administrator.
- Staff Training – Training opportunities for all staff need to be included in the budget which allows broadening of staff's knowledge base, meets on-going training requirements of the planning profession, and provides opportunities to network with others experiencing the same issues. Training of support staff can also allow for the development of ways to streamline processes and work more effectively and efficiently. The training and growth opportunities need to continue to be a part of the Departments' budgets.

Technical Support

- Geographic Information Services/Addressing (GIS) – Planning and Zoning offices need high quality mapping and related data in order to be an efficient and effectively run office. The County's addressing/GIS office is highly supportive of the Departments mapping needs but needs County Commission budget support to broaden their ability to support other County offices. To that end, the County Commission needs to support the creation of web-based GIS technology so that mapping products that are being created can be utilized in the analysis of various proposals and in developing planning documents. This support of the GIS staff will provide a broad based support to multiple County offices including the Departments of Planning and Zoning.
- Information Technology (IT) The Departments of Planning and Zoning needs to run in an effective and efficient manner. The expansion of the IT staff to allow the exploration and implementation of a variety of technological solutions would benefit all County offices. The County needs a county-wide intranet system that will allow efficient communication between county departments. The County Commission needs to expand the capacity of the IT staff to allow for a logical and timely analysis of the capacity and age of computers, copiers, and other equipment so that they can be replaced on a coordinated depreciation schedule. This added IT support would also allow the Departments to have confidence in the ability of their equipment to meet their daily and growing needs. Issues with computers and copiers impact the ability of the Planning and Zoning Departments to manage their daily work load.

Activities in Fiscal Year 2011 with budget increases

As noted, the bulk of the Departments of Planning and Zoning staff time is spent meeting the day-to-day customer and development needs of the County. A budget increase would allow the Departments to take a more aggressive role in the development of comprehensive planning projects and potentially related ordinances. The level of the budget increase would impact what projects could be undertaken. Funding to the level of another staff position could allow significant support of a Chesapeake Bay Coordinator position, which could be shared with other Departments and jurisdictions, or could allow a concentrated comprehensive planning effort which would allow the acceleration of the 340 Gateway/Commercial Corridor Enhancement Study. Smaller funding increase could be used as a match as the Departments and Planning Commission continued to pursue grant opportunities to allow specific comprehensive planning projects to be pursued. Grants related to the Chesapeake Bay Initiative seem likely but require at least a 20% match from local funding.

The top priority Comprehensive Planning projects that the Departments could potentially undertake with additional funding are as follows:

- 340 Gateway/Commercial Corridor Enhancement Study – with additional staff, the kick off could be moved up; the study will continue to be 12-15 month process in order to effectively manage the public input process; collaborative process to build consensus on a vision that maximizes economic growth while protecting viewsheds and sensitive resources
- Chesapeake Bay compliance requirements –The County needs to understand the significance of the changing rules related to the federal Chesapeake Bay Initiative. Lax watershed and stormwater management that may have been tolerable in the past, is not going to be acceptable under new federal rules that will be forthcoming soon. Significant penalties for noncompliance are expected. There is a need for a lead person for the County on the Chesapeake Bay Initiative, allowing a single point of contact to attend the wide variety of meetings that are occurring and to advise the County Commission on action items that need to be undertaken. Neither the Planning nor Engineering Departments are staffed to undertake this role at this time. The Planning staff has been pursuing funding sources and has informally approached the County's municipalities to jointly fund such a position to ensure that the County is not exposed to the severe penalties that may be forthcoming related to the Chesapeake Bay standards. Federal requirements and penalties are expected to be released soon; county-wide coordination regarding the variety of compliance techniques being implemented is required; potential changes in state law may be required; the possibility of the creation of a county-wide stormwater utility and related regulations may need to be pursued.
- County-wide Water and Sewer Study – The Joint County Utility Working group is serving a significant role of opening the dialogue between various utility providers and ensuring that all players are aware of changes in state priorities. Recent denials of funding for infrastructure improvements further support the need for a coordinated utility/infrastructure planning effort in the County. This cooperative effort could be headed up by the PC staff because decisions related to utility service areas have critical public health impacts and the land use implications; land use and zoning needs to guide where development occurs and where services are provided.
- Health Department Digital Data Base of septic systems – Planning and GIS staff have met with the Health Department to pursue a process for making historic and current septic system data available in a digital format. While this would be primarily a Health Department

effort, there is a benefit to the Planning Department and the Department would like to support a cooperative effort to ensure implementation of this effort.

- Plat, Plan and Planning File scanning – There is a need to make historic and active planning and zoning projects more readily accessible in a digital format and linked to a database. The most effective way of pursuing this would be the hiring an intern or a temporary staff person who could concentrate on this project alone and result in a completed project in a set time period. This is a goal of the Departments that is not currently funded.
- Trail Planning Efforts – The need for a County-wide trail plan has come up repeatedly in recent months and the Planning Department should have a role in the development of this plan in conjunction with the Parks and Recreation Department.
- Cooperative County Planning Efforts – The planners in the County meet regularly and discuss potential planning issues that could have county-wide significance. There is some interest in exploring whether new concepts such as those found in the Smart Code template could be valuable to Jefferson County and its municipalities.
- 2014 Comprehensive Plan Update (mandated by state law) – There are a number of phases in the development of a Comprehensive Plan and generally it is a 24 +/- month process; kick off should occur in the late Fall 2011 pending Census release and other planning efforts such as the proposed county-wide utility plan would lay the groundwork for this effort.

Another issue that impacts the Departments' ability to work effectively is the lack of direct legal counsel to the Planning and Zoning staffs. The Office of the Prosecuting Attorney provides legal counsel to the Board of Zoning Appeals and the Planning Commission but generally feels that that this staff person should not be providing legal direction to the staff in interpreting the locally adopted ordinances. The lack of legal support creates a situation that is often inefficient as staff tries to guess whether legal could support their interpretation of the ordinances. Legal support that could be contacted directly by the staffs would make the Departments more effective and efficient.

New Services Costs

Generally costs for current and comprehensive planning projects relate to staff time and overhead in the form of equipment and materials. The Planning Commission and Departments of Planning and Zoning are pursuing grant funding options to support the need for Chesapeake Bay planning efforts. Cooperative staffing with municipalities is also being pursued.

While the funding of an entire new staff position is not expected, funding that could support matching funds for grants or the hiring of key specialists for specific aspects of a project, such as a facilitator or someone to scan in documents, would enable some of these projects to be undertaken. Funding in the line items of professional or contract services would enable a number of the smaller projects to be undertaken.

First Quarterly Report on FY 2011 Work Plan							
PRIORITY	PROJECTS	TIME FRAMES from FY 10-11 Work Plan	Status or Number Completed (July 10 - Sept. 10)	Outstanding Tasks	REQUIRED RESOURCES/STAFF	REQUIRED HEARINGS	ANTICIPATED RESULTS
	Day to Day Customer Service	on-going	75				
	Walk in Customers - general information, zoning requests, process questions		38				
	Information Request Forms		5				
	Zoning Certificates Issued		537				
	Call-in customers - general info, zoning, questions		105				
	E-mail to general planning/zoning mailboxes (note: individuals receive over 100 per month each)						
	Day to Day Development Review Responsibilities:	on-going					
	Minor Site Plans		3				
	Merger/Deeds, Lot Line Adjustments		12				
	Major Site Plans		3				
	Minor Subdivision Plans		new submittals - 3;				
	Major Subdivision Plans (Concept, Preliminary, Final)		recorded - 5				
	Conditional Use Permits/Neighborhood Compatibility Meetings		new submittals - 2				
	Zoning Variances - dimensional variances		7				
	Zoning Variances - Time extension related to CIPs		0				
	Subdivision Variances - waivers related to time frames or requirements		3				
	Pre-proposal Conferences		17				
	Follow up meetings with applicants		14				
	Staff to Planning Commission meetings, including staff reports and presentations	on-going	6 regular PC meetings; 4 special called meetings; 4 special CC meetings related to PC items; 4 staff reports related to land development applications				
	Staff to Board of Zoning Appeals meetings, including staff reports and presentations	on-going	3 BZA meetings; 17 staff reports for land development applications				
	Participation in County Commission, WAC, JCDA, Health Department, Joint Utility Meetings, HEPMPO, Region 9	on-going	JB - 128 meetings attended; SR - 58 meetings attended; SB - 58 meetings attended				
Special Project	Blue Ridge Mountain Study	(Project Initiated - Nov 09) July 10 - Mar 11	3 meetings	Draft Vision statement to be available for public review in mid-October; grant work to be completed by 12/31/10; administrative work to be completed by 3/31/11	SR, JQ, JB	Joint Meeting of PC/CC for unreviewing of vision statement and recommendations 12/7/10	Endorsement of Vision Statement and Next Steps Recommendations
Special Project	Revise, rewrite, update Subdivision Regulations	(Project Initiated - Nov 09) July 10 - April 10	1st round of "policy neutral" amendments approved by PC 4/10 and by CC 8/19/10;	List of additional amendments generated by public input over all amendments anticipated to continue through Summer 2011	SR, AP, JQ, JB	Hearings Required by PC and CC at various stages of	Adoption of Amendments

First Quarterly Report on FY 2011 Work Plan							
PRIORITY	PROJECTS	TIME FRAMES from FY 10-11 Work Plan	Status or Number Completed (July 10 - Sept. 10)	Outstanding Tasks	REQUIRED RESOURCES/STAFF	REQUIRED HEARINGS	ANTICIPATED RESULTS
Special Project	Proposed amendments to Zoning Ordinance	To be initiated Summer 2010	"policy neutral" amendments have been initiated; put on hold due to wireless ordinance efforts	Overall amendments anticipated to continue through Summer 2011	SB, JH, SR, JQ, JB	Hearings: Required by PC and CC at various stages of	Adoption of Amendments
Special Project	Zoning Map Update	To be initiated Summer 2010	Staff has completed research and worked with GIS Dept. to complete a good draft; efforts related to UGBs and Federal Land Rezoning to be included	Final review of map data and decisions regarding depiction of non-zoning data underway; potential draft of policy to guide routine updates to zoning map to reflect current data layers	JH, JB, SB, SR	Public Hearing may be required by both PC and CC	Approval of new map product and possibly policy
Special Project	Urban Growth Boundary - follow up with municipalities; proposed changes to zoning ordinance text and map; public hearings	Summer 2010 - Summer 2011	Ransom and Charles Town have adopted the UGBs as agreed upon by the County; Harpers Ferry, Bolivar, and Shepherdstown are in discussion with staff to determine best course of action				
Special Activity	Leadership Jefferson	Sept 09 - May 10	completed				
	Staff Training -- new skills, planning and zoning related functions	on-going	SR - APA Conf. (4/10); JQ -- 3 day Grant Writing course (7/10), NCTC; SR & SB - Eastern Panhandle GIS Users Group (8/10); JB - 5 day Green Infrastructure Conf. (9/10), NCTC; SB - 2 day KARST Conf. (9/10); NCTC; JQ - Smart Code webinars (8/10 & 9/10); JB, SB, SR - 1 day Smart Code On-Site Workshop	Basic GIS training and Project Management software training may be pursued			
	Census	Spring 2010	No activity required				
Special Project	Proposed amendment to Land Development Fees	(Project Initiated - July 09)	July 2010 CC held Roundtable Discussion; Staff worked to address comments and concerns -- on 10/7/10 CC meeting agenda				

First Quarterly Report on FY 2011 Work Plan							
PRIORITY	PROJECTS	TIME FRAMES from FY 10-11 Work Plan	Status or Number Completed (July 10 - Sept. 10)	Outstanding Tasks	REQUIRED RESOURCES/STAFF	REQUIRED HEARINGS	ANTICIPATED RESULTS
Special Project	340 Corridor Gateway Enhancement Study	Spring 2011 - Summer 2012	In late June, 2010 staff attended a meeting re: a Nat'l Governor's Assoc. project that includes the 340 Corridor and a meeting with the WV DOH re: their 340 Corridor project; in late September, staff met with Comm. Widmyer to discuss potential work program for project	Formation of Technical Advisory Committee for the purpose of defining study area boundary, determining what data exists, and developing an existing conditions report and related maps; goal of kick-off public meeting for 2/11; discussion with DOH re: requirements for an enforceable Access Mgt. Plan	JB, SR,	Public Hearing will be required when plan is drafted	Adoption of Small Area Plan as an amendment to the Comprehensive Plan; recommended amendments to the Zoning Ordinance and Subdivision Regulations; possible development of an Access Management Plan
Special Project	2014 Comprehensive Plan	Fall 2011 - Fall 2013; adoption 2014	No activity				
NEW PROJECTS NOT INCLUDED IN FY 2011 WORK PLAN							
Special Project	Urban Tree Canopy Grant and Planting Event	October 2010 - May 2011	Grant has been approved; MOU is being reviewed prior to signing	Advertise for and hire intern; hold kick off meeting	JB and city planners		
Special Project	JCOHOA Study Follow Up	September 2010 -- ?	Initial contacts have been made with WVU to determine interest and costs				
Special Project	Region 9 Model Stormwater Regulations	May 2010 - February 2011	Monthly Meetings and Review/input into draft ordinance	Once draft is complete County needs to consider amending stormwater regulations	JB	Public Hearing may be required by both PC and CC	Stormwater regulations that reflect Chesapeake Bay standards

WEST VIRGINIA LOTTERY
 First Benchmark
 Charles Town
 County / City Split
 Fiscal Year 2011

Charles Town
 1999 Net Terminal Revenue \$ 45,803,174
 Benchmark Goal @ 2% \$ 912,063.48

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 12.42%	CHARLES TOWN 34.56%	HARPERS FERRY 3.65%	RANSON 35.08%	SHEPHERDS TOWN 14.29%
3 days ending: 7/1/10 - 7/3/10	\$ 115,402.58	\$ 115,402.58	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending: 07/10/10	\$ 205,731.84	\$ 205,731.84	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/17/10	\$ 161,386.76	\$ 161,386.76	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/24/10	\$ 160,366.28	\$ 160,366.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/31/10	\$ 157,802.08	\$ 157,802.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/07/10	\$ 161,617.82	\$ 136,494.88	\$ 25,122.84	\$ 3,120.27	\$ 8,882.45	\$ 818.98	\$ 8,813.08	\$ 3,590.05
08/14/10	\$ 158,753.38	\$ 76,376.88	\$ 78,376.88	\$ 9,734.38	\$ 27,066.88	\$ 2,860.75	\$ 27,464.54	\$ 11,200.03
08/21/10	\$ 152,388.04	\$ 76,199.02	\$ 76,188.02	\$ 9,463.92	\$ 26,334.38	\$ 2,781.26	\$ 29,730.82	\$ 10,898.84
08/28/10	\$ 144,820.08	\$ 72,460.03	\$ 72,460.03	\$ 8,998.54	\$ 25,042.19	\$ 2,644.79	\$ 25,418.97	\$ 10,354.54
09/04/10	\$ 152,725.68	\$ 76,362.84	\$ 76,362.84	\$ 9,484.26	\$ 26,391.00	\$ 2,787.24	\$ 26,788.09	\$ 10,912.25
09/11/10	\$ 165,838.72	\$ 82,969.36	\$ 82,969.36	\$ 10,304.79	\$ 28,674.21	\$ 3,029.39	\$ 28,105.65	\$ 11,556.32
09/18/10	\$ 135,277.66	\$ 67,838.76	\$ 67,838.76	\$ 8,400.74	\$ 23,375.86	\$ 2,486.82	\$ 23,727.88	\$ 9,665.58
09/25/10	\$ 140,870.12	\$ 70,435.08	\$ 70,435.08	\$ 8,748.03	\$ 24,342.36	\$ 2,570.66	\$ 24,708.62	\$ 10,065.17
10/02/10	\$ 142,027.72	\$ 71,013.86	\$ 71,013.86	\$ 8,819.92	\$ 24,542.39	\$ 2,592.01	\$ 24,911.66	\$ 10,147.88
10/09/10	\$ 138,623.00	\$ 69,311.50	\$ 69,311.50	\$ 8,608.49	\$ 23,854.08	\$ 2,529.67	\$ 24,314.47	\$ 9,904.61
10/16/10	\$ 150,469.24	\$ 75,234.62	\$ 75,234.62	\$ 9,344.14	\$ 28,001.08	\$ 2,746.05	\$ 26,392.31	\$ 10,751.03
Subtotal	\$ 2,442,312.65	\$ 1,677,188.07	\$ 785,124.59	\$ 95,028.48	\$ 284,427.06	\$ 27,827.05	\$ 268,405.70	\$ 108,336.30

Benchmark Goal @ 2% \$ 912,063.48
 Remainder until 1% / 1% Split \$

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

Week Ending Date	Week Ending
	October 16, 2010
	October 22, 2010
To be Deposited on:	
Amount Played	79,476,140.75
Amount Won	71,345,017.52
Amount Promo	281,820.00
MWAP Contribution	<u>32,363.23</u>
Adjusted Gross Terminal Revenue	<u>7,838,940.00</u>
Administrative Costs @ 4%	313,477.59
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>7,523,462.41</u>
Surcharge @ 10%	0.00
State Share Excess @ 58%	0.00
Track Share of Capital Reinvestment @ 42%	0.00
Track Share of Capital Reinvestment @ 42% - 88%	\$ -
Track Share of Capital Reinvestment @ 42% - 4%	\$ -
Adjusted Net Terminal Revenue	<u>7,523,462.41</u>
Racetrack @ 45.50% / 42%	3,498,410.02
Lottery Fund @ 30% / 0%	2,257,038.75
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	1,063,284.74
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	75,234.62
Greyhound Development @ .75%	56,425.97
Thoroughbred Development @ .75%	56,425.97
Racing Commission @ 1%	75,234.62
County/Municipality @ 2%	150,469.24
3% Funds:	
Tourism Promotion Fund @ 1.375%	103,447.81
Development Office Promotion Fund @ .375%	28,212.98
Research Challenge Fund @ .5%	37,617.31
Capitol Renovation and Improvement Fund @ .8875%	51,723.80
2004 Capitol Complex Parking Garage Fund @ .8625%	4,702.16
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	37,617.31
Capitol Dome and Capitol Improvements @ .5% / 1%	37,617.31
	<u>7,523,462.41</u>

P.O. Box 2067
Charleston, WV 25327



Phone: (304) 558-0500
Fax: (304) 558-3321
www.wvlottery.com

John C. Musgrave
Director

To: Controller

Location: Jefferson County Commission

Fax #: (304) 725-7916

Phone #: (304) 728-3284

From: Stacy Acree ext. 352

Comments:

VIDEO LOTTERY WEEKLY SETTLEMENT REPORT

WEST VIRGINIA LOTTERY
 First Benchmark
 Charles Town
 County / City Split
 Fiscal Year 2011

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 12.42%	CHARLES TOWN 34.56%	HARPERS FERRY 3.65%	RANSON 35.08%	SHEPHERDS TOWN 14.29%
3 days ending: 7/1/10-7/3/10	\$ 115,402.58	\$ 115,402.58	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
07/10/10	\$ 205,731.64	\$ 205,731.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/17/10	\$ 161,386.76	\$ 161,386.76	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/24/10	\$ 160,368.28	\$ 160,368.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/31/10	\$ 157,802.08	\$ 157,802.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/07/10	\$ 161,617.82	\$ 138,494.98	\$ 25,122.84	\$ 3,120.27	\$ 8,682.45	\$ 816.98	\$ 8,813.09	\$ 3,590.05
08/14/10	\$ 156,753.36	\$ 78,376.88	\$ 78,376.88	\$ 9,734.38	\$ 27,086.88	\$ 2,660.75	\$ 27,484.54	\$ 11,200.03
08/21/10	\$ 152,398.04	\$ 76,199.02	\$ 76,199.02	\$ 9,463.92	\$ 28,354.38	\$ 2,781.26	\$ 28,730.62	\$ 10,888.84
08/28/10	\$ 144,920.08	\$ 72,480.03	\$ 72,480.03	\$ 8,999.54	\$ 26,042.18	\$ 2,644.79	\$ 25,418.87	\$ 10,354.54
09/04/10	\$ 152,725.88	\$ 76,382.84	\$ 76,382.84	\$ 9,484.26	\$ 28,381.00	\$ 2,787.24	\$ 28,788.08	\$ 10,912.25
09/11/10	\$ 165,938.72	\$ 82,989.36	\$ 82,989.36	\$ 10,304.79	\$ 28,674.21	\$ 3,028.39	\$ 29,105.65	\$ 11,858.32
09/18/10	\$ 135,277.58	\$ 67,638.78	\$ 67,638.78	\$ 8,400.74	\$ 23,375.88	\$ 2,468.82	\$ 23,727.68	\$ 9,885.58
09/25/10	\$ 140,870.12	\$ 70,435.86	\$ 70,435.86	\$ 8,748.03	\$ 24,342.36	\$ 2,570.68	\$ 24,706.62	\$ 10,065.17
10/02/10	\$ 142,027.72	\$ 71,013.86	\$ 71,013.86	\$ 8,819.92	\$ 24,642.38	\$ 2,592.01	\$ 24,911.68	\$ 10,147.66
10/09/10	\$ 138,823.00	\$ 69,311.50	\$ 69,311.50	\$ 8,806.48	\$ 23,954.08	\$ 2,529.87	\$ 24,314.47	\$ 9,804.81
Subtotal	\$ 2,291,843.42	\$ 1,801,953.45	\$ 689,889.97	\$ 85,684.34	\$ 238,425.88	\$ 25,180.99	\$ 242,013.39	\$ 98,585.27

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

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

Week Ending Date	Week Ending October 9, 2010
To be Deposited on:	October 18, 2010
Amount Played	71,967,675.19
Amount Won	64,508,223.82
Amount Promo	213,176.00
NWAP Contribution	<u>26,228.23</u>
Adjusted Gross Terminal Revenue	<u>7,219,947.14</u>
Administrative Costs @ 4%	288,797.88
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>6,931,149.26</u>
Surcharge @ 10%	0.00
State Share Excess @ 58%	0.00
Track Share of Capital Reinvestment @ 42%	0.00
Track Share of Capital Reinvestment @ 42% - 96%	\$ -
Track Share of Capital Reinvestment @ 42% - 4%	\$ -
Adjusted Net Terminal Revenue	<u>6,931,149.26</u>
Racetrack @ 46.50% / 42%	3,222,984.41
Lottery Fund @ 30% / 0%	2,079,344.73
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	970,360.90
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	69,311.50
Greyhound Development @ .75%	51,983.62
Thoroughbred Development @ .75%	51,983.62
Racing Commission @ 1%	69,311.50
County/Municipality @ 2%	138,623.00
3% Funds:	
Tourism Promotion Fund @ 1.375%	95,303.30
Development Office Promotion Fund @ .375%	25,991.81
Research Challenge Fund @ .5%	34,655.75
Capitol Renovation and Improvement Fund @ .6875%	47,651.65
2004 Capitol Complex Parking Garage Fund @ .0625%	4,331.97
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	34,655.75
Capitol Dome and Capitol Improvements @ .5% / 1%	34,655.75
	<u>6,931,149.26</u>

VIDEO LOTTERY REPORT
FY 2009

Date	Amount	Date	Amount
7/5/2008 *	169,912.56	7/4/2009 *	128,262.42
7/12/2008	176,592.38	7/11/2009	168,815.08
7/19/2008	160,344.08	7/18/2009	160,652.98
7/26/2008	162,982.74	7/25/2009	158,869.08
8/2/2008	178,171.04	8/1/2009	174,493.08
8/9/2008	123,538.04	8/8/2009	138,408.80
8/16/2008	82,482.89	8/15/2009	81,222.14
8/23/2008	76,426.18	8/22/2009	76,260.31
8/30/2008	89,459.86	8/29/2009	80,472.92
9/6/2008	91,644.46	9/5/2009	80,798.15
9/13/2008	79,729.93	9/12/2009	86,286.92
9/20/2008	71,269.36	9/19/2009	70,010.15
9/27/2008	79,735.73	9/26/2009	69,316.87
10/4/2008	75,186.22	10/3/2009	72,286.04
10/11/2008	77,139.04	10/10/2009	69,650.63
10/18/2008	80,668.26	10/17/2009	73,560.21
10/25/2008	64,379.44	10/24/2009	67,581.66
11/1/2008	68,352.42	10/31/2009	64,528.30
11/8/2008	70,823.02	11/7/2009	63,741.59
11/15/2008	65,565.50	11/14/2009	65,959.64
11/22/2008	63,883.80	11/21/2009	59,547.05
11/29/2008	69,850.12	11/28/2009	72,399.98
12/6/2008	55,696.68	12/5/2009	51,006.51
12/13/2008	60,178.04	12/12/2009	52,460.58
12/20/2008	52,189.19	12/19/2009	32,834.39
12/27/2008	72,205.91	12/26/2009	53,406.34
1/3/2009	96,504.65	1/2/2010	92,980.40
1/10/2009	53,286.62	1/9/2010	55,020.46

Table Game Revenues
FY 2011

Date	Amount	Date	Amount
7/3/2010	115,402.58	7/3/2010	115,402.58
7/10/2010	205,731.64	7/10/2010	205,731.64
7/17/2010	161,386.76	7/17/2010	161,386.76
7/24/2010	160,368.28	7/24/2010	160,368.28
7/31/2010	157,802.08	7/31/2010	157,802.08
8/7/2010	136,494.98	8/7/2010	136,494.98
8/14/2010	78,376.68	8/14/2010	78,376.68
8/21/2010	76,199.02	8/21/2010	76,199.02
8/28/2010	72,460.03	8/28/2010	72,460.03
9/4/2010	76,362.84	9/4/2010	76,362.84
9/11/2010	82,969.36	9/11/2010	82,969.36
9/18/2010	67,638.78	9/18/2010	67,638.78
9/25/2010	70,435.06	9/25/2010	70,435.06
10/2/2010	71,013.86	10/2/2010	71,013.86
10/9/2010	69,311.50	10/9/2010	69,311.50
10/16/2010	75,234.62	10/16/2010	75,234.62

July/Aug 10 154,185.68

1/17/2009	56,068.87	1/16/2010	60,551.28
1/24/2009	71,474.63	1/23/2010	69,943.53
1/31/2009	61,089.80	1/30/2010	48,527.75
2/7/2009	83,539.63	2/6/2010	37,155.14
2/14/2009	76,054.44	2/13/2010	44,334.00
2/21/2009	91,838.41	2/20/2010	76,946.12
2/28/2009	80,806.88	2/27/2010	72,024.40
3/7/2009	48,837.13	3/6/2010	76,936.85
3/14/2009	96,025.39	3/13/2010	71,007.37
3/21/2009	79,002.82	3/20/2010	74,335.38
3/28/2009	79,250.83	3/27/2010	69,941.88
4/4/2009	75,968.30	4/3/2010	70,636.28
4/11/2009	75,964.94	4/10/2010	69,692.79
4/18/2009	80,598.22	4/17/2010	69,335.92
4/25/2009	75,571.46	4/24/2010	68,714.11
5/2/2009	73,957.05	5/1/2010	68,799.06
5/9/2009	76,697.22	5/8/2010	67,403.54
5/16/2009	71,925.70	5/15/2010	70,186.32
5/23/2009	81,395.43	5/22/2010	64,695.71
5/30/2009	82,161.55	5/29/2010	67,157.40
6/6/2009	74,895.74	6/5/2010	77,371.80
6/13/2009	67,327.23	6/12/2010	66,106.29
6/20/2009	75,500.53	6/19/2010	64,888.48
6/27/2009	67,354.10	6/26/2010	63,950.29
6/30/2009 ***	32,059.58	6/30/2010	29,667.19

TOTALS 4403564.04 4041141.56 1677188.07



STATE OF WEST VIRGINIA
DEPARTMENT OF MILITARY AFFAIRS
AND PUBLIC SAFETY
DIVISION OF HOMELAND SECURITY
AND EMERGENCY MANAGEMENT
Building 1, Room EB-80
1900 Kanawha Blvd., East
Charleston, West Virginia 25305-0360
Telephone: (304) 558-5380 Fax: (304) 344-4538

JOE MANCHIN III
GOVERNOR

JOSEPH C. THORNTON
ACTING CABINET SECRETARY

JIMMY J. GIANATO
DIRECTOR

October 12, 2010

Mr. John T. Mills
Jefferson County LEPC
28 Industrial Blvd. Suite 101
Kearneysville, WV 25430

Dear Mr. Mills:

Your 2011 HMEP Planning Grant application has been approved in the amount of **\$5000**. You must submit the "Initial Request for Payment" form (from your application package) to receive your initial 25% grant payment, if you have not already done so.

25 applications were received from eligible LEPCs for the 2011 grant year and 25 applications submitted met SERC requirements and were approved. The quality of applications for 2011 continues to improve from prior years.

All funds for this grant must be expended or obligated by September 30, 2011. Eligible project expenditures incurred between October 1, 2010 and September 30, 2011, are eligible for payment. The SERC will closely scrutinize "Progress Reports" which are due December 1, 2010, March 1, 2011, June 1, 2011 and September 30, 2011. A "Final Report" is due on November 30, 2011, along with a copy of your product.

If you find you will be unable to fulfill your obligation, you must notify the SERC within 30 days of the date of this letter so the money awarded to your LEPC can be used elsewhere.

Products are required by the SERC in order to be assured the proposed grant project was completed as agreed upon. You should not expect to receive your final payment until a copy of your product is provided to the SERC.

Your LEPC is commended for the work you have done to help make the State of West Virginia a safer place to live.

Sincerely,

James J. Gianato
Chairman

RECEIVED

OCT 18 2010

cc: County OES Director
County Commission

Jefferson County Commission

2010 E911 Survey - WVACO

County	County Landline Fee	Year Fee Imposed	Last FY Revenue Derived
Barbour	\$3		\$312,098
Berkeley			
Boone	\$2		\$239,545
Braxton			
Brooke			
Cabell	\$4		\$1,522,576
Calhoun	\$2.45		\$95,018.93
Clay	\$2.00		\$79,758.99
Doddridge	\$2.00		151,661.03
Fayette	\$2.00		293,511.00
Gilmer	-		-
Grant			
Greenbrier	\$2.00		\$372,000
Hampshire			
Hancock	\$2.05		\$373,000
Hardy	\$3.75		\$320,355.54
Harrison/ Taylor	\$0.98		\$360,340.74
Jackson	\$2.00		\$259,888.00
Jefferson			
Kanawha	Res \$3.34 Bus \$5.34		\$4,260,460.00
Lewis	\$1.75		
Lincoln			
Logan	\$1.50		\$345,000.00
Marion			
Marshall	\$1.20		\$223,811.37
	\$2.00 increa		
Mineral	\$3.00		\$249,100.75
McDowell	\$2.90		see attached
Mercer			
Mingo			
Monongalia	\$1.31		\$493,692.00
Monroe	\$4.65		\$300,000.00
Morgan			
Nicholas	\$2.00		\$309,096.00
Ohio			
Pendleton	\$2.50		\$127,664.00
Pleasant			
Pocahontas	\$1.25		\$91,540.55
Preston	\$1.00		\$134,506.93
Putnam	\$1.50		Approx \$296,000
Raleigh	\$2.00		\$783,722.92
Randolph			
Ritchie	\$2.00		\$130,170.49
Roane	\$1.75/line		\$122,630.97
Summers	\$1.85		\$120,585.45
Tyler	\$2.85		
Tucker	\$1.50		\$77,107.00
Upshur	\$2.65		\$346,340.00
Wayne	\$2.00		\$287,508.07
Webster	\$2.60		\$120,000.00
Wetzel	\$2.95		\$268,990.00
Wirt			
Wood	\$1.75		\$836,791.63
Wyoming			



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

FAX

Patricia L. Hamilton
Executive Director

To: All County Clerks / County Commissions

From: West Virginia Association of Counties

Re: Additional E911 Survey Questions

Date: October 15, 2010

Thank you for the responses we received to an 8-question survey on E911 that was requested by members of the Government Organization Committee who are studying various issues regarding E911 training. Many of you sent the survey on to your E911 personnel and we received some excellent information.

After presenting the survey responses at the committee meeting on Wednesday, I was asked to get a complete listing of each county's landline fee (if one has been imposed). There is no compilation or central location for this data and it is needed by this committee and also by the Telecommunications Tax Study that is currently being conducted by the State Tax Department.

Please fill in the amount of the county landline fee if you have not provided it already. As you can see, they also asked an additional question - When was the current fee imposed? Please fill in that block as well.

Thank you for your assistance!



*County Commissioners' Association
of West Virginia*

2309 Washington Street, East
Charleston, West Virginia 25311

E-mail info@ccawv.org (304) 345-4639 Fax (304) 346-3512

October 19, 2010

Dear County Commissioners, Administrators, & Staff:

Plans are underway for this year's 8 regional meetings to be held across the state during the next few weeks. These meetings will be informal, round table type meetings, with 5-7 counties invited to each one. We will discuss the legislative priorities adopted by the County Commissioners' Association's Legislative Committee and Board of Directors on September 20, 2010 in Pipestem, WV.

Along with the legislative agenda, we will discuss other concerns, problems or ideas you may have. Sometimes the best solutions are just next door! The meetings will be small in number to encourage everyone's participation. Light refreshments will be provided.

I ask that you call your legislators and invite them to join us in these informal meetings. Having our legislators present will give you the opportunity to let them know how important these legislative issues are to your county. A personal invitation from you is better received than an invitation from this office. You are their constituents, and your needs and concerns are important to them. I will follow up with a reminder to all legislators.

I have enclosed a list of the 8 regional meetings, date, time and location of each. Please take a moment to fill out the registration form below to let us know which meeting you can attend. (If for some reason you can not make your county's scheduled meeting, feel free to join us at one of the other meetings that works better for you.) I need to let the host counties know approximately how many to expect. Please fax your response to (304) 346-3512 as soon as possible. Don't forget to invite your legislators! Please call Jennifer Webb at (304) 345-4539 or e-mail her at jennifer@ccawv.org if you have any questions. Thanks.

Name-Title _____	County _____
I will attend Regional Meeting # _____	Location _____
Day Phone _____	
I have contacted the following legislators who will attend: _____	

2010 CCAWV Legislative Roundtable Meeting Schedule

Regions	County Hosts, Time, & Location
<u>Region 1</u> Gilmer, Lewis, Upshur, Braxton, Nicholas, Webster, Fayette, Clay	Lewis County October 27, 2010 2:00 p.m.-4:00 p.m. Lewis County EMS Building West 2nd Street, Weston
<u>Region 2</u> Doddridge, Calhoun, Wirt, Pleasants, Wood, Ritchie, Tyler, Roane, Mason, Putnam, & Jackson	Wood County December 8, 2010 1:00 p.m.-3:00 p.m. Judge Black Annex, Fort Boreman Room 315 Market Street, Parkersburg
<u>Region 3</u> Logan, Wayne, Mingo, Cabell, Lincoln, Kanawha & Boone	Boone County December 6, 2010 1:00 p.m.-3:00 p.m. Boone County Courthouse, 3rd Floor
<u>Region 4</u> Grant, Mineral, Hampshire, Hardy, Tucker, Pendleton, Randolph & Pocahontas	Randolph County November 10, 2010 12:00 Lunch/1:00 p.m.-3:00 p.m. Meeting Rail Yard Restaurant, Railroad Avenue, Elkins
<u>Region 5</u> Berkeley, Morgan, & Jefferson	Jefferson County November 29, 2010 3:00 p.m.-5:00 p.m. Commission meeting room in the Charles Town Library on the lower level. Enter from the Samuel Street Entrance.
<u>Region 6</u> Raleigh, Summers, Mercer, Monroe, Wyoming, McDowell & Greenbrier	Summers County November 18, 2010 12:00 Lunch/1:00 p.m.-3:00 p.m. Meeting Ritz Theatre, 211 Ballengee Street, Hinton, WV
<u>Region 7</u> Harrison, Monongalia, Preston, Barbour, Marion, & Taylor	Marion/Harrison County November 12, 2010 10:00 a.m.-12:00 noon The Democrat Club owned by Commissioner Butch Tennant (across the street from Marion County Courthouse, 304 Adams Street, Fairmont, WV)
<u>Region 8</u> Marshall, Brooke, Ohio, Hancock, & Wetzell	Ohio County November 22, 2010 6:00 p.m.-8:00 p.m. Wheeling Island Hotel

Debbie Stellato

From: cmasonwhf@aol.com
Sent: Wednesday, October 20, 2010 11:35 AM
To: cmasonwhf@aol.com
Subject: GOVERNOR MANCHIN TO VISIT RANSON FOR CENTENNIAL CELEBRATION

**Please note: Governor Joe Manchin will be appearing at the Ranson Centennial Park Dedication on Saturday, October 23, 2010 at 10 am.
The park is located adjacent to Ranson City Hall on Mildred Street.**

**For additional information, please contact Cheryl Mills, Executive Director, Ranson Convention & Visitors Bureau, Inc, 216 N. Mildred St. Ranson, WV 25438
Phone: 304-724-3862
Fax: 304-728-8579**

**Learn more about Ranson, its history, and its Centennial celebration at
<http://www.ransonwv.us>**

Jefferson County Commission

Sorry We're
CLOSED

Tuesday

November 2, 2010

