

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, JANUARY 27, 2011
9:30 A.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. Mark Schiavone, Director of Capital Planning & Management
- Presentation of Annual Report on Impact Fees
2. 10:15 a.m. Legal Update - Stephanie Grove, Assistant Prosecuting Attorney
3. 10:30 A.M. Break
4. 10:45 a.m. Doug Pittinger, Director of the Jefferson County Emergency Services Agency
- Presentation of Strategic Plan by Tony Truax of Delta Development
5. 11:00 a.m. Interview and Appointment to the Jefferson County Development Authority -
One unexpired term ending April 5, 2012

NEW BUSINESS:

6. Approval of Employment - Charles R. Field, Sr. As a Part-time Bailiff - Discussion/Action

UNFINISHED BUSINESS:

7. Set Date and Time in to hold a Public Hearing regarding the Proposed Wireless Telecommunications Facilities Ordinance Draft - Discussion/Action

8. Appointments to the Water Advisory Committee
- Four 3-year terms ending January 1, 2014 - Discussion/Action
9. Water Advisory Committee report from Commissioner Widmyer

COUNTY ADMINISTRATOR REPORTS

- Extra Hour/Overtime Policy - Discussion/Action
- Worker's Compensation Policy - Discussion/Action

COUNTY COMMISSION REPORTS

10. 1:30 p.m. Global Data
11. 2:00 p.m. Mike Thompson, Esquire
- Board of Review and Equalization Tutorial

—————**EVENING SESSION**—————

12. 7:00 p.m. Public Hearing - Amend the County Zoning Map to Consider Urban Growth Boundaries for Harpers Ferry and Bolivar

CORRESPONDENCE:

Letter received from Mayor Addy of Harpers Ferry dated January 12, 2011.

Notice received from WVACO regarding the 2011 Annual Meeting - February 6 - 8, 2011.

Newsletter received from WVACO dated January 12, 2011.

Letter received from Jefferson County Public Service District dated January 14, 2011.

Invitation to Buffet Dinner and Silent Auction on February 12, 2011 received from the Animal Welfare Society of Jefferson County.

Letter received from Loudoun County, Virginia dated January 14, 2011.

Eastern Panhandle Conservation District 2011 Winter Newsletter received January 18, 2011.

Newsletter received from WVACO dated January 18, 2011.

Newsletter received from WVACO dated January 19, 2011.

Eastern Panhandle Conservation District's 2011 Annual Tree Sale Order Form received January 19, 2011.

West Virginia Lottery Weekly Settlement received.

Notice of dates that the Board of Review and Equalization will convene.

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.

Commission Office Use Only	
Date on Agenda:	1/27/11
Appt Time or New Business:	11:30AM

AGENDA REQUEST FORM

Name: FM Schiavone

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: 27 January 2011

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date: State Code (§8-20-8) and the County Impact Fees Procedure Ordinance require this report to be delivered in January of each year. I'm requesting the last meeting in January in order to ensure sufficient time to complete the School Impact Fee study as it should be included in the annual report.

Subject: CY 2010 Annual Report on Impact Fees

Please provide the County Commission with a description of your request or presentation, including any background information: This report provides an accounting of the impact fees collected and disbursed in CY 2010 and highlights proposed changes to any of the current fee schedules, capital inventories, calculation methodologies, or other aspects of the management of impact fees.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): No motions are necessary.

Attachments: Annual Report on Impact Fees – January-December 2010.

Commission Office Use Only	
Date on Agenda:	1/27/11
Appt Time or New Business:	10:45

AGENDA REQUEST FORM

Name: Doug Pittinger

Department or Entity: JCESA

Estimation of amount of time needed for appointment: 15 minutes

Date Requested - 1st Choice: January 27, 2011

Date Requested - 2nd Choice: _____

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

Review of Strategic Plan prepared by Delta Development.
Approval requested prior to FY2012 Budget request.

Subject:

Strategic Plan Approval.

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

Copies of Strategic Plan will be provided to County Commissioners prior to meeting date. Troy Truax from Delta Development will present/discuss Strategic Plan. JCESA representatives Pete Kelley, Dr. Mike Atney, Doug Pittinger, and Mike Alvarez will answer questions as well.

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

Attachments:

Provided to Commissioners prior to meeting.

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

Name: Nichelle Hosby

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: 1/27/11

Date Requested – 2nd Choice: _____

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

Subject: **Interview and Appointment to the Development Authority for an unexpired term ending April 5, 2012**

Please provide the County Commission with a description of your request or presentation, including any background information: **A vacancy needs to be filled due to the passing of a member.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve/deny the appointment of _____ to the Development Authority for an unexpired term ending April 5, 2012.**

Attachments:

NOTICE OF INTENT TO APPOINT

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, January 27, 2011, or as soon thereafter as the Commission may decide:

Jefferson County Development Authority - Unexpired term ending April 5, 2012

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

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

B. Lee Snyder

**270 Industrial Boulevard
Kearneysville, West Virginia 25430
(304) 725-9140**

Ms. Patsy Noland, President
Jefferson County Commission
Po Box 250
Charles Town, WV 25414

Dear President Noland:

I am writing to express my interest in serving on the Jefferson County Development Authority. I further understand there is an opening which has resulted from the passing of Mr. Terry Marcus. Enclosed is my resume.

I believe that I am particularly qualified for this Board due to my life-long residence in Jefferson County, my business career of 40 years in the county concentrating on providing utility service and my business location in the Bardane Business Park.

Thank you for your consideration. I will be glad to attend an interview.

With best wishes,



Lee Snyder, President

Enclosure

cc: County Commissioners, Tim Boyde, Tom Bayuzik

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JAN 19 2011

Jefferson County Commission

Bernard Lee Snyder
279 Lone Oak Road
Ranson, WV 25438
(304) 725-3915

Business Address: 270 Industrial Boulevard
Kearneysville, WV 25430
(304) 725-9140

Education: Bachelor of Science (1971)
Shepherd University
Shepherdstown, WV 25443

Major: Biology

Minor: Chemistry

Presently pursuing a Masters of Business Administration (MBA) at Shepherd University

Work Experience:

Company: Snyder Environmental Services, Inc. (1979- to Present)
270 Industrial Boulevard
Kearneysville, WV 25430

Type of Company: Utility Construction Contracting Company
Specializing in construction, operation and management of water and
wastewater facilities and horizontal boring and jacking

Position: President and Stockholder

Duties: Performed and or managed all activities of the company. This includes all
construction and general contracts and all administrative duties. Type of work includes:
assist with plans preparation, bidding jobs, planning jobs, designing and fabricating
equipment, managing projects, personnel management, overall corporate management.

Company: Jefferson Utilities, Inc. (1985- to Present)
270 Industrial Boulevard
Kearneysville, WV 25430

Type of Company: Public Utility
Operating water and wastewater utilities in Jefferson County, WV

Position: President and Stockholder

B.L. Snyder
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Duties: Performed and or managed all activities of the company. This includes planing upgrades and new construction, budgeting, engineering planning, financial planning, borrowing, managing litigation, Public Service Commission relations, business management, supervising operations, managing accounting, negotiating, Public relations, and overall corporate management.

Company: Oak Meadow, LLC. (1997- to Present)
270 Industrial Boulevard
Kearneysville, WV 25430

Type of Company: Real Estate Development

Position: Manager (ownership is Joint Venture with my wife, Cynthia)

Duties: Manage the planning, engineering, borrowing, and construction for Briar Run Subdivision. Holding 315 lots in Keyes Ferry Acres

Company: Snyder Enterprises, Inc. (1973-to 1990)
P.O. Box 370
Shenandoah Junction, WV 25442

Type of Company: Construction and Property Management

Position: Vice President

Duties: Performed similar duties as above for Snyder Environmental Services until S.E.S. took over the construction activities of Snyder Enterprises.

Company: LCS Services Inc. (1985-1991)

Type of Company: Engineering, landfill permitting, construction and operation.

Position: President

Duties: Supervised the permitting, land acquisition, engineering and construction of a 20 million dollar state of the art municipal solid waste landfill. Also was deeply involved with all regulatory issues, public relations and litigation which involved employment of six law firms and in house council.

B. L. Snyder
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Company: Jefferson County Landfill (1971-1985)

Type of Company: County owned landfill

Position: Landfill Manager

Duties: As my first job after college, I turned an open burning dump into a sanitary landfill. Duties included planning construction, daily operation, personnel management, reporting to county commission and budgeting.

Company: Jefferson County Health Department (1972-1973)

Type of Company: County Environmental Health

Position: Sanitarian

Duties: Supervision of Environmental Health, inspection of septic systems, wells, restaurants, schools and nursing homes, etc.

Board Positions:

DIRECTOR- Farmers and Mechanics Mutual Insurance Company

Vice President- Contractors Association of West Virginia

Professional Activities:

West Virginia Contractors Association
Associated Builders & Contractors
American Water Works Association
Water and Environment Federation
Jefferson County Citizens for Economic Preservation

Licenses:

Class A Commercial Driver License
WV Blasters License
WV Water Plant Operator, Class II
WV Waste Water Plant Operator, Class III
WV Master Plumber

B. L. Snyder
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Special Training:

Lee has attended dozens of courses on water and wastewater management, water distribution, sewer collection, safety, business management and related topics

Personal:

Lee is married to Cynthia Sperow Snyder.

Personal & Professional References Available

PO Box 1411
Charles Town, WV 25414
304-283-7664

January 21, 2011

Jefferson County Commission
PO Box 250
Charles Town, WV 25414

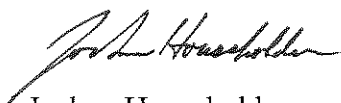
RE: Jefferson County Development Authority Board

Dear Commissioners:

Please let this letter serve to express my interest in being considered for the Jefferson County Development Authority Board. I am from Jefferson County and have been passionate about the area from an early age. A job offer from Bank of Charles Town while attending West Virginia University brought me back to the community.

I feel that serving as a board member would be an opportunity for me to give back to the county. I've attached a copy of my résumé for your review. Thank you in advance for your time and consideration.

Best regards,



Joshua Householder

Encl.

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JAN 24 2011

Jefferson County Commission

Joshua Householder

P.O. Box 1411 Charles Town, WV 25414 ♦ 304-283-7664 ♦ jhouseholder@mybct.com

Experience

- | | | |
|--|---------------------------------|------------------------|
| Vice President & Commercial Loan Officer | Bank of Charles Town | 03/10 - Present |
| <ul style="list-style-type: none">♦ Manage a Commercial Lending Team♦ Recommend Policies, Procedures and Objectives for the Commercial Loan Area♦ Ensure Lending Policies are in Conformance with Overall Bank Policies♦ Monitor, Maintain and Service Commercial Loan Portfolio | | |
| Commercial Loan Officer | Bank of Charles Town | 08/08 - 03/10 |
| <ul style="list-style-type: none">♦ Solicited and Serviced Commercial Loans♦ Interviewed Applicants to Understand Specific Financial Requests and Objectives♦ Analyzed Applicant Financial Status and Credit to Determine Feasibility of Granting Loan Requests♦ Verified Loan Documentation is Complete and Accurate According to Policy | | |
| Credit Analyst | Bank of Charles Town | 09/06 - 08/08 |
| <ul style="list-style-type: none">♦ Analyzed Creditworthiness and Credit Risk of Commercial Borrowers♦ Identified Current and Potential Problems Regarding the Assessment of Credit Risk♦ Prepared Written Reports of Findings and Communicated the Findings to Senior Management♦ Implemented New Underwriting Software | | |
| Information Technology Assistant Manager | Bank of Charles Town | 09/04 - 09/06 |
| <ul style="list-style-type: none">♦ Directed day-to-day Operations of the Department♦ Created Custom Reports for Executive Management♦ Led a Team to Develop a New Website♦ Created an Intranet Site to Improve Communication and Centralize Forms, Policies, and Procedures | | |
| Information Technology Computer Operator | Bank of Charles Town | 11/01 - 01/03 |
| <ul style="list-style-type: none">♦ Perform Microcomputer Troubleshooting and Repairs♦ Expand and Maintain Existing Networks♦ Maintain and Update Databases♦ Complete Night Data Processing | | |
| Sales Distributor | Whites Veterinary Supply | 3/99 - 9/01 |
| <ul style="list-style-type: none">♦ Take and fulfill orders | | |

Education

Graduate Commercial Lending School	American Bankers Association	Graduated 04/10
Advanced Commercial Lending School	Risk Management Association	Graduated 05/09
Bachelor of Science - Business Administration	Mt. St. Mary's University	Graduated 05/08
Commercial Lending School	Risk Management Association	Graduated 05/08
West Virginia School of Banking	WV Bankers Association	Graduated 05/06
Business and Economics	West Virginia University	01/03 - 09/04
Computer Support Technology/A+ Certification	AccuTech Business Institute	Graduated 09/02
Diploma of Graduation	Jefferson High School	Graduated 06/01

Professional Affiliations

- Eastern Panhandle Home Builders Association
 - Served on Home Show and Currently Serve on the Silent Auction Committee
- United Way of the Eastern Panhandle
 - Volunteered for the Small Business and Currently Volunteer for the Major Firms Campaign
- Leadership Jefferson V

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AGENDA REQUEST FORM

Name: Robert Shirley

Department or Entity: JCSO

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: 1/27/2011

Date Requested – 2nd Choice: 2/3/2011

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

Subject:
Hire Bailiff

Please provide the County Commission with a description of your request or presentation, including any background information: Approval to hire Charles R. Fields Sr. as a part time Bailiff. This is to fill a vacated budgeted position and will not create a need to increase line item.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I move to approve the hiring of Charles R. Fields Sr as a part time Bailiff.

Attachments:

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

[4.7, Essential Utility Equipment]

Essential utility equipment, as defined in Section 2.2, shall be permitted in any district, as authorized and regulated by law and ordinances of Jefferson County, it being the intention hereof to exempt such essential utility equipment from the application of this ordinance. ~~Communication~~ Wireless telecommunication towers, however, shall conform to the setback requirements ~~and be surrounded by a fence of~~ Article 4B.

[4.11, Landscaping, Screening, and Buffer Yard Requirements]

~~Section 4.11~~

- (i) ~~All wireless telecommunications antennas, towers, and facilities shall have a buffer yard pursuant to Article 4, Section 4.11(d)1-4.~~
~~{AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE JULY 1, 1998}~~

Comment [SB4]: Duplicative. All landscaping requirements should be addressed in Article 4B.

[9.2 Building Height Limitations]

Commercial wireless communications facilities shall comply with Section ~~Article~~ 4B, 7(a).

Comment [SB5]: Correct reference for height exception.

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: Nichelle Hosby

Department or Entity: Jefferson County Commission

Estimation of amount of time needed for appointment: 10 min

Date Requested – 1st Choice: 1-20-11

Date Requested – 2nd Choice: _____

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

Subject: **Interviews and Appointments to the Water Advisory Committee**

Please provide the County Commission with a description of your request or presentation, including any background information: **Interview and Appoint four individuals to the Water Advisory Committee for a three year term expiring January 31, 2014**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve _____ to the Water Advisory Committee for a three year term expiring January 31, 2014.**

Attachments:

Water Advisory Commission

Members Currently serving

Name	Address	Phone	Expiration
Roger Ethier	P.O. Box 1392 Shepherdstown, WV 25443	304-283-6196	1/31/2013
Larry Johnson	125 Burke St Martinsburg, WV 25401	304-267-9759	1/31/2013
Dick Latterell	PO Box 3609 Shepherdstown, WV 25443	304-876-6072	1/31/2013
Lee Snyder	270 Industrial Blvd. Kearneysville, WV 25430	304-725-3915	1/31/2012
Oscar Stine	7633 Flowing Springs Rd Shepherdstown, WV 25443	304-876-2009	1/31/2012
Jane Arnett	832 S. George St Charles Town, WV 25414	304-725-2316	1/31/2012
Patsy Noland	Jefferson County Commission	304-728-3284 304-261-7911	

Expiring member effective January 20, 2011

Name	Address	Phone	Expiration
Susan Lawton	P.O. Box 430 Charles Town, WV 25414	304-724-7143	1/31/2011
Dan Riss	PO Box 725 Harpers Ferry, WV 25425	304-535-2432	1/31/2011
Mark Shields		301-827-6173	1/31/2011
Robert K. Denton	19955 Highland Vista Dr. Suite 170 Ashburn, VA 20147	703-726-8030	1/31/2011

Interested Applicants

Name	Address	Phone	Attending
Susan Lawton	P.O. Box 430 Charles Town, WV 25414	304-724-7143	NO
Robert K. Denton	19955 Highland Vista Dr. Suite 170 Ashburn, VA 20147	703-726-8030	NO
Mark Shields		301-827-6173	NO
Mary Sell			Yes attended 1-20-11

FAXED
10-14-10 12:30

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, January 20, 2011, or as soon thereafter as the Commission may decide:

Water Advisory Committee - 4 - 3 year terms ending January 31, 2014

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

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

SPIRIT OF JEFFERSON:

PLEASE ADVERTISE ON:

December 22 & 29, 2010 & January 6 & 13, 2011

THANKS - JEFFERSON COUNTY COMMISSION

Mark A. Shields
82 Fosters Circle
Shenandoah Jct. WV 25442
December 20, 2010

Jefferson County Commission
P.O Box 250
124 E. Washington Street
Charles Town, WV 25414

Dear Commissioners:

I am contacting you regarding my term on the Jefferson County Water Advisory Committee that is scheduled to expire on January 31, 2010. I respectfully request the Commission re-appoint me to the committee for a three year term ending January 31, 2014. I am currently a member of the Jefferson County Board of Health and believe the collaboration between the two organizations is most beneficial to the county.

I am confident that I can perform the duties effectively. Furthermore, I am genuinely interested in the water issues faced by the citizens of Jefferson County.

Should you need to reach me, please feel free to call me at (301)-827-6173. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark A. Shields', written in a cursive style.

Mark A. Shields

Mary T. Sell
P.O. Box 895
Charles Town, WV 25414
304-725-2534 - home
202-215-0270 - cell
marytsell@aol.com

January 14, 2011

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

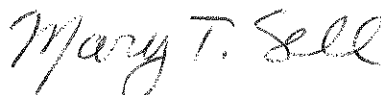
Dear Commissioners,

I hereby submit my letter of interest to serve on the Jefferson County Commission's Water Advisory Committee for a term ending January 31, 2014. If appointed I will endeavor in a collaborative manner, to assist the Water Advisory Committee to advise and inform the County Commissioners on the many complex water issues facing Jefferson County. I have over twelve years experience at the local, state and federal levels, primarily focused on the siting of energy infrastructure, rate recovery, environmental permitting and regulatory compliance. I live on and own, with my husband, a working thoroughbred horse farm in Jefferson County. As a Jefferson County resident, I am following a number of water issues that will require the Commission's action. I appreciate the difficulties in balancing the preservation of the historical and rural landscape of the County with the County's growth and the need for reliable water infrastructure, and for regulatory and environmental compliance. Additionally, I have a particular interest in the concerns of rate payers and appropriate rate recovery for service providers. I would like to contribute my skills and experience to help address these and other issues for Jefferson County. I have attached my resume for your review.

Thank you for your consideration of my interest in serving on the Jefferson County Commission's Water Advisory Committee.

With regards, I am

Very truly yours,



Mary T. Sell

RECEIVED

Enclosure

JAN 18 2011

Jefferson County Commission

Mary T. Sell
P.O. Box 895
Charles Town, WV 25414
304-725-2534 – home 202-215-0270 – cell
marytsell@aol.com

Qualifications

Regulatory and governmental affairs specialist with twelve years of experience in collaborative representation of clients on agricultural, energy, environmental and legislative issues

Regulatory and Governmental Affairs Coordinator 7/2007 – Present
McLeod, Watkinson & Miller, Washington, DC

Key Accomplishments

- Research and monitor USDA, EPA, FDA, CFTC, and FTC proceedings and rulemakings affecting the interests of agricultural and agribusiness clients
- Provide high-level support to clients to ensure compliance with the United States Department of Agriculture's regulations governing the commodity check-off and research programs for beef, dairy products, soybeans and peanuts
- Aid and assist in responses to Freedom of Information Act requests directed to federal agencies with oversight of commodity check off programs
- Respond to congressional inquiries regarding the commodity check off program administration
- Participated in the successful defense and outcome for an agribusiness landowner in a condemnation proceeding brought by a utility under state statute; managed large complex electronic databases comprised of environmental exhibits

Regulatory Representative 1/2000 - 7/2007
NiSource/Columbia Gas Transmission Pipelines, Washington, DC/Charleston, WV

Key Accomplishments

- Advanced the Company's Operating Plan and strategic objectives through the application of broad energy industry expertise to analyze complex regulatory, environmental, legal, legislative proceedings and rulemakings related to:
 - the production, transmission and distribution of natural gas
 - the generation, transmission and distribution of electricity including hydroelectric
 - the implementation of the Energy Policy Act of 2005 (EPACT 2005)
 - the implementation of integrity management programs under the Pipeline Safety Act of 2002 (PSIA 2002)
 - state public service commissions' proceedings concerning electricity deregulation and natural gas competition and choice, for a portfolio that included over 19,000 of transmission pipeline in nineteen jurisdictions and a storage network of approximately 646 bcf; 56,000 miles of distribution pipeline serving 3.3 million customers in nine states; an electric generation

affiliate with 3,392MW of capacity serving over 400,000 customers in Indiana; and a 10MW hydroelectric facility.

- Regularly reported on and attended the Federal Energy Regulatory Commission's (FERC) Open Meetings and federal agencies' technical conferences, summarizing the comments and positions of parties' in the proceedings to assist in the formulation of the Company's positions and written responses
- Monitored the rulemakings of federal agencies' (EPA, MMS, BLM, USDA) to implement the EPACT 2005
- Reported on legal decisions at the United District Court for the District of Columbia, United States Court of Appeals and the U.S. Supreme Court, that impacted the energy industry and the Company's interests
- Alerted and assisted in responding to congressional inquiries regarding Company Projects in a timely fashion, with effective information to address and resolve congressional concerns
- Expertise regarding: cost recovery mechanisms for Company's footprint in the Midwest Independent System Operator's regional transmission electric market and for compliance with mandatory electric reliability standards promulgated by the FERC and the North American Reliability Corporation (NERC).

Executive Director

1/98-12/99

The Greater Merrifield Business Association, Fairfax, VA

Key Accomplishments

- Lobbied local, state and federal government officials for increased funding for transportation and community revitalization monies for the Greater Merrifield community resulting in funding to engage an architectural design firm for preparation and presentation of proposed streetscape community master plan design standards at five community meetings
- Testified at the Virginia Commonwealth Transportation Board (CBT) Six Year Plan Meetings in Richmond, VA, arguing for approval of allocated funding for the Virginia Department of Transportation Budget, to perform an at-grade highway improvement project at a major congestion point in Merrifield, VA; successful in keeping the project on the Six Year CBT funding plan and ultimately fully funded and built
- Master of Ceremonies for two televised "Town Hall Meetings," to develop a vision for the future of mixed-use development in Merrifield, Virginia, including "smart-growth" for the areas proximate to two Washington Metropolitan Transportation Authority Metro Stations (Vienna and Dunn Loring/Merrifield - Virginia Metro stations) in Merrifield, VA
- Introduced and moderated several panels which included two Commonwealth of Virginia Delegates, the Chairman of the Fairfax County Board of Supervisors, the Providence District Supervisor, Fairfax County Planning Commission Staff, Virginia Department of Transportation Staff, members of the business community and local residents
- Participated and reported to the Business Association regarding the Fairfax County sponsored facilitated public meetings ("charettes") soliciting input on commercial and residential neighborhood design and traffic flow for the development of the new Merrifield Master Plan

- Raised the profile and importance of the organization by testifying before the Fairfax Planning Commission and Fairfax County Board of Supervisors for several business development projects that received approval
- Initiated co-sponsorships of political, charitable and networking events with other business organizations.
- Coordinated the organization's annual involvement in Volunteer Fairfax, partnered with the Fairfax County Police Department for an annual miniature golf event with at-risk youths
- Formulated the agenda for the monthly board of directors meetings; prepared the annual pro forma budget; maintained member records and correspondence; and organized luncheons and annual meetings

Affiliations

Women's Council on Energy and the Environment, Washington, DC

- Board Member and Chair of the Special Interest Committees overseeing five committees and twelve committee members programming events in the area of: Energy, Water, International, Climate Change and Sustainability

Education

American Public University System, Charles Town, WV

Pursuing MBA part-time

Major: Economics and Finance

Minor: Emergency & Disaster Management

The College of William and Mary, Williamsburg, VA

Bachelor of Arts degree in History

Nichelle Hosby

From: Robert Denton [RDenton@GeoConcepts-Eng.Com]
Sent: Friday, January 14, 2011 9:09 AM
To: nichelle hosby
Subject: RE: Water Advisory Committee Term Renewal

Dear Nichelle,

As per the Commission's request by letter dated December 14, 2010, I am interested in continuing to serve on the Water Advisory Committee. As such, I am requesting that the Commission renew me for another three-year term.

With regards,

Robert K. Denton Jr., CPG, LRS
Senior Geologist

GeoConcepts Engineering, Inc.
19955 Highland Vista Drive, Suite 170
Ashburn, Virginia 20147
Phone: (703) 726-8030
Fax: (703) 726-8032

www.geoconcepts-eng.com

 **Please consider the environment before printing this e-mail.**

The information in this email is confidential. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying any portion of this email and any attachments is prohibited. The recipient bears the responsibility for checking its accuracy against corresponding originally signed documents. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system.

Lawton
P.O. Box 430
Charles Town, WV 25414

January 17, 2011

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

Re: Water Advisory Committee

Dear Ms. Hosby:

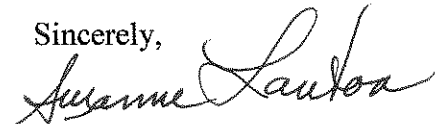
I write in response to your letter dated December 14, 2011 about the January 31st expiration of my term on the Water Advisory Committee. Thank you for this notification.

It was my original understanding that this Committee's purpose was to investigate specific water related issues per the request of the County Commission. I don't think this group functions in this manner. In fact, I'm not aware of anything upon which the Commission has asked us to investigate and report findings. The group picks issues of interest to individual members of the group; often issues already under the purview of other highly qualified groups. The few good projects the group is working on could have been performed by other existing professional groups in the County at the request of the Commission.

It is my opinion that this group should no longer be a County Commission sanctioned committee; yet if the County Commission wishes to continue the group, I hope that you share with them my desire to be reappointed for another term.

I'm grateful to the Commission for the opportunity to serve in the past, and hope to be able to serve again.

Sincerely,



Susanne Lawton

cc: Board of Jefferson County Public Service District

Commission Office Use Only

Date on Agenda: 1-20-11

Appt Time or New Business:
Co. Adm. Depnts

AGENDA REQUEST FORM

Name: Tim Boyde, County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: January 20, 2011

Date Requested – 2nd Choice: _____

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

Subject: Extra Hour/Overtime and Worker's Compensation Policies

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:

EXTRA HOURS/OVERTIME

PROVISIONS:

Extra hours/overtime is time worked in addition to an employee's regularly scheduled hours during a work cycle.

In accordance with the Fair Labor Standards Act (FLSA), non-exempt employees are eligible to receive overtime pay at a rate of one and one-half times their regular pay for time worked in excess of 40 hours per workweek. Exempt employees **are not** eligible for overtime; they are expected to work as many hours as required to perform the duties of the position. Except for Elected Officials, all employees are covered by the FLSA.

Before extra hours/overtime is worked, the employee must have approval from his/her supervisor. Extra hours/overtime is considered a condition of employment; refusal to accept it when reasonable notice has been given or abuse of overtime is cause for discipline, up to and including termination. At the supervisor's discretion, an employee's work schedule may be adjusted during the workweek to avoid extra hours/overtime.

Approved paid absences, including but not limited to sick leave, vacation leave, holiday leave, FMLA, military leave, jury and witness duty, or funeral/bereavement leave **are not** counted as time worked for the purposes of computing overtime.

Elected Officials and Department Heads may authorize and schedule extra hours beyond the normal work schedule for eligible employees only to the extent that:

- They give employees prior approval, in writing if possible, before working extra hours;
- Extra hours are limited to absolute necessity;
- Funds to pay for extra hours are approved in the annual budget ;
- Expenditures throughout the year for extra hours remain within the department's approved personnel allocation;
- When the approved allocation is spent, additional funds must be requested through the County Administrator and then approved by the Jefferson County Commission;
- Jefferson County does not allow accrual of compensatory time by exempt or non-exempt employees.

PROCEDURES

Extra Hours Resulting in Overtime

The Commission *may* authorize exceptions when exempt employees are assigned to Commission mandated or approved emergency duty, (e.g. some maintenance personnel and some emergency service personnel).

Employees assigned to modified, alternative or experimental work schedules will be paid in excess of forty (40) hours in any one week, but not in excess of eight (8) hours in any one day. Modified, alternative, or experimental work schedules are not to be confused with flexible work hours as described in Hours of Work.

General Instructions

On-Call hours (hours scheduled in excess of the standard work week), including payment for emergency service hours as per policy *Emergency Service Payment*, employees do not qualify for emergency service hours in 24 hour operations.

Recording

Extra hours must be shown on the employee's time card during the pay period in which the hours were accrued. Any abuse of this procedure or false entries on a time card will result in disciplinary action, up to and including termination, against any employee and/or supervisor authorizing submission of the time card.

Authored by: TTB

Date Prepared: 12/14/10

Approved: _____

WORKER'S COMPENSATION

POLICY

The Board of Commissioners of Jefferson County Government will provide Workers' Compensation insurance for all employees within the requirements of the law.

PROVISIONS

The insurance will pay 2/3 of salary (based on the past 12 month's earnings) for each day's work lost due related injury or illness.

- Under current tax laws, such payments are exempt from income and social security taxation.
- Coverage begins on the eighth (8th) calendar day after the injury and continues until return to work with a physician's release.
- If the employee is absent more than 14 calendar days, Worker's Compensation will retroactively reimburse the employee for each day missed in the first week.

The employee may elect to use accrued time to cover the first seven (7) days of injury or take the time as unpaid.

Modified Duty is provided to assist employees who sustained a work-related injury to return to gainful, productive employment with Jefferson County Government.

When an employee sustains a work-related injury which is compensable under current worker's compensation legislation, the treating physician may release the employee to return to work with temporary physical restriction(s), which are intended to aid the employee in recovery from that injury. In such circumstances, Jefferson County Government will make all reasonable efforts to enable the injured employee to return to work within the temporary, physical-imposed restrictions.

The temporary assignment may or may not be in the same classification or location as the employee's regular job. Additionally, the temporary assignment may or may not be equivalent (in terms of weekly hour's worked and/or monetary compensation received) to the employee's regular job.

The injured employee must provide an updated physical assessment and associated duty restrictions any time they visit the medical provider. The injured employee must also provide such statement in the event a change of condition that was not previously expected or indicated occurs.

Modified Duty applies to all Jefferson County employees. All employees are eligible to return to work on a "modified duty" status, considering the following criteria exist:

- The injury sustained by the employee has been determined to be work-related and compensable under current workers' compensation legislation.
- The physical restrictions imposed by the treating physician are specific (i.e. not lifting over 50 pounds).

- The physical restrictions imposed by the treating physician are for a specified, temporary period of time (e.g. 10 days).
- Work-related tasks which fall within the physical limitations of the treating physician are available and are within the physical and skill capacities of the injured employee, with reasonable accommodations made by the employer, employee, or both.

PROCEDURES

Worker's Compensation payments do not begin until the eighth (8th) calendar day.

Payment of benefits will be:

- Calendar day 1 through 7: injured employee may use accrued sick or vacation leave or take the time off as unpaid.
- On the eighth (8th) day of Worker's Compensation Lost Time, the injured worker will begin receiving either 2/3 or (90% depending on the average wage) of income through Worker's Compensation Insurance.
- Starting on the 8th day of Worker's Compensation Lost Time, the injured worker will be granted a medical leave of absence without pay until they return to work with a physician's release. The employee will receive their pay through Worker's Compensation only.

Authored by: TTB

Date Prepared: 12-15-2010

Approved: _____

Commission Office Use Only

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Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Mike Thompson, Esq.

Department or Entity: _____

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: January 27, 2011

Date Requested – 2nd Choice: _____

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

Subject: Board of Review and Equalization Appeal Process - Public Information Session

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:

For Immediate Release
Jefferson County Commission
Contact: 304-728-3284

**BOARD OF REVIEW AND EQUALIZATION
APPEAL PROCESS
PUBLIC INFORMATION SESSION**

On Thursday, January 27, 2011 at 2:00 o'clock p.m. at the Jefferson County Commission Meeting Room on the lower level of the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia, the Jefferson County Commission will host an informational session for the public with regard to the Board of Review and Equalization Appeal Process for Jefferson County property owners. The tutorial will be presented by local attorney Michael Thompson. Angela Banks, Jefferson County Assessor, will also be present and available for questions.

The purpose of the tutorial is to clarify for the public how the appeal process works and who is eligible for a reduction in property tax as well as regulations and procedures of the County and the Board of Review and Equalization.

The Jefferson County Commission invites you to attend this meeting and to ask questions and discuss concerns. Please take this opportunity to learn more about the appeal process.

###

NOTICE OF PUBLIC HEARING

**AMEND THE COUNTY ZONING MAP TO CONSIDER URBAN GROWTH BOUNDARIES
FOR HARPERS FERRY AND BOLIVAR**

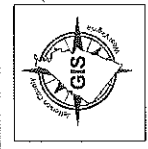
The County Commission of Jefferson County will hold a Public Hearing on Thursday, January 27, 2011, at 7:00 p.m. in the Old Charles Town Library Meeting Room on the ground floor of the Library, 200 East Washington Street, Charles Town, WV 25414.

The purpose of the hearing is to receive public input to consider proposed Urban Growth Boundaries for the Towns of Harpers Ferry and Bolivar and determine whether to amend the County Zoning Map to include the changes.

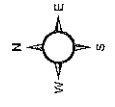
Anyone wishing to provide written or oral comment may do so at this meeting. A copy of the proposed information may be obtained at Jefferson County Planning and Zoning Department, 116 E. Washington Street, Charles Town, WV, or on the County website at: www.jeffersoncountywv.org




No decisions will be made at this meeting.

By Order of The County
Commission of Jefferson County
Patricia A. Noland, President



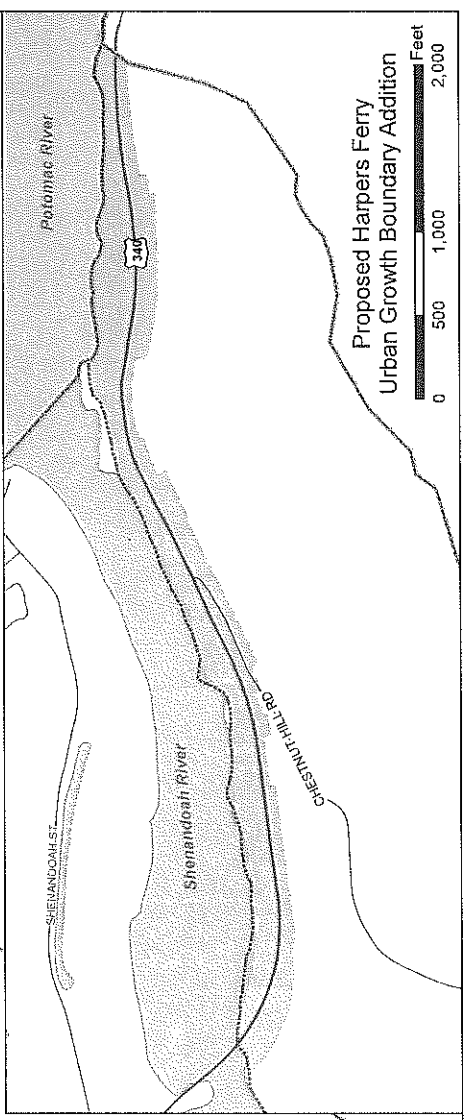
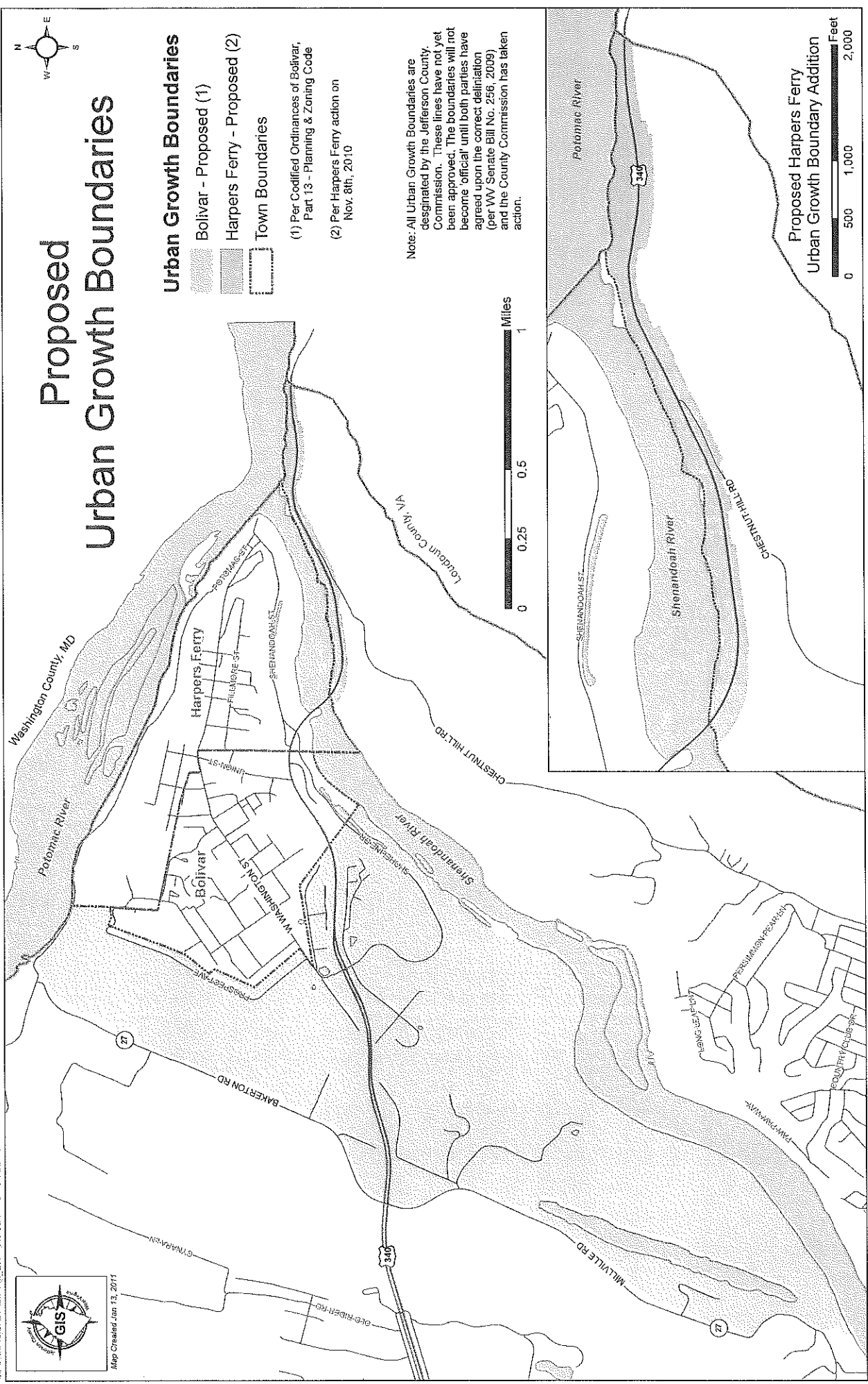
Proposed Urban Growth Boundaries



- Urban Growth Boundaries**
-  Bolivar - Proposed (1)
 -  Harpers Ferry - Proposed (2)
 -  Town Boundaries

(1) Per Codified Ordinances of Bolivar, Part 13 - Planning & Zoning Code
 (2) Per Harpers Ferry action on Nov. 8th, 2010

Note: All Urban Growth Boundaries are designated by the Jefferson County Commission. These lines have not yet been approved. The boundaries will not become official until both parties have agreed upon the correct delimitation (per WV Senate Bill No. 256, 2009) and the County Commission has taken action.



2010 Zoning Map Jefferson County, WV



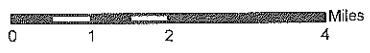
Legend

- Urban Growth Boundary
- Parcels
- Tax District Boundary
- Public/Quasi-Public Land
- Appalachian Trail
- Zoning District**
- Incorporated Town
- Industrial-Commercial
- Residential-Growth
- Residential-Light Industrial-Commercial
- Rural
- Village



Effective Date _____
 Signature _____
 Created by County Commission President
 Jefferson County, WV

REVISIONS				
No.	Revisions	Drawn by	Date	By
1	ALTERNATE FOR RANGING COURSE TOWN DEVELOPMENT ZONES	S.L.R.	8/29/2009	
2	REVISIONS OF RANGING COURSE DEVELOPMENT ZONES	S.L.R.	1/28/2009	
3	REVISIONS PER COUNTY COMMISSIONERS	D.L.	7/7/2009	
4	ADJUSTMENT OF URBAN GROWTH BOUNDARIES (Per WV Senate Bill 208, THE 2008 A. LEGISLATIVE FIR COUNTY COMMISSIONERS Initial Resolution of Growth Management)	K.P.S.	10/1/2009	



Map Prepared for
 Jefferson County Commission
 Jefferson County Planning Commission

Map Prepared by
 Jefferson County Planning & Zoning Department
 Jefferson County Geographic Information System, 1/4/2011

Other Data Sources
 Jefferson County GIS
 Jefferson County Assessor
 Green Infrastructure Study (2007)
 Original Zoning Map, February (2005)

- CONDITIONS OF USE:**
1. Revisions of computer updates such as the addition of current base map features (road, roads, parks and municipal boundaries). Zoning map colors have been added per request from the Planning & Zoning Department. The Urban Growth Boundary layer was also added.
 2. Do not rely on this map for any definitive zoning classification. For a definitive zoning classification and the general zoning district, consult the Jefferson County Zoning Department.
 3. All map elements are representative of geographic features in the Jefferson County Geographic Information System (GIS) and as such may be updated for a current zoning amendments. The responsibility of this data, the GIS, documented zoning amendments and interpretation by the Jefferson County Zoning Department shall determine any conflicts with other policies and regulations.
 4. **DISCLAIMER:** This product is for informational purposes and may not have been prepared for or be suitable for engineering or surveying purposes. Users of this information should review and obtain the primary data and information sources to ensure the geographic accuracy of the information. Jefferson County disclaims all liability for any problems, failures, loss or business, consequential damages or claims as a result of errors, inaccuracies or omissions.



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Department of Planning

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: 12/16/10

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:
Need an answer for Harper's Ferry re: UGB

Subject: **Urban Growth Boundary Discussion**

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

Harpers Ferry and Bolivar have both taken action to recommend an Urban Growth Boundary that is different than what the County sent to them from the failed zoning map. Planning staff will present that information to the CC and is requesting that a public hearing be scheduled to consider the proposed these boundaries and determine whether to amend the County Zoning Map to include them.

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) to consider Urban Growth Boundaries proposed by the Towns of Harpers Ferry and Bolivar for inclusion on the County Zoning Map.

Attachments:

- 1) **Bolivar's Municipal Ordinance with Annexation Areas defined**
- 2) **Harpers Ferry's Proposed Urban Growth Boundary**
- 3) **HB 2845 (Feb. 2009) with relevant language regarding Urban Growth Boundaries**



Town of Bolivar

est. 1825

March 5, 2010

Jefferson County Planning & Zoning
104 E. Washington Street
Charles Town, WV 25414

Dear Members,

This letter is to advise that the Mayor along with the Bolivar Town Council recently held a discussion during a town council meeting regarding a boundary plat from the Department of Planning & Zoning of Jefferson County. At this time, the council has voted not to accept the proposed boundary plat which shows the possible areas of annexation. The Town of Bolivar has an ordinance that gives further boundaries in the case of annexation. The Mayor and the Bolivar Town Council would like to have proper amendments made to the zoning map before this can be adopted by the Town of Bolivar.

If you should have any further questions, pls. contact our office at 304-535-2476. We look forward to working with you in the future.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert J. Hardy".

Robert J. Hardy
Mayor of Bolivar

RECEIVED
MAR 15 2010
JEFFERSON COUNTY PLANNING & ZONING

CODIFIED ORDINANCES OF BOLIVAR
PART THIRTEEN - PLANNING AND ZONING CODE

Article 1324

Annexation Policy and Procedures

The Town of Bolivar, West Virginia adopts this annexation policy to guide annexation decisions in a manner that preserves the character of the community, the quality of life of its citizens and the fiscal health of the locality. Bolivar's vision is to preserve and enhance a livable community with a logical growth boundary that defines a designated growth zone for the gateway to Jefferson County and the eastern panhandle with a greenbelt of protected land at the boundary. Bolivar seeks well-designed neighborhoods and business areas within the boundary that enhance the established character of the community. This policy provides guidance to citizens, landowners, developers and other local government officials in Jefferson County on the considerations that will guide and govern Bolivar's annexation decisions.

STATEMENT OF GOALS

1. Purpose of Annexation - The purpose of annexation is to ensure orderly growth and development that is beneficial to the established Bolivar community and its citizens, in the context of growth in the wider Jefferson County area.
2. Maintaining Bolivar's Established Character - Bolivar seeks to maintain the established character of the community, and will disfavor annexation requests unless an annexation proposal will provide clear benefit to Bolivar to prevent incompatible development outside of the town's corporate boundary.
3. Cooperation with Other Entities - Bolivar seeks to exercise its annexation authority cooperatively with Jefferson County, the National Park Service and the Town of Harpers Ferry, in order to direct growth and development to designated areas, and to preserve

the designated areas valued for their rural, agricultural, historic, natural, recreation or scenic value.

4. *Municipal Services* – Bolivar will not promote the provision of municipal infrastructure and services to areas outside the corporate limits of Bolivar or outside the Bolivar Urban Growth Boundary. Where the provision of municipal infrastructure and services is not cost-effective, negatively impacts Bolivar citizens with the growth management policies of the town of Bolivar, it will be declined, unless required by law.

5. *Adequate Public Facilities* – Bolivar will disfavor annexation or provision of municipal services when existing or planned public facilities and service are not currently adequate to serve the proposed development projected build-out, and as governed by the West Virginia Public Service Commission.

ANNEXATION AREAS WITHIN THE BOLIVAR GROWTH BOUNDARY

1. *Bolivar Growth Boundary* – The Town has established a “Bolivar Growth Boundary” for future growth and development. This outer boundary reflects a logical, long term area for future growth around the established community, taking into account topographical and natural features; existing and approved infrastructure, existing and approved development projects, if any, and features of the landscape with special agricultural, environmental, historic, or scenic value. Annexation will be favored within the boundary, all other things being considered, and disfavored outside of the boundary. The Bolivar Growth Boundary at the Western edge shall be considered to be the East side of Route 27 (Bakerton/Bloomery Road) to the Potomac River on the North, the Shenandoah River on the East (including, but not limited to, Cavalier Heights, Harpers Ferry National Park visitor center, Murphy’s Landing, KOA) and to the Millville unincorporated boundary on the South. The Town of Bolivar will also seek to work cooperatively with Jefferson County, Harpers Ferry and the National Park Service to discourage uncontrolled growth in the area outside of the Bolivar Growth Boundary.

2. Annexation within Boundary - The Town shall give priority consideration to annexation for areas within the Bolivar Growth Boundary, if the annexation meets other considerations outlined in this policy. Bolivar may choose to delay annexation within the Growth Boundary if such annexations would be inconsistent with the Annexation Policy or the clear sentiments of Bolivar citizens. Citizen input should weigh in these decisions.

3. Contiguous Areas - Annexation areas should be contiguous to the town Corporate limits, where possible, and must contribute to the logical growth pattern of the Town.

4. Greenbelt Growth Boundary - Bolivar seeks to create a greenbelt of preserved land at the Bolivar Growth Boundary, in order to keep the distinction between "town and country" for the long term. The greenbelt areas can be established through development dedications, private donations, public purchase of lands or conservation easements, farm preservation, cooperative efforts with the National Park Service, Jefferson County or private landowners, or other appropriate means.

ANNEXATION CONSIDERATIONS

For annexation requests within the Bolivar Growth Boundary, the following items shall be considered in determining whether the annexation provides clear benefits to Bolivar. The Bolivar Planning Commission shall consider these factors and any other factors which, in the discretion of the Planning Commission, should be considered and, then, assist the Town Council to determine if, on balance, annexation is beneficial to the community and its citizens.

1. Maintain the Growth Boundary - Annexation may be favored within the Bolivar Growth Boundary if consistent with the other guidelines herein, and disfavored outside the Growth Boundary.
2. Economic Development - Annexation may be favored if it increases the Town's ability to create quality jobs, and if it creates desirable retail and commercial development.
3. Positive Fiscal Impact - Annexation may be favored if the fiscal impact of new urban areas is desirable. The residents and commercial



Introduced Version - [Download \(.wpd\)](#)

H. B. 2845

(By Delegate Doyle)

[Introduced February 26, 2009; referred to the
Committee on Political Subdivisions then the Judiciary.]

A BILL to amend and reenact §8-6-1 of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §8-6-7; to amend and reenact §8A-1-2 of said code; and to amend and reenact §8A-7-2 of said code, all relating to the annexation of land by a municipality in counties that have adopted a county wide zoning ordinance which includes urban growth boundaries; requiring the land to be contiguous to the municipality outside the urban growth boundaries; requiring that annexation take place in the county's designated urban growth boundaries; providing for annexation outside the urban growth boundary; providing for annexation of property in another municipality's urban growth boundary by intergovernmental agreement between the municipalities; defining contiguous; requiring a public hearing and signage for property annexation outside the urban growth boundary; and providing the authority to identify and establish urban growth boundaries within county zoning ordinances.

Be it enacted by the Legislature of West Virginia:

That §8-6-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that said code be amended by adding thereto a new section, designated §8-6-7; that §8A-1-2 of said code be amended and reenacted; and that §8A-7-2 of said code be amended and reenacted, all to read as follows:

CHAPTER 8. MUNICIPAL CORPORATIONS.

ARTICLE 6. ANNEXATION.

PART I. GENERAL.

§8-6-1. Annexation of unincorporated territory.

- (a) Unincorporated territory may be annexed to and become part of a municipality contiguous thereto only in accordance with the provisions of this article.
- (b) Any farmlands or operations as described in article nineteen, chapter nineteen of this code which may be annexed into a municipality shall be protected in the continuation of agricultural use after being annexed.
- (c) Any new imposition of a tax or any increase in the rate of tax upon any business, occupation or privilege following annexation shall be applied in accordance with the provisions of section five, article thirteen, chapter eight of this code.

(d) Unincorporated territory outside an urban growth boundary may not be annexed without an election, or by minor boundary adjustment, in any county that has adopted a county-wide zoning ordinance pursuant to the provisions of article seven, chapter eight-a of this code, and the zoning ordinance includes an "urban growth boundary", as that term is defined under the provisions of section two, article one, chapter eight-a of this code, on its recorded zoning map for the municipality, unless the requirements of section seven, of this article are met.

§8-6-7. Annexation in any county that has adopted a county-wide zoning ordinance that includes urban growth boundaries.

A petition for annexation, without an election or by minor boundary adjustment, may not be recorded or become effective in any county where a county-wide zoning ordinance has been adopted pursuant to the provisions of article seven, chapter eight-a of this code and the zoning ordinance includes and incorporates an "urban growth boundary" as defined in section two, article one, chapter eight-a, of this code without first meeting the requirements of this article and meeting the following additional requirements and conditions:

(1) Property that is proposed for annexation outside the urban growth boundary shall be contiguous to the municipality and the main territory where the municipal seat of government is located. For the purposes of this section "contiguous" means lots, parcels, municipal boundaries or county boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads or other traffic or utility easements, streams, river or other natural topography are not to be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous: Provided, That the width of a street, highway, road or other traffic or utility easement, stream, river or other natural topography, but not the length thereof, may be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous. The common practice known as "pipe stem annexation" may not be used to make a property contiguous in determining that the territory containing the municipal seat is contiguous outside the urban growth boundary. Property proposed for annexation entirely within the municipality's urban growth boundary does not have to be contiguous. In absence of such an urban growth boundary shown on the county zoning map, this section of the code may not apply.

(2) County commission approval is not required for annexation without an election or by minor boundary adjustment within a municipality's own urban growth boundary. Any territory proposed to be annexed without county commission approval shall be completely within the municipality's urban growth boundary and established and shown on the county's recorded zoning map. If the municipality is satisfied that the petition is sufficient in every respect, including the finding that the property is located within its urban growth boundary, the governing body of the municipality shall enter that fact upon its journal and forward a certificate to that effect to the county commission of the county wherein the municipality or the major portion of that territory, including the additional territory, is located. The county commission shall thereupon enter an order as described in section three of this article. After the date of the order, the corporate limits of the municipality shall be as set forth therein. Annexation of property by a municipality in another municipality's designated urban growth boundary is only permitted if the two municipalities have executed an intergovernmental agreement regarding the annexation of the subject property. In the absence of such an urban growth boundary shown on a county zoning map, this section may not apply.

(3) Prior to the recordation of any annexation without election pursuant to this section, the petition or municipality seeking the annexation shall provide to the county commission both metes and bounds description of the property to be annexed and a survey map of the property drawn by a professional licensed to perform this work.

(4) The county commission shall hold an appropriately noticed public hearing and place appropriate public notice signage on the subject property, which signage shall be the same that would be required for property that is to be rezoned, before considering any petition for annexation of property outside the urban growth boundary of any municipality. At least fifteen days prior to the date set for the public hearing, the county commission shall publish a notice of the date, time and place of the public hearing as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code.

(5) The county commission shall verify that the conditions of this article and section have been met before entering an order pursuant to section three of this article for any petition for annexation without an election or by minor boundary adjustment for property located outside the urban growth boundary. A finding of fact stating any deficiencies must be placed in the county commission's record along with the petition for annexation. The county commission may not deny or refuse the recordation of an order described in section three of this article for which the total property to be annexed is inside the municipality's designated urban growth boundary shown on the county's recorded zoning map for that municipality or an intergovernmental agreement has been executed between two municipalities concerning the annexation of property in another municipality's urban growth boundary.

(6) The county commission may approve and order to be recorded any petition, without an election or annexation by minor boundary adjustment, that does not meet the requirements and conditions of this section, if the county commission finds after a public hearing and on-site signage notice that the proposed annexation is for the good of the county as a whole.

CHAPTER 8A. LAND USE PLANNING.

ARTICLE 1. GENERAL PROVISIONS.

§8A-1-2. Definitions.

As used in this chapter, the following words and terms have the following meanings, unless the context clearly indicates otherwise:

- (a) "Abandonment" means the relinquishment of property or a cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.
- (b) "Aggrieved" or "aggrieved person" means a person who:
- (1) Is denied by the planning commission, board of subdivision and land development appeals, or the board of zoning appeals, in whole or in part, the relief sought in any application or appeal; or
 - (2) Has demonstrated that he or she will suffer a peculiar injury, prejudice or inconvenience beyond that which other residents of the county or municipality may suffer.
- (c) "Comprehensive plan" means a plan for physical development, including land use, adopted by a governing body, setting forth guidelines, goals and objectives for all activities that affect growth and development in the governing body's jurisdiction.
- (d) "Conditional use" means a use which because of special requirements or characteristics may be permitted in a particular zoning district only after review by the board of zoning appeals and upon issuance of a conditional use permit, and subject to the limitations and conditions specified in the zoning ordinance.
- (e) "Contiguous" means lots, parcels, municipal boundaries or county boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads or other traffic or utility easements, streams, rivers, and other natural topography are not to be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous.
- (f) "Essential utilities and equipment" means underground or overhead electrical, gas, communications not regulated by the Federal Communications Commission, water and sewage systems, including pole structures, towers, wires, lines, mains, drains, sewers, conduits, cables, fire alarm boxes, public telephone structures, police call boxes, traffic signals, hydrants, regulating and measuring devices and the structures in which they are housed, and other similar equipment accessories in connection therewith. Essential utility equipment is recognized in three categories:
- (1) Local serving;
 - (2) Nonlocal or transmission through the county or municipality; and
 - (3) Water and sewer systems, the activities of which are regulated, in whole or in part, by one or more of the following state agencies:
 - (A) Public Service Commission;
 - (B) Department of Environmental Protection; or
 - (C) The Department of Health and Human Resources.
- (g) "Existing use" means use of land, buildings or activity permitted or in existence prior to the adoption of a zoning map or ordinances by the county or municipality. If the use is nonconforming to local ordinance and lawfully existed prior to the adoption of the ordinance, the use may continue to exist as a nonconforming use until abandoned for a period of one year: *Provided*, That in the case of natural resources, the absence of natural resources extraction or harvesting is not abandonment of the use.
- (h) "Exterior architectural features" means the architectural character and general composition of the exterior of a structure, including, but not limited to, the kind, color and texture of the building material, and the type, design and character of all windows, doors, massing and rhythm, light fixtures, signs, other appurtenant elements and natural features when they are integral to the significance of the site, all of which are subject to public view from a public street, way or place.
- (i) "Factory-built homes" means modular and manufactured homes.
- (j) "Flood-prone area" means any land area susceptible to repeated inundation by water from any source.
- (k) "Governing body" means the body that governs a municipality or county.
- (l) "Historic district" means a geographically definable area, designated as historic on a national, state or local register, possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.
- (m) "Historic landmark" means a site, building, structure or object designated as historic on a national, state or local register.

- (n) "Historic site" means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure and designated as historic on a national, state or local register.
- (o) "Improvement location permit" means a permit issued by a municipality or county, in accordance with its subdivision and land development ordinance, for the construction, erection, installation, placement, rehabilitation or renovation of a structure or development of land, and for the purpose of regulating development within flood-prone areas.
- (p) "Infill development" means to fill in vacant or underused land in existing communities with new development that blends in with its surroundings.
- (q) "Land development" means the development of one or more lots, tracts or parcels of land by any means and for any purpose, but does not include easements, rights-of-way or construction of private roads for extraction, harvesting or transporting of natural resources.
- (r) "Manufactured home" means housing built in a factory according to the federal manufactured home construction and safety standards effective June 15, 1976.
- (s) "Modular home" means housing built in a factory that meets state or local building codes where the homes will be sited.
- (t) "Nontraditional zoning ordinance" means an ordinance that sets forth development standards and approval processes for land uses within the jurisdiction, but does not necessarily divide the jurisdiction into distinct zoning classifications or districts requiring strict separation of different uses, and does not require a zoning map amendment.
- (u) "Permitted use" means any use allowed within a zoning district, subject to the restrictions applicable to that zoning district and is not a conditional use.
- (v) "Plan" means a written description for the development of land.
- (w) "Planning commission" means a municipal planning commission, a county planning commission, a multicounty planning commission, a regional planning commission or a joint planning commission.
- (x) "Plat" means a map of the land development.
- (y) "Preferred development area" means a geographically defined area where incentives may be used to encourage development, infill development or redevelopment in order to promote well designed and coordinated communities.
- (z) "Public place" means any lots, tracts or parcels of land, structures, buildings or parts thereof owned or leased by a governing body or unit of government.
- (aa) "Sprawl" means poorly planned or uncontrolled growth, usually of a low-density nature, within previously rural areas, that is land consumptive, auto-dependent, designed without respect to its surroundings, and some distance from existing development and infrastructure.
- (bb) "Streets" means streets, avenues, boulevards, highways, roads, lanes, alleys and all public ways.
- (cc) "Subdivision or partition" means the division of a lot, tract or parcel of land into two or more lots, tracts or parcels of land, or the recombination of existing lots, tracts, or parcels.
- (dd) "Unit of government" means any federal, state, regional, county or municipal government or governmental agency.
- (ee) "Urban area" means all lands or lots within the jurisdiction of a municipal planning commission.
- (ff) "Urban growth boundary" means a site-specific line, delineated on a zoning map or written description in a zoning ordinance identifying an area around and outside the corporate limits of a municipality within which there is sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area. The urban growth boundary may be called by any name chosen by the county commission, but the word "boundary" shall be used in the name of the boundary. The boundary shall be established by the county commission in consultation with each individual municipality regarding that municipality's boundary. If the county commission and municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgment relief in the circuit court which shall submit the dispute to mediation or arbitration prior to final resolution by the circuit court. Once a county has adopted an urban growth boundary by its designation on an adopted county zoning map, the gross area inside the boundary may not be reduced without written consent of the municipality. The county commission shall review each urban growth boundary at a period not to exceed ten years or upon request of the individual municipality.
- (gg) "Utility" means a public or private distribution service to the public that is regulated by the Public Service Commission.
- ~~(gg)~~ (hh) "Zoning" means the division of a municipality or county into districts or zones which specify permitted and conditional uses and development standards for real property within the districts or zones.
- ~~(hh)~~ (ii) "Zoning map" means a map that geographically illustrates all zoning district boundaries within a municipality or county, as described within the zoning ordinance, and which is certified as the official zoning map for the municipality or county.

ARTICLE 7. ZONING ORDINANCE.

§8A-7-2. Contents of zoning ordinance.

- (a) The following must be considered when enacting a zoning ordinance:
- (1) Promoting general public welfare, health, safety, comfort and morals;
 - (2) A plan so that adequate light, air, convenience of access, and safety from fire, flood and other danger is secured;
 - (3) Ensuring attractiveness and convenience is promoted;
 - (4) Lessening congestion;
 - (5) Preserving historic landmarks, sites, districts and buildings;
 - (6) Preserving agricultural land; and
 - (7) Promoting the orderly development of land.
- (b) A zoning ordinance may include the following:
- (1) Regulating the use of land and designating or prohibiting specific land uses;
 - (2) Authorizing flexible planning standards to create, redevelop, reuse, protect, and enhance the physical qualities of the community;
 - (3) Designating historic districts and regulating the uses of land and the design of buildings within the historic district;
 - (4) Establishing corridor overlay districts to achieve land design goals and regulating the uses of land within the corridor overlay districts;
 - (5) Establishing design standards and site plan approval procedures;
 - (6) Dividing the land of the governing body into different zone classifications regulating the use of land, establishing performance standards for various land uses when dividing is not desired, or any combination of both;
 - (7) Authorizing overlay districts and special design districts within which specific additional development standards for each permitted, accessory and conditional use shall apply;
 - (8) Regulating the height, area, bulk, use and architectural features of buildings, including reasonable exterior architectural features and reasonable aesthetic standards for factory-built homes;
 - (9) Authorizing a process and standards for factory-built homes: *Provided*, That a governing body is prohibited from establishing a process and standards for regulating factory-built homes that is more restrictive than a process and standards for site-built homes;
 - (10) Preserving green spaces and requiring new green spaces, landscaping, screening and the preservation of adequate natural light;
 - (11) Regulating traffic flow and access, pedestrian flow and access, parking and loading;
 - (12) Identifying flood-prone areas subject to periodic flooding, and regulating with specific control the permitted use, type of construction and height of floor levels above base flood elevation permitted in the area so as to lessen or avoid the hazards to persons and damage to property resulting from the accumulation of storm or flood waters;
 - (13) Designating an airport area and establishing land-use regulations within a specific distance from the boundaries of the airport; ~~and~~
 - (14) Authorizing planned unit developments to achieve more efficient use of land and setting standards and regulations for the developments; and
 - (15) Identifying and establishing urban growth boundaries as defined and provided in section two, article one of this chapter.
- (c) A zoning ordinance shall:
- (1) Create a board of zoning appeals;
 - (2) Specify certification requirements for zoning district maps that are consistent with the governing body's comprehensive plan;
 - (3) Adopt procedures and requirements for nonconforming land uses;
 - (4) Adopt procedures and requirements for variances; and
 - (5) Adopt procedures and requirements for conditional use permits.

NOTE: The purpose of this bill is to provide additional requirements and conditions on annexation without an election or by minor boundary adjustment in counties that have adopted a county-wide zoning ordinance and have designated urban growth boundaries around the municipalities within that county. It requires that property to be annexed outside the municipality's urban growth boundary must be contiguous. Property outside the urban growth boundary requires county commission approval for annexation. Property within the municipality's designated urban growth boundary does not require county commission approval for annexation and does not have to be contiguous. It also requires a public hearing and signage notice and review by the county commission for land being annexed outside the designated urban growth boundary. The power to establish and a definition for Urban Growth Boundary has been added to the WV Land Use Code.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.



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

January 12, 2011

Ms. Lynn Widmeyer, President
Jefferson County Commission
P.O. Box 250
Charles Town, WV 25415

Dear Ms. Widmeyer,

A few years ago the County Commission paid for the installation of two fire hydrants after a disastrous fire on Bolivar Heights. Although the properties on that street are in Jefferson County, Harpers Ferry provides water to those residencies.

Several weeks ago there was another house fire. The fire hydrants (coded low pressure) did not have sufficient water pressure and could not be used. Water to extinguish the fire had to be brought in.

We are in need of funds to increase the pressure. Presently, our water department is preparing a detailed budget stating the pressure requirements and the cost.

This letter is a heads up of what is occurring. In the near future I will request the County Commission to consider funding the needed improvements which will hopefully mollify the concerns of people on Bolivar Heights.

RECEIVED

JAN 14 2011

Sincerely,

Jefferson County Commission

James A. Addy
Mayor

Historic District
Where The Shenandoah Meets The Potomac

TEAM COUNTIES!

WEST VIRGINIA ASSOCIATION OF COUNTIES
2011 ANNUAL MEETING
FEBRUARY 6 -8
CHARLESTON EMBASSY SUITES
KANAWHA COUNTY

Dear County Officials:

Several items of interest are enclosed, but especially important is the 2011 Annual Meeting registration information. The event will celebrate TEAM COUNTIES!

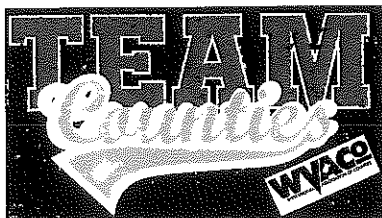
Sign Up procedures and some reminders for you:

- 🏈 A meeting registration must accompany each room reservation
- 🏈 As registrations and room reservations are received, they will be date-stamped and rooms will be reserved on a first-come, first-serve basis at Embassy Suites
- 🏈 Our overflow hotel is the Marriott, reservations for the Marriott should be made through the Association office as well.
- 🏈 If you must cancel your registration, it must be done by February 1st or you will be charged the sign up fee. ALL room reservations must be cancelled through the Association office. We will have a waiting list for room availability at the Embassy Suites. *Call Mary or Kathy at 304 346 0591 or email mary@wvaco.org or kathy@wvaco.org to cancel your room reservation!*

We are looking forward to many of the highlights of the 2011 Annual Conference and hope you can attend. Many workshops and topics are planned with more in the works! The Esquires will provide entertainment at our Legislative Reception.

Join us for a celebration of TEAM COUNTIES!

With Best Wishes for a Happy New Year!
Your WVACo Staff





Pre-Season Game Plan

ANNUAL MEETING 2011 GAME PLAN TEAM COUNTIES!

Embassy Suites
Feb 6 - 8, 2011

SUNDAY, Feb. 6th SUPERBOWL SUNDAY!

9:00 - 5:00 Team Sign-In / Exhibits Open

2:00 - 4:30 WVACo Board of Directors Huddle - Calling the Plays for Team Counties! (Team Picture 4:30)

3:00 & 4:00 LEADERSHIP DRILLS - WHAT PLAYS TO CALL!

6:00 'til the final whistle blows - **PRESIDENTS' RECEPTION & SUPER BOWL TAILGATE PARTY**

9:00 Time Out - Hospitality Suites Open

MONDAY, Feb 7th

Full Pre-Game Breakfast Buffet (Embassy Suites)

8:00 - 9:30 Team Sign-In Continued

8:45 TEAM MEETING - Call to Order, Pledge of Allegiance

Locker Room Speech - Welcome from the President & Executive Director

State of the Counties Address - *Head Coach Gerald Hough, WVACo President & Gilmer County Prosecuting Attorney*

Color Commentary from Legislative Leaders for Counties

9:45-11:00 POLITICS IS A CONTACT SPORT! What to Do When You Have the Ball...and When You Don't
Chuck Stump, The Performance Group

11:00 Learning the Play Book - Concurrent Workout Sessions (see next page for topics)

12:15 Luncheon & Induction into the Richard Shelton Memorial Award Hall of Fame
Governor Tomblin, Invited Guest: Oliver Luck, Invited Keynote Speaker

Special Teams Meetings Monday Afternoon

7:00-10:00 **TEAM COUNTIES LEGISLATIVE RECEPTION - FEATURING THE ESQUIRES**

9:00 Time Out - Hospitality Suites Open

TUESDAY, Feb 8th

8:30-9:00 Full Pre-Game Breakfast Buffet

9 - 10:30 Pep Rally—WVACo Business Meeting & Legislative Presentation

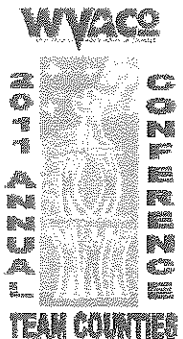
Report from the Front Office - NACo Board Representatives -

Tim McCormick, Ohio County Commissioner, Bernie Fazzini, Harrison County Commissioner

Report from the Swim Team - WV Counties Risk Pool - *Chris Carey & Steve Rawlings*

10:30-3:00 Take the Team Buses to the Capitol

Board Luncheon for Veteran & Rookie WVACo Board of Directors



2011 SIGN UPS

Team County _____ Title/Office _____

Name _____

Address _____

Email _____ Phone _____ Fax _____

Spouse/Guest(s) _____

TICKET PRICE:

\$180 County Attendee



BILL MY COUNTY



PAY AT DOOR



PREPAY-MAIL CHECK

\$40 per Guest



PAY AT DOOR



CHECK ENCLOSED

ADDITIONAL INFORMATION _____

FOR ROOM RESERVATIONS:

**ALL ATTENDEES MUST SIGN UP TO RECEIVE A ROOM RESERVATION OR NAMETAG.
YOUR NAMETAG WILL BE REQUIRED FOR ENTRY TO ALL MEETING EVENTS.**

Only one room reservation per registrant, a registration must accompany every room reserved.

Embassy Suites \$119

Marriott \$109

Player on Room Reservation _____

Date: Check In Date _____ Check Out Date _____ # of Nights _____

Room Type: 1 King _____ 2 Doubles _____ Smoking Requested (Embassy Only) _____

Special Needs/Requests: _____

MUST INCLUDE TO RESERVE ROOM: Letter of Credit Credit Card

Credit Card Type _____ Credit Card # _____ Exp. Date _____

▶ **PLEASE FAX YOUR TAX EXEMPT FORM. IT WILL BE REQUIRED TO HAVE TAX EXEMPT STATUS.**

ALL ROOM RESERVATIONS MUST BE CANCELLED THROUGH THE WVACO 304-346-0591

This will allow those on a waiting list to get a room, call Mary or Kathy.

Or email cancellations to mary@wvaco.org or kathy@wvaco.org.

The courthouses were selected by a team headed by Michael Gioutis, Historic Preservation Consultant, and Michael Workman, Ph.D., faculty at West Virginia State University.

Their selections, year built, style of architecture, and reason for inclusion are:
Barbour County - 1899; Richardsonian Romanesque; restoration of courtroom
Cabell County - 1899; Beaux Arts; beauty, architects, and battle for county seat
Doddridge - 1899; late Victorian Romanesque; beauty, stained glass, interiors
Fayette - 1895; Romanesque Revival; architect, two-acre grounds
Greenbrier - 1837; Greek Revival; master builder, battle for county seat
Jefferson - 1836; Greek Revival; John Brown Treason trials, jail
Kanawha - 1892; Romanesque Revival; architects
Marion County - 1806; Beaux Arts; beauty, architects, interior, jail
Marshall County - 1876; Romanesque Revival; penitentiary history, courthouse square
McDowell County - 1893; Romanesque Revival; architect, Hatfield slaying
Mercer - 1831; Art Deco; unusual Town Circle, architect and interior
Randolph - 1906; Richardsonian Romanesque; architect, jail, battle for county seat
Wirt - 1911; NeoClassical Revival; one of few of this style
Wood - 1902; Romanesque; monumental, architects, use of Courthouse square, interior
Wyoming - 1916; NeoClassical Revival; architect, beauty
Our newest courthouse in Morgan County will also be featured.

Explanation:

- (1) Beauty is the opinion of the selection team that the building possesses special aesthetic qualities*
- (2) architect denotes its association with an important architect or master builder*
- (3) jail indicates that the courthouse includes an historic jail*
- (4) interior indicates that the inside of the courthouse retains historic integrity.*

*"We are proud to be a platinum sponsor of this documentary," stated L.D. Egnor, founding Chairman of the Courthouse Facilities Improvement Authority.
"Our board determined that it fit well with our mission of restoring, maintaining, and improving our beautiful and historic courthouses."*

You are cordially invited
to the
Premiere Movie Event
of

A LIVING MONUMENT - THE WEST VIRGINIA COUNTY COURTHOUSE
A Video Tribute to Courthouses as Monuments to Architecture, to People, and to Justice

1-11-11
Tuesday, January 11th, 2011
7:00 in the Evening
West Virginia Culture Center Theater
State Capitol Complex

Hosted By
West Virginia Association of Counties In collaboration with
West Virginia Courthouse Facilities Improvement Authority
West Virginia Public Broadcasting
The Walkabout Company, llc

Reception Following
Great Hall, West Virginia Culture Center

RSVP if attending to mary@wvaco.org or call 304-346-0591
(Dressy Business Attire Suggested)

RECEIVED

JAN 13 2011

JEFFERSON COUNTY
CIRCUIT COURT

5cc
- Assessor
- JCSD
- Co. Clerk
- Co. Com.
- Pres Atty
1/13/11
AW

TO: ALL MEMBERS of the WEST VIRGINIA ASSOCIATION OF COUNTIES

FROM: PATTI HAMILTON

Cir. Clerk
org



THE COUNTY LEGISLATIVE LINE
Wednesday, January 12, 2011
OPENING DAY OF THE WEST VIRGINIA LEGISLATURE

Capitol Quotes:

"I'm not used to anyone listening to my speech, much less asking for a copy of it." Newly appointed Secretary of Commerce Keith Burdette after his remarks to the interim Economic Development Committee

"Shouldn't we have officers before we adopt rules?" Senator Jenkins questioning Senator Unger before the vote to change the Senate rules

"We're at a very historic time here." Senator Unger explaining that changing the rules was done in 1869 just as is being proposed today

"Senator, come on, you're almost saying it depends on what 'is' is." Senator Unger to Senator Barnes on the questions about the constitutionality of proceedings to vote on rules before the Senate President is elected

"I would like to, I just don't have the authority." Senator Chafin to Senator Barnes on rendering an opinion on constitutionality

"And I'm not sure I want you to have that authority!" Senator Barnes in response to Senator Chafin

"I recognize these are unchartered waters." Senator Kessler in his remarks after being elected Acting Senate President subsequent to a change in Senate Rules

The session began today. Wednesday, Jan. 12th. Governor Tomblin will deliver the State of the State address tonight, beginning the first session of the 80th Legislature. This communication will serve as your "Friday Fax" because I will be attending NACo's Presidents/Executive Directors meeting in Washington, DC on Friday with WVACO President Gerry Hough.

As the most senior member of the Senate, Senator Truman Chafin presided over the opening session beginning at noon today. After more than two hours of debate, which included quotes from the State Constitution and the Federalist Papers, the Senate passed the rule changes with 21 voting Yes.

Acting Governor Tomblin was re-elected as Senate President. Senators Fanning, K. Facemyer, and Helmick voted against his re-election. Serving as Senate President allows him to continue in the role of Acting Governor.

Senator Kessler was nominated for Acting Senate President by Senator Brooks McCabe with a second to the motion by Senator Ron Stollings.

All in all, an historic day in the West Virginia Senate!

Look for our Legislative Priorities booklet from the WV Association of Counties in the mail and follow the Legislature by keeping up with our fax and email communications. The legislative web site is an excellent resource:

www.legis.state.wv.us

Legislative Calendar 2011

First Day – January 12, 2011 (*WV Const. Art. VI §18*)

Twentieth Day – January 31, 2011; Submission of Legislative Rule-Making Review Bills due.

Forty-first Day – February 21, 2011; Last day to introduce bills in the Senate and the House. Does not apply to originating or supplementary appropriation bills or to resolutions or concurrent resolutions.

Forty-seventh Day – February 27, 2011; Bills due out of committees in house of origin in order to ensure three full days for readings

Fiftieth Day – March 2, 2011; Last day to consider bill on third reading in house of origin. Does not include budget or supplementary appropriation bills.

Sixtieth Day – March 12, 2011; Adjournment at Midnight (*WV Const. Art. VI, §22*)

Jefferson County Public Service District

January 14, 2011

Commissioner Patsy Noland, President
Jefferson County Commission
PO Box 250
124 East Washington Street
Charles Town, WV 25414

Re: Legislation to create grant pool for Chesapeake Bay projects

Commissioner Noland:

The Interim Judiciary Subcommittee A unanimously approved a bill on January 9, 2011 that, if passed into law, would create a \$120-180 million grant pool that would be available to large wastewater systems in the Chesapeake Bay watershed to help offset part of the cost of constructing waste water treatment facilities that are designed to remove nutrients, as the WV DEP and EPA are requiring. Because the Interim Judiciary Subcommittee approved this bill, it will be introduced early in this year's regular legislative session.

The Jefferson County Public Service District ("JCPSD") is greatly encouraged by the Subcommittee's approval, and commends Senator Herb Snyder for his efforts which have been indispensable to this bill's advancement.

West Virginia DEP has included nutrient monitoring and planning for nutrient removal performance requirements in discharge permits at cyclical reissuance since 2005. The December 30, 2010 Chesapeake Bay TMDL promulgation now codifies and locks in specific and firm cap limits for all point source dischargers consistent with West Virginia's Watershed Implementation Plan. Utilities within the eight county Chesapeake Bay watershed vary in their level of preparedness to meet the new requirements. In addition, the Chesapeake Bay Water Quality Model distinguishes and prioritizes facilities based on the delivered load impact on Bay water quality.¹ Jefferson County utilities are more advanced than most in taking steps to achieve compliance and these facilities should have the highest priority for nutrient reduction based on their delivered load impact on Bay water quality. The West Virginia Public Service Commission has received five applications for approval of nutrient removal sewer projects. Three of those are from Jefferson County utilities.

Nutrient removal facilities are costly. Approximately \$9 million of the JCPSD's sewer project \$27 million cost is attributable to nutrient removal facilities. JCPSD's project has received no grant funding commitments yet, and under

¹ See <http://www.wvca.us/bay/tmdl.cfm> Appendix D Delivered Loads

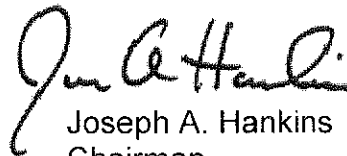
current programs, the most grant funds it can obtain is \$2.5 million. The District's post-project rates will be the highest of any PSD or municipal system in the state if no additional grant funds are obtained.

JCPSD finds the proposed legislation strongly encouraging. However, in its current form, it would not make grants available to systems that close on project funding before the new grant program is operational. Senator Snyder is aware of this circumstance and is committed to seeking a change to the bill during the legislative process to make grant funds available to early complying systems, like those in Jefferson County. JCPSD can not delay closing on its project funding, because it could lose its existing 0% interest loan and a chance at the separate \$2.5 million grant. Delaying implementation of the Project will also increase the risk of permit violations.

JCPSD asks you to work with it and Senator Snyder to push the advancement of this bill, and to modify it to make early complying systems fully eligible for grants.

Thank you for taking the time to consider this request. If you have additional questions, please direct them to JCPSD's attorney, Jim Kelsh, who can be reached at 304-343-1654.

Very truly yours,



Joseph A. Hankins
Chairman

cc: Senator Herb Snyder
Commissioner Lyn Widmyer, Jefferson County Commission
Members of Jefferson County Countywide Utility Coalition
Curtis Keller, GM, Berkeley County Public Service Sewer District
(Jefferson/Chesapeake Bay/1-11-11 Ltr re grant pool)

RECEIVED

JAN 18 2011

Jefferson County Commission



Animal Welfare Society of Jefferson County

PO Box 147 • Charles Town, WV 25414

Annie Roina
President

MARK YOUR CALENDAR!

Animal Welfare Society's St Valentine's Day
Purrfect Buffet
Dinner and Silent Auction
Saturday, February 12, 2011
Hollywood Casino and Charles Town Races – Skyline Ballroom

6:00pm: Cocktail Hour & Silent Auction Begins
7:00pm: St Valentine's Purrfect Day Buffet Dinner
9:00pm: Grab Your Goodies! Silent Auction Closes

Dear Member/Sponsor:

AWS is planning our 2nd St Valentine's Day Purrfect Dinner and Silent Auction. All proceeds will benefit our Shelter Renovation Campaign. For the second year, it will be sponsored by the Hollywood Casino & Charles Town Races and held in their Skyline Ballroom. They have been long-standing supporters of AWS and you can expect fabulous food and great items to bid on!

We need your help in raising funds for a much-needed make over. Our plan is to not only renovate our current facility, but to increase its size so that we can care for more animals in need of our help. Plans will be on display during dinner so you can see your money at work!

There are a number of ways you can help in our commitment to raise funds to renovate our facility:

ATTENDANCE

Please plan to join us on February 12th. Tickets are on sale for \$35 per person. Tickets include a gourmet buffet, fantastic items to bid on and of course, great company!

SPONSORSHIP

To help cover costs, sponsorships are available:

- \$1000 Great Dane Level – will sponsor a dog kennel in our new facility. Your company name and logo will be listed in our Program, appear on our AWS website and in our AWS newsletter as well as a plaque will be placed on the dog kennel you sponsor.
- \$500 Siamese Level – will sponsor a cat kennel in our new facility. Your company name and logo will be listed in our Program, appear on our AWS website and in our AWS newsletter as well as a plaque will be placed on the cat kennel you sponsor.

Serving the community for over 55 years

RECEIVED

JAN 1 2011

Jefferson County Commission

Ticket Sales

Name _____

Phone (____) _____ - _____ home (____) _____ - _____ alternate

Address _____

If you would like to reserve a table, you must purchase 8 tickets.

Please indicate the level at which you would like to attend:

AWS Paws & Claws Companion (Single ticket) - \$40

Reserve a table - \$320

I would like to make an additional contribution of _____*

I can't attend but would like to make a contribution of \$ _____*

Total Number Attending: _____ Total Amount Enclosed: \$ _____

Please RSVP no later than February 1, 2011

*Supporters, Patrons and those making a contribution of more than \$100 will be acknowledged in the AWS Newsletter following the event. If you prefer to remain anonymous, please check here _____.

****All of your donation is a tax-deductible contribution to AWSJC, a not-for-profit organization.****

****Pre-paid Tickets will be available via Will-Call at the Reception Table on the Night of the Event****



PO Box 147 • Charles Town, WV 25443 • 304-725-0589
www.awsjc.org

Sponsorship

Name _____

Business Name _____ Phone (____) _____ - _____

Address _____

If you would like to reserve a table, you must purchase 8 tickets.

Please indicate your Sponsorship level:

- Great Dane Level - \$1,000+
- Siamese Level - \$500+
- Kitten Level - \$250+
- Puppy Level - \$100+
- Reserve a table - \$320

Total Number Attending: _____ Total Amount Enclosed: \$ _____

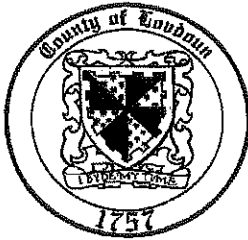
Please RSVP no later than February 1, 2011

*Sponsors making a contribution of \$100 or more will be acknowledged in our gala event program and/or the AWS Newsletter and website. Please include a business card along with your donation so we can properly advertise your business.

Pre-paid Tickets will be available via Will-Call at the Reception Table on the Night of the Event



PO Box 147 • Charles Town, WV 25443 • 304-725-0589
www.awsjc.org



Loudoun County, Virginia

Department of Planning
1 Harrison Street, S.E., 3rd Floor, P.O. Box 7000, MSC #62
Leesburg, VA 20177-7000
Telephone (703) 777-0246 • Fax (703) 777-0441

RECEIVED

JAN 18 2011

January 14, 2011

Tim Boyde, County Administrator
Jefferson County, West Virginia
PO Box 250
Charles Town, WV 25414-0250

Jefferson County Commission

Dear Mr. Boyde:

As part of the legal notice requirements contained in Section 15.2-2204 (amended) of the Code of Virginia, the following regulations must be addressed relating to notification of adjacent localities:

“When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use ..., involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as above required, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.”

In accordance with these regulations, this is to inform you that on **February 7, 2011** the Loudoun County Board of Supervisors will hold a public hearing on a Comprehensive Plan Amendment (CPAM) regarding the Route 28 Keynote Employment Policies.

The proposed CPAM 2009-0001: Route 28 Keynote Employment Policies, would revise, add, or delete certain land use policies applicable to a specific area of Loudoun County identified as the Route 28 Corridor and establish a new component of the Revised General Plan, the *Route 28 Corridor Plan*, to apply to the Route 28 Corridor in order to support this area as an employment corridor that provides development options in diverse settings.

Enclosed for your reference is a map depicting the area. The boundaries of the area of Loudoun County identified as the Route 28 Corridor are generally described as the Potomac River, Broad Run, and Harry Byrd Highway (Route 7) to the north (although certain portions of the Route 28 Corridor are located north of Route 7, as shown on the map); Potomac View Road (Route 637), Cascades Parkway (Route 637), West Church Road (Route 625), the Washington & Old Dominion Trail, and Loudoun County's boundary with Fairfax County and the Town of Herndon to the east; Washington Dulles International Airport to the south; and Broad Run, Loudoun County Parkway (Route 607) (although certain portions of the Route 28 Corridor are located west of Route 607, as shown on the map), Waxpool Road (Route 625), Smith Switch Road (Route 607), Gloucester Parkway (Route 2150), Smith Circle (Route 823), and Island Avenue (Route 829) to the west.

This public hearing will take place in the Board of Supervisors Meeting Room, County Government Center, 1 Harrison Street, S.E., Leesburg, VA, on **Monday, February 7, 2011, at 6:00 p.m.** Written comments can be provided to the Loudoun County Board of Supervisors, c/o Loudoun County Department of Planning, 1 Harrison St., S.E., 3rd Floor, P.O. Box 7000, MSC #62, Leesburg, Virginia, 20177-7000 (attention: Miguel Salinas).

More information regarding the CPAM is available online at www.loudoun.gov/route28. A second notification letter will be sent to you on February 2, 2011.

Should you have any questions, please call 703-777-0246.

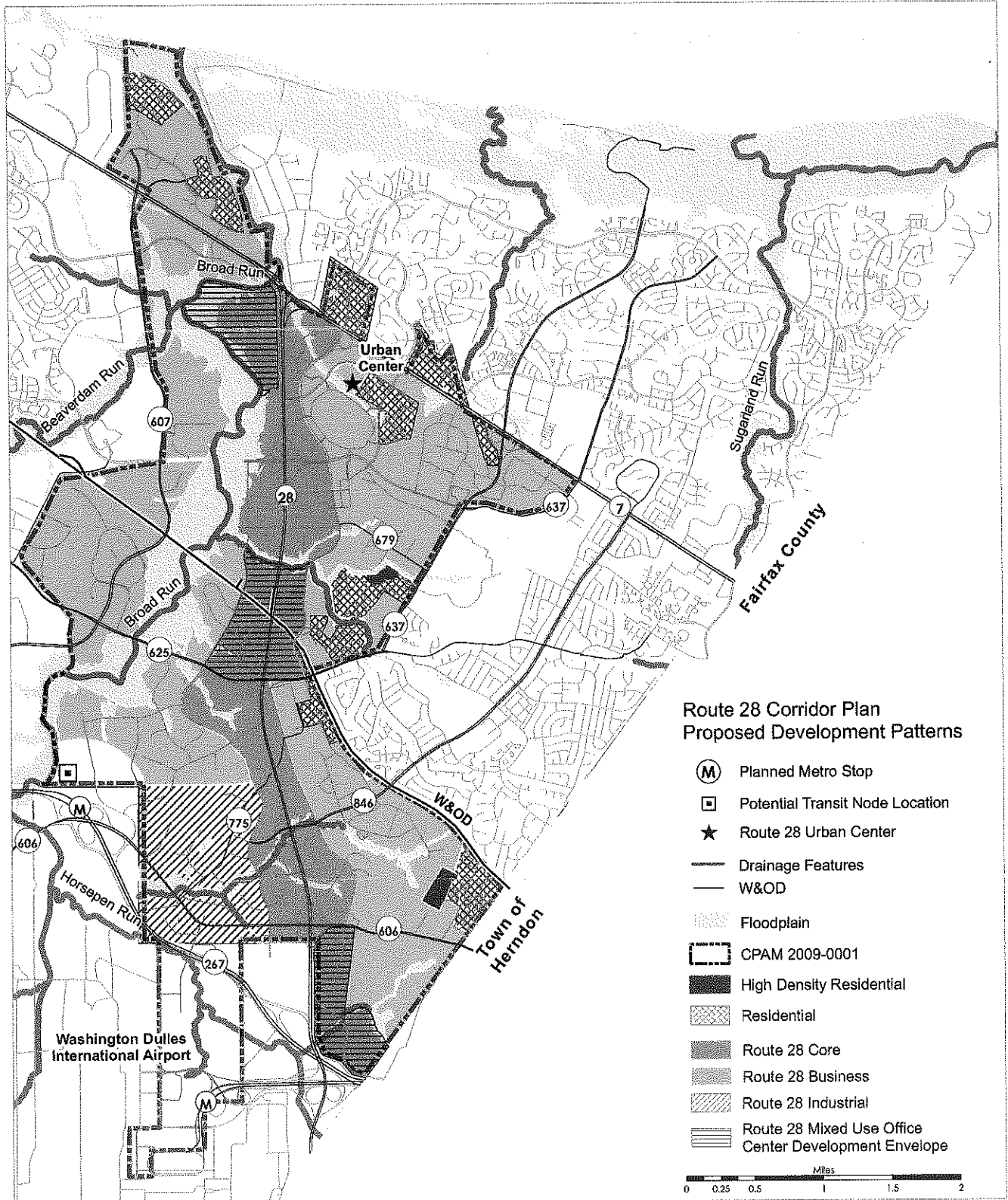
Sincerely,

Miguel Salinas (PLE)

Miguel Salinas, AICP
Project Manager
CPAM 2009-0001, Route 28 Keynote Employment Policies

Enclosure (Route 28 Corridor Map)

Route 28 Corridor



EASTERN PANHANDLE CONSERVATION DISTRICT

2011 Winter Newsletter



Board of Supervisors
BERKELEY COUNTY

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Director/Vice Chairman

Floyd Kursey, Treasurer

Tony Petrucci, Associate

Eric Goff, Associate

JEFFERSON COUNTY

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Warren Mickey, Supervisor

Susanah Blagan, Associate

MORGAN COUNTY

Jim Michael, Chairman

Lin Dunham, Secretary

Inside this issue:

- 2 WV Century Farms
- 2 Eastern Panhandle Conservation District Watershed Workshop
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- 5 Envirothon
- 5 Morgan County Farmer
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- 6 WV NRCS Programs
- 6 50% Lime Cost Share Program
- 7 Agency Programs
- 7 District Happenings
- 6 2011 Appalachian Grazing Conference

The Chesapeake Bay Watershed Initiative was authorized in the 2008 Farm Bill, to provide assistance to producers to minimize delivery of nutrients and sediments in order to restore, preserve and protect the Chesapeake Bay. The program offers financial and technical assistance to producers to install practices that help control soil erosion and nutrients on eligible agricultural land from reaching the Bay. The practices are not limited to, but emphasize crop residue management, crop nutrient management, manure management, cover crops, buffers, and streamside fencing to keep livestock out of the streams and water courses.

CHESAPEAKE BAY WATERSHED INITIATIVE (CBWI)

The Chesapeake Bay watershed is home to nearly 17 million residents and covers more than 64,000 square miles. It is the largest estuary in the United States and is critical to the region's economy, culture, and outdoor recreation. Fourteen percent of West Virginia drains into the Potomac, Shenandoah, and James Rivers and on to the Chesapeake Bay. The Chesapeake Bay drainage area in West Virginia includes Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton, and small portions of Preston, Tucker, and Monroe counties. Portions of five other states also lie in the watershed including: Virginia, Maryland, Pennsylvania, Delaware, and New York. Some watersheds will be designated as high priority for funding because they have high yields of nitrogen and phosphorus nutrients, have intense agricultural operations, and have local water quality impairments associated with excess nutrients or dissolved oxygen. Applications for the new CBWI are accepted continuously throughout the year to evaluate, rank, prioritize and select applicants and will be evaluated on a monthly basis as long as funds are available. Applications from the designated high priority watersheds will receive additional points in the ranking system due to their higher potential for environmental benefit. Applications that cannot be funded can be retained for up to two years, after which time the producer will have to re-file a new application. Any eligible landowner in West Virginia may apply at local USDA Service Centers.

AGRICULTURE ENHANCEMENT PROGRAM

The West Virginia Conservation Agency and the Eastern Panhandle Conservation District are now taking applications for the Agriculture Enhancement Program. The purpose of the program is to increase farm productivity by conserving soil and making wise use of agricultural resources and improving water quality by offering technical and cost-share assistance as an incentive to implement best management practices. The following practices are available for cost share:

Large Animal Mortality Composting: Farmer will be eligible for up to \$1,000 worth of material to establish a composting pile. Lime for Cropland – cost share is 50% not to exceed \$15 per ton for 50 acres. Current soil test needed.

Cover Crops – cost share rates are as follows:

- \$60 by October 5th (drilled)
- \$45 by October 5th (broadcast)
- \$35 by October 25th (drilled)
- \$25 by October 25th (broadcast)

Stream Protection – including fencing, watering systems, stream crossings, and riparian buffers. This cost share will follow NRCS 2010 EQIP rates.



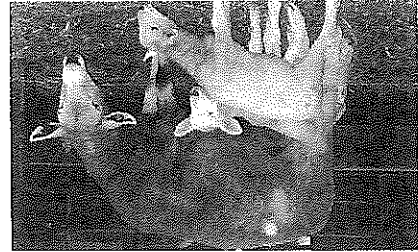
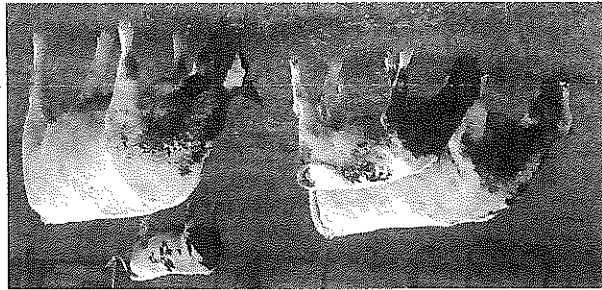
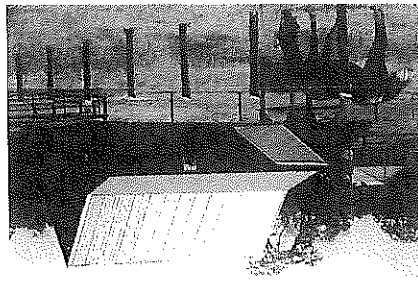
Any landowner that is interested in participating in this program should contact the Eastern Panhandle Conservation District at 304-263-4376. Applications will be accepted from January 10th through February 11th, 2011. Applicants limited up to 50 acres per practice.

2010 EPCD CONSERVATION FARM WINNERS

JEFFERSON COUNTY/DISTRICT - The Eastern Panhandle Conservation District has named Childs' Montadales owner, Dickie Childs owns and operates a 54 acre farm in Summit Point, WV, where many soil conservation and water quality practices have been implemented over 276 years. Dickie's family purchased the farm in 1734. On the 54 acre farm he raises Friesinger and Quarter Horses, Shorthorn cattle and Montadale Sheep all on hay and pasture land.

Mr. Childs raises 69 (50 ewes, 4 rams and 15 lambs) Registered Montadale Sheep. Montadales were developed in the 1930's by cross breeding the Cheviot and Columbia breeds. The Montadale is considered a dual-purpose breed, raised for both wool and meat. Dickie shows his prize winning sheep at local, state and national competitions. Dickie is also proud of his 3 Registered Friesinger horses. These are the only ones found in the United States. The Friesinger horse has been the only horse breed originating from Switzerland. Along with the Friesingers, Mr. Childs has 2 quarter horses that are used for showing and mare breeding, 1 Thoroughbred brood mare, 1 yearling Thoroughbred and 1 Thoroughbred horse used for shows. Dickie built the show ring for the youth to practice horserback riding and built the 5 barns. While growing up Dickie's father raised Shorthorn cattle. Since he had the opportunity after inheriting his portion of the family farm, he started raising Shorthorns. Mr. Childs currently has 3 cows, 2 heifers and 2 calves. All the cows are artificially inseminated from semen that is kept on the farm. He also does embryo transferring. Another animal that Dickie raises strictly for fun are hogs. He has 2 sows and 19 piglets that he sells to the local kids for 4-H and FFA projects at the local fairs.

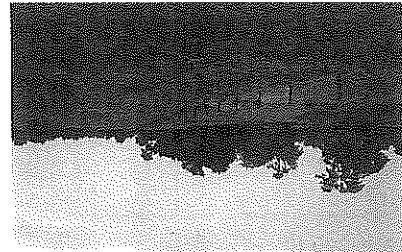
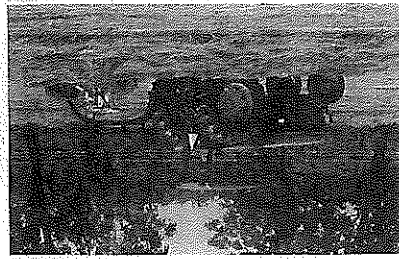
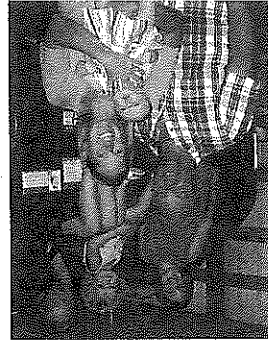
He is commended for exhibiting the following best management practices: 600 feet of pipeline, 2 watering troughs, 22.3 ac Pasture and Hay Planting and Rotational Grazing. He is also commended for his own structural practices built on the farm: Horse Area, New 28 x 36 Barn, Sheep Barn with expansion, Over 1 mile of fence, Horse Barn, 675 fence posts, Hay Barn (60 x 80) and 4 hay feeders for horses.



BERKELEY COUNTY FARMER

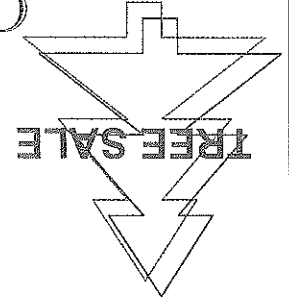
BERKELEY COUNTY - The 2010 Berkeley County Conservation Farmer award was presented to Darrion Clemons of Martinsburg, WV. The Clemons' operate a 432 acre farm where they raise Angus cow/calf operation, totaling 80 cattle. Mr. Clemon raises hay and pasture land to feed his cattle operation. The cattle are kept on a rotational grazing system. Darrion Clemons has farmed for over 19 years and was very active in 4-H and FFA. He devotes all his time to his wife, Tanya, their 4 children and the farm.

He is commended for exhibiting the following best management practices: Brush Management, Waste Utilization, Forage Harvest Management, Prescribed Grazing, Nutrient Management, Crop rotation, Pasture and Hay Planting, Upland Wildlife Habitat Management, Animal Use Protection Area, Livestock feeding pad with manure stacker, 2400 feet of pipeline, 4 watering troughs and 10,611 feet of fence.



EPCD'S 2011 ANNUAL TREE SALE

ORDER YOUR TREES TODAY!



SMALL FRUITS / FIRST COME / FIRST SERVE ON ALL FRUITS

Blueberries: Duke: Ripe early July	(15"-18")	Must have both for pollination	2/ \$15	
Grapes: Concord (blue) Ripe Sept. Niagara (white) Ripe Sept.	2 yr plants	Must have both for pollination	2/ \$14	

DWARF FRUIT TREES

APPLES: Pink Lady/ Golden Delicious	3-4 FEET	Must have both for pollination	2/ \$24	
PEARS: Bartlett	4-6 FEET		1/ \$15	
CHERRY: Montmorency	4-6 FEET		1/ \$15	
PEACH: Redhaven	4-6 FEET		1/ \$15	

ACCESSORIES & SEED MIXES

Tree Shelter Tubes	5 ft. in height		5/ \$25	
Northeast Perennial and Annual Wildflower Mix (1 lb. minimum)	Beautiful all-purpose mix, containing 1/3 annual & 2/3 perennial flowers		\$25/ lb	

TOTAL COST: \$

PLEASE MARK PICK-UP LOCATION: BERKELEY JEFFERSON MORGAN

ORDERS WILL BE ACCEPTED UNTIL March 1, 2011
 MAKE CHECKS PAYABLE TO EPCD PLEASE SUBMIT PAYMENT WITH ORDER FORM
 (SORRY, NO REFUNDS OR RETURNS ON TREES)

PLEASE RETAIN FOR YOUR RECORDS ~ WE WILL NOT SEND A REMINDER! PLEASE MARK YOUR CALENDAR

LOCATION FOR YOUR TREE PICKUP

(view <http://www.wvca.us/districts/?page=epcd> for detailed directions)

(B) BERKELEY: Berkeley County Youth Fairgrounds (Cattle Barn)
 (304) 263-4376, 2419 Golf Course Road, Martinsburg, WV 25401

WV-9 E towards Charles Town, go through 5 stop lights, turn left onto grapevine rd, turn right onto golf course right, stay left at y, Fair Ground on left. Remain left, follow gravel road, cattle barn on Right.

Friday, April 8, 2011
 8:00 a.m. - 5:00 p.m.
 Sat, April 9, 2011
 8:00 a.m. - 12:00 p.m.

(JC) JEFFERSON: Jefferson High School Vocational Ag Building (located behind school)
 (304) 263-4376 4141 Flowing Springs Road, Shenandoah Junction, WV 25442

From Rt. 340-turn onto Country Club Rd. Go to stop sign-turn right-school approx. 2 miles on left. From Old Rt. 9-Turn onto Shenandoah Junction Rd. (T.A. Lowery Elem. School on corner). Follow this road to High School (road will zig zag left then right around bus garage).

Sat, April 9, 2011
 8:00 a.m. - 12:00 p.m.

(MC) MORGAN: Dawson's Home Center (304) 263-4376
 99 Business Park Circle, Berkeley Springs, WV 25411

6 miles out of Berkeley Springs headed south on US 522, on the left.

Sat, April 9, 2011
 8:00 a.m. - 12:00 p.m.

TREE SPECIES	DESCRIPTION	N	f	☺	☼	↑	☂	🌳	🦋
COLORADO BLUE SPRUCE (<i>Picea pungens</i>)	A pyramidal, medium to large (70 feet) evergreen with a bluish to green cast. Branches have sharp one-inch needles and 2 to 4 inch cones. Will reach 6 feet in 9 years.			☺			☂		
NORWAY SPRUCE (<i>Picea abies</i>)	Fast growing to 100 feet and long-lived. Graceful tendrils are a favorite for landscapes and windbreaks. Grows to 6 feet in 7 years. Space 6 feet for windbreaks. All soil types.		f	☺					
BALSAM FIR (<i>Abies balsamea</i>)	Fragrant pyramidal evergreen has flat, round tip dark green needles 5/8" to 1" long.						☂		
DOUGLAS FIR (<i>Pseudotsuga meniesii gluca</i>)	Extra late bud break and excellent hardiness. Excellent form and density and good winter green color for all production sites							🌳	
WHITE PINE (<i>Pinus strobus</i>)	Popular fast growing conifer is prized for landscaping, windbreaks, and wildlife use. Needles are long and soft. Grows to 6 feet in 7 years. Protect from deer when young.	N	f		☼			🌳	🦋
PIN OAK (<i>Quercus palustris</i>)	Fast-growing to 70-80 feet height, pyramidal shape, and long lived. Bright green leaves turning yellow to radiant red in Autumn. Turkey and wood ducks favor this species. Matures. Tolerates a variety of soils.	N	f				☂	🌳	🦋
RED OAK (<i>Quercus rubra</i>)	Grows to 75'. Foliage turns deep red in the fall. Acorns are about one inch long. The wood is commercially valuable to the furniture and lumber markets. Excellent street or yard tree. Does best in well drained soil with a PH less than 7.5.	N		☺		↑			
WHITE OAK (<i>Quercus lbaa</i>)	Broad, round dense head, spreading branches and purple-red Fall color. Leaves remain on tree for Winter interest, bark light gray and flaked.	N		☺					🦋
WHITE DOGWOOD (<i>Cornus florida</i>)	Height 20 to 30 feet. In early Spring it is covered with white-pedaled flowers, in early Fall with red berries and beautiful crimson leaves.	N				↑	☂	🌳	🦋
CHINESE CHESTNUT (<i>Castanea mollissima</i>)	Hardy, blight-resistant, fast-growing tree which bears nuts. Plant two or more for pollination. Height at maturity about 30 to 35 feet.								🦋
GRAY DOGWOOD (<i>Cornus racemosa</i>)	Attractive shrub grown as a single tree, dense rounded compact. Creamy white flowers, producing white berries. Tolerates moist or dry soils, sun or shady locations.						☂		🦋
COMMON PERSIMMON (<i>Diospyros virginiana</i>)	Height 25 to 40 feet and 20 to 35 feet in width. It is slender with an oval-rounded crown, often very symmetrical. The white, fragrant flowers are very sweet. An edible persimmon ripens with a deep orange color after several frosts. More than one tree is needed for pollination to produce fruit. Persimmon tends to sucker into groves or colonies, producing food for wildlife								🦋
AMERICAN CHESTNUT (<i>Castanea dentate</i>)	A fast growing tree to 100 feet. You will need to plant two trees for good pollination and nut production. Should start producing rich, flavorful, edible nuts in about 13 to 15 years. Space 40 feet apart. These trees are not guaranteed to be blight resistant.		f	☺		↑			
APPLES: Pink Lady	Attractive pink blush over a yellow background color. The fruit is medium to large, crisp with a sweet-tart flavor and has a long storage life.								
APPLES: Golden Delicious	A russet resistant selection of the original Golden Delicious. Fruit is firm, medium to large with the classic Golden Delicious flavor. The tree is spreading, productive, and easy to manage. Fruit thinning is required to maintain annual bearing.								
PEAR: Bartlett	A large, heavy-bearing variety with excellent quality. Long considered one of the choicest canning varieties.								
CHERRY TREE - Montmorency	The fruit is bright red, medium in size, with a clear, juicy flesh. The trees are self-fruitful, winter hardy and very productive.								
PEACH TREE - Red Haven	Tree is vigorous, very bud-hardy and productive. Fruit is medium size and colors to a brilliant red. Ripens approximately August 1st.								
Northeast Perennial and Annual Wildflower Seed	Majority of species height is 1 to 3 feet. 2 species gets to 5-6 feet. 15 different species bloom from May until Oct. Colors are white, blue, yellow, purple, pink and red. Grow along roadsides meadows and gardens.								🦋

N NATIVE SPECIES f FAST GROWING ☺ PREFERS FULL SUN ☼ TOLERATES SHADE ↑ WELL DRAINED SITE ☂ TOLERATES MOISTURE 🌳 RIPARIAN AREAS 🦋 WILDLIFE FOOD

Eastern Panhandle
Conservation District
151 Aikens Center, Suite 1
Martinsburg, WV 25404

NON PROFIT ORG.
U.S. POSTAGE PAID
Martinsburg, WV
PERMIT # 3

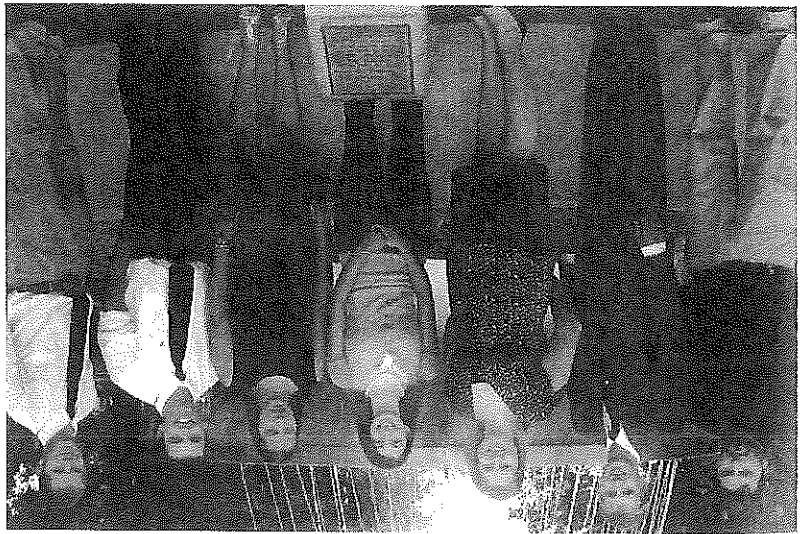
Postal Customer
Local

ENVIRONMENT

In April, the EPD sent seven teams from Jefferson, Martinsburg, Berkeley Springs and Paw Paw High Schools, to the WV Environment competition held at Greenbrier Youth Camp in Greenbrier County. They competed against fifteen other teams from around the state. The Jefferson High School team ranked first place in the overall competition. Each team member received an award check for college scholarships.

The EPD and the Environment committee sent the Jefferson team to the national Environment competition in California. The week before the national competition the Jefferson team traveled through Washington, Oregon and California to study and prepare for the competition.

Each year the EPD sponsors teams from the area high schools that are interested in participating in the Environment program. Spring and fall trainings are held in preparation for the state competition that is held in April each year in various locations throughout the state.



MORGAN COUNTY FARMER

MORGAN COUNTY - The 2010 Morgan County Conservation Farmer award was presented to Mocks Greenhouse, owners Paul and Raynette Mock. The Mocks own a 32 acre farm located in Berkeley Springs. The Mocks raise tomatoes, Bib lettuce, water crest (year around 3,000 per week) and limited basil, argula and dandelion greens. Mocks Greenhouse is the 2nd Largest Hydroponics in WV.



At Mock's Greenhouse, tomatoes reach about 30 feet high when the vines are trailed over to what nutrients they would get from the soil. Plants are fed and watered with the solutions through a piping system for so many seconds at specific intervals. He has 13 greenhouses totaling 23,000 square feet. Mock sells over 99% of his crops to wholesale markets within a 150-mile radius. His produce is also available at the Berkeley Springs Farmers Market and is used by a couple of local restaurants. Mock sells to brokers that distribute his produce. They have 100 trucks going to stores, restaurants and other locations around the Beltway.

They were commended for exhibiting the following best management practices: 23,000 square feet of greenhouses, 2,500 feet of deer fence, Pumping Plant, Water Well Irrigation System, Micro-irrigation, Irrigation Water Conveyance, High-Pressure, Underground: 1,000 feet and Irrigation Water Conveyance, Low-Pressure, Underground: 1,000 feet.



The partners formerly known as West Virginia's Potomac Tributary Strategy Implementation Committee have been hard at work this year, crafting a new plan to reduce nitrogen, phosphorus and sediment in the Potomac River, and therefore in the Chesapeake Bay. Originally consisting primarily of three state agencies (WV Dept. of Environmental Protection, WV Conservation Agency, and WV Dept. of Agriculture) and two non-profits (The Conservation Fund - Freshwater Institute and Capon Institute), the team has benefited from the participation of many more agencies and partners including WV Division of Forestry, USDA-Natural Resources Conservation Service, TetraTech Inc., and West Virginia University Extension, plus many others, for help with writing West Virginia's "Watershed Implementation Plan" (WIP).

The WIP program is a process of defining how West Virginia, in partnership with federal and local governments, will achieve the pollution load reductions required of the state of West Virginia to support the Bay Total Maximum Daily Load (TMDL). Through bi-weekly teleconferences and smaller subject-area working groups that met more often, our team drafted the text of the plan as well as tables of proposed practices. These tables were fed into a computer model at the U.S. Environmental Protection Agency's Chesapeake Bay Program to help us refine our plan through an iterative process, in order to meet West Virginia's nutrient and sediment targets in the most realistic ways possible.

The WIP strategies address existing as well as new or expanded sources of nutrients and sediment. Any expected new sources of these pollutants, such as new wastewater treatment plants, new septic systems, and land converted from forest to other uses, must be offset by reductions, in addition to the reductions required to meet the goals.

The final Phase I WIP was submitted to the U.S. Environmental Protection Agency on November 29, 2010. A Phase II WIP, due to be completed by November 2011, will be a refinement of Phase I and include more detailed, local information. To read the final Phase I WIP please visit www.wvca.us/day.

WEST VIRGINIA NRCS PROGRAMS

Financial Assistance Programs Open for Enrollment

* Agricultural Management Assistance (AMA)

* Agricultural Water Enhancement Program (AWEP)

* Chesapeake Bay Watershed Initiative (CBWI)

* Conservation Reserve Enhancement Program (CREP)

* Conservation Reserve Program (CRP)

* Conservation Security Program (CSP)

* Conservation Stewardship Program (CSP)

* Conservation Technical Assistance (CTA)

* Environmental Quality Incentive Program (EQIP)

* Farm and Ranchlands Protection Program (FRPP)

* Grassland Reserve Program (GRP)

* Health Forest Reserve Program (HFRP)

* Wetland Reserve Program (WRP)

* Wildlife Habitat Incentive Program (WHIP)

For More Information Contact NRCS
Berkeley and Morgan Counties - 304-263-7559
Jefferson County - 304-725-3471

DISASTER ASSISTANCE FOR PASTURE LOSSES AVAILABLE

The local USDA Service Center staff realizes 2010 has been extremely difficult for local farmers. Financial assistance to help may be available.

Eligible livestock must have been owned, purchased, or entered into a contract to purchase 60 days prior to the beginning date of the drought (September 7, 2010). The livestock must have been maintained for commercial use as a part of a farming operation. Feedlot cattle are not eligible, nor are livestock produced or maintained for recreational purposes.

To be eligible for LFP, producers must have had Non-Insured Crop Disaster Assistance coverage on their pastureland in 2010. However, farmers who meet the definition of Socially Disadvantaged, Limited Resource, or Beginning Farmer do not have to meet this requirement.

"Limited Resource" is determined as follows: In both 2008 & 2009, gross farm sales must be less than \$146,400 (IRS Form Schedule F), and Adjusted Gross Income (IRS Form 1040, Line 37), must be less than \$26,291.10 for both 2008 & 2009 for Berkeley County producers. The AGI amount is \$22,500.00 for Morgan County producers. The AGI amount is \$31,466.94.00 for Jefferson County producers.

Socially Disadvantaged and Beginning Farmer provisions are available if needed.
Producers may apply through January 31, 2011 at the Berkeley-Morgan Farm Service Agency Office and Jefferson Farm Service Agency Office. If you have any questions you can call the office at 304-263-7547, and for the Jefferson office you can call 304-725-3471.

AGENCY PROGRAMS

LIME INCENTIVE PROGRAM CRITERIA

EPCD will cost share up to 50% on bulk lime and delivery with a cap of \$30 per ton. Landowner is responsible for 100% of spreading cost.

- Fields must be hay and/or pasture.
- Applications approved are up to 50 acres per year and with a pH of 6.5 and below
- Landowner is required to use a WV AG Certified Lime Dealer.
- After signing the Contract, the landowner has 90 days to spread the lime, if the landowner is unable to spread due to weather or other complications.

- When lime is delivered, have the vendor fill out and sign the Lime Invoice with the cost of the lime and delivery.
- If the EPCD pays the landowner over \$600.00, we will need the Social Security or Tax I.D. number to complete a 1099 Tax form.

DISTRICT HAPPENINGS

EQUIPMENT RENTAL

NO TILL DRILL \$10.00 per Acre

GREAT PLAINS DRILL \$10.00 per Acre

POULTRY LITTER SPREADER \$80.00 per day

**There is a \$50.00 delivery fee for all equipment.

OTHER SERVICES

FORAGE TESTING 60/40% cost share

SOIL TESTING 50/50% cost share

SCHEDULE OF EVENTS

March 1-Deadline for College Scholarship Applications

March 4-5 Appalachian Grazing Conference

April 8-9 EPCD Tree Sale

DISTRICT BOARD MEETINGS

January 19; 7:00 pm

February 16; 7:00 pm

March 16; 7:00 pm

April 20; 7:00 pm

THE DISTRICT WILL BE CLOSED FOR THE FOLLOWING HOLIDAYS

Martin Luther King, Jr. - January 17

Presidents' Day - February 21

Memorial Day - May 30

WV Day - June 20

EDUCATION PROGRAMS

The following is a summarized list of outreach/education programs offered through the EPCD. If you would like more information, please contact the office @ 263-4376 x116.

- Environment Contest: ages 15 - 18
- Land Judging Contest: ages 15 - 18
- Forestry Contest: ages 15 - 18
- Grassland Evaluation Contest: ages 15 - 18
- College Scholarships: high school seniors
- Samara Program: 7th grade
- Poster Contest: K through 12
- Photo Contest: all ages
- Stewardship Program: church youth through adult
- Conservation & Forestry Camps: ages 11-18
- Annual Tree Sale
- Adult Trainings & Workshops

In addition, District staff is available to address your classroom, group or organization of any age, to address various environmental topics or current programs.

**EASTERN PANHANDLE
CONSERVATION DISTRICT**

151 Aikens Center, Suite 1
Martinsburg, WV 25404
Phone: 304-263-4376
Fax: 304-263-4986
E-mail: epcd@wvca.us

*Serving Berkeley, Jefferson,
and Morgan counties*

Non-Profit Org.
U. S. Postage
Paid
Martinsburg, WV
Permit #03

2011 Tree Order Form Inside

"Address Service Requested"

We are now on the web!

www.wvca.us/districts/?page=epcd

*****AUTO*3-DIGIT 254

Jefferson Co. Commission
PO Box 208
Charles Town WV 25414-0208



2011 APPALACHIAN GRAZING CONFERENCE

West Virginia's grasslands comprise one of the state's most significant natural resources. According to the 2002 USDA Census of Agriculture, about 34% of the state's land area (slightly more than 1.2 million acres) is pastureland (this excludes grazed woodland). For the livestock production industry in West Virginia to remain viable and sustainable, it must become more profitable. West Virginia's producers have little impact on market prices; therefore, their greatest opportunity to impact margins on profits is to reduce production costs. The development of grazing systems, to provide the appropriate degree of control of grazing animals, and the plants they graze is a management tool that successful livestock producers will continue to make greater use of in the future. Reducing production cost is a key to profitability in the livestock industry and feed is a major cost. Efficient marketing of forage through livestock, which harvest it directly by grazing, is a key way to reduce production costs. By controlling the grazing animal, the manager will profit from enhanced livestock performance, and continued forage plant productivity.

It is important that individuals and families take time to develop goals and objectives for their lives. The farm and its operation must support these plans. Grassland farming should be promoted within the context of its compatibility with the goals and objectives of the farm family. The Appalachian Grazing Conference is one tool to improving the sustainability of the family farm. The biannual conference will allow agriculture producers to hear from experts and fellow farmers about grassland management related issues. The conference allows for producers to network with agribusiness vendors, technical experts and agency personnel, allowing for the exchange of new ideas and opportunities for technical and financial assistance.

The conference will be held at the Waterfront Place Hotel and the Greater Morgantown Conference and Convention Center in Morgantown, WV on March 4th and 5th, 2011. The 2009 Appalachian Grazing Conference was a great success with an attendance exceeding 300 farmers, vendors and industry representatives from West Virginia, Virginia, Maryland, Pennsylvania and Ohio. The location has been changed for 2011 to accommodate the increasing audience, and to provide a large indoor exhibit hall area for vendors and exhibitors.

Planned session topics include "Grassland Management", "Improving Pastures", "Extended Grazing", "Nutrient Management", and "Brush Control", with additional sessions to address the beef cattle and small ruminant industries. Livestock and forage producers in the region are seeking for ideas and products to reduce their production costs and improve their overall farming operation. This conference is striving to provide this information to grazers in the region.

For information on conference scholarships, please contact the Eastern Panhandle Conservation District @ 304-263-4376



- 5cc
- Pres. Atty
- JCSD
- Co. Com.
- Assessors
- Co. Clerk
- Cir. Clerk

has org
1/18/11
AW

TO: ALL MEMBERS of the WEST VIRGINIA ASSOCIATION OF COUNTIES

FROM: PATTI HAMILTON



THE COUNTY LEGISLATIVE LINE
Tuesday, January 18, 2011
"Catch Up"

RECEIVED
JAN 18 2011
 JEFFERSON COUNTY
 CIRCUIT COURT

Capitol Quotes:

"Be careful with this hoax." Virginia Association of Counties Director in a discussion of state initiatives to do away with personal property taxes, noting that VA eliminated the car tax 14 years ago and promised to reimburse the counties from the State's general fund. Two years later, the State found this to be very expensive and capped the reimbursement to \$950,000,000 annually. VA struggles to find this nearly \$1 billion a year to fund the "exemption" and has recently gone to borrow the money from the State's Retirement Fund!

Senate Committees for 2011:

Standing Committees of the Senate (1st name is Chair; 2nd is vice-chair)

- Agriculture – Williams; Beach
- Banking & Insurance – Minard; Jenkins
- Confirmations – Edgell; Chafin
- Economic Development – Browning; Helmick
- Education – Plymale; Wells
- Energy, Industry & Mining – Green; D.Facemire
- Enrolled Bills – Miller; Palumbo
- Finance – Prezioso; D. Facemire
- Government Organization – Snyder; Green
- Health & Human Resources – Stollings; Foster
- Interstate Cooperation – Jenkins; Tucker
- Judiciary – Palumbo; Wills
- Labor – Yost; Miller
- Military – Wells; Yost
- Natural Resources – Laird; Fanning
- Pensions – Foster; Edgell

RECEIVED

JAN 19 2011

Jefferson County Commission

Rules – Kessler; McCabe
Transportation & Infrastructure – Beach; Klempa

Senate Leadership:

Senator Jeff Kessler – Acting Senate President
Senator John Unger – Majority Leader
Senator Richard Browning – Majority Whip
Senator Brooks McCabe – President Pro Tem

Most bills followed by WVACO go to Judiciary, Finance & Government Organization. Rules Committee is important because it sets the agenda for the floor sessions.

Lists of introduced bills will be sent via fax as they are too long for the body of an email. The lists will include only the lead sponsor of a bill. The “short title” is often not very descriptive so if you want to read the full bill text, go to www.legis.state.wv.us and submit the bill number. The introduction or title to a bill is supposed to reference every issue that is included in the bill. This is a constitutional requirement and it is also required that all issues included in a bill be germane (closely or significantly related; relevant or pertinent) to the subject of the bill.

Legislative Calendar 2011

Twentieth Day – January 31, 2011; Submission of Legislative Rule-Making Review Bills due.

Forty-first Day – February 21, 2011; Last day to introduce bills in the Senate and the House. Does not apply to originating or supplementary appropriation bills or to resolutions or concurrent resolutions.

Forty-seventh Day – February 27, 2011; Bills due out of committees in house of origin in order to ensure three full days for readings

Fiftieth Day – March 2, 2011; Last day to consider bill on third reading in house of origin. Does not include budget or supplementary appropriation bills.

Sixtieth Day – March 12, 2011; Adjournment at Midnight (*WV Const. Art. VI, §22*)

Go to www.legis.state.wv.us for bill text and to create personal bill-tracking lists. We also have hard copies of all bills at the office.

The following Senate Bills of interest to counties were introduced from Wednesday, January 12th through Friday, January 14th. A list of House Bills will be sent later this week (they introduced almost 500 the first day!).

SB 13	Foster	Creating Uniform Real Property Electronic Recording Act	IC Finance
SB 21	Helmick	Revising coalbed methane tax revenue distribution	Jud Fin
SB 29	Williams	Requiring filing fees for write-in candidates	Jud Fin
SB 38	Jenkins	Requiring defendants pay costs of incarceration	Jud Fin
SB 45	Jenkins	Provide method of appraisal for affordable multifamily housing, prohibiting use of federal tax credits for income approach	Gov Org Fin
SB 46	Jenkins	Creating Uniform Real Property Electronic Recording Act	IC & Finance
SB 53	Minard	For underwriting of non state groups in PEIA, require minimum participation & contract periods	B & I Finance
SB 55	Minard	Clarify confidentiality of local government audit supporting documentation	Gov Org Judiciary
SB 65	Yost	Exempt certain military members motor vehicles from personal property taxation	Trans&Inf Finance
SB 67	Yost	Requiring those arrested for felony submit to DNA sample	Judiciary Finance
SJR 2	Minard	Constitutional amendment to increase homestead exemption to \$50,000	Judiciary Finance
SJR 3	Snyder	Constitutional amendment to calculate homestead exemption on average value per county	Judiciary Finance
SJR 4	Plymale	"Silenced Majority" Local Levy Amendment; allowing local levies to pass with simple majority	Judiciary Finance
SB 71	Kessler	Making child neglect creating substantial risk of bodily harm a misdemeanor	Judiciary
SB 85	Sypolt	Change qualifier for low income senior citizens' homestead tax credit to 300% of poverty guideline	Judiciary Finance
SB 86	Sypolt	Requiring equal numbers of members from each magisterial district on county planning commission	Gov Org Judiciary
SB 88	Laird	Increasing penalties for correctional employee having sexual relations with incarcerated person	Judiciary Finance
SB 95	Sypolt	Redefine basis for disqualification of prospective jurors to include those convicted of certain crimes	Judiciary



**TO: ALL MEMBERS of the WEST VIRGINIA ASSOCIATION OF
COUNTIES**

FROM: PATTI HAMILTON



**THE COUNTY LEGISLATIVE LINE
"Catch-Up" Wednesday, January 19, 2011**

Capitol Quotes:

"If you can't fly, then run. If you can't run, then walk. If you can't walk, then crawl, but whatever you do you have to keep moving forward." Martin Luther King, Jr.

I hope everyone had a good Martin Luther King day holiday. It was business as usual at the Legislature and I continue to play catch-up, this time with the hundreds of House bills that have been introduced from January 12 through January 17th. The list of bills will be sent to all county officials via fax.

The big news so far this week is the Supreme Court's ruling that there must be a special election for Governor no later than Nov. 15th, the day Governor Tomblin took office in 2010.

House Committees for 2011:

Standing Committees of the House (1st name is Chair; 2nd is vice-chair)

Agriculture – Butcher, Walker

Banking & Insurance – Moore, Reynolds (Banking); Perry, Hall (Insurance)

Constitutional Revision – Fleischauer, Guthrie

Education – Poling, Paxton

Energy, Industry, Mining, Economic Development, Small Business – Barker, Shaver (EIL); Kominar, Phillips (Econ Dev and SB)

Finance – White, Campbell

Government Organization – Morgan Stephens

Health & Human Resources – Perdue, Hatfield

Judiciary – Miley, Hunt

Natural Resources – Talbott, Crosier

Pensions – Pethel, Ennis

Political Subdivisions – Manchin, Lawrence
Roads & Transportation – Martin, Staggers
Senior Citizen Issues – Williams, Moye
Rules – Thompson, Boggs

House Leadership:
Speaker Rick Thompson
Brent Boggs – Majority Leader
Mike Caputo – Majority Whip
Ron Fragale – Speaker Pro Tem
Minority Leader – Tim Armstead

In the House, most bills followed by WVACO go to Judiciary, Finance, Political Subdivisions & Government Organization. Rules Committee is important because it sets the agenda for the floor sessions and determines which bills are on the “House Calendar” (parking lot or graveyard) and which are on the “Special Calendar” (bills that will be taken up during the floor session).

Legislative Calendar 2011

Twentieth Day – January 31, 2011; Submission of Legislative Rule-Making Review Bills due.

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HOUSE BILLS INTRODUCED 2011

2001	Boggs	Inmates serving life sentences be considered for parole only once every 3 years (fixes an unintended consequence of last year's parole bill)	Out of Judiciary
2007	Canterbury	Authorize counties to create urban growth boundaries	P S Jud
2010	Miley	Uniform Collateral Consequences of Conviction Act	Judiciary
2011	Guthrie	Use crime victims fund for victims of negligence of uninsured driver	Judiciary Finance
2013	Hamilton	Require WV E 911 Council propose Emergency Medical Dispatch procedures	Poli Sub Judiciary
2016	Doyle	General rules for all county & municipal referendum votes	Judiciary Finance
2027	Manypenny	Require county commissions adopt & implement farmland protection programs	Gov Org Judiciary
2044	Armstead	Creating a Sentencing Commission	G O Jud
2082	Ellem	Change time for periodic valuations & assessments of real & personal property	Judiciary Finance
2094	Cowles	Exempt county & municipal govt construction projects from prevailing wage	Poli Sub Judiciary
2141	Duke	Include ambulance & fire fees as part of property tax assessment so may be paid with same check	Poli Sub Finance
2152	Iaquinta	Establish threshold quantities of controlled substances to trigger prima facie evidence of intent to deliver	Judiciary
2166	Doyle	Relating to land use planning	P S Jud
2171	Doyle	Curtail serving alcoholic beverages as early as 1 a.m.	P S Jud
2192	Rodighiero	Require assessor of each county prepare a new property tax ticket within 3 months of deed filing	Poli Sub Judiciary
2222	White	Prohibit use of touch screen voting machines	Jud Fin
2228	Doyle	Provide that county commission may establish program for transfer of development rights without election	Poli Sub Judiciary
2230	Doyle	Prohibit demolition of historic structure prior to review & permit from Division of Culture & History	Gov Org
2231	Doyle	Authorize county commissions use impact fees to fund the building & operation of libraries and provide affordable housing	Poli Sub Finance
2232	Doyle	Remove exemption from planning & zoning	E I & L

		restrictions for mining & manufacturing activities	Finance
2236	Hunt	Exempt antique cars from taxation & fees	Rds Fin
2244	Overington	Change PSD board members term from 6 to 3 years	P S Jud
2270	Cann	Relating to assessments of real property	Jud Fin
2276	Azinger	Provide 3% cap on any increase in assessment of real property that is the primary residence	Judiciary Finance
2278	Boggs	Authorize use of additional medium for archiving governmental records	Judiciary
2327	Miley	Authorize DMV to issue license plates to County Prosecutors for use on vehicles	Rds & Tra Judiciary
2345	Manchin	Add non state representative to PEIA Finance Bd	P S G O
2360	Caputo	Allow quarterly payments of real & personal property taxes	Judiciary Finance
2366	Stowers	Dedicate 5% of coal severance tax to county of origin	Finance
2387	Longstreth	Require county commission hold one monthly meeting in evening	Finance
2395	D. Poling	Clarify an exception that allow sheriffs to collect property taxes in more than two installments	Finance
2398	Manypenny	Creating Spay Neuter Assistance Fund	Ag Jud
2400	Hunt	Granting licensed appraisers access to commercial or residential review documents	Poli Sub Judiciary
2402	Fleischauer	Redefine the term "public record" as used in FOIA	Judiciary
2406	Miley	Designation of primary guardian for minor child	Judiciary
2407	D. Poling	Exempt antique vehicles from personal property tax	Rds Fin
2408	Perdue	Treatment for drug & alcohol addiction	HHR Jud
2433	Cowles	Provide guidance for prosecuting attorneys in cases involving abused & neglected children	Judiciary
HJR 4	Caputo	Increase homestead exemption to \$30,000	Const Rev
HJR 5		100% homestead exemption for totally disabled vets	
HJR 6	Doyle	Constitutional amendment allowing residents of county to determine how county commissioners are elected & the length of term	Con Rev Judiciary
HJR 9	Longstreth	Increase homestead exemption to \$30,000	Const Rev
HJR 11	Rodighiero	Increase homestead exemption to \$30,000	Const Rev
HJR 13	Armstead	Increase homestead exemption to \$40,000	Const Rev
2438	Miley	Conform older contradiction election language; re-establish definition for "independent voter"	Judiciary



EASTERN PANHANDLE CONSERVATION DISTRICT
151 AIKENS CENTER, STE. 1, MARTINSBURG, WV 25404 (304) 263-4376
2011 TREE SEEDLING SALE



FIRST NAME:	LAST NAME:		Email:
ADDRESS:	STATE:	ZIP:	
CITY:	AMOUNT ENCLOSED \$		
DAY PHONE:	PLEASE MARK SELECTION CLEARLY		

AVAILABLE AS BARE ROOT SEEDLINGS

CONIFERS	Size	Price	Quantity	Cost
Colorado Blue Spruce	(12"-18") 4 Yr seedling	25/ \$25		
Norway Spruce	(16"-24") 4 Yr seedling	25/ \$25		
Balsam Fir	(12"-18") 5 Yr transplants	10/ \$15		
Douglas Fir	(12"-18") 5 Yr transplants	10/ \$15		
Eastern White Pine	(10"-18") 3 Yr seedling	25/ \$25		

HARDWOODS

Pin Oak	(18"-24") 2 Yr seedling	5/ \$5		
Red Oak	(18"-24") 2 Yr seedling	5/ \$5		
White Oak	(6"-12") 1 Yr seedling	5/ \$5		

WILDLIFE HABITAT

White Dogwood	(12"-18") 2 Yr seedling	5/ \$5		
Chinese Chestnut	(12"-18") 2 Yr seedling	5/ \$5		
Gray Dogwood	(12"-18") 2 Yr seedling	5/ \$5		
Common Persimmon	(18"-24") 2 Yr seedling	2/ \$6		
American Chestnut	(2-3 FEET) POTTED	2/ \$20		

FIRST COME / FIRST SERVE ON ALL FRUITS

SMALL FRUITS

Blueberries: Duke: Ripe early July Blue Crop: Ripe Mid-July/August	(15"-18")	Must have both for pollination	2/ \$15		
Grapes: Concord (blue) Ripe Sept. Niagra (white) Ripe Sept.	2 yr plants	Must have both for pollination	2/ \$14		

DWARF FRUIT TREES

APPLES: Pink Lady/ Golden Delicious	3-4 FEET	Must have both for pollination	2/ \$24		
PEARS: Bartlett	4-6 FEET		1/ \$15		
CHERRY: Montmorency	4-6 FEET		1/ \$15		
PEACH: Redhaven	4-6 FEET		1/ \$15		

ACCESSORIES & SEED MIXES

Tree Shelter Tubes	5 ft. in height		5/ \$25		
Northeast Perennial and Annual Wildflower Mix (1 lb. minimum)	Beautiful all-purpose mix, containing 1/3 annual & 2/3 perennial flowers		\$25/ lb		

TOTAL COST: \$

PLEASE MARK PICK-UP LOCATION: BERKELEY JEFFERSON MORGAN

ORDERS WILL BE ACCEPTED UNTIL March 1, 2011
MAKE CHECKS PAYABLE TO EPCD PLEASE SUBMIT PAYMENT WITH ORDER FORM
(SORRY, NO REFUNDS OR RETURNS ON TREES)

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

Week Ending Date	Week Ending January 15, 2011
To be Deposited on:	January 24, 2011
Amount Played	63,002,325.55
Amount Won	56,531,979.46
Amount Promo	188,721.00
MWAP Contribution	<u>30,942.69</u>
Adjusted Gross Terminal Revenue	<u>6,250,682.40</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>250,027.31</u>
Net Terminal Revenue	<u>6,000,655.09</u>
Surcharge @ 10%	600,065.51
State Share Excess @ 58%	348,038.00
Track Share of Capital Reinvestment @ 42%	252,027.51
Track Share of Capital Reinvestment @ 42% - 96%	\$ 241,946.41
Track Share of Capital Reinvestment @ 42% - 4%	\$ 10,081.10
Adjusted Net Terminal Revenue	<u>5,400,589.58</u>
Racetrack @ 46.50% / 42%	2,268,247.62
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,214,241.71
Race Track Purses @ 7% / 14% / 8%	432,047.17
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	27,002.95
Greyhound Development @ .75%	40,504.42
Thoroughbred Development @ .75%	40,504.42
Racing Commission @ 1%	54,005.90
County/Municipality @ 2%	108,011.80
3% Funds:	
Tourism Promotion Fund @ 1.375%	74,258.11
Development Office Promotion Fund @ .375%	20,252.21
Research Challenge Fund @ .5%	27,002.95
Capitol Renovation and Improvement Fund @ .6875%	37,129.05
2004 Capitol Complex Parking Garage Fund @ .0625%	3,375.37
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>54,005.90</u>
	<u>5,400,589.58</u>

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	\$ 136,494.98	\$ 25,122.84	\$ 3,120.27	\$ 8,682.45	\$ 916.98	\$ 8,813.09	\$ 3,590.05
08/14/10	\$ 156,753.36	\$ 78,376.68	\$ 78,376.68	\$ 9,734.38	\$ 27,086.98	\$ 2,860.75	\$ 27,494.54	\$ 11,200.03
08/21/10	\$ 152,398.04	\$ 76,199.02	\$ 76,199.02	\$ 9,463.92	\$ 26,334.38	\$ 2,781.26	\$ 26,730.62	\$ 10,888.84
08/28/10	\$ 144,920.06	\$ 72,460.03	\$ 72,460.03	\$ 8,999.54	\$ 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	\$ 165,938.72	\$ 82,969.36	\$ 82,969.36	\$ 10,304.79	\$ 28,674.21	\$ 3,028.39	\$ 29,105.65	\$ 11,856.32
09/18/10	\$ 135,277.56	\$ 67,638.78	\$ 67,638.78	\$ 8,400.74	\$ 23,375.96	\$ 2,468.82	\$ 23,727.68	\$ 9,665.58
09/25/10	\$ 140,870.12	\$ 70,435.06	\$ 70,435.06	\$ 8,748.03	\$ 24,342.36	\$ 2,570.88	\$ 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	\$ 138,823.00	\$ 69,311.50	\$ 69,311.50	\$ 8,608.49	\$ 23,954.06	\$ 2,529.87	\$ 24,314.47	\$ 9,904.61
10/16/10	\$ 150,469.24	\$ 75,234.62	\$ 75,234.62	\$ 9,344.14	\$ 26,001.08	\$ 2,746.06	\$ 26,392.31	\$ 10,751.03
10/23/10	\$ 140,581.60	\$ 70,290.80	\$ 70,290.80	\$ 8,730.12	\$ 24,292.50	\$ 2,565.61	\$ 24,658.01	\$ 10,044.56
10/30/10	\$ 131,230.08	\$ 65,615.04	\$ 65,615.04	\$ 8,149.39	\$ 22,676.56	\$ 2,394.95	\$ 23,017.75	\$ 9,376.39
11/06/10	\$ 122,675.24	\$ 61,337.62	\$ 61,337.62	\$ 7,618.13	\$ 21,198.28	\$ 2,238.82	\$ 21,517.24	\$ 8,765.15
11/13/10	\$ 129,190.56	\$ 64,595.28	\$ 64,595.28	\$ 8,022.73	\$ 22,324.13	\$ 2,357.73	\$ 22,660.02	\$ 9,230.67
11/20/10	\$ 112,020.16	\$ 56,010.08	\$ 56,010.08	\$ 6,956.45	\$ 19,357.08	\$ 2,044.37	\$ 19,648.34	\$ 8,003.84
11/27/10	\$ 142,341.80	\$ 71,170.90	\$ 71,170.90	\$ 8,839.43	\$ 24,596.66	\$ 2,597.74	\$ 24,966.75	\$ 10,170.32
12/04/10	\$ 106,430.16	\$ 53,215.08	\$ 53,215.08	\$ 6,609.31	\$ 18,391.13	\$ 1,942.35	\$ 18,667.85	\$ 7,604.44
12/11/10	\$ 93,888.00	\$ 46,944.00	\$ 46,944.00	\$ 5,830.44	\$ 16,223.85	\$ 1,713.46	\$ 16,467.95	\$ 6,708.30
12/18/10	\$ 84,153.52	\$ 42,076.76	\$ 42,076.76	\$ 5,225.93	\$ 14,541.73	\$ 1,535.80	\$ 14,760.53	\$ 6,012.77
12/25/10	\$ 100,900.56	\$ 50,450.28	\$ 50,450.28	\$ 6,265.92	\$ 17,435.62	\$ 1,841.44	\$ 17,697.96	\$ 7,209.35
01/01/11	\$ 170,304.24	\$ 85,152.12	\$ 85,152.12	\$ 10,575.89	\$ 29,428.57	\$ 3,108.06	\$ 29,871.36	\$ 12,165.24
01/08/11	\$ 108,602.60	\$ 54,301.30	\$ 54,301.30	\$ 6,744.22	\$ 18,766.53	\$ 1,982.00	\$ 19,048.89	\$ 7,759.66
01/15/11	\$ 108,011.80	\$ 54,005.90	\$ 54,005.90	\$ 6,707.53	\$ 18,664.44	\$ 1,971.22	\$ 18,945.27	\$ 7,717.44
Subtotal	\$ 3,992,642.98	\$ 2,452,353.23	\$ 1,540,289.75	\$ 191,303.97	\$ 532,324.14	\$ 56,220.60	\$ 540,333.62	\$ 220,107.43

Benchmark Goal @ 2% \$ 912,063.48

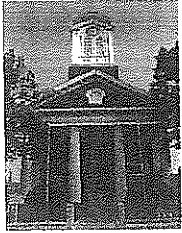
Remainder until 1% / 1% Split \$ -

VIDEO LOTTERY REPORT
FY 2009

Table Game Revenues
FY 2011

FY 2009		FY 2010		FY 2011	
Date	Amount	Date	Amount	Date	Amount
7/5/2008 *	169,912.56	7/4/2009 *	128,262.42	7/3/2010	115,402.58
7/12/2008	176,592.38	7/11/2009	168,815.08	7/10/2010	205,731.64
7/19/2008	160,344.08	7/18/2009	160,652.98	7/17/2010	161,386.76
7/26/2008	162,982.74	7/25/2009	158,869.08	7/24/2010	160,368.28
8/2/2008	178,171.04	8/1/2009	174,493.08	7/31/2010	157,802.08
8/9/2008	123,538.04	8/8/2009	138,408.80	8/7/2010	136,494.98
8/16/2008	82,482.89	8/15/2009	81,222.14	8/14/2010	78,376.68
8/23/2008	76,426.18	8/22/2009	76,260.31	8/21/2010	76,199.02
8/30/2008	89,459.86	8/29/2009	80,472.92	8/28/2010	72,460.03
9/6/2008	91,644.46	9/5/2009	80,798.15	9/4/2010	76,362.84
9/13/2008	79,729.93	9/12/2009	86,286.92	9/11/2010	82,969.36
9/20/2008	71,269.36	9/19/2009	70,010.15	9/18/2010	67,638.78
9/27/2008	79,735.73	9/26/2009	69,316.87	9/25/2010	70,435.06
10/4/2008	75,186.22	10/3/2009	72,286.04	10/2/2010	71,013.86
10/11/2008	77,139.04	10/10/2009	69,650.63	10/9/2010	69,311.50
10/18/2008	80,668.26	10/17/2009	73,560.21	10/16/2010	75,234.62
10/25/2008	64,379.44	10/24/2009	67,581.66	10/23/2010	70,290.80
11/1/2008	68,352.42	10/31/2009	64,528.30	10/30/2010	65,615.04
11/8/2008	70,823.02	11/7/2009	63,741.59	11/6/2010	61,337.62
11/15/2008	65,565.50	11/14/2009	65,959.64	11/13/2010	64,595.28
11/22/2008	63,883.80	11/21/2009	59,547.05	11/20/2010	56,010.08
11/29/2008	69,850.12	11/28/2009	72,399.98	11/27/2010	71,170.90
12/6/2008	55,696.68	12/5/2009	51,006.51	12/4/2010	53,215.08
12/13/2008	60,178.04	12/12/2009	52,460.58	12/11/2010	46,944.00
12/20/2008	52,189.19	12/19/2009	32,834.39	12/18/2010	42,076.76
12/27/2008	72,205.91	12/26/2009	53,406.34	12/25/2010	50,450.28
1/3/2009	96,504.65	1/2/2010	92,980.40	1/1/2011	85,152.12
1/10/2009	53,286.62	1/9/2010	55,020.46	1/8/2011	54,301.30
				July/Aug 10	154,185.68
				Sept. 2010	94,247.84
				Oct-10	105,903.60
				Nov-10	108,717.67

1/17/2009	56,068.87	1/16/2010	60,551.28	1/15/2011	54,005.90
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		2452353.23	
				463054.79	



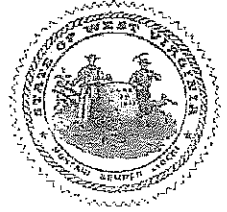
THE COUNTY COMMISSION OF JEFFERSON COUNTY

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NOTICE Board of Review and Equalization

The County Commission of Jefferson County will convene as a Board of Review and Equalization in the County Commission Courtroom at the Courthouse of said County on Tuesday, February 1, 2011, at 1:30 p.m., for the purpose of reviewing and equalizing assessments returned by the Assessor of Jefferson County for the year 2011.

The Commission will continue to sit as a Board of Review and Equalization on Thursday, February 3rd, 2011, at 1:30 p.m., Tuesday, February 8th, 2011, at 1:30 p.m., Thursday, February 10th, 2010, at 1:30 p.m., and thereafter, until all questions concerning assessments are heard.

Persons wishing to appear before the Commission must apply to the Assessor no later than Friday, February 11th, 2011, at noon, in order to complete the proper forms and to schedule a hearing date prior to the final date of Tuesday, February 15th, 2011.

Given under my hand this 6th day of January, 2011.

Jennifer Maghan by Gail Magaha, Deputy
JENNIFER MAGHAN, COUNTY CLERK
JEFFERSON COUNTY COMMISSION