

AGENDA
JEFFERSON COUNTY COMMISSION
- THURSDAY, MARCH 10, 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

- February 10, 2011 - Board of Review and Equalization - Afternoon Session
- February 15, 2011 - Board of Review and Equalization - Morning Session
- February 17, 2011 - Board of Review and Equalization - Afternoon Session
- March 3, 2011 - Regular Session

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

1. 9:40 a.m. Angela Banks, Assessor
- Exonerations
2. 9:45 a.m. Alana C. Hartman, WVDEP, Potomac Basin Coordinator
Review the commitments made to the TMDL and discuss plans for
Commission involvement in 2011 for the Chesapeake Bay Initiative
3. 10:15 a.m. Sheriff Robert Shirley
- Presentation to former Sheriff Senseney
4. 10:30 a.m. Citizens for Fair Water
- Request to Intervene in Jefferson Utilities, Inc. General Investigation,
Case # 11-0235-W-GI
- Conference Call - Consumer Advocate Division - *Tentative*
5. 10:45 a.m. Break

6. 11:00 a.m. Jennifer Brockman, Director of Planning and Zoning
 - Update on Urban Tree Canopy Grant Plan and Goals
 - US 340 Corridor - East Gateway Plan Planning Process Overview and Announcement of 3-26-11 Kick-Off Meeting
7. 11:30 a.m. Meredith Wait and Catherine Irwin
 - Presentation regarding SQ250, Shepherdstown, West Virginia
8. 11:45 a.m. Mark Schiavone, Director of Capital Planning and Management
 - Decision on automatic adjustment of impact fee schedules - Discussion/Action
 - Server replacement options - Discussion/Action
 - Revision B to the General Fund - Discussion/Action
 - Revision 008 to the General Fund - Discussion/Action
 - Revision 004 to Coal Severance Fund (Fund 002) - Discussion/Action
9. 12:00 p.m. Stephanie Grove, Assistant Prosecuting Attorney
 - Legal Update

UNFINISHED BUSINESS:

10. Decision regarding the Amendment to the County Zoning Map to consider Urban Growth Boundaries for Harpers Ferry and Bolivar
11. Decision regarding proposed amendments to Article 4B, Wireless Telecommunication Facilities and related sections of the Jefferson County Zoning and Land Development Ordinance
12. Appointment
 - HOME Consortium Council - One unexpired term ending June 13, 2013

NEW BUSINESS:

13. Legislative Update
14. Executive Session §6-9A-4
 - Role of Counsel representing County Government
15. Approval of Appointment to the Community Criminal Justice Board - Discussion/Action
16. Action to create the position of Chief Finance Officer and place all finance employees under the same. Further to include in next year's budget as well as developing a job description for the post and beginning the posting process (DM) - Discussion/Action

17. Adopt a policy that all outside counsel must be approved by the Commission before delivery of service in order to receive compensation for said service (DM) - Discussion/Action

—AFTERNOON SESSION—

18. 1:30 p.m. Jennifer Maghan, County Clerk, Chief Deputy Clerk, Vivian Fields, and Chief Deputy Clerk, Sally Gran
- Explain duties and fiscal responsibilities of the County Commission that are performed through the County Clerk's Office
19. 1:45 p.m. Budget Discussion
Jennifer, S. Maghan, County Clerk
20. 2:15 p.m. Budget Discussion
- Angie Banks, Assessor

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

CORRESPONDENCE:

Letter received from Jefferson County Development Authority, Tom Bayuzik, regarding a presentation to the Commissioners regarding Business Accelerator Program to be presented by Lori Kelly of GNEC.

Invitation to Open House on Tuesday, April 5, 2011 from 1:00 - 3:00 p.m. received from the Mountaineer Challenge Academy Camp Dawson, Kingwood, WV.

Newsletter "Valley News" received from the Potomac Valley Audubon Society, Volume 29, Issue 6, March 2011.

Information received from ProAct, Inc. regarding ProAct's Prescription Drug Discount Card Program.

Letter received from James and Barbara Gibson regarding Harpers Ferry and Bolivar Urban Growth Boundaries and their property.

Letter received from attorney James V. Kelsh regarding Utility Consolidation.

Memo from CCAWV with Legislative Update - Friday, February 25, 2011.

"The County Legislative Line" for February 28, 2011 received from WVACO.

"The County Legislative Line" for March 2, 2011 received from WVACO.

Minutes received of the Regular Board Meeting of February 7, 2011 of the Jefferson County Public Service District.

Weekly settlement reports for the Charles Town Races received from the West Virginia Lottery.

Received from the County Commissioners Association of West Virginia list of county interest bills that survived "cross-over day."

RECESS

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

Commission Office Use Only

Date on Agenda: ~~10/13/11~~ 3/3/11

Appt Time or New Business: 10:15am

AGENDA REQUEST FORM

Name: Alana Hartman, Potomac Basin Coordinator

Department or Entity: WVDEP

Estimation of amount of time needed for appointment: 15 – 30 minutes

Date Requested – 1st Choice: March 3, 2011

Date Requested – 2nd Choice: _____

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

Subject Chesapeake Bay cleanup

Please provide the County Commission with a description of your request or presentation, including any background information: **Discuss what commitments made it to the TMDL and discuss plans for involvement in 2011.**

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

Attachments:

Sandy McDonald

From: "Hartman, Alana C" <Alana.C.Hartman@wv.gov>
To: "Sandy McDonald" <sandy@jeffersoncountywv.org>
Sent: Thursday, February 10, 2011 3:05 PM
Subject: agenda request

Hi Sandy, Stephanie reminded me that e-mailing you was the way to go:

Could I and/or team members working on Chesapeake Bay planning appear before the commission on March 3? This would be to review with them what commitments made it into the TMDL, and discuss plans for their involvement in 2011.

Sincerely,

Alana C. Hartman
WV Dept. of Environmental Protection, Potomac Basin Coordinator
HC 63 Box 2545 Romney, WV 26757 (304) 822-7266 alana.c.hartman@wv.gov

SECTION 7E. Non-regulated Sectors – Developed Lands

The land uses and sources (considered by the Chesapeake Bay Watershed Model (CBWM)) considered in this section include high- and low-intensity pervious urban, high- and low-intensity impervious urban, and septic systems. Successful reduction of priority pollutants from the non-regulated sector of developed lands depends on voluntary adoption of new land use practices, adoption of new laws and ordinances by state and local governments and an increase in both personnel and financial resources to enable implementation and enforcement. As this non-regulated sector has limited capacity to either deliver programs or enforce actions, we are not calling for a reduction from it at the current time. This section of the WIP will stress holding the line, i.e. no net increase in nutrients generated by new development. However, the need to reduce loads from this sector to meet our Cap Load obligations may necessitate a move from voluntary to mandatory practices in the future, effectively moving some non-regulated lands into the regulated arena. Actions that will be taken in the event that the non-regulated developed lands sector fails to meet the “no net increase” goal are discussed below in the Contingencies section. Any reductions made by this sector on existing developed lands will help offset loads from future development, ultimately aiding in meeting the “no net increase” goal.

West Virginia is well suited to enable success through voluntary action. It is very effective at building partnerships across the spectrum of government and non-government organizations. The relative small size of the WV Potomac Basin facilitates outreach as well. Outreach efforts made, for example, at one high school, will, in many cases, reach that age group and many of their families for an entire county.

7E.a. Current Programs and Capacity

Laws and Regulations

West Virginia’s Land Use Planning regulations provide for regional planning entities that cross jurisdictional boundaries. Regular updates of Comprehensive Plans are required as well by these regulations. The counties in the Eastern Panhandle have a limited number of regulations designed to protect water quality. Only Morgan, Berkeley, and Hampshire Counties have stormwater ordinances.

Staffing & Technical Capacity

The WIP is being developed and will be implemented by professional staff from a wide range of state and local governments and NGOs. These will include: WVDEP, West Virginia Conservation Agency (WVCA), West Virginia Department of Agriculture (WVDA), Cacapon Institute, Freshwater Institute, as well as county/municipality planning & engineering staff. Within state agencies, staff dedicated to the WIP effort include:

- The Potomac Basin Coordinator, funded by WV's State Implementation Grant, facilitates the partnership of agencies, non-profits, and other entities that implement these strategies and report to the Chesapeake Bay Program Office. That position has also been able to focus mainly on the Eastern Panhandle counties, where developed lands are expected to increase, and to focus on the developed lands sector and septic systems.
- The Environmental Specialists at WVCA are vital positions to these efforts as well, serving many functions, including 319 Implementation and coordinating with Conservation Districts and individual property owners for on-the-ground implementation.

Programs

West Virginia's current programs include voluntary outreach and education. There is limited financial and limited technical support to get developed lands Best Management Practices (BMPs) on the ground. Specific examples are outlined below. The BMPs installed with these programs and the associated load reductions will help to achieve a no net increase in nitrogen and phosphorus from non-regulated developing lands.

- West Virginia's Section 319 program supports a volunteer monitoring coordinator who conducts several workshops and special monitoring projects in the Potomac Basin annually. His outreach to school groups, watershed associations, and other communities results in better understanding about best practices for landscapes and stream corridors. The 319 program also makes funding available for nonpoint source pollution reduction in streams, through Incremental grants and other opportunities described below. The Potomac Basin Coordinator is the local representative for this program in the Potomac Basin.
- In several priority watersheds, fecal coliform bacteria TMDLs have enabled agencies and partners to apply 319 Incremental funding to incentives for homeowners to pump, repair and replace septic systems. These watersheds include Sleepy Creek, Mill Creek of the South Branch Potomac, Mill Creek of Opequon, Tuscarora Creek of Opequon, Elks Run, and Lost River. These actions are reducing nitrogen reaching surface water in some cases. Note: to the extent that these actions rehabilitate drainfields, they may reduce nitrogen in groundwater as well, but in areas with limestone geology, we believe failures to groundwater pose a difficult challenge. Participating agencies and partners include WVCA, CVI, Eastern Panhandle Conservation District and WVDEP.
- The current 319 Incremental Project in Mill Creek of Opequon watershed includes a number of residential/commercial BMP demonstrations. Rain barrel workshops and a pet waste reduction campaign are also included in the project. All of the above activities are included in the 319 proposal because of their ability to reduce sediment and bacteria from developed lands. They will have the added effect of reducing

nutrients in runoff, and educating the public about best practices for residential and commercial areas.

- Portions of WV's 319 Base grants are periodically made available by WVDEP to groups through an Announcement of Grant Opportunity (AGO). These do not have to be linked to TMDLs or Watershed Based Plans. They have been used recently to install a wetland demonstration, rain garden demonstrations, and will be used to revegetate streambanks. Warm Springs Watershed Association is participating.
- WV's Stream Partners Program makes grants up to \$5000 available to broad-based community groups who do watershed improvement projects, and who provide 20 percent local match. Annually, about three groups from the Potomac Basin receive these grants that support the Chesapeake Bay restoration effort by encouraging citizens to partner and implement projects that reduce nonpoint source pollution and educate the public. This program is a partnership of WVDEP, WVCA, West Virginia Division of Forestry (WVDOF), and West Virginia Division of Natural Resources (WVDNR).

- One of the most challenging outreach problems facing the Bay restoration effort is enlistment of the widely dispersed, individual home-owning and renting community in adopting Bay-friendly practices around their homes. Cacapon Institute (CI) will work with teachers and students in WV Potomac Highland schools to enhance homeowner awareness of the need to apply only enough fertilizer to maintain their lawns. Students will conduct nutrient soil surveys of lawns in their communities and, working with West Virginia WIP partners, develop an informational packet with fertilizer recommendations to hand out with their test results. The project will include before and after community polling to assess changes in attitudes and actions that might occur as a result of this program.
- Public schools provide an opportunity for urban runoff mitigation that has practical stormwater management implications *and* public education potential. The WV WIP partners will inventory all public school facilities in the WV Potomac Basin and conduct a "schoolyard-watershed" survey. The inventory will reflect a uniform listing of rain water management facilities (such as storm drains and culverts, etc.). The resulting inventory, and dissemination of information on stormwater management BMPs, will provide a foundation for comprehensive planning and implementation of future BMPs for stormwater runoff and nonpoint source pollution mitigation at each school.
- In 2009, WV WIP partners began an Urban Tree Canopy (UTC) project in Berkeley and Jefferson counties to foster wider acceptance of voluntary BMPs for urban tree conservation and plantings to reduce storm water runoff and address the Chesapeake Bay Program goals. A high resolution UTC assessment was completed for Jefferson County. County planners, in coordination with planners in Charles Town, Harpers Ferry, Ranson, and Shepherdstown are currently developing UTC goals. Cacapon Institute is

leading a similar effort in Berkeley County. In addition, Jefferson County and a number of county municipalities working with CI have submitted a proposal to obtain funds for the purpose of beginning an aggressive urban tree planting program in the county.

- In recent years, an effort by WV WIP partners to promote better stormwater management began under the name of "West Virginia Stormwater Network" but quickly grew to include nearby Virginia and other states. It is now called the Great Valley Stormwater Alliance (GVSA). The GVSA is an informal group open to all stormwater practitioners seeking to promote runoff reduction* practices and foster practical management of stormwater in karst terrain. One of its first activities was to develop "West Virginia's Stormwater Strategy for the Potomac Basin" (2009).
*runoff reduction is defined in section 7.D.a "Current Programs and Capacity".
- The Conservation Fund's Freshwater Institute works closely with local governments in the Eastern Panhandle to increase understanding of the environmental impacts of growth as well as the benefits of green infrastructure. Their Rockymarsh Run Watershed Initiative serves to promote an awareness of the local benefits of Chesapeake Bay restoration.

-
- DEP is currently developing a statewide stormwater management guidance manual that will provide design specifications of runoff reduction practices. The scope of work for the manual has been completed, and it specifies that each stormwater practice design include a discussion of removal of nutrients, and how the practice can best remove nutrients from stormwater consistent with Bay-approved runoff reduction practices. Expressions of Interest were received in July 2010, and the contractor for the manual has been selected. The contract is currently being negotiated. The manual is anticipated to be complete by summer of 2012.

Financial

The sustainability of most of the current programs and capacity relies primarily on short-term grants. Dedicated funding streams such as fees would ensure their long-term viability.

Funding from the Chesapeake Bay Program is vital to maintain the capacity we have built, and to adaptively manage to increase capacity as needed. Grant funds seem to be sufficient for demonstration projects, and we have noticed NFWF Chesapeake Stewardship Funds being awarded for the top retrofit projects in communities where prioritized lists exist. However, none of our communities have developed such a list, nor have they successfully accessed those grant funds for that purpose. A NFWF planning grant is currently being used in Jefferson County to understand the stormwater and wastewater issues in the Blue Ridge Communities. That effort shows promise for future implementation, targeted according to the recommendations of this current project.

Limited funding (such as WV Stream Partners, Clean Water Act Section 106 and 319 grants, DEP Stormwater Program) for this sector is available for demonstration projects. Each of these projects includes significant in-kind match from partners involved, including homeowners who buy, install and maintain the practices.

7E.b. Accounting for Growth

West Virginia's strategy for non-regulated developed lands is based on enhancing voluntary actions for already developed lands, and working with state, county and municipal governments to implement policies that result in no net increase in nutrients generated by new development. Several options for new local laws and regulations that require both nutrient control practices in new developments and additional mitigating offsets that result in zero net increase in nutrients are outlined below. WVDEP will work with the local governments in the development of Phase II of the WIP to identify a path forward. Details regarding strategies to account for growth can be found in Section 7E.d. – Strategy to Fill Gaps.

7E.c. Gap Analysis

West Virginia has many gaps between the existing capacity to reduce loads from developed lands and the ability to do so. There is no requirement at the state or county level to regulate post construction stormwater on new or redeveloped sites outside of MS4 areas or to retrofit existing developed areas to better treat stormwater runoff. In addition, there is no regulation of residential lawn fertilizer and no limits of oversized lawns. Excess runoff coupled with over-fertilization can lead to nutrients entering our local waterways. While some counties have subdivision and stormwater ordinances, we need to investigate in Phase II how these complement our WIP strategy. Implementing stormwater controls when constructing a new facility is less costly than attempting to retrofit a site that isn't otherwise undergoing construction.

Regulatory

West Virginia is in the process of developing nutrient criteria for select streams. When completed, this will make it easier to directly connect the nutrient problem to local conditions and document that a local problem exists, as opposed to the more distant issue of nutrient loads delivered to the Bay.

There are currently no stormwater utilities in the Potomac basin. Enabling of stormwater utilities will facilitate the establishment of a dedicated funding stream to address stormwater priorities such as maintenance and installation of stormwater management retrofits.

Very little of West Virginia's Potomac Basin (WVPB) is currently covered by MS4's. Increasing coverage of MS4's would increase regulatory oversight on stormwater management.

There is a legacy of conventionally platted subdivisions that do not have to be developed according to current local regulations. These subdivisions were grandfathered under the regulations which were in place at the time they were platted.

There are no requirements for stormwater retrofits or enhanced stormwater management at re-development sites.

Programmatic, Staffing & Technical Capacity

A general lack of awareness and engagement exists at the local government level. While West Virginia's Chesapeake Bay Implementation Team works vigorously to engage elected and professional decision makers, local governments currently have only a limited sense of the scope of their responsibility for managing loads and little idea concerning what they can do to achieve no net increase in nutrients. While Comprehensive Plans are required to be updated at regular intervals, there are no requirements for inclusion of elements concerning natural resources or the environment. In addition, provisions for the requirements and processes of Chesapeake Bay TMDL implementation are also not a required component of Comprehensive Plans.

Local jurisdictions generally lack the capacity (staffing and funding) to manage nutrients in stormwater. In the following areas, lack of information prevents jurisdictions from understanding capacity and/or accounting for practices that result in load reductions:

- Voluntary, individual actions are often not associated with government programs where they will be tallied. For example, rain barrel workshops' attendance may be counted, implementation remains unknown.
- As local governments are generally unaware of what is required of them, they are unable to assess capacity or account for practices because they are not aware of what they can get "credit" for.

Chesapeake Bay implementation has yet to become institutionalized on a local level. We know of no local governments in the Potomac Basin of WV that have used tools to plan ordinance revisions, outreach campaigns, or retrofit activities to optimize nutrient or sediment load reductions from such actions. We are aware of tools that might be applicable for these governments with some customization required, but local governments have not asked for assistance with obtaining or using them.

There is a lack of management of septic systems. While county health departments have the authority to check the function of septic systems, this activity is generally limited to following up on complaints for anything but new installations. There are few siting requirements and no requirements for denitrifying systems on new installations or retrofitting existing septic systems with denitrifying technology.

Voluntary participation at the local level is insufficient to result in substantial BMP installation on the ground. Successful reduction of priority pollutants from the non-regulated sector of developed lands depends on voluntary adoption of new land use practices.

There is no framework in place to manage fertilization of residential lands.

Stormwater BMPs with the highest nutrient reductions are not promoted or required.

Inconsistency in awareness and technical capacity regarding runoff reduction within architecture and engineer/developer/builder community leads to the failure to design developments with effective stormwater management.

There are many gaps and opportunities for BMPs to be installed on developing lands in West Virginia to prevent an increase in nutrient loads from this sector. These include tree buffers, grass buffers, urban tree planting, infiltration or filtering practices, urban stream restoration, and denitrifying septic systems.

Financial

Currently, none of the towns or counties in the Potomac Basin of West Virginia has a stormwater fee that could be used for local government staff dedicated to reducing stormwater impacts, to retrofit, install and maintain practices described in this section, or to pay for broad-based homeowner BMP incentive programs. Significant progress in the non-regulated developed lands sector will be dependent upon actions and programs established using fee-based funding at the county and municipal level.

Institutional

Most public and institutional facilities including schools and other federal, state and local government buildings in West Virginia lack sufficient stormwater management to adequately reduce runoff. Public facilities that implement good stormwater management serve as good examples and result in nutrient load reductions and should be rewarded for their efforts.

7E.d. Strategy to Fill Gaps

While the section below outlines the variety of strategies that could potentially be used to fill gaps, West Virginia is engaging local governments in our WIP efforts on an ongoing basis. Based on the input of local governments, more refined and detailed strategies will be discussed in the Phase II WIP.

Local Governments/Land Use Planning

- Create a new, possibly jointly funded, Chesapeake Bay Liaison position in the Eastern Panhandle to actively work with the three counties and several incorporated municipalities to reduce loads from developed lands. If needed, this position could be expanded into a program modeled after Virginia's Chesapeake Bay Local Assistance Program and include assistance to residential landowners
- Encourage stormwater BMPs with highest nutrient reductions
- Enable state or local authority/capacity to regulate post-construction stormwater
- Provide counties and local governments with nutrient load goals and the type and amount of BMPs that could be implemented to achieve these goals, with timely updates on local progress
- Provide counties and local governments with WVDEP incentive funds to develop or enhance regulatory and accountability programs
- Assist local governments in developing comprehensive planning goals that will minimize loads from new development
- At the county level, incentivize runoff reduction practices for new and existing developments, using methods such as:
 - ~~Assessing lower impact fees for subdivisions designed to minimize runoff~~
 - Assessing an impervious cover fee that gives credit for runoff reduction
- Implement a strategy to require structures that are closer to streams to have more rigorous pollution prevention controls
- Disable grandfathering of legacy platted subdivisions by requiring them to meet current and new local regulations
- The three counties of the Eastern Panhandle and municipalities are currently working to draft a model stormwater ordinance that will help to achieve WIP goals. It is expected to be complete in spring 2011, at which time follow-up efforts will begin to help these counties adapt and adopt the model ordinance, and to reconcile existing codes and ordinances to remove barriers and make regulations complementary
- Hampshire, Morgan, and Berkeley counties already have stormwater ordinances in place, but analysis needs to be performed to determine how to better control pollution loads from new and existing development through these ordinances. Municipalities must also be included in this process
- The state agencies and Chesapeake NEMO (Network for Education of Municipal Officials) should provide as many tools and resources as possible to increase understanding by municipal and county governments and boards of health that the ordinances, codes and rules that can limit nutrients and sediment from newly developed areas can be enacted and enforced at the local level
- Require Comprehensive Plans to include environmental and natural resource elements and Chesapeake Bay TMDL implementation language for jurisdictions within the Potomac basin. This would require an amendment to the state land use planning code
- Enable counties and municipalities to form stormwater utilities to maintain stormwater practices and to fund stormwater retrofits

- Institute fertilizer restrictions on developed lands
- Disincentivize large lawns through turf tax or incentivize tree planting to replace large lawns
- Regulation to protect and/or increase tree cover along streams
- Regulations to cease mowing along streams
- Regulations to protect and/or increase tree cover generally

Implementation of Specific BMPs

- Assign a staff person or group to track and ensure increased acreage of tree buffer and tree planting occurs in each county
 - Use EPCD and PVCD tree sales (very important to maintaining current rate of implementation) along with 319, Bay Implementation, and Stream Partners grants to fund individual projects at minimal or partial cost to landowner
 - Urban Tree Canopy programs in each county with overall goals would also have the effect of achieving more acreage of these BMPs
- Assign staff person or group(s) to track and ensure increased acreage treated by infiltration and filtering practices occurs in each county. Use 319, Bay Implementation, and Stream Partners grants to fund individual projects at minimal or partial cost to landowner
 - The projects aimed at runoff reduction at public facilities should have the effect of achieving some of these acreages
 - Some communities would benefit from formal prioritized inventories of retrofit opportunities, to enable them to qualify for NFWF grants, etc.

Homeowner Engagement

- Actively recruit residential landowners of several acres in visible places to reduce mowed area
- Install homeowner rain gardens in several of these sites along well-traveled routes
- Build local capacity (social infrastructure) for voluntary implementation in the form of watershed associations and Community Environmental Management (CEM). Choose several communities to pilot the CEM concept, and support them with a facilitator for meetings once or twice monthly for two years, plus start-up funding for projects. Other communities could mimic this model with volunteer or agency staff facilitators, and seek their own funding for projects. Foster the ability of local communities to identify and report violations and resolve stormwater-related problems. Build capacity for citizen monitoring of implementation efforts
- Institute homeowner runoff reduction campaign to recruit homeowners to disconnect downspouts, help them install rain barrels, create swales, rain gardens and other small-scale runoff reduction practices. Voluntary pledges of maintenance would be encouraged

- Package runoff reduction educational materials as train-the-trainer modules, and leaders in organizations like Rotary, Ruritans, Scouts, and 4-H could be tasked with carrying out the program in a small area. This would reduce the need for paid staff, although paid staff would still need to coordinate the program for the Potomac Basin overall
- Expand technical assistance for homeowners either through the auspices of a Chesapeake Bay Local Assistance Program or through expansion of services provided by local university extension offices
- Promote grass buffers through lawn care outreach programs that include education about not mowing, or only cutting once per year, along streams

Education, Outreach & Technical Assistance

- Train builders and developers, etc. on runoff reduction principles
- Establish certification and continuing education program for those responsible for reviewing, designing, and installing stormwater management practices
- Promote “Runoff Reduction Toolkit” website as a clearinghouse for guidance and publications related to runoff reduction methods

- ~~▪ Develop campaign to encourage installation of more stormwater retrofits~~
- Develop campaign to encourage installation of enhanced stormwater management practices at re-development sites
- Conduct education and outreach at all levels of society – press, ads, workshops, white papers, pamphlets, booklets, articles, web, meetings with community groups, etc.
- Provide assistance to local governments in developing stormwater management guidelines and plans, training, and information on the latest stormwater management techniques
- Conduct a survey of urban land uses, including residential, business/industry, government, airports, and golf courses, that result in excessive nutrient runoff. Develop an appropriate nutrient management plan education and assistance program based on the results of the survey
- Urban stream restoration - work with communities to discover problem areas that they see other benefits in fixing. Help them to apply for funding and develop strategies to fill budgetary shortfalls

Institutional

- Recommend stormwater performance standards for new public facilities in terms of “runoff volumes and pollutant loads.” Focus on schools because of the future societal impact, and use the resulting practices in environmental education curriculum
- Use incentives to decrease runoff from existing public facilities, e.g. reduce turf cover, increase trees
- Encourage school boards to attend training on managing wet weather with green infrastructure and charge them with promoting resulting successes

Onsite Wastewater Treatment

- Build capacity, preferably through Responsible Management Entities, to fully manage onsite and decentralized wastewater treatment (e.g. regular pumping of septic tanks, use of filters on tank outlets)
- Reduce number of failing septic systems through the following initiatives, targeting areas that have concentrations of failing septic systems:
 - Fats/oil/grease education program and grease collection centers;
 - Disseminate homeowner education packets that cover operation and maintenance of septic systems;
 - Pursue incentives to fix failing septic systems
- Request credit in the Chesapeake Bay Watershed Model for repaired/replaced septic systems
- Improve site requirements and application criteria for land application of septage and include nutrient management plans at minimum
- Increase capacity at wastewater treatment plants for septage reception and treatment that minimizes nutrient release

- ~~Encourage/incentivize existing septic system owners to have advanced nitrogen removal technology installed. Write more of these into future 319 project proposals, publicize demonstration sites so that septic system owners with the means may begin to voluntarily opt for this type of system~~
- Mandate conversion to denitrifying septic systems within floodplains and priority watersheds
- Promote adoption by health departments of Morgan County's policy to disallow new septic systems in the 100-year floodplain
- Promote adoption by health departments of a strategy to require structures that are closer to streams to have more rigorous pollution prevention controls on septic systems
- Promote the requirement that new septic systems have advanced nitrogen removal technology

Other regulatory actions

- Continued work by WVDEP in developing and implementing nutrient criteria where needed
- More stringent enforcement of ordinances and regulations that protect water quality (This would likely require increased staffing)

Financial

New programs and initiatives are not possible without an attendant funding stream for costs such as increased staff, technical assistance, and enforcement. It would be beneficial for all

eight Potomac counties to have the authority to create stormwater utilities so that a funding base would be in place to address state and community stormwater priorities.

7E.e. Contingencies

WVDEP will evaluate the commitment to no net increase in urban stormwater by December 31, 2015. If the no net increase goal in delivered nitrogen and phosphorus to the Chesapeake Bay from urban areas is not being met, WVDEP will implement these contingencies by December 31, 2017:

- WVDEP will encourage the WV Legislature to enact statewide stormwater management regulations that address post construction impacts outside of MS4 areas. This would ensure a level playing field for all new development across the watershed and help to prevent sprawl in areas where there are no stormwater management regulations. If EPA's nationwide stormwater management regulations are not finalized, the WVDEP will pursue a statewide program.
- ~~WVDEP will require a certain percentage of retrofits in MS4s that are located in the Chesapeake Bay watershed. These retrofits will meet the capture requirement of .80 inches of rainfall on site with no discharge to surface waters. This is an enforceable mechanism through the TMDL and the existing MS4 General Permit.~~
- As a final contingency, and if statewide post construction stormwater management requirements are not realized, WVDEP will pursue expansion of the General Permit for Construction Stormwater to require post construction controls for projects in the Chesapeake Bay watershed.

7E.f. Tracking and Reporting Protocols

- One staff person in West Virginia DEP will be responsible for developing a protocol for and conducting annual inspections to certify new and existing regulated and non-regulated urban and construction stormwater BMPs are in place and functioning as intended and report to CBP through NEIEN.
- BMPs for this category will be tracked and reported consistent with the Quality Assurance Project Plan on file with EPA.

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>3/10/11</u></p> <p>Appt Time or New Business: <u>10:15</u></p>
--

AGENDA REQUEST FORM

Name: Robert Shirley

Department or Entity: JCSO

Estimation of amount of time needed for appointment: 15 min

Date Requested - 1st Choice: 3/10/2011

Date Requested - 2nd Choice: _____

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

Subject:

Presentation to former Sheriff Sensency

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

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

Attachments:

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Robert Shirley

Department or Entity: JCSO

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1st Choice: 3/10/2011

Date Requested – 2nd Choice: _____

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

Subject:

Presentation to former Sheriff Senseney

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:

<p>Commission Office Use Only</p> <p>Date on Agenda: 3-10-11</p> <p>Appt Time or New Business: 10:30</p>
--

AGENDA REQUEST FORM

Name: Citizens for Fair Water

Department or Entity: N/A

Estimation of amount of time needed for appointment: 30

Date Requested – 1st Choice: Thursday, March 10, 2011

Date Requested – 2nd Choice: N/A

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

Subject: Jefferson Utilities, Inc. (JUI) General Investigation, case # 11-0235-W-GI.

Please provide the County Commission with a description of your request or presentation, including any background information: We are requesting the County Commission to intervene on behalf of JUI customers who are affected by JUI's continual rate increase requests. The County Commission previously intervened on case #'s 10-1329-W-42T and 10-0974-W-PC. We also request that Mr. James Casimiro of the Prosecuting Attorney's Office represent the County Commission due to his extensive knowledge in this matter. Citizens for Fair Water currently represents approximately 1000 households in Jefferson County.

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

Attachments: WV PSC Order Case Nos. 10-0974-W-PC, 10-1329-W-42T & 11-0235-W-GI dated 02/18/2011.

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At as session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 18th day of February 2011.

CASE NO. 10-0974-W-PC
JEFFERSON UTILITIES, INC.

Petition for consent and approval of a revised operation and maintenance agreement with affiliate, and petition for consent and approval of lease agreements with affiliates.

CASE NO. 10-1329-W-42T
JEFFERSON UTILITIES, INC.

Rule 42 application to increase water rates and charges.

CASE NO. 11-0235-W-GI
JEFFERSON UTILITIES, INC.

General Investigation of utility operations, including proposed O&M Agreement and Leases; whether customers are better off with an affiliate furnishing all required services as opposed to the utility employing its own personnel; a study of long-term plans to operate and rehabilitate its utility facilities; details of current and future use of \$12 surcharge; and future possibilities for private-public agreements.

COMMISSION ORDER

This Order rules on Exceptions to the Administrative Law Judge's Recommended Decision issued on January 7, 2011, and approves a 4.4 percent increase over current rates and charges instead of the 22.4 percent rate increase approved in the Recommended Decision. The Commission also initiates a General Investigation of JUI utility operations.

Background

On June 30, 2010, in Case No. 10-0974-W-42T, Jefferson Utilities, Inc. (JUI) filed with the Commission revised tariffs reflecting increased rates and charges of approximately \$998,657, for furnishing water service to approximately 2,196 customers in Jefferson County, to become effective August 1, 2010. The requested increase would have represented an increase of approximately 72.2 percent in water sales revenue before application of a previously approved \$12 per month surcharge.

JUI filed with its revised tariffs a Rule 42 Exhibit and a Public Notice of Change in Rates with Proposed Effective Date in the form of Commission Tariff Form No. 8. JUI also filed a Motion for Protective Order and petitions for approval of an operation and maintenance agreement and certain real property leases.

Customers filed petitions to intervene, protests and requests for public hearings.

On July 28, 2010, Staff filed a Memorandum stating that the JUI Rule 42 exhibit was deficient and recommending dismissal of the rate filing. Staff also recommended that the Commission separate the JUI petition for approval of the operation and maintenance agreement and the leases and process those under a separate case number to allow adequate time for review.

On July 30, 2010, the Commission entered an Order dismissing the tariff filing without prejudice and re-designating Case No. 10-0974-W-PC for the sole purpose of considering the operation and maintenance agreement and leases.

On August 20, 2010, JUI again filed a Rule 42 application for an increase in rates and charges (Case No. 10-1329-W-42T). JUI represented to the Commission that prior to August 20, 2010, it had discussed a number of issues with Staff pertaining to the case, including the coordination of the tariff filing with the petitions already pending in Case No. 10-0974-W-PC. JUI stated that it agreed with Staff that these cases should be consolidated for hearing and decision and that the same Staff Report date should apply in both cases.

The proposed Notice in the form of Tariff Form No. 8 filed by JUI indicated that the requested increases based on average usage by class were as follows:

Before \$12 per Month Surcharge:

<u>Class</u>	<u>Monthly Increase</u>	<u>Percentage Increase</u>
Residential	\$28.95	72.2%
Commercial	\$63.67	72.2%
Governmental	\$422.61	72.1%
Bulk	\$306.69	72.2%

After \$12 per Month Surcharge:

<u>Class</u>	<u>Monthly Increase</u>	<u>Percentage Increase</u>
Residential	\$28.95	55.6%
Commercial	\$63.67	63.6%
Governmental	\$422.61	70.7%
Bulk	\$306.69	70.2%

On September 20, 2010, JUI filed an affidavit of publication of the completed Tariff Form No. 8 evidencing publication on August 25 and September 1, 2010, in *The Spirit of Jefferson Advocate*.

On September 22, 2010, Staff filed a Memorandum indicating that the re-filed Form No. 8, Public Notice of Change in Rates with Proposed Effective Dates, was more detailed and accurate. Staff also agreed that these cases should be consolidated for hearing and decision.

On September 30, 2010, JUI filed a completed Tariff Form No. 6, certifying that, in addition to issuing a press release and publishing the completed Tariff Form No. 8, JUI had posted that notice at its office, and had separately mailed a copy of that notice to each of its customers on September 9, 2010.

By Order issued October 6, 2010, the Commission consolidated these matters; suspended the JUI tariff until February 19, 2011; established a filing date for Staff to file its audit report and recommendations in Case No. 10-1329-W-42T and its report and recommendations in Case No. 10-0974-W-PC; and referred the consolidated cases to the Division of Administrative Law Judges (ALJ Division) for decision no later than January 7, 2011.

Case No. 10-0974-W-PC

Case No. 10-0974-W-PC contains three petitions.

The first petition is for approval of an Operation and Maintenance Agreement (O&M Agreement), pursuant to which JUI's affiliate, Snyder Environmental Services, Inc. (SES), would continue to provide operation and maintenance services for JUI. The petition states that JUI is owned by Lee and Cynthia Snyder. JUI operates eight water utility systems in Jefferson County, including Walnut Grove, Meadowbrook, Shenandoah Junction, Burr/Bardane, Keyes Ferry Acres, Westridge Hills, Deerfield, and Harpers Ferry Campsites.

SES is a construction, utility and environmental management company that has been operating and maintaining JUI's systems pursuant to eight operation and maintenance agreements, which, JUI contended, do not accurately reflect the costs of goods and services provided to those systems by SES and, therefore, the agreements are inadequate.

The second petition is for approval of four lease agreements (Leases) relating to an office building at 270 Industrial Boulevard, Kearneysville, West Virginia, and the lots, Lots 16 and 17, on which the building is located. Under the first lease, Lee and Cynthia Snyder would lease Lot 16 to JUI. Under the second lease, Snyder LLC would lease Lot 17 to Lee and Cynthia Snyder. Under the third lease, Lee and Cynthia Snyder would sublease Lot 17 to JUI. Under the fourth lease, there is a sharing and allocation arrangement between JUI and SES regarding office space and expenses related to the leased property.

The third petition requested issuance of a protective order.

The Commission received a substantial number of protests to these matters. In addition, the Commission received petitions to intervene from the County Commission of Jefferson County (Jefferson Commission); the Homeowners Associations of Breckenridge, Deerfield, Gap View, Meadowbrook, Sheridan Estates, and Briar Run; and Citizens For Fair Water, Inc. (collectively, the "Citizens").

By Order issued November 3, 2010, the ALJ established an intervention deadline, denied JUI's request that the Jefferson Commission be declared a lead intervenor, and provided the opportunity to unrepresented intervenors to select a spokesperson. Among other things, the Order granted intervenor status to the Jefferson Commission and the Citizens, and stated that the remaining requests for intervention would be considered at a later date. The Order also required JUI to file a succinct listing of its disagreements with Staff's recommendations; scheduled a hearing to begin December 1, 2010, in Ranson, West Virginia; ordered JUI to publish notice of the hearing in Jefferson County; denied the motion for a protective order; but stated that the need for a protective order could be the subject of a further motion.

~~On November 12, 2010, JUI filed a motion for clarification of the ruling on the protective order, and, on November 17, 2010, the ALJ issued an Order deferring ruling on the motion for a protective order.~~

On November 19, 2010, Staff filed its reports recommending that the Commission disapprove the O&M Agreement and the Leases but allow JUI additional revenue of \$40,804 annually, a 2.9 percent increase over existing revenues.

On November 24, 2010, JUI filed a list of the issues of disagreement between JUI and Staff.

On November 29, 2010, the Commission conducted a hearing and oral argument and ruled on the JUI motion for a protective order in these matters. Other rulings regarding a motion for protective order in Jefferson Utilities, Inc., Case No. 08-0544-W-42A, were also made. On December 2, 2010, the Commission issued a Final Order consistent with its earlier ruling.

The parties filed discovery requests and answers through November 29, 2010.

JUI published notice of the December 1, 2010, hearing in *The Spirit of Jefferson Advocate* on November 17, 2010. Affidavit of publication filed December 20, 2010.

The ALJ convened the hearing on December 1, 2010, in Ranson, West Virginia, as scheduled. At the beginning of the hearing, the ALJ noted that the unrepresented individual intervenors had not selected a spokesperson. Several individual intervenors were present.

The ALJ granted the motion by JUI to deny intervenor status to all listed individuals who were not present at the hearing.

The ALJ heard statements from fifteen JUI customers and the testimony of nine witnesses. Following the hearing, the ALJ reviewed initial briefs filed by JUI, Citizens and Staff, and reply briefs filed by JUI and Citizens.

The Recommended Decision contains a summary of the evidence presented at hearing.

Recommended Decision

By Recommended Decision issued January 7, 2011, the ALJ recommended resolution on the various issues in contention and granted an increased annual revenue requirement for JUI of \$310,946, resulting in increased rates of approximately 18.4 percent in total water sales revenue and an increase of 22.4 percent in water sales revenue before application of a previously approved \$12 per month surcharge. The ALJ recommended that the O&M Agreement be approved for a three-year term and recommended that the Commission not approve the Leases.

Commission Order Requiring Staff Filing

On January 12, 2011, the Commission issued an Order stating that it was reviewing the Recommended Decision. The Commission observed that the Recommended Decision did not include a schedule indicating the derivation of the revenue requirement, or a reconciliation of the dollar difference, on an issue-by-issue basis, between the recommendations filed by Commission Staff and the Recommended Decision. The Order required Staff to file a post-hearing exhibit setting forth a revenue requirement schedule consistent with the Recommended Decision and reconciling the dollar difference, on an issue-by-issue basis, between the Staff recommendations and the Recommended Decision.

The Order stated that the Commission was not suspending the Recommended Decision, and that the fifteen-day period for the filing of Exceptions remained in effect and would expire at the end of business on January 24, 2011.

Staff filed the required exhibit on January 13, 2011.

Exceptions

Exceptions to the Recommended Decision were filed by JUI, Staff and Citizens.

JUI Exceptions

The JUI Exceptions assert that the ALJ erred by: denying its request to enter into the Leases; sunseting the O&M Agreement in three years; denying inclusion of Mr. Snyder's

salary in cost of service¹; denying JUI's share of actual building expenses in cost of service; adopting a tariff rule with a typographical error; and miscalculating the rate of unmetered customers.

Staff Exceptions

The Staff Exceptions assert that the ALJ erred in the decisions on rent allocation; approval of the O&M Agreement; approval of \$86,926 in rate case expense; and adoption of JUI's position on accumulated depreciation.

Citizens Exceptions

The Citizens Exceptions assert that the ALJ erred in the decision allowing any rent allocation to JUI; approving the O&M Agreement; allowing tank painting expense; and approving \$86,926 in rate case expense.

Responses to Exceptions

JUI filed a response to the Staff and Citizens Exceptions, and Citizens filed a response to the JUI Exceptions.

DISCUSSION

JUI owns and operates eight water systems in Jefferson County that are described either as Valley Systems or Mountain Systems. A breakdown of the systems, with their customer counts are follows:

Valley Systems:

- Walnut Grove - - - - 1,146 customers
- Meadowbrook - - - - 352 customers
- Deerfield - - - - - 34 customers
- Shenandoah Junction - 262 customers
- Burr/Bardane - - - - - 71 customers

Mountain Systems:

- Harpers Ferry Campsites 152 customers

¹ In some proceedings the term "cost of service" may refer to allocated costs to serve various classes of customers or various jurisdictions within which a utility may operate. Or, more commonly, the term may refer to the overall revenue requirements of a utility. In the context of this proceeding, the term "cost of service" means the total revenue requirement for JUI, comprised of a return on its rate base, operation and maintenance expenses, depreciation expense and taxes. Thus, in this Order, the terms "cost of service" and "revenue requirements" are synonymous and may be used interchangeably.

Westridge Hills - - - - 80 customers
Keys Ferry Acres - - - 131 customers

SES currently has affiliated contracts with JUI, whereby SES provides all the employees, equipment, and services necessary to operate the utility. JUI's sole employee is the President, Lee Snyder. Thus, JUI and SES present a unique situation where an affiliated, non-regulated construction company performs all, or practically all, operation, maintenance, billing, collecting and construction services necessary to operate the water systems of a regulated utility company. All of JUI, SES, Lee Snyder and Cynthia Snyder are affiliates of one another.

Before a utility may enter into an agreement with an affiliate for management, construction, engineering, supply, financial or other service, the utility must first obtain the consent and approval of the Commission. W. Va. Code § 24-2-12(f). The Commission may grant its consent and approval "upon proper showing that the terms and conditions thereof are reasonable and that neither party thereto is given an undue advantage over the other, and do not adversely affect the public in this state." W. Va. Code § 24-2-12.

~~After consideration of the evidence in this proceeding and the arguments of the various parties, the Commission is not persuaded that JUI has made a "proper showing" that the O&M Agreement and the Leases with its affiliates meet the statutory test. Consequently, the Commission will not grant its prior consent and approval.~~

The Commission, by entry of this Order, will resolve the rate filing and simultaneously initiate a general investigation. The general investigation will involve the following issues and concerns. The Commission is concerned with the particular provisions of the O&M Agreement and the Leases and will consider each of those agreements as re-filed in the general investigation. In addition, the Commission is alarmed by the magnitude of the current rates as well as the level of rate increase requested by JUI. JUI will be required to persuade the Commission that JUI customers are better served by an affiliate furnishing all required services as opposed to JUI employing its own personnel. The Commission will include in the general investigation a further study of JUI's long-term plans to operate and rehabilitate its utility facilities. The Commission has previously approved a \$12 per month surcharge, but desires to receive further details concerning the use of that surcharge revenue and whether the surcharge will fund future capital requirements. Although JUI has stated that it has had discussions regarding private-public agreements, the Commission also wants further details about these discussions and future possibilities of involving public entities.

The Commission will, in the near future, issue a further order establishing procedures in the general investigation.

Although the Commission declines to grant its consent and approval to enter into the agreements that are the subject of Case No. 10-0974-W-PC, the Commission can nonetheless

establish what it considers reasonable revenue requirements. The Commission will allow the following revenue requirements for ratemaking purposes.

Rent

JUI, Staff and the Citizens each filed Exceptions to the ALJ rent decision. The Commission has reviewed the evidence and the Exceptions and determines that the ALJ's decision to split the difference between the JUI and Staff calculations is not supported by the evidence. The Commission finds the Staff position to be the more reasonable approach.

JUI included building rent of \$6,602 per month in its revenue requirement whereas Staff recommended that JUI pay building rent of \$2,252 per month. Staff argued that because JUI pays rent to an affiliate, the amount of rent should be based on investment in the land and building, a return on that investment, and a reasonable allocation of the space needed in the building for JUI to operate. JUI calculated rental based on its affiliated owners' investment amount of \$3.1 million; Staff calculated rental based on an owners' investment of \$2.4 million. Staff did not include additional investment related to architectural and engineering fees, grading and permitting. Staff claimed that it was initially provided with the cost of the facilities by Mr. Snyder, and Staff continually objected to rebuttal data filed by JUI, claiming additional costs related to the building and grounds. The Commission will adopt the Staff investment amount as reasonable.

JUI based its rent calculation on a workspace allocation of 22.9 percent and Staff based its calculation on a space allocation of 10.3 percent. JUI disputes Staff's allocation as being arbitrary. Staff based its allocation on numbers and space requirements for employees involved directly, and nearly exclusively, on JUI-related activities and on observations of work areas and other areas within the shared space used by SES employees that provide services, but not exclusive services, to JUI.

Considering both the cost numbers that JUI proposes for Snyder's investment in the facilities and its work space allocation of 22.9 percent, JUI would have the Commission determine that a facilities investment allocation of approximately \$710,000 is reasonable and necessary for JUI, resulting in a net annual occupancy cost (rental fee) of \$79,000. Considering the Staff cost numbers and work space allocation, a facilities investment allocation of approximately \$250,000 is reasonable and necessary for JUI, resulting in a net annual occupancy cost of \$27,000. Although the ALJ observed that a correct answer may be somewhere between the two numbers, we do not find that the record supports a finding that this issue should be decided on the basis of "split the difference." On balance, the Staff recommendation appears to be more reasonable, and we will adopt the Staff recommended occupancy cost.

Other Operation and Maintenance Costs

The filed O&M Agreement contained two cost components: the first, a flat rate fee to pay for routine operation and maintenance activities, and the second, a time and materials fee (T&M fee) that would pay for certain operation, significant maintenance, and system extension activities. The T&M fee was to be calculated based on the cost of materials plus a 20 percent markup. The Commission is not authorizing JUI to enter into the proposed O&M Agreement in this order, however, this does not preclude the Commission from determining a reasonable allocation of SES costs to JUI. In fact, because work performed for JUI by SES employees and equipment and materials allocable to JUI may change from year to year, we believe that each rate case would require an evaluation of the allocation of SES costs to JUI even if the proposed O&M Agreement was in place and the Commission had granted approval to enter into the agreement pursuant to W. Va. Code §24-2-12.

The Commission determines that the allocation of costs presented by Staff is reasonable and should be allowed in the cost of service determined for JUI in this proceeding.

Lee Snyder's JUI salary

In the 2008 rate case, JUI and Staff settled the annual salary issue with respect to Mr. Snyder at \$40,000. Jefferson Utilities, Inc. Case No. 08-0544-W-42A, Recommended Decision August 26, 2009, adopted by Commission Order issued December 21, 2009 (2008 JUI rate case). In the current case, JUI proposed a salary for Mr. Snyder of \$55,000, while Staff recommended a salary of \$15,000. The ALJ denied approval of any salary to Mr. Snyder and observed that, as owner of JUI, profits would go to him. The ALJ's rationale for denying any amount of salary to Mr. Snyder on grounds that he will collect profits as owner is not reasonable. The hearing evidence indicated that Mr. Snyder devotes considerable time and expertise to operating JUI and the Commission finds no basis to completely deny compensation. Dec. 1, 2010 Tr. pp. 68; 126 (Griffith testimony); pp. 144-46; 167-68; 197 (Womack testimony); p. 230 (McFarland testimony); pp. 234; 252-54; 278-79 (Snyder testimony); Company Exh. No. 12. The Commission does not find sufficient support for the Staff proposed reduction of Mr. Snyder's salary from the amount allowed in the 2008 JUI rate case. Neither do we find support for the 38 percent increase proposed by JUI. We will allow a direct salary level of \$40,000 in the JUI cost of service.

Tank Painting

The JUI case did not show any tank painting expenses incurred either during, or prior to, the test year. JUI submitted Company Exh. 8, a contractor cost estimate of \$370,000 to refurbish and paint three JUI water tanks. The ALJ allowed a fourteen-year amortization of that total, or an annual tank painting expense of \$26,429. Staff opposed including the future expenses of tank painting as a cost of service expense and argued that as painting needs arise, a utility owner should make the investment in the tank and capitalize the cost by adding that

investment to rate base for purposes of the next rate case. Dec 2 Tr. p. 133. The Citizens Exceptions argue that the ALJ erred by including tank painting expense in revenue requirements.

The Commission does not agree with the inclusion of an amortization of a projected \$370,000 tank painting expense in this proceeding. The Commission believes that many of the arguments made by JUI regarding our policy and treatment of other utilities are either incorrect, or fail to take into consideration the circumstances of tank painting allowances made by the Commission in other proceedings. We have attempted to make it clear that we do not amortize tank painting expense over a fourteen-year period, or any other period of time, as a matter of policy. Instead, the Commission has determined that a reasonable future cost for tank painting can be determined by looking at the facts of a particular utility's tank painting cycles, looking at the actual annual costs over a normal cycle for that utility, factoring those costs to a cost based on current level inflation, and then using an average of those factored costs to determine a reasonable expectation of the ongoing annual costs to be allowed in cost of service on a prospective basis. In the case of West Virginia-American Water Company, Case No. 08-0900-W-42T, Commission Order March 25, 2009, that approach requires an average of fourteen years of historical tank painting costs adjusted for future cost inflation expectations. As we understand the JUI adjustment, it makes no attempt to derive such an average for JUI, but suggests that the Commission take an expected cost and actually defer and amortize that cost over a fourteen year period. We do not agree with the JUI approach or representation that it is consistent with our treatment in West Virginia-American Water Company. The Commission finds that JUI has failed to provide sufficient evidence of the likely costs to be experienced in the future based on a normal tank painting cycle. Therefore we will not include the requested \$26,429 in the JUI cost of service.

Commission Fee

None of the parties filed Exceptions to the ALJ's decision to base this item of the revenue requirement on the most recent Commission assessments. We agree with Staff that the JUI proposed adjustments were in error because they assumed that there were no assessments reflected in the test year expenses and because they used the statutory maximum assessment rate which was not been used by the Commission for the test year or previous years.

Rate Case Expense

JUI proposed a normalized rate case expense of \$81,886 per year. JUI calculated this amount by estimating expenses for the current case at \$168,899, adding the actual expenses for the 2008 rate case of \$240,532, for a total of \$409,431, and amortizing the total over a five-year period. The ALJ approved rate case expenses of \$86,926. The approval of this amount implies that the expenses for two rate cases that totaled over \$409,000 should be adjusted upward to a total cost level of nearly \$435,000 and then be considered a normal cost to occur every five years.

Staff recommended a rate case expense allowance of \$30,000 per year. Staff Exh. 2; December 2, 2010 Tr. p. 137.

The ALJ did not allow the Staff adjustment because JUI had not recovered the costs of the 2008 JUI rate case and because JUI is “willing not to recover in this case \$5,040.” The Commission does not agree and will not adopt that recommendation. First, Company Exh. C-10 shows the JUI wishes to continue to recover \$5,040 more than its calculations on that Exhibit, not \$5,040 less. More importantly, the ALJ recommendation seems to be based on the assumption that JUI should be recovering prospectively the costs that it incurred in a past case. That is not the Commission policy with regard to rate case expense.

The Commission has attempted to clarify the recovery of prior rate case expenses. We have stated the policy on many occasions, but perhaps we have not always been crystal clear. We thought that our discussion of this issue in West Virginia-American Water Company Case No. 08-0900-W-42T, Commission Order March 25, 2009, with all of its additional references citing Potomac Edison, Monongahela Power Company, Case Nos. 06-0960-E-42T and 06-1426-E-D, Commission Order May 22, 2008, and other cases, should have made it clear that we do not defer past rate case expenses and our averaging mechanism is not based on ~~allowing recovery of past rate case expenses that are so recent that the utility has not had an opportunity to fully recover them. We will repeat a part of our discussion from Case No.~~ 08-0900-W-42T in hopes that future testimony, argument, briefing and recommendations on the issue of rate case expense correctly represent the Commission treatment of these expenses.

Although the parties, and even the Commission, often refer to a rate case allowance as being an ‘amortization’ of rate case expense over some period of time, the Commission has historically allowed an increment for rate case expenses not subject to deferral or amortization. The term amortization has become a common usage for an averaging of rate case expense over some period of time. The CAD’s proposal, which includes an argument that ‘unamortized’ amounts from this case can be recovered in a future rate case, is inconsistent with the Commission’s past practices. Although deferral and amortization have been used for some significant non-recurring items, we have not historically considered rate case expense as falling into this category.²

² See e.g., The Potomac Edison Company, Case No. 79-230-E-42T, Order dated June 30, 1980. (Discussing Rate Case Expenses) - This Commission must make rates to be followed in the future, not the past. While we occasionally allow past unrecovered expenses to be included in a Company’s cost of service . . . such treatment has been limited to instances in which the expense is clearly extraordinary in nature. Armstrong Telephone Company, Case No. 92-0884-T-42T, Order dated May 28, 1993 - As to the first issue, prior rate case expense, the allowance over time, and not an intention to defer and amortize costs that are properly expensed in the years incurred. . . . costs associated

Whether we allow an increment for rate case expenses based on an average of three years, five years or any other period, we do not authorize the Companies to defer rate case expenses and amortize these expenses. Thus, contrary to the CAD's suggestion, there would be no unamortized balance for the Companies to recover in future cases. The Commission shall follow its past practice of reflecting rate case expenses based on one-third of the cost of the Companies' current rate case.

West Virginia-American, Case No. 08-0900-W-42T, Commission Order March 25, 2009 at p. 54.

The Commission further explained in Case No. 08-0900-W-42T that "This ratemaking treatment is to allow a reasonable amount for Regulatory Commission Expenses in rates on a going-forward basis, and is not intended to reflect an authorization for deferral of current rate case expenses and an amortization of the deferred amount over some number of years." West Virginia-American, Case No. 08-0900-W-42T, Commission Order March 25, 2009, at pp. 54-55.

~~While it is not entirely clear whether JUI is asking for amortization of prior rate case expenses, or leaving expenses from prior cases which are booked in the test year in its prospective cost of service, either approach is inconsistent with the Commission treatment of rate case expenses. Given the lack of clarity on this issue in the JUI testimony and arguments and in the Recommended Decision, the Commission will adopt the Staff recommendation that the prospective rate case expense allowable for ratemaking purposes should be reduced to a more reasonable \$30,000 per year. Accordingly, the Commission will include \$30,000 for rate case expense in the JUI cost of service.~~

Depreciation

The Commission will approve the ALJ's adoption of the Staff depreciation expense figure of \$112,942, to which JUI agreed.

Accumulated Depreciation

The ALJ accepted the JUI position on this issue as consistent with the Recommended Decision issued in Megan Oil and Gas Co., Case No. 10-0757-G-D, Recommended Decision, November 30, 2010. Staff filed Exceptions in Megan, and on January 25, 2011, the

with the Company's prior rate case should not be included in its test year calculations. (See, The Potomac Edison Company, Case No. 8280,64 ARPSCWV 352 (1977); and Columbia Gas of West Virginia, Inc., Case No. 9147, 66 ARPSCWV 488, (1978)).

Commission granted the Staff Exceptions. Staff also filed Exceptions with respect to the accumulated depreciation issue in this case.

In the JUI Response to Exceptions, JUI argues that the Commission reasoning in Megan should not apply to the JUI rate case. JUI states that it wishes to adjust its accumulated depreciation balance, which is currently based on the accelerated tax depreciation rates used by the utility in its tax filings, rather than the straight-line depreciation rates required by the Uniform System of Accounts that Staff has used to calculate JUI's depreciation expense. JUI states that Staff has been recalculating the utility's depreciation expense to straight-line depreciation rate in every case, and JUI has never objected to that calculation. JUI contends, however, that through oversight, JUI has continued to record its accumulated depreciation on its regulatory books and records using the accelerated tax depreciation rates it uses for its tax filings. The result of JUI's failure to record accumulated depreciation on its books and records using straight-line depreciation is that a larger amount of accumulated depreciation, and a smaller rate base, are recorded in its books

JUI argues that the error has not resulted in any financial benefit to JUI. In fact, the result of its failure to record accumulated depreciation correctly on its regulatory books has ~~been a lower rate base and resulting lower amount that it could earn as return on rate base in~~ rate proceedings it has filed at the Commission. JUI asserts, therefore, that if it had correctly recorded accumulated depreciation on its books, the Commission would have allowed it to earn more.

JUI now proposes to recalculate its accumulated depreciation for the years past and establish a current accumulated depreciation balance based on the straight-line depreciation method that it should have been using. JUI states that it is not asking for a surcharge or rate relief to reflect the fact of its lower earnings due to the lower rate base. JUI wants instead to establish a new accumulated depreciation balance to reflect the straight-line depreciation that has been, and is, used to calculate its depreciation expense in its Commission rate cases.

JUI states that it would be inconsistent for the Commission to calculate depreciation expense using a straight-line method, but calculate the depreciation reserve using accelerated depreciation. JUI addresses the recent Megan order noting that the Commission relied on the rationale it used in Logan Public Service Company, et al., Case Nos. 85-644-W-42T, 85-732-W-42T, 85-733-W-42T and 85-751-W-42T (Dec. 24, 1986), to deny a Megan Oil and Gas Co. correction of its accumulated depreciation reserve. JUI argues that none of the Megan or Logan reasons justifies a refusal to adjust the depreciation reserve in this case.

The Commission disagrees with JUI that it was either wrong in Megan or Logan, or that this case should be distinguished from those cases. It was not the Commission that calculated the depreciation reserve that is reflected on JUI's books. JUI was not forced to book depreciation expenses that it now claims were excessive, giving rise to an overstated reserve for depreciation. It did so on its own, and in doing so JUI presented financial results

to the Commission which formed the basis for any review that the Commission may have been called upon to make regarding the financial condition of JUI. Moreover, while all of the reasons given for the Commission's decisions on this issue in Megan may not apply to JUI, the one important factor that JUI fails to discuss is the fact that for both Megan and JUI, the rate base, including depreciation reserve, that the utilities proposed for modification, had been the basis for past Commission ratemaking decisions. The West Virginia Supreme Court found that an adjustment that would look backward and reduce a utility rate base that had been previously reviewed and approved by the Commission was improper and cannot be sustained. The Chesapeake and Potomac Telephone Company of West Virginia v. Public Service Commission of West Virginia, 171 W. Va. 494, 300 S.E. 2d 607, 619 (1982). We believe customers are entitled to the same certainty of prior approved rate base and that it would be equally improper to look backward and increase a utility rate base that had been previously reviewed and approved by the Commission.

B&O Tax

The ALJ approval of a B&O tax surcharge rate of 2 percent for customers served within the City of Ranson is not at issue on Exceptions, and the Commission will approve it.

Supplemental Tariff Rules

The JUI Exceptions state that the ALJ made a typographical error by adding the phrase "whichever is less" to the end of approved supplemental rule No. 13. See January 7, 2011 Recommended Decision, Appendix A, p. 3, No. 13. The rule as approved by the Recommended Decision reads,

If the Company receives a negotiable instrument from an applicant or a customer as payment of any bill, charge or deposit due, and if the instrument (including electronic payment) is subsequently dishonored or is uncollectible for any reason, the Company may charge the applicant or customer a processing fee equal to the actual processing fee incurred by the Company, whichever is less.

The Commission agrees that the phrase makes no sense as written. The rule should have allowed a charge equal to the bank fee or \$25.00, whichever is less. It is established Commission policy to permit utilities to charge their customers for returned, or bad, checks an amount that does not exceed the amount that the utility's bank charges the utility for such check, provided that such charge may not exceed the amount actually charged by the bank, up to \$25.00. See Union Williams PSD, Case Nos. 94-0110-PSD-42A & 94-0111-PWD-42A, Commission Order March 10, 1995; Page-Kincaid PSD, Case No. 95-0345-PWD-T Commission Order June 15, 1995); Chattaroy PSD, Case No. 96-1343-PSWD-T, Commission Order December 9, 1996; Marshall County PSD No. 3, Case No. 03-0869-PWD-T-PW, Commission Order August 20, 2003. Accordingly, Attachment B to this Order

corrects the rule to include the \$25.00 alternative. The rule is now renumbered as Supplemental Rule No. 12.

Furthermore, the Commission has removed the Returned Check Charge provision from JUI's tariff because it duplicates Supplemental Rule No. 12.

Upon review of the other supplemental tariff rules the Commission will disapprove Rule No. 9 as too vague and confusing. In addition, the Commission will amend Rule No. 17 as approved by the Recommended Decision, which read,

Termination of water service for non-payment of water bills or for violation of the Commission's or the Company's water rules shall be treated separately from termination of water service for non-payment of sewer bills, and all inter-utility payments and reconnection fees shall apply.

The last phrase "and all inter-utility payments and reconnection fees shall apply" should be deleted because inter-utility payments are inapplicable to the type of termination that is the subject of this rule and a provision of the JUI tariff already provides for the reconnection charge. Accordingly, Attachment B to this Order corrects the rule which is now renumbered as Rule No. 16.

Miscalculation of the Rate for Non-Metered Customers

The JUI Exceptions correctly state that the tariff approved by the Recommended Decision contained a miscalculated rate for non-metered customers. The tariff approved by this Order eliminates the error.

Based on all of the foregoing discussion, the Commission will authorize a total rate increase in this case of \$66,324, as reflected on Attachment C.

FINDINGS OF FACT

1. JUI is owned by Lee and Cynthia Snyder and operates eight water utility systems in Jefferson County, including Walnut Grove, Meadowbrook, Shenandoah Junction, Burr/Bardane, Keyes Ferry Acres, Westridge Hills, Deerfield, and Harpers Ferry Campsites.
2. SES is a construction, utility and environmental management company that has been operating and maintaining JUI's systems pursuant to eight operation and maintenance agreements. SES currently has affiliated contracts with JUI, whereby SES provides all the employees, equipment, and services necessary to operate the utility
3. JUI, SES, Lee Snyder and Cynthia Snyder are all affiliates of one another.

4. The JUI rate filing filed on August 20, 2010, docketed as Case No. 10-1329-W-42T, sought a rate increase of 72.2 percent.

5. JUI published notice of its rate filing on August 25 and September 1, 2010, in *The Spirit of Jefferson Advocate*. Affidavit of publication filed September 20, 2010. JUI posted notice at its office and separately mailed a notice to each of its customers. Certification filed September 9, 2010. JUI published notice of the December 1, 2010 hearing in *The Spirit of Jefferson Advocate* on November 17, 2010. Affidavit of publication filed December 20, 2010.

6. Case No. 10-0974-W-PC includes a petition for approval of the O&M Agreement, pursuant to which SES would continue to provide operation and maintenance services for JUI.

7. Case No. 10-0974-W-PC also includes a petition for approval of the four Leases relating to an office building at 270 Industrial Boulevard, Kearneysville, West Virginia, and the lots, Lots 16 and 17, on which the building is located.

8. ~~The Commission received a substantial number of protests to these matters.~~

9. Intervenors in these cases include the Jefferson Commission and Citizens. Procedural Order issued November 3, 2010.

10. The Staff Report filed November 19, 2010, recommended that the Commission disapprove the O&M Agreement and Leases filed in Case No. 10-0974-W-PC, but allow JUI additional revenue of \$40,804 annually, a 2.9 percent increase over existing revenues.

11. The ALJ held a hearing that began on December 1, 2010 in Ranson, West Virginia, as scheduled.

12. By Recommended Decision issued January 7, 2011, the ALJ recommended resolution on the various issues in contention and an increased annual revenue requirement for JUI of \$310,946, resulting in increased rates of approximately 18.4 percent in total water sales revenue and an increase of 22.4 percent in water sales revenue before application of a previously approved \$12 per month surcharge. The ALJ recommended approval of the O&M Agreement for a three-year term and recommended that the Commission not approve the Leases.

13. The Recommended Decision did not include a schedule indicating the derivation of the revenue requirement, or a reconciliation of the dollar difference, on an issue-by-issue basis, between the recommendations filed by Commission Staff and the Recommended Decision.

14. On January 13, 2011, Staff filed a post-hearing exhibit setting forth a revenue requirement schedule consistent with the Recommended Decision and reconciling the dollar difference, on an issue-by-issue basis, between the Staff recommendations and the Recommended Decision.

15. Exceptions to the Recommended Decision were filed by JUI, Staff and Citizens.

16. JUI filed a response to the Staff and Citizens Exceptions, and Citizens filed a response to the JUI Exceptions.

Rent

17. JUI requested approval of \$6,602 of building rent per month and Staff recommended that JUI pay building rent of \$2,252 per month.

18. The Staff position is that because JUI pays rent to its affiliate, the rent amount should be based on investment in the land and building, a return on that investment, and a reasonable allocation of the space needed in the building for JUI to operate. Staff calculated rental based on an owners' investment of \$2.4 million. JUI calculated rental based on an owners' investment amount of \$3.1 million.

19. JUI based its rent calculation on a workspace allocation of 22.9 percent and Staff based its calculation on a workspace allocation of 10.3 percent.

Other Operation and Maintenance Costs

20. The filed O&M Agreement contained a flat fee to pay for routine operation and maintenance activities, and a T&M fee to pay for certain operation, significant maintenance, and system extension activities. The T&M fee was to be calculated based on the cost of materials plus a 20 percent markup.

Lee Snyder's JUI salary

21. JUI's sole employee is the President, Lee Snyder.

22. In the 2008 JUI rate case, JUI and Staff settled the annual salary issue with respect to Mr. Snyder at \$40,000. In this case, JUI proposed a salary for Mr. Snyder of \$55,000, while Staff recommended a salary of \$15,000.

Tank Painting

23. The JUI case did not include any tank painting expenses incurred either during, or prior to, the test year. JUI submitted Company Exh. 8, a contractor cost estimate of \$370,000 to refurbish and paint three JUI water tanks.

24. The Staff position is that as painting needs arise, a utility owner should make the investment in the tank and capitalize the cost by adding that investment to rate base for purposes of the next rate case. Dec 2 Tr. p. 133. The Citizens object to inclusion of tank painting expense in revenue requirements.

Commission Fee

25. No party filed exceptions to the ALJ decision to base this item of the revenue requirement on the most recent Commission assessments.

Rate Case Expense

26. JUI proposed a normalized rate case expense of \$81,886 per year. JUI calculated this amount by estimating expenses for the current case at \$168,899, adding the actual expenses for the 2008 rate case of \$240,532, for a total of \$409,431, and amortizing the total over a five year period. Company Exh. C-10.

27. Staff recommended a rate case expense allowance of \$30,000 per year. Staff Exh. 2; Dec. 2, 2010 Tr. p. 137.

28. Company Exh. C-10 shows the JUI wishes to continue to recover \$5,040 more than its calculations on that Exhibit. Id.

Depreciation

29. No parties filed exceptions to the ALJ adoption of the Staff depreciation expense figure of \$112,942.

Accumulated Depreciation

30. By Order issued January 25, 2011, the Commission rejected the ALJ decision on accumulated depreciation in Megan Oil and Gas Co., Case No. 10-0757-G-D, Recommended Decision, November 30, 2010, Commission Order, January 25, 2011.

31. JUI seeks to adjust its accumulated depreciation balance, which is currently based on the accelerated tax depreciation rates used by the utility in its tax filings, rather than the straight-line depreciation rates required by the Uniform System of Accounts that Staff has used to calculate JUI's depreciation expense.

32. The Commission did not calculate or require JUI to calculate the depreciation reserve that is reflected on its books.

33. For both Megan Oil and Gas Company and JUI, the rate base, including depreciation reserve, that the utilities proposed to modify, had been the basis for past Commission ratemaking decisions.

B&O Tax

34. The ALJ approval of a B&O tax surcharge rate of 2 percent for customers served within the City of Ranson is not at issue on Exceptions.

Typographical and Calculation Errors

35. Necessary language was omitted from the Supplemental Rule No. 13, approved by the ALJ.

36. Supplemental Rule No. 13 approved by the ALJ duplicates the Returned Check Charge provision of the JUI tariff approved by the ALJ.

37. The tariff attached to the Recommended Decision contained a miscalculated rate for non-metered customers.

CONCLUSIONS OF LAW

1. Before a utility may enter into an agreement with an affiliate for management, ~~construction, engineering, supply, financial or other service,~~ the utility must first obtain the consent and approval of the Commission. W. Va. Code § 24-2-12(f). The Commission may grant its consent and approval "upon proper showing that the terms and conditions thereof are reasonable and that neither party thereto is given an undue advantage over the other, and do not adversely affect the public in this state." W. Va. Code § 24-2-12.

2. JUI has not made a "proper showing" that the O&M Agreement and the Leases with its affiliates meet the statutory test in W. Va. Code § 24-2-12. Consequently, the Commission will not grant its prior consent and approval.

3. The Commission will initiate a general investigation of the proposed O&M Agreement and Leases as well as other issues. The Commission will require JUI to show that JUI customers are better off with an affiliate furnishing all required services as opposed to JUI employing its own personnel. In addition, the Commission will study JUI's long-term plans to operate and rehabilitate its utility facilities, and receive further details of JUI's current and future use of the \$12 surcharge. The Commission will also request information about future possibilities of private-public agreements.

4. Although the Commission declines to grant its consent and approval to enter into the agreements that are the subject of Case No. 10-0974-W-PC, the Commission can nonetheless establish what it considers reasonable revenue requirements.

Rent

5. The ALJ's decision to split the difference in the Staff recommended rent and the JUI requested rent is not supported by the evidence.

6. Rental based on the Staff owners' investment calculation of \$2.4 million is reasonable.

7. The Staff cost numbers and work space allocation support a facilities investment allocation of approximately \$250,000, resulting in a net annual occupancy cost of \$27,000. The Staff allocation based on numbers and space requirements for employees working directly, and nearly exclusively, on JUI-related activities, and on observations of work areas and other areas within the shared space required for SES employees that provide services to JUI, but not exclusively, is the more reasonable allocation and will be adopted.

8. The proper level of building rent expense for this case is \$6,602 per month.

Other Operation and Maintenance Costs

9. ~~The Commission decision not to authorize JUI to enter into the proposed O&M Agreement does not preclude the Commission from determining a reasonable allocation of SES costs to JUI. In fact, because work performed for JUI by SES employees and equipment and materials allocable to JUI may change from year to year, the Commission believes that each rate case would require an evaluation of the allocation of SES costs to JUI even if the proposed O&M Agreement was in place and the Commission had granted approval to enter into the agreement pursuant to W. Va. Code §24-2-12.~~

10. The allocation of other operation and maintenance costs presented by Staff is reasonable and should be allowed in the cost of service determined for JUI in this proceeding.

Lee Snyder's JUI salary

11. The ALJ's rationale for denying any amount of salary to Mr. Snyder on grounds that he will collect profits as owner is not reasonable because evidence presented in the case indicates that Mr. Snyder devotes considerable time and expertise to operating JUI. Dec. 1, 2010 Tr. pp. 68; 126 (Griffith testimony); pp. 144-46; 167-68; 197 (Womack testimony); p. 230 (McFarland testimony); pp. 234; 252-54; 278-79 (Snyder testimony); Company Exh. No. 12.

12. Staff does not adequately support the proposed reduction of Mr. Snyder's salary from the amount allowed in the 2008 JUI rate case. Nor does JUI adequately support a proposed 38 percent increase in salary. The Commission will allow a direct salary level of \$40,000 in the JUI cost of service.

Tank Painting

13. The inclusion of an amortization of tank painting expenses of \$370,000 in this proceeding is not reasonable. Many of the JUI arguments regarding Commission policy and treatment of tank painting expenses for utilities are either incorrect, or fail to take into consideration specific circumstances of JUI compared to other utilities.

14. The Commission has not adopted a policy to amortize tank painting expense over a specific period of time. Instead, the Commission has determined that a reasonable future cost for tank painting can be determined by looking at the facts of a particular utility's tank painting cycles, looking at the actual annual costs over a normal cycle for that utility, factoring those costs to a cost based on current level inflation, and then using an average of those factored costs to determine a reasonable expectation of the ongoing annual costs to be allowed in cost of service on a prospective basis. In the West Virginia-American Water Company case, the Commission averaged fourteen years of historical tank painting costs adjusted for future cost inflation expectations. West Virginia-American Water Company, Case No. 08-0900-W-42T, Commission Order March 25, 2009 at p. 55.

15. JUI did not attempt to derive an average tank painting expense, but suggested that the Commission take an ~~expected~~ cost and actually defer and amortize that cost over a fourteen-year period. This proposal is not consistent with the Commission treatment in the West Virginia-American Water Company case.

16. JUI has failed to provide sufficient evidence of the likely costs to be experienced in the future based on a normal tank painting cycle and the requested \$26,429 is unreasonable and will not be included in the JUI cost of service.

Commission Fee

17. It is reasonable to reject the JUI adjustment to the annual Commission Fee because it is not a known and measurable adjustment, it assumed no assessments in the test year expenses, and because JUI used the statutory maximum assessment rate which was not used by the Commission for the test year or previous years.

Rate Case Expense

18. It is not reasonable to approve \$86,926 for annual outside services or expenses for conducting rate cases before the Commission because that amount would imply that the expenses for two rate cases that totaled over \$409,000 should be adjusted upward to a total cost level of nearly \$435,000, and then consider that cost as a normal cost to occur every five years.

19. Although the parties, and even the Commission, often refer to a rate case allowance as being an 'amortization' of rate case expense over some period of time, the Commission has historically allowed an increment for rate case expenses not subject to deferral or amortization.

20. Although deferral and amortization have been used for some significant non-recurring items, the Commission has not historically considered rate case expense as falling into this category. The Potomac Edison Company, Case No. 79-230-E-42T, Commission Order June 30, 1980.

21. It is reasonable to allow an amount for rate case expenses in rates on a going-forward basis, but the allowance is not intended to reflect an authorization to defer current rate case expenses and amortize the deferred amount over some number of years. West Virginia-American, Case No. 08-0900-W-42T, Commission Order March 25, 2009, at pp. 54-55.

22. Whether the Commission allows an increment for rate case expenses based on an average of three years, five years or any other period, the Commission does not authorize utilities to defer rate case expenses and amortize these expenses. Id. at p. 54.

23. Amortization of prior rate case expenses, as well as inclusion of prior case expenses booked in the test year in a prospective cost of service, are both inconsistent with the Commission treatment of rate case expenses.

24. Given the lack of clarity on the rate case expense issue in the JUI testimony and arguments and in the Recommended Decision, the Commission will adopt the Staff recommendation that the prospective rate case expense allowable for ratemaking purposes should be reduced to a more reasonable \$30,000 per year.

Depreciation

25. The Commission will approve the ALJ's adoption of the Staff depreciation expense figure of \$112,942, to which JUI agreed.

Accumulated Depreciation

26. JUI's past booking of depreciation expenses presented financial results to the Commission that formed the basis for any review that the Commission may have been called upon to make regarding the financial condition of JUI.

27. An adjustment that would look backward and reduce a utility rate base that had been previously reviewed and approved by the Commission is improper and cannot be sustained. The Commission believes that utility customers are entitled to the same certainty

of prior approved rate base and that it is equally improper to increase a utility rate base that had been previously reviewed and approved by the Commission.

28. The Staff Exceptions on the issue of accumulated depreciation will be granted and JUI is not authorized to restate its accumulated depreciation balance for prior periods.

B&O Tax

29. The Commission will adopt the ALJ approval of a B&O tax surcharge within the City of Ranson of 2 percent.

Supplemental Tariff Rules

30. Supplemental Rule No. 13 as approved by the ALJ should be corrected to include a \$25.00 alternative. The corrected rule is renumbered as Rule No. 12 in Attachment B to this Order.

31. The Returned Check Charge provision in the JUI tariff should be removed because it duplicates Supplemental Rule No. 12.

32. Supplemental Rule No. 9 as approved by the ALJ is vague and confusing, and should not be approved.

33. The last phrase of Supplemental Rule No. 17 as approved by the ALJ should be deleted because inter-utility payments are inapplicable to the type of termination that is the subject of this rule and a provision of the JUI tariff already provides for the reconnection charge. The corrected rule is renumbered as Rule No. 16 in Attachment B to this Order.

Miscalculation of the Rate for Non-Metered Customers

34. The tariff approved by the Recommended Decision contained a miscalculated rate for non-metered customers. The Commission will correct the error.

Grant of Increased Rates and Charges

35. The Commission will approve the revised JUI tariff rates and charges set forth on Attachment A to this Order representing a 4.4 percent increase over current rates and charges.

ORDER

IT IS THEREFORE ORDERED that the O&M agreement and Leases filed by JUI in Case No. 10-0974-W-PC are disapproved.

IT IS FURTHER ORDERED that the Commission initiates a General Investigation, Case No. 11-0235-W-GI, of JUI's utility operations, including the proposed O&M Agreement and Leases as well as other issues. The Commission will require JUI to show that JUI customers are better off with an affiliate furnishing all required services as opposed to JUI employing its own personnel. In addition, the Commission will study JUI's long-term plans to operate and rehabilitate its utility facilities, and receive further details of JUI's current and future use of the \$12 surcharge. The Commission will also request information about future possibilities of private-public agreements.

IT IS FURTHER ORDERED that the Staff and Citizens Exceptions to the ALJ approval of the O&M Agreement are granted.

IT IS FURTHER ORDERED that the JUI Exceptions to the ALJ refusal to approve the Leases are denied.

IT IS FURTHER ORDERED that the JUI Exceptions to the ALJ refusal to allow a salary for Mr. Snyder in cost of service are granted to the extent that this Order approves an annual salary expense of \$40,000 in revenue requirements.

IT IS FURTHER ORDERED that the JUI Exceptions with respect to the ALJ decision regarding allocation of building expenses are denied and the Staff Exceptions on the issue are granted.

IT IS FURTHER ORDERED that the Staff Exceptions to the ALJ decision on rent allocation, rate case expense, and accumulated depreciation are granted.

IT IS FURTHER ORDERED that the Citizens Exceptions regarding the ALJ rent allocation to JUI are granted in part as provided herein, and that the Citizens Exceptions regarding inclusion of tank painting expense in cost of service, and to the amount of rate case expense to be included in cost of service, are granted.

IT IS FURTHER ORDERED that JUI Exceptions regarding a typographical error in the supplemental tariff rule and miscalculation of rates in the approved JUI tariff are granted.

IT IS FURTHER ORDERED that the Supplemental Tariff Rules on Attachment B to this Order are approved in lieu of those on Appendix A to the Recommended Decision.

IT IS FURTHER ORDERED that in lieu of the rates and charges and surcharges set forth on Appendix B to the Recommended Decision, those set forth on Attachment A attached hereto are approved for all service provided by JUI on and after February 19, 2011.

IT IS FURTHER ORDERED that within thirty days of the date of this Order, JUI will file a tariff reflecting the approved rates and charges and tariff rules.

IT IS FURTHER ORDERED that upon entry of this Order, Case No. 10-1329-W-42T and Case No. 10-0974-W-PC will be removed from the Commission docket of open cases.

IT IS FURTHER ORDERED that the Commission Executive Secretary serve a copy of this order by electronic service upon all parties of record who have filed an e-service agreement with the Commission and by United States Certified Mail, return receipt requested, and upon all parties of record who have not filed an e-service agreement with the Commission.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission send to each of the individual intervenors not represented by counsel and who has not filed an e-service agreement, a copy of this decision by first-class mail.

A True Copy, Testor


Sandra Squire
Executive Secretary

JML/tt
100974cb.wpd

JEFFERSON UTILITIES, INC.
CASE NOS. 10-0974-W-PC AND 10-1329-W-42T

APPROVED RATES

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY

Available for residential, commercial, governmental, industrial and sale for resale water service.

RATES

First	3,000 gallons used per month	\$ 11.04	per 1,000 gallons
Next	3,000 gallons used per month	\$ 8.87	per 1,000 gallons
Next	4,000 gallons used per month	\$ 7.25	per 1,000 gallons
Next	50,000 gallons used per month	\$ 6.01	per 1,000 gallons
All Over	60,000 gallons used per month	\$ 6.01	per 1,000 gallons

SURCHARGE

A surcharge in the amount of \$12.00 is to be charged on a monthly basis to each customer to be used for the replacement of water lines and water meters.

MINIMUM CHARGE (Customers with metered water supply)

No bill will be rendered for less than the following amounts according to the size meter installed:

5/8-inch meter	\$ 33.12	per month
3/4-inch meter	\$ 49.69	per month
1 -inch meter	\$ 82.81	per month
1-1/4-inch meter	\$ 120.91	per month
1-1/2-inch meter	\$ 165.63	per month
2 -inch meter	\$ 265.01	per month
3 -inch meter	\$ 496.89	per month
4 -inch meter	\$ 828.16	per month
6 -inch meter	\$ 1,656.32	per month
8 -inch meter	\$ 2,650.10	per month

FLAT-RATE CHARGE (Customers with non-metered water supply)

Equivalent to 4,500 gallons usage \$46.43 per month.

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is to be collected only once for each bill where it is appropriate.

TAP FEE

The following charges are to be made whenever the utility installs a new tap to serve an applicant:

A tap fee of \$100.00 will be charged to customers applying for service before construction is completed adjacent to the customer's premises in connection with a certificate proceeding before the Commission. This pre-construction tap fee will be invalid after the completion of construction adjacent to an applicant's premises that is associated with a certificate proceeding.

A tap fee of \$350.00 will be charged to all customers who apply for service outside of a certificate proceeding before the Commission for each new tap to the system.

RECONNECTION CHARGE

\$25.00

To be charged whenever the supply of water is turned off for violations of rules, non-payment of bills, or fraudulent use of water.

ADMINISTRATIVE FEE

In the event the Utility collects payment in full of a delinquent water bill at the customer's premises, in lieu of a discontinuance of service for nonpayment, an administrative fee of \$25.00 shall also be collected in addition to the delinquent water bill.

LOCAL B&O TAX SURCHARGE

Customers receiving water service within the corporate limits of the City of Ranson shall pay a surcharge of two percent (2%).

LEAK ADJUSTMENT

\$0.50 per 1,000 gallons is to be used when the bill reflects unusual consumption which can be attributed to eligible leakage on the customer's side of the meter. This rate shall be applied to all such consumption above the customer's historical average usage.

FIRE PROTECTION RATESAPPLICABILITY

Applicable within the entire territory served.

(C) AVAILABILITY OF SERVICE

Available for private fire protection service.

(C) RATES

Where connections, hydrants, sprinklers, etc., on private property are maintained by customer.

	<u>Per Year</u>
2-inch service line with hydrants, sprinklers, and/or connections	\$ 72.00
3-inch service line with hydrants, sprinklers, and/or connections	\$ 144.00
4-inch service line with hydrants, sprinklers, and/or connections	\$ 288.00
6-inch service line with hydrants, sprinklers, and/or connections	\$ 720.00
8-inch service line with hydrants, sprinklers, and/or connections	\$1,200.00
10-inch service line with hydrants, sprinklers, and/or connections	\$2,400.00
12-inch service line with hydrants, sprinklers, and/or connections	\$3,600.00

PERIODIC BILLING

The schedule of rates and charges above may be applied on a bi-monthly, quarterly, semi-annual or annual basis, provided no lower charges apply.

All other matters pertaining to rates and charges for this service as then currently authorized and approved by the Public Service Commission shall be in effect.

(C) Change in text

RULES AND REGULATIONS FOR DISTRIBUTION AND SALE OF WATER

1. Terms and conditions of service set forth hereafter are supplementary to the Rules and Regulations for the Government of Water Utilities of the Public Service Commission of West Virginia and all amendments thereto and modifications thereof, and all other requirements affecting such utilities which have been or may hereafter be prescribed by said Commission. Nothing in these supplementary rules and regulations shall be interpreted as divesting the Commission or any appropriate Court of any of the jurisdiction delegated to it by law.
2. Customers must make application to the Company before or at the time they commence the use of water or they may be held responsible for any water used at the premises since the date of the previous regular meter reading, the determination of such liability to be based on the facts and circumstances of each case.

- ~~3. Every customer who is about to vacate any premises supplied with service by the Company, or who for any reason wishes to have service discontinued, shall give at least one (1) working days' notice therefore to the Company, specifying the date on which it is desired that service be discontinued. Until the Company shall have such notice, the customer shall be responsible for all service rendered.~~
4. The customer shall use all due care to prevent waste of water. The responsibility for detection of defects and leaks in the customer's service line is upon the customer. Abuse or fraudulent use of water will result in immediate termination of service.
5. The Company reserves the right, at any time, without notice, to shut off the water in its mains for the purposes of making repairs or extensions.
6. Service may be terminated to a customer without prior notice where the Company determines that a leak inside a customer dwelling creates a situation where service to other customers cannot be provided. The Company shall make reasonable efforts to notify the customer(s) involved prior to termination and inform them of the steps which must be taken to prevent termination of service or to have service restored.

7. The Company shall not be liable in damages to the customer for any act, omission, or circumstances occasioned by or in consequence of any acts of God, strikes, or lockouts affecting the Company or its suppliers of water, acts of the public enemy, wars, blockades, insurrections, riots, epidemics, landslides, floods, washouts, arrests, and restraints of rules and peoples, civil disturbances, explosions, breakage or accident to machinery or lines of pipe, the binding order for any court or governmental authority which has been resisted in good faith by all reasonable legal means, and any other cause whether of the kind herein enumerated or otherwise, not reasonably within the control of the Company and which by the exercise of due diligence the Company is unable to prevent or overcome.
8. Properly identified representatives of the Company shall at all reasonable times have access to meters, service connections and other property owned by the Company on the customer's premises for the purposes of maintenance and operation. ~~The customer shall maintain his premises in a reasonably safe condition and shall keep all agencies thereon, including dogs and other animals, under reasonable control for the purposes of providing such access free from hazard or threat of danger to such agents and employees. Failure to provide such access shall be grounds for termination of service.~~
9. Meters are generally read monthly. Bills are rendered as nearly as practicable on the same day of each month. During months when a meter is not read, for whatever reason, consumption will be estimated based on factors such as the customer's usage history, number of days in the billing cycle, and other circumstances.
10. Bills and notices of the Company will be mailed or delivered to the consumer's last address as shown by the records of the Company. Failure to receive a bill or notice shall not extend the time of payment.
11. Bills for water service, whether based on an actual meter reading or an estimate, are payable upon receipt and may be paid by the customer at the Company's office at 270 Industrial Boulevard, Kearneysville, WV, or by mailing payment to Jefferson Utilities, Inc., 270 Industrial Boulevard, Kearneysville, WV 25430, or by credit card or electronic funds transfer.

12. If the Company receives a negotiable instrument from an applicant or a customer as payment of any bill, charge or deposit due, and if the instrument (including electronic payment) is subsequently dishonored or is uncollectible for any reason, the Company may charge the applicant or customer a processing fee equal to the actual processing fee incurred by the Company or \$25.00, whichever is less.

ADDITIONAL RULES AND REGULATIONS UNDER WHICH SERVICE WILL BE RENDERED TO PRIVATE FIRE PROTECTION CONSUMERS

13. The Company reserves the right to install in the service line a meter or other type of measuring device acceptable and approved by the Underwriters or other body having jurisdiction.
14. Service may be discontinued and/or disconnected:
 - a) For non-payment of account when due.
 - b) For the use of water for any other purpose than that described in the application.
 - c) For misrepresentation of property or fixtures to be supplied.
 - d) For cross-connecting the Company's service pipe with any other source of supply or with any apparatus which may endanger the quality of the Company's supply.
 - e) For violation of or refusal to comply with the rules and regulations of the Company as approved by the Public Service Commission.

ADDITIONAL RULES AND REGULATIONS GOVERNING NON-PAYMENT OF SEWER BILLS

15. Water service may be discontinued and/or disconnected for non-payment of sewer charges due a municipality, public service district or other sewer authority operating within the State of West Virginia whose customers are served water by the Company. Any discontinuance and/or disconnection of water service due to non-payment of sewer charges shall require the Sewer Authority to pay to the Company the fees set forth in the inter-utility agreement.
16. Termination of water service for non-payment of water bills or for violation of the Commission's or the Company's water rules shall be treated separately from termination of water service for non-payment of sewer bills.

Jefferson Utilities, Inc.
Case No. 10-1329-W-42T
Commission Adjusted Revenue Requirements

	Staff Recommendation	Commission Adjustments	Commission Determination
Rate Base	\$ 3,843,563	\$ 0	\$ 3,843,563
Rate of Return	8.26%	0	8.26%
Return on Rate Base	\$ 317,478	\$ 0	\$ 317,478
Operation and Maintenance Expenses	959,161	(1) 25,000	984,161
Depreciation	112,942	0	112,942
Taxes Other Than Income Taxes	116,036	0	116,036
Total Revenue Requirements Before Additional B&O Taxes and Uncollectibles	\$ 1,505,617	\$ 25,000	\$ 1,530,617
Going Level Revenue	1,465,644	0	1,465,644
Increase Before Additional B&O Taxes, Uncollectibles and Delayed Payment Penalties	\$ 39,973	\$ 25,000	\$ 64,973
Add - Increased Uncollectibles	151	95	246
Add - Increased B&O Taxes	1,833	1,147	2,980
Less - Increased Delayed Payment Penalty Revenue	1,154	721	1,875
Total Increase	\$ 40,803	\$ 25,521	\$ 66,324
Notes: (1) Increased Direct Payroll - Owner			

Sandy McDonald

From: "Tim Boyde" <tboyde@jeffersoncountywv.org>
To: "Patricia Noland" <patsynol@gmail.com>; "Dale Manuel" <dmanuel@frontiernet.net>; "Lyn Widmyer" <lynwidmyer@gmail.com>; "Frances Morgan" <fberrymorgan@aol.com>; "pellish walter" <walterpellish@mac.com>
Cc: "Sandy McDonald" <sandy@jeffersoncountywv.org>
Sent: Friday, March 04, 2011 11:38 AM
Subject: FW: Jefferson Utilities conference call
 FYI & how would you like to proceed?

From: Ralph Lorenzetti [mailto:rlorenzetti@jeffersoncountywv.org]
Sent: Friday, March 04, 2011 10:29 AM
To: tboyde@jeffersoncountywv.org
Cc: nhosby@jeffersoncountywv.org; jcasimiro@jeffersoncountywv.org; sgrove@jeffersoncountywv.org
Subject: Fw: Jefferson Utilities conference call

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

From: "Harris, Byron" <BHarris@cad.state.wv.us>
Sent: 3/4/2011 9:43:27 AM

To: "rlorenzetti@jeffersoncountywv.org" <rlorenzetti@jeffersoncountywv.org>
Cc: "Sade, Tony" <TSade@cad.state.wv.us>, "White, Lynne" <L.White@cad.state.wv.us>
Subject: Jefferson Utilities conference call

Mr. Lorenzetti,

I have confirmed that the staff of the Consumer Advocate Division who will be working on the Jefferson Utilities case are available for a conference call at 10:30 on Thursday, March 10. I am copying our staff accountant Lynne White and our staff attorney Tony Sade on this message. If you want to initiate the call, please call us at 304.558.0526. If it would be more convenient for you and the Commissioners to use a bridge line to call in to, please let me know and I can set that up.

Byron Harris, Director
 Consumer Advocate Division
 723 Kanawha Blvd., Room 700
 Charleston, WV 25301
 Ph. 304.558.0526
 Email bharris@cad.state.wv.us

(6A)

Commission Office Use Only

Date on Agenda: 3/16/11

Appt Time or New Business: 11:00 AM

AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Departments of Planning and Zoning

Estimation of amount of time needed for appointment: 10 minutes

Date Requested - 1st Choice: 3/10/11

Date Requested - 2nd Choice: 3/17/11

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

Subject: Urban Tree Canopy Grant Plan and Goals

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

In the Fall, 2010, the County and the Cities of Charles Town and Ranson received a 2010 Chesapeake Bay Community Grant available through the Division of Forestry for the purpose of developing an Urban Tree Canopy Plan and doing pilot planting events.

County and municipal planners, with the assistance of a Shepherd University intern, and technical support from the Cacapon Institute and the Division of Forestry, have been working to build off of the Urban Tree Canopy (UTC) assessment completed by the University of Vermont in 2010 to develop a comprehensive UTC Plan with specific goals to expand tree canopy in the County and municipalities.

It is anticipated that this plan will include an introduction with the background data and importance of tree canopy to the general health of a community and will also include separate goals sections for each of the 5 municipalities and the County as a whole. We have a working committee with representatives of each of the 5 municipalities who are advocating for the adoption of this plan and goals when it is complete in early May.

We would like to have a brief opportunity to bring the County Commission up to date on this effort and to encourage adoption of this Plan and its goals within the timeframe of the grant funding. Approval of such a plan and goals by Jefferson County and its municipalities would make the County eligible for future federal dollars related to tree plantings within the Chesapeake Bay watershed.

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

N/A

Attachments:

N/A

63

Commission Office Use Only

Date on Agenda: 3/10/11

Appt Time or New Business: 11:00 am

AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Departments of Planning and Zoning

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: 3/10/11

Date Requested – 2nd Choice:

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

Presentation needed to CC early in month of March in light of 3/26/11 public meeting scheduled

Subject: US 340 Corridor – East Gateway Plan Planning Process Overview and Announcement of 3/26/11 Kick-Off Meeting

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

The Departments of Planning and Zoning’s FY 2011 Work Plan included the following statement under the heading “comprehensive planning initiatives proposed for FY 2011”:

340 Gateway/Commercial Corridor Enhancement Study – kick off late Spring 2011; 12-15 month process; needs collaborative process to build consensus on a vision that maximizes economic growth while protecting viewsheds and sensitive resources

In the late Fall 2010, staff formed a Technical Advisory Committee consisting of key staff in County and Municipal Departments, utilities, and the MPO. The first task was defining the study area and developing an appropriate title for the planning process. Decisions resulted in a one-mile primary study area on either side of US 340 from Charles Town to the County line past Harpers Ferry, and a larger secondary study area, for the US 340 Corridor- East Gateway Plan. Brainstorming then occurred regarding existing and/or required data sources that could be mapped within the study area. Over the last 3 months, approximately 15 maps have been produced (with a few more underway) for use at the initial public meeting, scheduled for March 26, 2011, to provide background information to the citizens and stakeholders invited to help identify issues, strengths and weaknesses and define their vision for this critical gateway to the County and state.

Staff would like to provide a brief overview to the Commission of the planning process which is being proposed to occur over the next 10 months regarding this corridor plan and a brief introduction to the March 26, 2010 public kick-off meeting.

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

N/A

Attachments:

- 1) US 340 Corridor- East Gateway Plan DRAFT Project Flow Chart
- 2) US 340 Corridor – East Gateway Plan DRAFT graphic outline for March 26, 2011 Public Kick-off Meeting

**US 340 Corridor – East Gateway Plan
March 26, 2011 Kick-Off Public Mtg**

Parks, Trails & Greenways

- Hydrology/Sinkholes
- Parks & Trails
- Land Cover
 - Univ. Vermont
 - Green Infrastructure

Historic Resources & Viewsheds

- Historic Resources
- HLC Viewsheds
- DNR Conservation Priorities

Land Use/Planning

- Aerials
- Existing land use
- Zoning
- Topographic

Economic Development

- Key Employers
- Customs and Border Patrol – multiplier effect
- Harpers Ferry NPS - multiplier effect (tourism and economic impact)

Community Services

- Fire
- EMS
- Water/Sewer
- Schools
- Cell Towers

Transportation

- Traffic counts
- Key intersections (turn movements)
- Traffic Generators
 - Major Subdivisions
 - Key Employers
 - Tourism/Visitors

US 340 Corridor – East Gateway Plan

Public Kick-Off Meeting Saturday, March 26th, 2011

- Overview of Existing Conditions
- Identification of Strengths and Weaknesses
- Issues Identification and Analysis
- Planning Process and Next Steps

TAC/Citizens Committee:

1. Analyze Issues and Information gathered at 3/26 Meeting
2. Analyze Existing Conditions and Data
3. Draft Goals and Objectives for Corridor
2 meetings

Public Meeting Thursday, June 16, 2011

- Summary of Data and Issues
- Review and Finalization of Draft Goals and Objectives

Public Meeting Saturday, Sept. 17, 2011

TAC/Citizens Committee:
Development of Alternative
Land Use Scenarios
(including data) potentially
using CommunityViz
2 meetings

<p>Commission Office Use Only</p> <p>Date on Agenda: 3/16/11</p> <p>Appt Time or New Business: 11:30 AM</p>

AGENDA REQUEST FORM

Name: Meredith Wait and Catherine Irwin

Department or Entity: SQ250, Shepherdstown, WV

Estimation of amount of time needed for appointment: 7 minutes

Date Requested – 1st Choice: March 10th

Date Requested – 2nd Choice: March 17th

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

~~We are interested in discussing possible funding for the project and so would like to make the presentation before the County budget has been completed.~~

Subject:

We would like to make a presentation about plans to remember, celebrate and honor the town on its 250th Anniversary, which will be in 2012.

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

We would like to make a presentation giving an outline of the goals of SQ250, the individuals and committees working on the project, a timeline and a request that the County Commission consider support of the project. The Shepherdstown Mayor and Council have appointed a committee to plan and implement a variety of activities including a kick-off during *Christmas in Shepherdstown* in November 2011, events each month sponsored by local organizations and a culminating event in December 2012. Plans also include making a legacy gift to the town. Our presentation will include information regarding how the plans will have a positive impact on economic development in Jefferson County.

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

The Jefferson County applauds the efforts of Shepherdstown to celebrate its 250th Anniversary and will support the efforts by participating in activities and will consider making a grant to support the town in their efforts.

Commission Office Use Only

Date on Agenda: 3/10/11

Appt Time or New Business: 11:45

AGENDA REQUEST FORM

Name: F. Mark SchiavoneDepartment or Entity: DCPMEstimation of amount of time needed for appointment: 5 minDate Requested – 1st Choice: 10 March 2011Date Requested – 2nd Choice: 17 March 2011

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

Subject: Decision on automatic inflation adjustment of impact fee schedules

Please provide the County Commission with a description of your request or presentation, including any background information: Unless the County Commission acts otherwise, automatic inflation adjustments to each of the 4 impact fee categories will take effect on 1 April 2011. The County Commission has the authority to prevent this automatic adjustment (Ordinance 2003-1 6(B)(3)). Because of the potential to adopt new fee schedules in July the Impact Fee Coordinator recommends that the Commission act to prevent an automatic inflation adjustment.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): Move to prevent the automatic inflation adjustment to each of the 4-current impact fee schedules that would otherwise have taken effect on April 1st, 2011.

Attachments: No attachments

Commission Office Use Only

Date on Agenda: 3/10/11

Appt Time or New Business: 11:45

AGENDA REQUEST FORM

Name: F. Mark Schiavone

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: 11 March 2011

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date: Sufficient time is required to advertise a public hearing if so desired.

Subject: Decision on Levy Rate/Public Hearing

Please provide the County Commission with a description of your request or presentation, including any background information: The Commission has the authority to lower, maintain, or raise the levy rate for FY 2012. Preliminary assessment indicates that if left to float, the levy rate will increase by roughly 2¢ per \$100 valuation for Class II properties. This is because overall valuation of property in the County continues to decline. If the Commission desires to lower or increase this rate a public hearing must be held (§11-8-6e).

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

Attachments: (1) State Auditor's Office levy rate determination worksheets.

Commission Office Use Only	
Date on Agenda:	3-10-11
Appt Time or New Business:	11:45 AM

AGENDA REQUEST FORM

Name: F Mark Schiavone

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 10 min

Date Requested – 1st Choice: 10 March 2011

Date Requested – 2nd Choice: 17 March 2011

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

Subject: Server replacement options

Please provide the County Commission with a description of your request or presentation, including any background information: The Commission directed staff to obtain price quotes and time and staffing estimates for the replacement servers. The replacement of these devices and subsequent configuration is consistent with the recommendations of the network assessment which was recently presented to the County Commission.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): Move to accept staff proposal as presented in option (x).

Attachments: Summary sheet

Server Options

Option 1: Virtual Servers

- 2 Servers, one mirroring the other for immediate fail over recovery. Common storage area with redundant hard drives.
- Current physical servers each migrated onto virtual platform.
- Lower power consumption/less heat generation
- Additional "virtual servers" added only for price of server software license.
- CDW-G only offers HP equipment.

Dell (via WV State Store)	\$68,840
CDW-G (via State Contract)	\$94,359

Option 2: Physical Servers

- Replace 6 servers – 2 configured for extra work (Mail archive and Raidserver)
- 2 Uninterruptible power supplies to support 6 servers
- No failover recovery
- No common storage area – each server configured for local storage
- Higher power consumption/heat generation

Dell (via WV State Store)	\$32,755
CDW-G (via State Contract)	\$29,477

Workload

Server (in critical order)	Amount of Time	Lead
Email server	1-2 days (weekend)	Hernandez + ipswitch staff /1
Mail archive server	1 day (regular hours)	Hernandez + ipswitch staff
Raidserver	1 day (regular hours)	Hernandez
Webserver	1 day (after hours)	Hernandez
Active Directory Server	1 week	Hernandez + vendor /2
Virus Server	3 days	Hernandez + vendor /2
VLAN/Subnet/Firewall	1 week	Hernandez + vendor /2

Notes:

/1 Weekend ipswitch is billed at \$149 first hour, \$99 each additional. Time estimate: 4-6 hours.

/2 Magnitude and complexity of these implementations will require additional support. Estimated cost \$100/hour.

Commission Office Use Only

Date on Agenda: 3/10/11

Appt Time or New Business: 11:45

AGENDA REQUEST FORM

Name: F. Mark Schiavone

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: 10 March 2011

Date Requested – 2nd Choice: 17 March 2011

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

Subject: Revision B to the General Fund

Please provide the County Commission with a description of your request or presentation, including any background information: This revision accomplishes two goals: (1) Providing matching funds for salary for Urban Tree Canopy Grant, and (2) accommodate requests by the County Clerk and the Assessor to move funds within their respective departments. This revision is internal as no department totals change. It does not require the approval of the State Auditor's Office.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): Move to approve revision B to the General Fund as presented.

Attachments: (1) DCPM detail sheet w/ request correspondence

MINOR REVISION

Dept	Line	Desc	Approved	Credit	Debit	Final Adj
Clerk	402-01-108-002-GG-000	Pt/Ext Hlp	20,000		610	19,390
	402-01-108-001-GG-000	Overtime	-	610		610
	402-02-212-000-GG-000	Printing	1,000		900	100
	402-02-218-000-GG-000	Postage	200		200	-
	402-02-223-000-GG-000	Prof Srv	500	450		950
	402-03-341-000-GG-000	Mat/Suppl	12,000	1,400		13,400
	402-03-349-000-GG-000	BO Gov Un	800		750	50
		DEPT TOTAL	832,204	2,460	2,460	832,204
Assessor	406-01-108-001-GG-000	Overtime	22,500		5000	17,500
	406-01-108-002-GG-000	Part Time	36,000		5000	33,000
	406-02-218-000-GG-000	Maint/Rep	9,000		2,000	7,000
	406-02-212-000-GG-000	Printing	5,000	500		5,500
	406-02-214-000-GG-000	Travel	1,500	500		2,000
	406-02-223-000-GG-000	Prof Srv	1,000	10,000		11,000
	406-03-341-000-GG-000	Mat/Suppl	4,544	1,000		5,544
		DEPT TOTAL	923,061	12,000	12,000	923,061
Planning	439-01-108-002-GG-000	Part time	2,309	5,080		7,389
	439-01-104-000-GG-000	FICA	14,721	341		15,062
	439-01-104-001-GG-000	MEDIC	3,443	61		3,524
	439-02-223-000-GG-000	Prov Srv	20,000		5,502	14,498
		DEPT TOTAL	380,089	5,502	5,502	380,089

ASSESSOR OF JEFFERSON COUNTY

104 East Washington Street

Charles Town, WV 25414

Angela L. Banks

304-728-3224

March 3, 2011

To: Jefferson County Commission
PO Box 250
Charles Town WV 25414

From: Angela L. Banks, Assessor

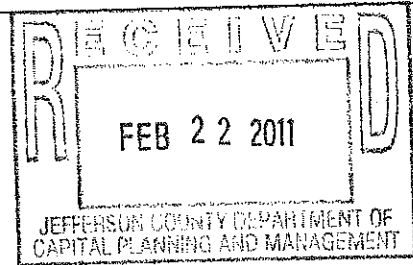
RE: Budget Revision

I am requesting to move \$2,000 from line item \$406/216 – Assessor /Repair and add \$500 to line item 406/212 Assessor printing, \$500 to line item 406/214 Assessor Travel, and \$1,000 to line item 406/341 for materials and supplies.

I also am requesting to take \$5,000 from line item 406/108/1 (overtime) and \$5,000 from line item 406/108/2 (part-time) and put both in line time 406/223 for professional services. This will be used to purchase a supplemental system that will help my office, the Sheriff's Tax Office, and our taxpayers.

Request for Budget Revision
To Move \$ within 402

Budget Revision s/b as follows:		Increase	Decrease
Dept 402			
001-402-01-108-002-GG-000	Ptxtrahelp		\$ 610.00
001-402-02-212-000-GG-000	Printing		\$ 900.00
001-102-02-218-000-GGG-000	postage		\$ 200.00
001-402-03-349-000-GG-000	BO gov		\$ 750.00
001-402-01-108-001-GG-000	Overtime	\$610.00	
001-402-02-223-000-GG-000	pro-serv	\$450.00	
001-402-03-341-000-GG-000	mat/supp	\$1,400.00	
Total Revision		\$2,460.00	\$ 2,460.00



<p>Commission Office Use Only</p> <p>Date on Agenda: 3/10/11</p> <p>Appt Time or New Business: 11:45</p>
--

AGENDA REQUEST FORM

Name: F. Mark Schiavone

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: 10 March 2011

Date Requested – 2nd Choice: 17 March 2011

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

Subject: Revision 008 to the General Fund

Please provide the County Commission with a description of your request or presentation, including any background information: This revision accomplishes two goals: (1) rectify a \$2,500 reimbursement for Urban Tree Canopy Grant, and (2) accommodate request by the County Clerk to move funds from Dept 402 (County Clerk) to Dept 413 (Elections).

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): Move to approve the resolution to revise the general fund budget.

Attachments: (1) SAO Request for Revision to Approved Budget, (2) DCPM detail sheet w/ request correspondence, (3) Draft Resolution to revise approved budget

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

REQUEST FOR REVISION TO APPROVED BUDGET

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

CONTROL NUMBER

2011

FY

001

FUND

008

REV. NO.

1 of 1

PG. OF NO.

JEFFERSON COUNTY COMMISSION
 GOVERNMENT ENTITY

Person To Contact Regarding

Budget Revision: F. Mark Schiavone

Phone: (304) 728-3337

Fax: (304) 724-2178

PO BOX 250 124 E. WASHINGTON STREET

STREET OR PO BOX

CHARLES TOWN

CITY

25414

ZIP CODE

County

Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
382	Refunds/Reimbursements (External Sources)	140,500	2,500		143,000
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES) 2,500

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

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
402	County Clerk	834,669		2,465	832,204
413	Elections-County Clerk	264,117	2,465		266,582
439	Planning & Zoning	377,589	2,500		380,089
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures 2,500

APPROVED BY THE STATE AUDITOR

BY: Director, Local Government Services Division Date _____

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE

DCPM Detail Sheet

MAJOR REVISION

REVENUE		Line	start	increase	decrease	Final	
	001-382-MM-000	Reimbur		140,500	2,500		143,000 UTC reimbursement
TOTAL REVENUES				21,788,793	2,500	21,791,293	
EXPENDITURE Dept		Line	start	increase	decrease	Final	
Co Clk	402-01-103-000-GG-000	Sal/Wage		459,393	2,050	457,343	
	402-01-104-000-GG-000	FICA		33,160	128	33,032	
	402-01-104-001-GG-000	MEDIC		7,756	30	7,726	
	402-01-106-000-GG-000	Retire		66,855	257	66,598	
DEPT TOTAL				834,669	2,465	832,204	
Elections	413-01-103-000-GG-000	Sal/Wage		35,875	2,050	37,925	
	413-01-104-000-GG-000	FICA		8,110	128	8,238	
	413-01-104-001-GG-000	MEDIC		1,897	30	1,927	
	413-01-106-000-GG-000	Retire		6,225	257	6,482	
DEPT TOTAL				264,177	2,465	266,642	
Planning	439-01-108-002-GG-000	Part time		0	2,309	2,309	UTC reimbursement
	439-01-104-000-GG-000	FICA		14,566	155	14,721	UTC reimbursement
	439-01-104-001-GG-000	MEDIC		3,407	36	3,443	UTC reimbursement
DEPT TOTAL				377,589	2,500	380,089	

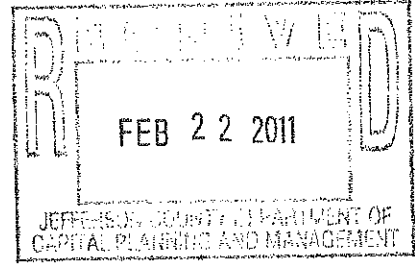
Request for Budget Revision
To Move \$ from 402 to 413

Original Budget	2.5% increase	Revised Budget S/B	Request to Increase	Revised
Dept 413 \$ 35,000.00	\$ 875.00	\$ 35,875.00	413 2,050.00	\$ 37,925.00
			\$	

Budget Revision s/b as follows:

	Increase	Decrease
001-402-01-103-000-GG-000		\$ 2,050.00
001-402-01-104-000-GG-000		\$ 127.10
001-402-01-104-001-GG-000		\$ 29.73
001-402-01-106-000-GG-000		\$ 256.25
001-413-01-103-000-GG-000	\$ 2,050.00	
001-413-01-104-000-GG-000	\$ 127.10	
001-413-01-104-001-GG-000	\$ 29.73	
001-413-01-106-000-GG-000	\$ 256.25	

Total Wages/Benefits \$ 2,463.08 \$ 2,463.08



RESOLUTION

At a regular session of the Jefferson County Commission, held 10th March, 2011, the following order was made and entered:

SUBJECT: The revision of the General Fund (Fund 001) Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 008, a copy of which is entered as part of this record.

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

_____	Yes
_____	Yes
_____	Yes
_____	Yes
_____	Yes

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

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

AGENDA REQUEST FORM

Name: F. Mark Schiavone

Department or Entity: DCPM

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: 10 March 2011

Date Requested – 2nd Choice: 17 March 2011

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

Subject: Revision 004 to Coal Severance Fund (Fund 002)

Please provide the County Commission with a description of your request or presentation, including any background information: This revision is necessary to correctly transfer \$30,000 from Coal Severance Fund to the Jefferson County Economic Development Authority for the matching funds for Agriculture Development (2009 commitment)

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

Attachments: (1) SAO Request to revise approved budget, (2) draft SAO resolution, (3) DCPM detail sheet.

RESOLUTION

At a regular session of the Jefferson County Commission, held 10th March, 2011, the following order was made and entered:

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

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 004, a copy of which is entered as part of this record.

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

_____	Yes
_____	Yes
_____	Yes
_____	Yes
_____	Yes

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

		Approved	Credit	Debit	Final
CO COM TRANS OTH GOVT	002-401-05-568-000-GG-000	78,400	30,000		108,400
	<u>DEPT TOTAL</u>	<u>81,676</u>			<u>111,676</u>
Co Com Cap/Out	002-986-04-459-000-CP-000	267,120		30,000	237,120
	<u>DEPT TOTAL</u>	<u>267,120</u>			<u>237,120</u>

Jefferson County Development Authority
 Post Office Box 237
 Charles Town, WV 25414
 304-728-3255 304-725-3133 fax

INVOICE

Date	Invoice #
1/31/2011	#108

Bill TO:

Jefferson County Commission
 Attn: Tim Boyde
 Post Office Box 250
 Charles Town, WV 25414
 304-728-3284

PO #	Terms	Project
	30 days	

Quantity	Description	Rate	Amount
	Matching Funds for Agriculture Development Grant (2009 commitment)		\$30,000.00
Please make checks payable to: Jefferson County Development Authority and mail to above address.			<div data-bbox="1003 1142 1312 1213" data-label="Text"> <p>RECEIVED</p> </div> <div data-bbox="1084 1262 1252 1304" data-label="Text"> <p>JAN 31 2011</p> </div> <div data-bbox="933 1360 1398 1417" data-label="Text"> <p>Jefferson County Commission</p> </div>
			\$30,000.00

f:ldonley/invoice

*Coal
 Severance
 002-401*

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

AGENDA REQUEST FORM

Name: _____

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: March 10, 2011

Date Requested – 2nd Choice: _____

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

Subject: Decision - Amend the County Zoning Map to consider Urban Growth Boundary for Harpers Ferry and Bolivar

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:

SPECIAL SESSION:

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

At a Special Session of the County Commission of said County and State continued and held at the Old Charles Town Library Ground Floor meeting room thereof on Thursday, February 17, 2010, beginning at 7:00 o'clock p.m.

PRESENT: Patsy Noland, President; Lyn Widmyer;
Dale Manuel, Frances Morgan; Commissioners
Commissioner Walt Pellish participated via conference call.

In re: PUBLIC HEARING - AMEND THE COUNTY ZONING MAP TO CONSIDER URBAN GROWTH BOUNDARIES FOR HARPERS FERRY AND BOLIVAR

Commissioner Noland opened the Public Hearing.
Jennifer Brockman, Director of Planning and Zoning gave a brief summary of the history of the Urban Growth Boundaries in the County.

A sign in sheet was provided for each person wanting to speak.

Comments were made by the following: Matt Knoff, Pat Morse, Ed Burns, Mayor Robert Hardy, Elizabeth Blake, Lee Snyder, Nance Briscoe, Paul Rosa, Chuck Davis via Paul Rosa, and Nancy Lutz.

The following presented written comments: Ed Burns, Nance Brisco and Chuck Davis.

No decisions were made . The Commission agreed to allow an additional comment period of two weeks ending March 3, 2011. Thereafter, a decision will be made.

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

PATRICIA A. NOLAND, COMMISSION PRESIDENT

Dr. and Mrs. James G. Gibson
201 Needwood Farm Lane
Harpers Ferry, West Virginia 25425

February 24, 2011

County Commission of Jefferson County
PO Box 250
Charles Town, WV 25414

Dear Honorable Commissioners,

Thank you for the public input meeting to discuss the addition of the Harpers Ferry and Bolivar Urban Growth Boundaries (UGBs) to the Jefferson County Zoning Map. First, we are curious as to why this matter has resurfaced at this time? Has someone asked for this matter to be reconsidered? What is driving this process?

Second, why have the boundaries changed from the approved, but failed, zoning ordinance? Previously, it appeared that Harpers Ferry's UGB ended at the corporate limits of the town. Now, it includes land that contains a river, a road and a strip of land that is undevelopable. None of these appear to be things that should be annexed in the context of the Annexation Law. Bolivar's proposed UGB now includes the quarry land even though the development of that land is apparently under the State's jurisdiction. Furthermore, Bolivar's boundary includes federally owned lands that are outside the jurisdiction of both the County and the towns, as well as land owned by conservation trust groups with restrictions against development. Again, these lands appear to be outside the scope of the Annexation Law.

Mayor Hardy of Bolivar made two statements at the public hearing: 1. they chose in the past not to go against the NPS's wishes to annex land for the bank. 2. and that all Bolivar wants is some more trees. To me this means that the only reason Bolivar would want my land in their UGB is because they have the mistaken opinion that they would have some additional input into discussions of me exercising my property rights under the Jefferson County Zoning Ordinance.

I want to leave no doubt that I don't want my 13 acres on the SE corner of US 340/27 to be included in Bolivar's UGB. My land is included in the residential growth area of the Jefferson County Zoning Ordinance.

Finally, our key concern, what does the boundary mean? Is it merely a line that gives Bolivar and/or Harpers Ferry the ability to negotiate with us regarding the annexation of our land without the intervention of the County? Or, does it give those towns some other standing to question our property rights during a land use application to the County, such as conditional use permit, commercial site plan, or subdivision plan?

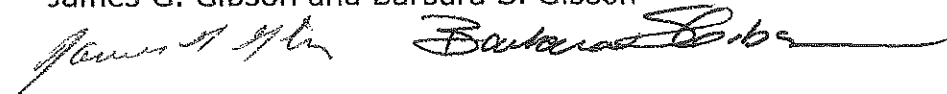
RECEIVED

Thank you for your consideration of this letter.

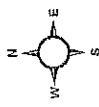
Sincerely,

FEB 28 2011




James G. Gibson and Barbara S. Gibson



Jefferson County Commission

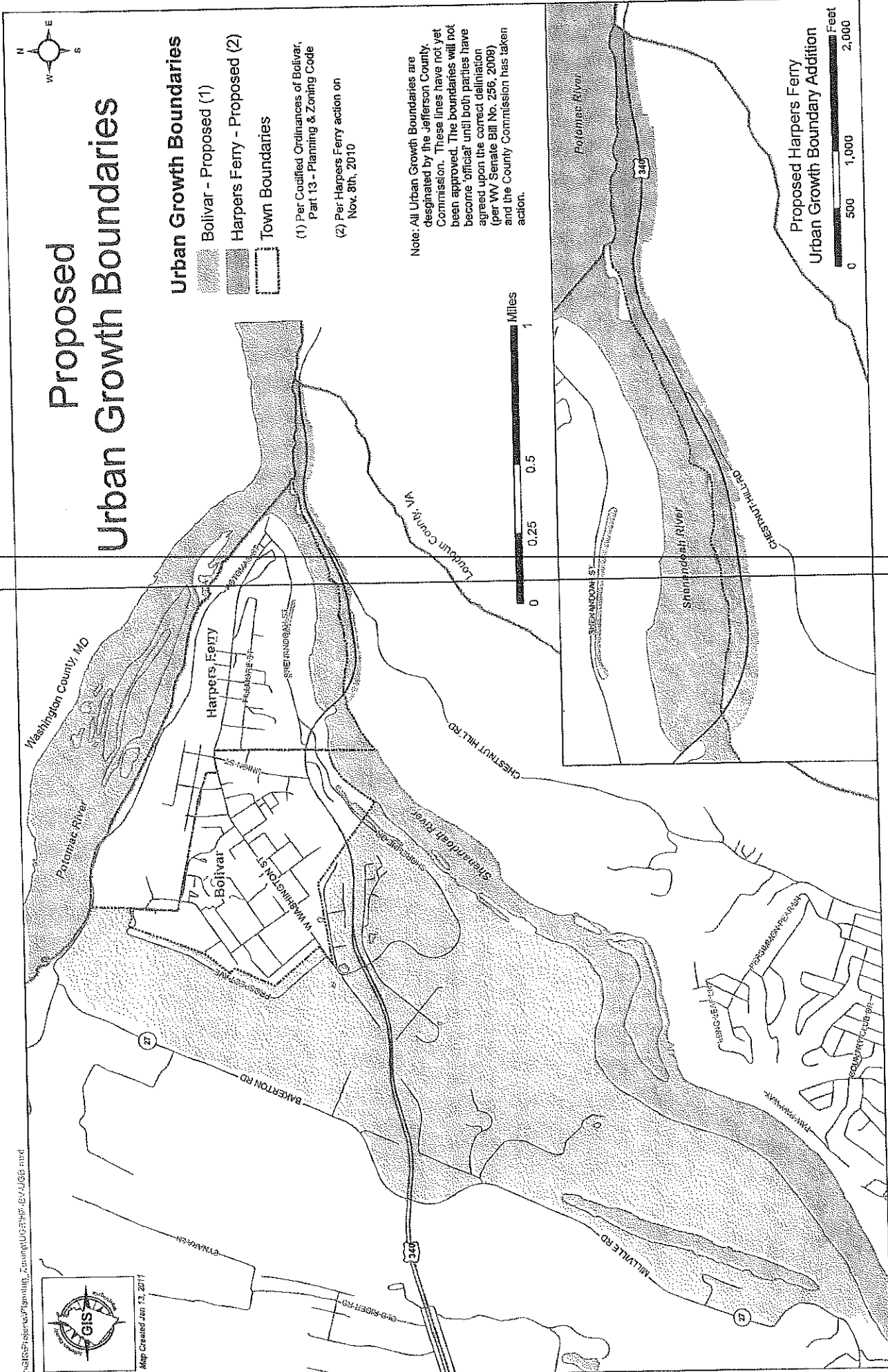


Proposed Urban Growth Boundaries

- 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 delineation (per WV Senate Bill No. 256, 2008) and the County Commission has taken action.



\\jc:\gis\series3\Planning_Zoning\UGB\WP_UGB_101610.mxd



Proposed Harpers Ferry Urban Growth Boundary Addition

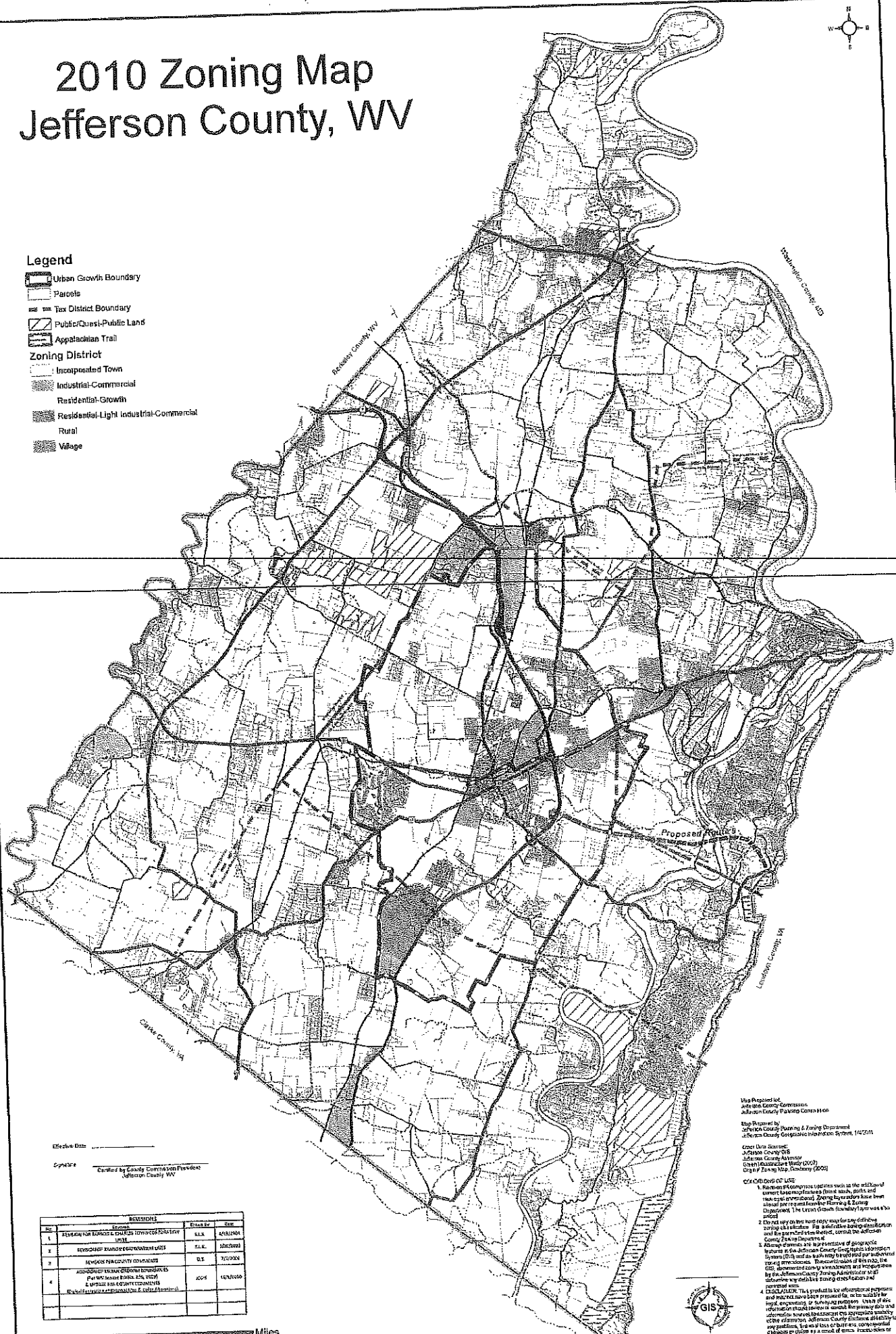
0 500 1,000 2,000 Feet

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: _____

Copyright: _____
 Created by County Commission President
 Jefferson County, WV

REVISIONS				
No.	Change	Date	By	For
1	REVISION FOR ZONING DISTRICTS TO BE ADDED TO THE MAP	5.11.10	AKS/DMH	
2	REVISION FOR ZONING DISTRICTS TO BE ADDED TO THE MAP	5.11.10	AKS/DMH	
3	REVISION FOR ZONING DISTRICTS TO BE ADDED TO THE MAP	5.11.10	AKS/DMH	
4	REVISION FOR ZONING DISTRICTS TO BE ADDED TO THE MAP	5.11.10	AKS/DMH	



This Project led
 Jefferson County Commission
 Jefferson County, West Virginia

Map Prepared by
 Jefferson County Planning & Zoning Department
 Jefferson County, West Virginia

Created by
 Jefferson County GIS
 Jefferson County, West Virginia

DISCLAIMER: This product is not intended to be used as a substitute for professional engineering or surveying services. Users of this product should be aware that the accuracy and reliability of the information contained herein is not guaranteed. The user assumes all liability for any errors or omissions in this product. This map is not to be used as a substitute for professional engineering or surveying services.



To: The Jefferson County Commission

Re: Bolivar Urban Growth Boundary Proposal

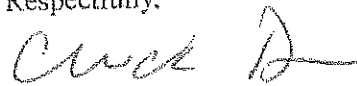
Date: Feb 17, 2010

I am unable to attend the hearing tonight therefore I am providing this letter. My name is Chuck Davis and I live at my home at 419 Prospect Ave, Harpers Ferry, WV. I own and I pay property taxes on my home. I have reviewed the maps and I would like to state my strong disapproval of the proposed Bolivar Urban Growth Boundary for the following reasons:

- Total lack of communication by the town of Bolivar to the residents of Prospect Ave. The first I heard of this proposal was via a phone call from a friend, after which I checked the county website and saw the notice for this meeting. If the Corp of Bolivar wishes to extend their Urban Growth Boundary, with the almost certain annexation of properties within that boundary, then they should have the minimal consideration to communicate this to the property owners who will be affected. To my knowledge, Bolivar has made no such attempt of communication. Therefore I have no idea of any benefit or cost associated with any future annexation. In the absence of this knowledge I cannot support their proposal.
- ~~Bolivar cannot keep their own house in order. A quick look at their website (www.bolivarwv.org) will demonstrate -- the most recent update to it appears to be August 2009. Therefore increasing their Urban Growth Boundary and ultimate border will only deepen their already low standard of efficiency in government.~~
- It does not make any sense what-so-ever for the Corporation of Bolivar to extend their urban boundary from its present line to include Prospect Ave and the area down to Bakerton road. Most of Prospect Ave is already developed as residential property and there are very few building lots remaining. There is a large tract of undeveloped land in their proposal but much of that is part of the National Park and would be of no benefit to their Urban Growth Plan (if one exists) since presumably there will be no development on that property.

This proposal appears to be nothing more than a land grab by the Corporation of Bolivar to increase their tax rolls and nothing more. Therefore, unless the Corporation of Bolivar can demonstrate that their Urban Growth Boundary proposal will be of benefit to anyone, I urge the County Commission to reject their proposal. The purpose of our government is to serve its people and this proposal will only serve the interests of the Corporation of Bolivar and no one else.

Respectfully,



Chuck Davis
419 Prospect Ave

Tonight I am here to speak against the inclusion of the area into the HF UGB.

The inclusion of this area into the HF UGB raise great concern for me and many others that have discussed this matter with me.

First it needs to be pointed out that the term UGB in not currently defined in any of our approved county ordinances and there for in not defendable. This situation needs to change before any decisions are made concerning any UGB designations.

That Being Said

So lets look at what the proposed definition has to say,

AND I Quote

A site-specific line, delineated on the jefferson county zoning map or a written description in the jefferson county ordinance identifying an area around and outside the corporate limits of a municipality within which there is

Wait FOR IT

“a sufficient supply of developable land “

The area in question, in my opinion is not developable land for the following reasons,

- 1 The terrain of the land renders it un-developable. Shear rock cliff on one side and the Shannadoa River on the other.
- 2 The ownership of the land is the USPS i.e.; Federal Government which also makes the area un-developable.

Now unless the town of HF or any one else can clearly state how this area would qualify under this definition or why this land should now or in the future, when the UGB definition is an active entity in our ordinance, be included in the HF UGB please state your case.

It is my and others contention that the inclusion of this area into the HF UGB is solely for the purpose of creating an opportunity for the town of HF to increase their bottom line by using their authority to write township traffic situations in this area with the proceeds going into town coffers.

This county is struggling economically now and does not need to have our WELCOME SIGN read Welcome to JEFFCO via a speed trap.

Provided to Jefferson County Commission – 2/17/2011 Public Hearing to AMEND the Urban Growth Boundaries for Harper's Ferry and Bolivar.

QUESTION: *When is the Public Hearing for Charles Town and Ranson concerning The UGB "boundaries were not voted on by the Town Council bodies but were agreed to by a representative of the municipalities" whereby the general public was not given the opportunity to exercise the requirement of a Public Hearing.*

Received 2/5/2011 8:46AM EST by Nance L. Briscoe thru Pete Smith

Hi Nance - you may want to talk to **Jennifer Brockman at Planning and Zoning**. Rather than paraphrase, following is a quote from an e-mail she sent me last week (quoted with her permission). PSmith, Jefferson County Resident

URBAN GROWTH BOUNDARIES FOR ALL FIVE JEFFERSON COUNTY MUNICIPALITIES

"The history of the Urban Growth Boundaries for all five Jefferson County Municipalities is that they were developed through some collaborative effort between Jefferson County Planning Staff and a representative of each municipality during the time that Tony Redman was the Planning Director. It is generally believed that these boundaries were not voted on by the Town Council bodies but were agreed to by a representative of the municipalities. These boundaries were considered by the County Commission at the public hearing that was held regarding the entire 2008 Zoning Ordinance and its associated Zoning Map and subsequently approved and adopted. ~~This is the document and map that was stayed and then voted down by referendum, in~~ November 2009.

During the state legislative session of 2009, state annexation law (WV Code Chapter 8) was amended with specific provisions related to the creation of Urban Growth Boundaries on County Zoning Maps. The House and Senate Bills that created these provisions required that an Urban Growth Boundary "be established by the County Commission in consultation with each individual municipality regarding that municipality's boundary". It further states that once a County has adopted an Urban Growth Boundary, it is designated on the adopted County Zoning Map.

Because of this change in state law, when I was hired by Jefferson County in May 2009, I contacted each municipality and provided them with a copy of the Boundary that had been shown on the 2008 stayed Zoning Map and requested that they either adopt/approve this Boundary or respond with their preferred Boundary.

Since that time, both Charles Town's (on 1/19/10) and Ranson's (on 9/16/09) Town Councils approved the same Boundaries that were shown on the 2008 stayed Map. As the County Commission had already approved these Boundaries at a Public Hearing in 2008, these were considered approved and are reflected on our current 2010 Zoning Map.

On the other hand, the Towns of Bolivar, Harpers Ferry and Shepherdstown did not want to approve the Boundaries as they were shown on the 2008 stayed County Zoning Map. Harpers Ferry and Bolivar both proposed different Boundaries for consideration by the County Commission. Because no Public Hearing has been previously held on these different boundaries, the County Commission is holding such a hearing to consider the proposed Urban Growth Boundaries for these two Towns. A similar Public Hearing will be held by the County Commission when the Shepherdstown Town Council provides a proposed Boundary for consideration."

**Thank you – Nance L. Briscoe 22 Cloverdale Place, Charles Town WV 25414 TEL: 304-728-2201
Membership Chairman, JCOHOA membership of 2,124 homeowners in Jefferson County.**

Old Standard LLC

PO Box 97

Rippon, WV 25441

RECEIVED

FEB 01 2011

January 31, 2011

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

Jefferson County Commission

Dear Commission Members:

This letter is in response to the Public Hearing Notice on the proposed Harpers Ferry and Bolivar Urban Growth Boundaries. We have heard many different explanations regarding the purpose of the Urban Growth Boundaries. Based on those varying explanations, we aren't sure exactly what this boundary means. As such, we would respectfully request that a position/information paper be prepared by the Prosecuting Attorney's Office and the Planning Staff, so that we can formulate an opinion on this matter.

It appears that Bolivar's Urban Growth Boundary now includes the quarry land. The previously approved boundary did not include the quarry land. As such, we don't know what has changed in the past three years that altered the boundary with respect to our land; and what, if anything, it means.

At this time, we don't have a position on the Urban Growth Boundary without more information. However, please be advised that we would be very much opposed to the Urban Growth Boundary if the boundary empowers Harpers Ferry or Bolivar, or even leads anyone to believe that they are empowered by the boundary, to enter into any official discussions on the development of our property.

We are wary of this designation because of how it was recently applied in the Charles Town Urban Growth Boundary. During the discussion on the scheduling of a hearing for an abandonment of a street near the former Community Oil Company facility, Commissioner Lyn Widmyer asked that the City of Charles Town be noticed of the closure hearing. When the applicant's attorney questioned the rationale for that notice, Commissioner Widmyer responded that it was because it was within their Growth Boundary. Since the West Virginia Code doesn't require the additional notice, we are left wondering if the Commission thinks that the Urban Growth Boundary is something that it's not?

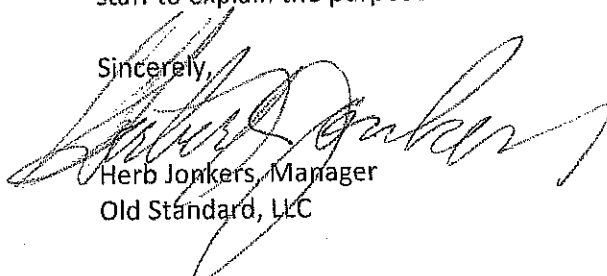
Finally, why has there been renewed interest in this area? It is hard to keep track of what is being done on a monthly basis. Last month it was the proposed rezoning of all of the federal land around our

Page 2
County Commission of Jefferson County
1-31-11

property. This month it is the addition of the Urban Growth Boundary that includes our property. Most disturbingly, we received no individual notice of either proposal or hearing, even though both proposals would have a definite impact on our property.

Thank you for the opportunity to comment. We hope that you will allow your counsel and/or planning staff to explain the purpose and intent of the Urban Growth Boundaries.

Sincerely,



Herb Jonkers, Manager
Old Standard, LLC



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

PLANNING & ZONING DEPARTMENT
104 E. WASHINGTON STREET
CHARLES TOWN, WV 25414

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.

§6-6-7. 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) (gq) "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.

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

AGENDA REQUEST FORM

Name: _____

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: March 10, 2011

Date Requested – 2nd Choice: _____

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

Subject: Decision - Proposed amendments to Article 4B, Wireless Telecommunication facilities, and related sections of the Jefferson County Zoning and Land Development Ordinance

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:

SPECIAL SESSION:

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

At a Special Session of the County Commission of said County and State continued and held at the Old Charles Town Library Ground Floor meeting room thereof on Thursday, February 24, 2010, beginning at 7:00 o'clock p.m.

PRESENT: Patsy Noland, Commission President
Lyn Widmyer, Commissioner
Dale Manuel, Commissioner
Tim Boyde, County Administrator

Jennifer Brockman, Director of Planning and Zoning Department
Steve Barney, Planning and Zoning Department

In re: PUBLIC HEARING - PROPOSED AMENDMENTS TO ARTICLE 4B, WIRELESS TELECOMMUNICATION FACILITIES, AND RELATED SECTIONS OF THE JEFFERSON COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE

Commissioner Noland opened the Public Hearing at 7:00 p.m.

Steve Barney presented an overview of the proposed Amendments to Article 4B.

A sign in sheet and Request to Address the Commission forms were available for those wishing to speak.

Comments were made by the following:

Charles Ryan, attorney for Verizon
John Maxey, appearing as a private citizen
Timothy Dennis, co-owner of Global Towers Partners
Paul Rosa

No decisions were made. The Commission agreed to hold the record for one week to allow for any additional comments and will place it on the Agenda for a decision in two weeks.

Upon motion to adjourn by Mr. Manuel, seconded by Ms. Widmyer and unanimously approved, the Commission adjourned at 7:40 p.m. The Commission will reconvene for its regular meeting on Thursday next at 9:30 a.m.

PATRICIA A. NOLAND, COMMISSION PRESIDENT

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.

Draft Wireless Telecommunications Ordinance Amendments to Article 4B

Jefferson County Commission 2/24/11

Ordinance Review Process to Date

Planning Commission:

- Met to review the draft Ordinance on July 27, August 6, August 10, August 24, September 14, September 28, October 19, and October 26
- Held a stakeholder meeting to receive input on the draft Ordinance on August 31
- Conducted a public hearing on the draft Ordinance on October 12, and voted to recommend the draft to the County Commission

County Commission:

- Reviewed the draft Ordinance on October 28, 2010

What is not proposed to change?

Both ordinances:

- Maximum tower height 199' (not all districts)
- Fall zone = 110% of tower height
- Site plan required for equipment and towers
- Fencing requirements
- Setbacks for equipment

What is proposed to change?

- Requirements tailored to specific facility types
- Policies for Preferred Structures and Locations
- Application submittal standards for towers
- Demonstration of need / burden of proof
- Balloon test
- Require co-location if feasible
- Cultural and historic resources review
 - Harpers Ferry Overlay District
 - Appalachian Trail Overlay District

Review Process

- Wireless Telecommunications Towers
 - Minor Site Plan
 - Addition of Planning Commission public hearing early in process
 - Demonstration of need
 - Neighborhood compatibility
 - Visual mitigation
 - Impact on cultural and historic resources
- All Other Wireless Telecommunications Facilities
 - Minor Site Plan Process
 - Administrative Review

Ordinance Structure

Ordinance Section	Subject	Page #
4B.1	Purpose and Legislative Intent	1
2.2	Definitions	2
4B.2	Classification of Wireless Telecommunication Facilities and Development Review Process	7
4B.3	Exempt Facilities Allowed by Right	7
4B.4	Concealed Wireless Telecommunication Facilities	8
4B.5	Co-located Wireless Telecommunication Facilities	9
4B.6	Temporary Wireless Telecommunication Facilities	10
4B.7	Wireless Telecommunication Towers	11
4B.11	Maintenance & Removal Bonds	18
4B.12	Abandonment & Removal	18



9000 Junction Drive
Annapolis Junction, MD 20701

Written Testimony for Jefferson County
Telecommunications ordinance

Charles Ryan
Real Estate/Zoning
Cell: 301.526-7342
Fax: 301.512.2186

Thank Mr. Chairman and Members of the Board

I am Charles J. Ryan, a Maryland Attorney who is working with Verizon Wireless on their build out here in Jefferson County. As announced earlier this year in Charleston, Verizon will be deploying its 4G system across much of West Virginia as required by the Federal Communications Commission's build out of Licenses won in several auctions. As you may know, Verizon Wireless has paid tens of billions of dollars over the last 15 years to the Federal government for the use of certain frequencies to provide telecommunications services to now over 85 million customers and covering more than 315 Million United State citizens. Verizon Wireless is the United States' largest telecommunication provider

I would like to start by thanking and praising your planning staff and your Planning Board for working diligently to (1) take the time to understand the industry and the FCC, the Telecommunications Act of 1996 and the President's goal of universal broadband coverage and (2) work with both citizens and industry representatives to craft a piece of legislation that in large part will allow for all of the carriers to build out their systems. The legislation is a careful balance between the limitations of the Telecommunications Act of 1996 and the case law that has developed across the country in Federal courts of the limitations on State and Local Government and their respective planning and zoning authority.

From Verizon Wireless' standpoint there are two issues which we believe should be addressed in the adoption of the legislation. Both of the issues center around 'FLEXIBILITY". The two areas in which we believe the County needs to be flexible in its application of the ordinance are in (1) Height of the facilities (2) setbacks.

A. HEIGHT OF TELECOMMUNICATION FACILITIES

For Verizon Wireless, the placement of facilities is dependent upon a wide variety of elements including, (1) type of frequency (2) topography (3) antenna types (4) services being provided (5) location of adjacent facilities (6) tree coverage and (7) cost. Each of these factors are used to determine the location of a facility. Location is the primary factor for design of a system. Location of surrounding sites and location of the new site. The second dominate factor for most carriers is the cost of the facility. For most carriers, the cost of the equipment in the shelter which in most cases exceeds \$750,000 far exceeds the cost of building the supporting structure. Utilization of computer programming can provide

"propagation maps" and an estimate of how well the signal will cover an area, however, these are just estimates and do not take into account weather differences and other interference issues. The currently legislation proposes to cap the height of a facility at 100' in a rural area or permit 120' if a silo is built to collocate the antennas. This fixed height limitation although well meaning is likely to cause carriers to seek the highest ground in the area (to make up for the as much of the height loss) on which to place the 120' silo, thus making the silo or telecommunication facility more visible and more intrusive rather than allowing it to be placed in a more remote location on a farm or matching existing silos or topological features.

Recommendation: Verizon Wireless would recommend that the Board continue to allow the Planning Commission and the planning staff the FLEXIBILITY exceed the height of 120' where it is in keeping with the nature and character of the surrounding areas upon the applicant showing proof that placement of the facility along a ridge line would be more intrusive to a community.

WHAT
DOES
THIS DO TO
THE SUBSTANCE
OF THE
ORDINANCE

B. SETBACKS FROM PROPERTY LINES

~~In recent years, much has been done to strengthen towers. The national standards has been~~

increased "now known as Rev G" towers are designed to withstand very high wind limits with radial ice added. These changes make the need for large "fall zone" or easement areas obsolete. Today's tower owner mandate that a structural report be done with every application. In reviewing the practical application of the legislation, Verizon Wireless believes that maintaining the fall zone/easement area will create more problems than solve them. In most rural areas of the county, farming is the primary utilization of property. Natural farm roads run along the sides of fields and property lines. Adding large 100 to 220' setbacks forces the towers and access road into the middle of the farming area disrupting farming operations and forcing the facility into more open visible areas of the farm. While Verizon Wireless believes that there should be a setback from residential homes, it does not believe that the setback should apply as a set distance on all properties across the County.

Recommendation: : Verizon Wireless would recommend that the Board continue to allow the Planning Commission and the planning staff the FLEXIBILITY reduce or eliminate the setbacks from the property lines' where it is in keeping with the nature and character of the surrounding areas upon the applicant showing proof that placement of the facility along or near a property line will be safe and will minimize disruption

On behalf of Verizon Wireless, I would like to thank you for your appropriate consideration of our comments from the proposed legislation.

(4A)
12

<p>Commission Office Use Only</p> <p>Date on Agenda: <u>3/18/11</u></p> <p>Appt Time of <u>New Business</u>:</p>
--

HOLD OVER
ONE WEEK

AGENDA REQUEST FORM

Name: Nichelle Hosby

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: 3/18/11

Date Requested – 2nd Choice: _____

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

Subject: **Appointment and Interviews for the HOME Consortium Council**

Please provide the County Commission with a description of your request or presentation, including any background information: **There is an unexpired term ending June 13, 2013 that needs to be filled.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the appointment of _____ to the HOME Consortium Council for an unexpired term ending June 13, 2013.**

Attachments:

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, March 10, 2011, or as soon thereafter as the Commission may decide:

Home Consortium - One Unexpired term ending June 30, 2013

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:

February 10, 17 & 24, 2011 & March 3, 2011

THANKS - JEFFERSON COUNTY COMMISSION

February 14, 2011

Jefferson County Commission

PO Box 250

Charles Town, WV 25414

RE: The Eastern Panhandle HOME Consortium

Attn: Sandy Slusher McDonald

I would like to be considered for the open position with The Eastern Panhandle HOME Consortium.

While no one can replace Terry Marcus, I would be honored to follow his lead in attaining affordable housing for many of our citizens.

I have been a licensed Realtor in West Virginia for 18 years. This experience may be very helpful for The Eastern Panhandle HOME Consortium.

Thanking you for your consideration.

Sincerely,

Mary Ellen Mahoney

518 Morison Street

Charles Town, WV 25414

MaryEllen@MaryEllenMahoney.com

Home Number 304-728-7241 / Direct Office Line 304-724-0711

Commission Office Use Only

Date on Agenda:

1-13-2011

Appt Time or New Business

AGENDA REQUEST FORM

Name: Patricia E. McMillan

Department or Entity: HOME Administrator, City of Martinsburg

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

Date Requested – 1st Choice: 1-13-2011

Date Requested – 2nd Choice: _____

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

Subject: **Appointment of a representative to fill an unexpired term on the HOME Consortium Council.**

Please provide the County Commission with a description of your request or presentation, including any background information: **Request that the Commission appointment a representative to fill an unexpired term on the HOME Consortium Council, which term ends June 30, 2013.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the appointment of _____ to fill an unexpired term ending June 30, 2013 on the HOME Consortium Council.**

Attachments: **Letter from Patricia E. McMillan and copy of letter from Sandra Slusher McDonald Deputy County Administrator.**



CITY OF MARTINSBURG
WEST VIRGINIA

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

ADVERTISE
FOR
FULL-TERM
THRU FEB

December 30, 2010

President Lyn Widmyer
Jefferson County Commission
PO Box 250
Charles Town, WV 25414

Re: Appointment to HOME Consortium Council

Dear President Widmyer:

I want to thank the Jefferson County Commission for its ongoing support and participation in the Eastern Panhandle HOME Consortium over the past four years.

With the untimely demise of Mr. Terry Marcus, Jefferson County has one representative vacancy, with a term ending June 30, 2013 (see attached letter of appointment).

I am requesting that the Commission appoint a representative to fill the unexpired term on the HOME Consortium Council. The Council's next meeting will be April 20, 2011.

Thank you for your consideration of this request.

Best wishes for a happy and prosperous new year.

Sincerely,

Patricia E. McMillan
HOME Administrator

Cc: Commissioner Dale Manuel, HOME Consortium Council representative
Mrs. Katie See, HOME Consortium Council representative

RECEIVED

JAN - 3 2011

Jefferson County Commission



THE COUNTY COMMISSION OF JEFFERSON COUNTY

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

Phone: 304/728-3284

www.jeffersoncountywv.org

Fax: 304/725-7916



May 7, 2010

Patricia E. McMillan
Community Development Director
City of Martinsburg
232 North Queen Street
Martinsburg, WV 25401

Dear Ms. McMillan:

At a regular meeting of the County Commission of Jefferson County, Thursday, May 6, 2010, the Commission voted to reappoint Katie See, Terry Marcus and Dale Manuel to the HOME Consortium Council for a three year term ending June 30, 2013.

Please feel free to contact me if you have any questions or need anything additional.

Sincerely,

Sandra Slusher McDonald
Deputy County Administrator

ANNETTE G. VAN HILST, R. A.

"Pleasance" 22 van Clevesville Road

Kearneysville WV 25430

March 5, 2011

Tim Boyde, County Administrator
Board of County Commissioners of Jefferson County
PO Box 250
124 E. Washington Street
Charles Town WV 25414

Subject: Appointment to HOME Consortium

Dear Mr. Boyde:

Attached, please find my resume. I am interested in being appointed by the County Commission to represent Jefferson County on the HOME Consortium. I regret the delay with regards to submitting my resume, but I missed the ad in the Spirit of Jefferson & when I contacted President Noland with regards to my interest, she informed me to submit my resume.

I have been involved with housing since the early 1970s when I worked as a planner in Shepherdstown WV & worked with the County's original subdivision ordinance to today, as an active volunteer and Secretary to the Affordable Housing Partnership of Jefferson County. Due to my experience working in local government in Maryland & in Charles Town, I have been involved with both the CDBG & HOME program for many years. In Montgomery County, I was responsible for over 4 million dollars of CDBG & HOME funds and in Charles Town I worked with the WVDO & WVDOT in seeking funding for programs to assist the City. Though, I am no longer involved on a day to day basis with these programs, I understand their intent and the need to make sure that the programs are directed to assist low & moderate income households in our communities and run in a fair & equitable manner.

I believe that I could well represent the people of Jefferson County on the HOME Consortium & would appreciate your consideration of my application.

QuickTime™ and a
decompressor
are needed to see this picture.

Sincerely

Annette G. van Hilst, R.A.

CC: President P. Noland

Attachment: Resume

Annette G. van Hilst

22 van Clevesville Road
304 876 6984

Kearneysville WV 25430
agvh@frontiernet.net

Residence in County

- Moved to Jefferson County with parents in 1953, attended Shepherdstown High School & Martinsburg High School (graduated 1959), left for college in 1959, joined Peace Corps 1965, lived away until 1970 when I returned (with a husband, child & a parrot) to Walpers Crossroads & my parent's home where I still reside.

Education

- Bachelor of Architecture 1965, Carnegie Institute of Technology (now Carnegie – Mellon University),

Registrations

- Registered Architect since 1976, West Virginia, license no. 1329
- Certified Public Housing Manager 1980 NAHRO, United States
- State Historic Preservation Office Approved Consultant 1997, West Virginia

Affiliations

-
- National Association of Housing and Redevelopment Officials (former member of two national committees (Community Revitalization & Development Committee & International Committee)
 - West Virginia Preservation Association
 - National Historic Trust
 - Partnership for Affordable Housing, Jefferson County WV (Secretary of Organization)
 - Society of the Companions of the Holy Cross (National Episcopal women's organization, Treasurer of the organization)

Experience

- Dewberry - Senior Land Planner, Ranson WV Office 2004-10 (20 to 30 hours a week), 2010 to present - currently very part time working from Home, affiliated with Leesburg VA office (1-2 hours a week) land development work & public improvement work, includes residential, commercial & public work
- Appalachian Surveys of WV 2003-2004, Ranson WV, contract work as Land Planner
- City of Charles Town – 1996 – 2002 Contracted with City to provide planning, zoning & other services. Served as Zoning Administrator; staffed the Planning Office, Planning Commission, Landmarks Commission, Board of Zoning Appeals & the Building Commission.
- Montgomery County, Maryland – 1985 - 1996 Chief, Community Development Division (responsible for the CDBG & HOME Programs (HUD funded), Chief, Office of Landlord Tenant Affairs (head of office that regulated & handled complaints with regards to rental housing & Home Owners Associations) Assistant to the Director, Department of Housing & Community Development (carried out special initiatives for the Director, handled legislative affairs at both state & federal level)
- Washington County Maryland – 1976 – 1984 First Director of the Washington County Department of Community Development & the Washington County Housing Authority. Started Washington County's housing programs, including rehabilitation of the Alexander Hotel into Senior Citizen housing, public housing units in Williamsport, a housing rehabilitation program and a countywide rental assistance program.
- Prior Experience: Atherton & Associates, Shepherdstown WV 1974-75, Land Planner

Annette G. van Hilst

22 van Clevesville Road
304 876 6984

Kearneysville WV 25430
agvh@frontiernet.net

Willard Wurzburg Architect, Martinsburg WV 1972-73 Designer
Dept. of Lands & Surveys, Buea, Cameroon 1968-69 -Senior Land Planner
Richard E. Martin, Architect, Philadelphia PA -1967-Designer
U.S. Peace Corps, Buea, Cameroon 1965-67 (Land Planner in Department of Lands & Surveys)

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: County Commission

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: _____

Date Requested – 2nd Choice: _____

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

Subject: **Legislative Update**

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:

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

AGENDA REQUEST FORM

Name: _____

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: March 10, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Executive Session §6-9A-4**

Please provide the County Commission with a description of your request or presentation, including any background information: **Role of Counsel representing County Government**

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

Attachments:

Nichelle Hosby

From: Sandy McDonald [sandy@jeffersoncountywv.org]
Sent: Wednesday, March 02, 2011 2:10 PM
To: Nichelle Hosby
Subject: Fw: Term Expiration

I told her we would place this on next weeks agenda for approval

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

From: Carolyn Zdziera
To: sandy@jeffersoncountywv.org
Sent: Wednesday, March 02, 2011 1:14 PM
Subject: RE: Term Expiration

As you know my current term with the Berkeley/Jefferson Day Report Center expires on 3/18/11. I am desiring reappointment to the Board. Please let me know if I need to supply additional information.

Carolyn Zdziera
Executive Director
Community Alternatives to Violence
891 Auto Parts Place Box 136
Martinsburg, WV 25403
304-262-4424
866-332-2906 fax
www.commay.org

From: sandy@jeffersoncountywv.org
To: czdziera@msn.com
Subject: Re: Term Expiration
Date: Wed, 2 Mar 2011 12:02:18 -0500

Carolyn,

Can you send me an email stating that you would like to be reappointed to this Board.

Thanks!

Sandy

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

From: Carolyn Zdziera
To: sandy@jeffersoncountywv.org
Sent: Wednesday, March 02, 2011 11:54 AM
Subject: FW: Term Expiration

Sandy-see below. Can you help to move this along? Let me know what I need to do.

Carolyn Zdziera
Executive Director
Community Alternatives to Violence
891 Auto Parts Place Box 136

Martinsburg, WV 25403
304-262-4424
866-332-2906 fax
www.commav.org

From: jsacchet@berkeleycountycomm.org
To: czdziera@msn.com
Subject: FW: Term Expiration
Date: Wed, 2 Mar 2011 11:23:06 -0500

FYI

From: Theresa Palmer [<mailto:tpalmer@berkeleycountycomm.org>]
Sent: Monday, February 28, 2011 11:33 AM
To: 'Joe Sacchet'
Cc: Deborah Hammond
Subject: Term Expiration

Mr. Sacchet,

Carolyn Z.'s term is going to expire on 3/18/11. I have sent an e-mail to Tim Boyde, Jefferson County Administrator, requesting that they determine her re-appointment, and for them to confirm to me the actual date, person that will be fulfilling that position. You will need to track the completion of this request as well.

Thanks,

Theresa L. Palmer
Administrative Assistant
Berkeley County Council
tpalmer@berkeleycountycomm.org
(304)267-5004

Commission Office Use Only	
Date on Agenda:	3/10/11
Appt Time or <u>New Business:</u>	

AGENDA REQUEST FORM

Name: Dale Manuel, Commissioner

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: March 10, 2011

Date Requested – 2nd Choice: _____

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

Subject: **Action to create the position of Chief finance Office and place all finance employees under the same**

Please provide the County Commission with a description of your request or presentation, including any background information: **Action to create the position of Chief finance Office and place all finance employees under the same Further to include the position in next year's budget as well as developing a job description for the post and beginning the posting process**

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

Attachments:

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

AGENDA REQUEST FORM

Name: Dale Manuel, Commissioner

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: March 10, 2011

Date Requested – 2nd Choice: _____

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

Subject: Adopt a policy that all outside counsel must be approved by the Commission before delivery of service in order to receive compensation for said service

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): **I move that the County Commission adopt a policy that all outside counsel must be approved by the Commission before delivery**

Attachments:

**Board of
Directors
2011-2012**

Mark Dyck
Interim President

Howard Mills
Vice President

Ann Paonessa
Secretary/Treasurer

James D. Campbell
Linda Case

William H. Chesley
Helen Deimler

Paul Espinosa
Jra Hale

Conrad K. Hammann
Jesha Hamholder

Dale Munch
Howard Mills

P. David Mills
James A. Pollock

Staff

Thomas Bayuzik, Jr.
Executive Director

Whitney Barnett
Research Assistant

Jane Donley
Administrative
Assistant

PO BOX 237
CHARLES TOWN
WV 25414

304.728.3255
f: 304.725.3133

WWW.JCDA.NET

**JEFFERSON COUNTY
DEVELOPMENT AUTHORITY**

February 24, 2011

The Honorable Patsy Noland
President
Jefferson County Commission
PO Box 250
Charles Town, WV 25414

Dear President Noland:

In an effort to improve our business climate in Jefferson County, I've been working closely with the Gateway New Economy Council (GNEC) to study business incubation programs, including the one started at BizTech. At that time, we were far away from any tangible program.

However, after a great deal of grass roots work, GNEC, JCDA, and our local colleges and universities have come up with a viable plan which Lori Kelly of GNEC intends to present to all three county commissions in the eastern panhandle.

The Jefferson County Development Authority encourages you to review and support the Business Accelerator Program as our Directors feel it could dramatically impact advancing new business and further employment opportunities.

I will be present with Ms. Kelly on the day she meets the County Commission and I can answer any questions you may have at that time. However, if you have any prior to that, please contact me.

Sincerely,



Thomas Bayuzik
Executive Director

RECEIVED

FEB 25 2011

Jefferson County Commission

Thank you for your help



A second chance doesn't mean second rate.
MG Allen E. Tackett, Retired
Ribbon Cutting - October 2010

*You are cordially invited
to an
Open House
Tuesday, April 5, 2011
1:00pm – 3:00pm
Mountaineer ChalleNGe Academy
Camp Dawson*

*RSVP: Acceptance Only
1-304-791-7915*

business casual

VALLEY VIEWS

Potomac
Valley
Audubon
Society

Volume 29, Issue 6

March 2011

We Still Need Your Help With Our Annual Appeal!

As this is being written in mid February, 155 of you have contributed \$28,346 to our annual fundraising appeal since December 1.

That's a great result, especially in the current economy! It's about \$1,400 more than we'd raised by the same time last year, and it's about 95% of last year's annual appeal total of \$29,856.

Thanks to all of you who have contributed so far.

~~But we're not done yet—our appeal period runs through the end of March, and we hope we can at least equal last year's total.~~

So if you haven't contributed so far, please consider doing so now.

Remember that your annual appeal contributions are essential to our program efforts. Many of our programs are free. For those that do involve fees, we could never charge participants—especially children—enough to cover all our expenses. Your support makes up the difference!

To contribute, just send a check made out to "PVAS" to PVAS, PO Box 578, Shepherdstown, WV 25443.

Camp Registration Has Begun

Open registration for Audubon Discovery Camp has begun on the PVAS Website, www.potomacaudubon.org, and sessions are beginning to fill.

Six weeks of camp are being offered at Yankauer Nature Preserve, two weeks are being offered at our satellite location, CraftWorks at Cool Spring (on Lloyd Rd near South Jefferson Elementary School), and one week at our newest site at the Peter Burr Farm near Bardane WV.

Sessions like *The Simple Life* and *The Deep, DARK Woods* (as well as the always popular *Camp Survivor*) are filling up, so don't wait to register! When sessions fill, PVAS maintains waiting lists and campers are encouraged to put their name on the list so that we will know who to contact first when

openings occur.

Registrations are being accepted through the same online system we used last year, but in order to keep the system running smoothly, all camper families need to complete the full registration form. Like last year, a credit card is required to register.

Camp fees for most sessions this year are \$150 per camper per week. Preschool camps (1/2 days) will be \$50. T-shirts (youth and adult sizes) are available for order at \$10 each and ALL shirts must be preordered by May 15 to guarantee availability at camp.

Camp Scholarship Opportunities!

If you know a young person, or if you ARE that young person who would enjoy learning about the natural world at summer camp, we encourage you to apply for a camp scholarship from PVAS. The deadline for applications is April 8, 2011, so act now! Scholarships are available for eligible young people within the PVAS membership area – the WV Eastern Panhandle and Washington County, Maryland. Camps, locations, ages, and dates are as follows:

- ☼ **West Virginia State Conservation Camp**, at Camp Caesar, Webster County, WV; June 13 - 18, 2011; Campers must be 14 by January 2011 and not past their 18th birthday on June 1, 2011.
- ☼ **Trout Unlimited Conservation & Fishing Camp**, at Syria, Virginia (next to Shenandoah National Park), grades 8 through 11; June 26 – July 1, 2011.
- ☼ **Burgundy Center for Wildlife Studies**, at Capon Bridge, WV; ages 11-15; June 26 - July 9; July 12 – 26; or August 2 – 15, 2011.
- ☼ **Oglebay Institute Junior Nature Camp**, at Dallas Pike (near Wheeling), WV, ages 10-15; July 24-30 or July 31 – August 6, 2011.
- ☼ **Mountain Adventures Camp**, at Mountain Institute, Spruce Knob, WV; ages 12-17; June 19 - 25, June 26 – July 2, or July 3 - 9, 2011.
- ☼ **Chesapeake Adventures**, schooner trip, Chestertown, MD; ages 11-14; July 25 – 29, 2011.
- ☼ **Audubon Discovery Day Camp**, at Yankauer Nature

See Summer Camp, Page 2

Potomac Valley Audubon Society is people dedicated to preserving, restoring, and enjoying the natural world through education and action.

President's Perch



Hello everyone:

I want to thank all of you who have already contributed to this year's PVAS annual fundraising appeal.

By now, in spite of the fact that economy is still pretty dismal in our area, you've contributed nearly \$28,500. That's about \$1,400 more than you'd contributed by this time last year, and the number of you who are contributing is up, too.

We're very grateful for all your support.

But we've still got quite a way to go to at least match last year's annual appeal total of \$29,856. And we've only got until the end of March to do it.

So please do give if you possibly can.

And don't worry if you're not able to give as much as you have in the past. Contributions of any size will be welcomed.

As always, PVAS is doing a lot of good things in the community—providing a wide variety of programs and activities that no one else is providing.

And as always, your support is critical to keeping these programs and activities going.

Any help you can provide will be appreciated.

—Peter Smith

Summer Camp (continued from page 1)

Preserve in Shepherdstown, at Craft Works in southern Jefferson County, and at Peter Burr Farm Site in Kearneysville; pre-school to grade 12; nine weeks late-May to late-July.

Every year throughout its 29-year history PVAS has sent youngsters to camp on scholarships, supported by our fall bird seed sale. Additional community sources also support scholarships to our own day camp program at the Yankauer Nature Preserve.

To obtain more information and/or an application form, go to www.potomacaudubon.org. There you'll also find links to the camps' web sites, which provide lots more exciting information and descriptions! Or contact Kathryn Henry at 304-876-6681, dhenny@myexcel.com.

Spring Egg Hunt Registration Open

Registration is now open for our annual Spring Egg Hunt at the Yankauer Nature Preserve! This year's hunt has been scheduled for Sunday afternoon, April 17, from 2-3:30 p.m. Pre-registration for the event is required and the cost is \$5 per child. Registration is limited. A link to the online registration program is posted on the PVAS website, www.potomacaudubon.org. Look for the class labeled "Egg Hunt at Yankauer." A valid credit card is required to register.

Birding 101

Register now for the very popular Birding 101! The course is tailored for beginning birders and utilizes both classroom sessions and field trips to teach everything from bird identification to field etiquette to birding techniques and resources. The course will be taught by local birding experts Bob Dean, Wil Hershberger, and Matt Orsie. An impressive collection of images and recordings, many captured by the instructors, enhance the course.



The classroom sessions will be held at the U.S. Fish and Wildlife Service's National Conservation Training Center just north of Shepherdstown from 7-9 p.m. on Thursday evenings, April 7, 14, 21, and 28. The field trips will be held at various locations around the Panhandle from roughly 7 a.m. to 12 noon on Saturday, April 9, 16, 23, 30.

The Saturday morning field trips allow participants to practice skills learned in the classroom. Participants will visit a variety of habitats to observe the bird species found in each. Field trips are held entirely outdoors, so participants should dress appropriately for the weather and be prepared for muddy conditions. Class size will be limited to 24 participants. The course is open to people of all ages but children younger than 15 must be accompanied by an adult.

The series of workshops is \$75 per participant. The fee includes classroom sessions and field trips. Checks should be made out to "Potomac Valley Audubon Society" with "Birding 101" in the memo line.

Pre-registration is required. Registrations will be accepted by mail, and will be accepted in the order they are received. Download the registration form found at www.potomacaudubon.org. If the form does not download properly or if you'd rather have it mailed, please e-mail PVASmail@aol.com or call 304-676-3397 and leave a detailed message. Registration forms should be accompanied by the \$75 fee. Please send both to PVAS, Attn: Birding 101, PO Box 578, Shepherdstown, WV 25443.

Spring Programs Are Underway —Despite The Snow!

Even though some schools have lost days this winter because of snow days, PVAS programs have stayed on schedule. Our watershed program continues in Berkeley, Jefferson, and Morgan counties with only slight adjustments. The biggest challenge this year has been scheduling field trips at a time when warmer weather is more likely! Field trips will be held on the following dates and volunteers are always needed to help!

Flowing Springs Park in Ranson on March 29 and 31.

Mill Creek (near Mountain Ridge Intermediate School) on April 1.

Cacapon River in Morgan County (at the Fisher Bridge) on April 5, 6, 7.

Tuscarora Creek (E. John Street) on April 8 and 14.

Back Creek (near Tomahawk Intermediate School) on April 12 and 13.

At Yankauer, spring school visits have already been scheduled for April 12 and 13 (2nd grade), April 26 (kindergarten), April 29 (1st grade), and May 5 (middle school). Additional programs may be scheduled as the weather improves. Contact Ellen Murphy at 304-676-8739 if you could spare a day in late March or early April to help with any of these programs.

WVU Helping To Plan New Ranson Park

A team of faculty and students from West Virginia University travelled to Jefferson County from Morgantown on January 28 to help the City of Ranson finalize plans for its new Flowing Springs Park.

The WVU team consisted of Angela Campbell, Assistant Professor of Landscape Architecture; Dr. Steven Selin, Professor of Forestry and Natural Resources; Jenny Selin, Community Design Team Coordinator; and several graduate students.



Professor Campbell is using the park planning process as a case study for her landscape architecture students. Professor Selin is using the process as a case study for graduate students enrolled in his course, "Human Dimensions of Natural Resource Management."

The landscape architecture students will develop an overall plan for the park, and the Natural Resource Management students will propose land management and community involvement strategies.

During their visit, the WVU team met with members of the park's planning committee, including Ranson Mayor Mark Hamill; Ranson Parks and Recreation Director Jimmy Pierson; Ranson City Planner Sarah Kleckner; Jefferson County Commissioner Lyn Widmyer; Michael Schwartz, of the Conservation Fund's Freshwater Institute; Herb Peddicord, the West Virginia Division of Forestry's Chesapeake Bay Forester; Lee Snyder and John Billmyer of Snyder Environmental Services; representatives of PVAS; and several Ranson residents.

Planning committee members briefed the WVU faculty and students about the park and the city's vision for its future, including trails, interpretive signage, wildlife habitat, and other passive recreation elements. The group then walked the park property to see its features first-hand.

The WVU team will be coming back on April 2 to participate in open house at the park and continue gathering input from community members.

WVU's involvement in the park planning process was facilitated by the "TogetherGreen" grant received last fall by PVAS.

The TogetherGreen grant program is a collaborative effort of the National Audubon Society and Toyota, Inc. It is designed to fund innovative conservation projects, support conservation leadership, and offer volunteer opportunities that significantly benefit the environment and reach new audiences.

It awards grants to Audubon organizations and partners that demonstrate exceptional creativity in working with other groups on projects that will produce tangible benefits for environmental quality. The PVAS grant was one of 43 such grants awarded nationwide last year.

Flowing Springs Park Open House/Volunteer Day April 2

Through the TogetherGreen Grant that PVAS received last fall, PVAS is organizing an Open House/Volunteer Day for the park on April 2 from 11-4.

The event will include a welcome tent (likely in the Home Depot parking lot in Ranson) where visitors and volunteers can overlook the park and look at a map of the future park. The WVU team will be there to gather input from community members about what they'd like the park to include, as well as any obstacles to their use of the park that might be solved with some planning work at the city level.

Visitors and volunteers will be invited down into the park itself for nature walks, trash cleanup, invasive removal and tree planting. Gloves, tools and refreshments will be provided along with t-shirts for volunteers.

The Open House/Volunteer Day will be a collaborative event between Potomac Valley Audubon Society and its Master Naturalists, the City of Ranson, WV Division of Forestry, Project CommuniTree, WV Conservation Agency, The Conservation Fund's Freshwater Institute, and WVU. Other partners may be involved as the date approaches.

For more information or to get involved with this event, please contact Kristin Alexander at 304-676-3397 or PVASmail@aol.com.

Festival

PVAS is again asking local poets to submit poems that will be displayed as part of its annual Wildflower Festival, which will be held this year on Saturday, April 16.

The festival will be held at the Society's Yankauer Nature Preserve north of Shepherdstown.

For the fourth year in a row, the festival will include a Poetry Walk that will feature poems focusing on spring themes displayed along the preserve's Kingfisher trail.

Those who wish to submit poems for display are encouraged to do so by email by sending them to pvnaturewriters@gmail.com. Poems may also be dropped off at the Four Seasons Bookstore in

Shepherdstown or submitted by regular mail to Poetry Walk, c/o PVAS, PO Box 578, Shepherdstown, WV 25443.

The deadline for submissions is 5 p.m. Saturday, April 9.

"Race for the Birds" Coming Up Soon

Plans are now set for our tenth annual "This Race is for the Birds!" event, which will be held on Saturday, April 9 on the campus of the National Conservation Training Center outside Shepherdstown.

As it did last year, the event will feature two professionally timed races—one 4.9 miles long and another 7.7 miles long.

Those who wish to register for either of these races are encouraged to do so soon. Registration for them will be capped at 400, so same-day registration may not be available.

There will also be a self-timed 2-mile community jog/walk for families and individuals who prefer a slower pace, and a 1-mile "Fun Run" for children under 10 years of age.

The 4.9- and 7.7-mile races will follow trails that wind through the forests and fields of the 538-acre NCTC campus.

The 2-mile jog/walk will follow a course that will be very user-friendly for families with small children, and trail-friendly baby joggers will be appropriate and encouraged.

The trails on the NCTC campus are not normally open to the general public so this event is a good opportunity to visit and enjoy the facility's beautiful trail network.

The two races will begin at 9:00 a.m. The jog/walk will begin shortly afterwards and the children's Fun Run will be held at about 10:45 a.m.

The children's Fun Run will be free. Fees for the other portions of the event will range from \$15 to \$25.

All proceeds will be used to support PVAS's programs for children, and all fees will be tax deductible.

For full information, go to the race website at www.raceforthebirds.org. On-line registration is available there through a link to Active.com. Or contact the race directors, James and Suzy Munnis, at jmunnis@earthlink.net or 304-876-6784.

Race Volunteers Needed

Spring looks like it is just around the corner and that means that "This Race is for the Birds" sponsored by the Potomac Valley Audubon Society will be coming up soon. This year our 10th annual run/walk will be held on Saturday, April 9, at the National Conservation Training Center in Shepherdstown. Help us make this race our best ever!

Last year we had over 300 runners and walkers and this year we are expecting up to 500 people of all ages to run and walk in the events which include two trail races (4.4+ miles, 7+ miles), a self timed 2 mile course and a free KIDS FUN RUN. We need folks like

you to help with registration, refreshments, serve as course marshals, direct traffic and parking, and lend a hand where needed to ensure a successful race for everyone. Families and teens are welcome. The morning goes by pretty quickly and we will send you off about 11:00 AM with a 10th anniversary t-shirt.

Interested? You can sign up on our website (RacefortheBirds.org) or Contact Carolyn Thomas at crthomas25443@gmail.com.

PVAS Offers Great Scholarship Opportunity for Teachers

The legendary Hog Island Audubon Camp in Maine has added an exciting new camp -- *Sharing Nature: An Educator's Week* -- to its 2011 line-up. PVAS is offering a scholarship to cover part of the cost of this camp for a local teacher. The camp is designed for both science and non-science K-12 educators. Dates are July 14 -- 19, 2011.



The scholarship application deadline is April 8, 2011, so act now! For more details on the camp, check the Hog Island web site: www.projectpuffin.org and follow the links to for Audubon Camp and Educator's Week. For PVAS scholarship information and application go to www.potomacaudubon.org, or contact Kathryn Henry at 304-876-6681 or dhenny@myexcel.com.

The PVAS camp scholarship program is supported by our fall bird seed sale. Scholarships are available for eligible persons within the PVAS membership area -- the WV Eastern Panhandle and Washington County, Maryland.

Master Naturalist 2011 Class Begins

The fifth Potomac Valley Master Naturalist class will begin March 19-20 at Cacapon State Park and will continue monthly through November. The 2011 class has 21 well-qualified and eager students who will take 64 hours of instruction in a variety of natural history topics and complete 30 hours of volunteer work to qualify as a Master Naturalist. Volunteer activities often include leading interpretive walks at Yankauer or Eidolon Nature Preserves, assisting state biologists with research, giving presentations to school children and other groups or helping with contact booths at fairs and festivals. Participants have two years to complete their certification. The Potomac Valley Chapter currently has over 60 active members.

Class dates and locations (still subject to change) for 2011 are:

- March 19-20: Cacapon State Park (Old Inn)
- April 30: Shepherd University
- May 21: NCTC
- June 11: Cool Spring Farm
- July 16: Cacapon State Park
- August 6: NCTC
- September, 10: Cool Spring Farm
- October : Yankauer Nature Preserve
- November 5: Cacapon State Park
- November 19: Annual Meeting/Service Project (Location TBA)

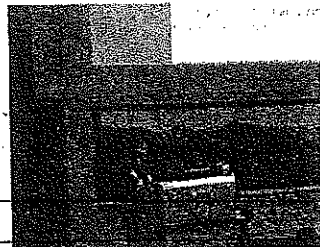
February Stink Bug Program Draws Record Crowd

The Brown Marmorated Stink Bug program that PVAS and the National Conservation Training Center cosponsored on February 9 drew an enormous crowd.

NCTC officials estimated afterwards that as many as 550 people showed up for the program; they said this was the largest turnout for any evening program ever held at NCTC.



The facility's main auditorium could not hold these numbers, and a closed-circuit video feed was directed to four classrooms in the Center's instructional buildings to handle the overflow.



The presenter was Dr. Tracy Leskey, entomologist at the U.S. Department of Agriculture's Appalachian Fruit Research Station in Kearneysville.

All who attended agreed that the turnout for her talk underscored the seriousness of the Stink Bug infestation in this area.

Photos courtesy: Wil Hershberger, Nature Images and Sounds ©

SkyTruth Founder Will Be March Speaker

Our March program at the National Conservation Training Center will feature a presentation about the Shepherdstown-based nonprofit organization SkyTruth.

The program will be held at 7:00 p.m. Wednesday, March 9, in Room 151 of the Instructional West Building.

Admission is free and anyone is welcome to attend.

The speaker will be John Amos, SkyTruth's founder and president. He will review the organization's history and discuss its current activities and future plans.

SkyTruth is a unique organization that uses satellite images, aerial photographs, and other kinds of remote sensing and digital mapping to document the environmental impacts of human activities.

Its work ranges from tracking relatively short-term events like oil spills in real time to measuring the long-term changes in the composition of deciduous forests because of clearcut logging and commercial tree farming.

The images it has produced have appeared on many network news broadcasts, major magazines and newspapers. Its work has been used in public meetings and courtroom proceedings and in legal expert witness reports. SkyTruth has given briefings to Congressional and Executive branch staff in Washington, and testified at Congressional hearings.

Its website is at www.skytruth.org.

John Amos is an expert in the use of satellite images and other remote sensing data.

After earning degrees in geology from Cornell (BS) and the University of Wyoming (MS), he spent 10 years conducting environmental, exploration and resource assessment studies for the energy and mining industries and government entities.

He founded SkyTruth in 2001. As President, he directs day-to-day operations, develops and manages projects and programs, and is responsible for fundraising and administration.

Three Birding Trips Set for March

PVAS has organized three birding trips for the month of March. All trips are free and anyone with an interest is welcome to participate. Various details of each trip could change depending on weather and recent bird sightings. Here's the schedule:

March 9: Birding walk at Cool Spring Farm in southern Jefferson County.

Meet at 8 a.m. in the parking lot in front of the Martin's Supermarket in the Jefferson Crossroads shopping Center off Route 340 in Charles Town.

The Cool Spring property offers a nice mix of habitats ranging from open fields to former orchard plots as we stroll along Bullsken Run.

We can expect to see American Goldfinches and Chipping Sparrows showing off their fresh spring colors, and Eastern Bluebirds are sure to be checking out the numerous boxes on the property.

For more info, contact Kate Weatherby at yankee_in_virginia@yahoo.com or 304-535-1319. In case of inclement weather, contact her to see if the trip is still on.

March 18—Trip to observe the display flight of the American Woodcock, led by naturalist Wil Hershberger.

To be held at 7 p.m. at the Conservation Fund's Freshwater Institute, on Turner Road outside Shepherdstown.

For more details watch PVAS's email update service and the PVAS web site. If you're not signed up to get PVAS's email updates you can do so anytime by sending your email address to pvasmal@aol.com with a note giving your name and saying "please add me to your heads-up list."

March 26: Birding trip to the Shannondale Springs Wildlife Management Area in Jefferson County.

Meet at 8 a.m. in the parking lot in front of the Martin's Supermarket in the Jefferson Crossroads shopping Center off Route 340 just east of Charles Town.

At this time of year, this trip offers opportunities to see Bald Eagles and other raptors, great blue herons, several species of woodpeckers, including Northern Flickers, Bluebirds, Eastern Phoebes, Golden-Crowned and Ruby-Crowned Kinglets, Cedar Waxwings, and other songbirds.

For more info, contact Sandy Sagalkin at 240-291-6465 or monsansagalkin@mivactv.net. In case of inclement weather, contact him to see if the trip is still on.

"Wildlife Signs" Walk Offers Good Family Fun

PVAS is sponsoring a "Wildlife Signs" walk at the Cacapon State Park in Morgan County on Saturday, March 19.

The event is free and anyone is welcome to join in.

Participants should meet at 10 a.m. at the Park's Nature Center. The walk will begin from there and be led by park naturalist Kelly Smith.

This will be a very family-friendly event that will show how to look for tracks and other signs of wildlife in West Virginia forests.

Pre-registration is recommended but not required; to pre-register contact Kelly Heldreth at kheldreth@hotmail.com or 304-229-6229 or 540-931-5945.

Tour the Ridge State Fish Hatchery

PVAS will sponsor a tour of the Ridge State Fish Hatchery in Morgan County on Saturday, March 26.

The tour is free, and anyone is welcome to join in.

Participants should plan to meet at 1:00 p.m. at the hatchery building. Plenty of parking is available there.

The hatchery is a state-run facility that is currently used to raise trout to be stocked in state waters and some private waters that are open to the public.

Assistant Manager Richard Harrington will discuss the facility's history and explain how it functions.

This will be a family-friendly event; after the tour, participants can also hike the 30-acre property that contains various warm-water ponds that may offer opportunities to see turtles and frogs.

The hatchery is located south of Berkeley Springs off Route 522, about 2 miles north of the Virginia state line. The address is 12051 Valley Road.

Pre-registration is recommended but not required; to pre-register contact Kelly Heldreth at kheldreth@hotmail.com or 304-229-6229 or 540-931-5945.

Legislature Considers Recycling, Litter and Solid Waste Bills

Reprinted from: *RECYCLING NEWS*, Berkeley County Solid Waste Authority, February 5, 2011

berkeleycountyswa@msn.com

www.berkeleycountyrecycling.com

Several separate bills have been introduced by legislators across the State to address recycling, litter and solid waste programs in West Virginia.

House Bill 2814: A bill to establish a program to recycle beverage containers and reduce litter. The bill requires the use of returnable containers for many beverages and requires the use of a five cent deposit; exempts deposits on containers from sales taxes and excludes deposits from business and occupation taxes; prescribes the powers and duties of DEP; and prescribes penalties and remedies.

HB 2814 has been introduced by Delegate(s) Barbara Evans Fleischauer (Monongalia), Joe Talbott (Webster), Bonnie Brown (Kanawha), Mike Manypenny (Taylor), Mary Poling (Barbour), Margaret Anne Staggars (Fayette) and Barbara Hatfield (Kanawha).

House Bill 2136: A bill to impose an excise tax on grocery stores, drug stores and convenience stores equal to \$.05 for each plastic shopping bag given to customers. The tax may not be passed on to customers. HB 2136 has been introduced by Delegate(s) John Doyle (Jefferson), Bonnie Brown (Kanawha) and Cliff Moore (McDowell).

House Bill 2104: A bill to provide a mechanism whereby unused, unexpired nonnarcotic drugs previously owned by a deceased nursing home patient or resident may be donated to free health care clinics in the state.

HB 2104 has been introduced by Delegate(s) Richard Iaquina (Harrison), Larry Barker (Boone), Ron Fragale (Harrison) and Tom Azinger (Wood).

House Bill 2017: A bill to modify the role of the Public Service Commission in controlling certain services for solid waste collections. HB 2017 has been introduced by Delegate(s) Charlene Marshall (Monongalia) and Barbara Evans Fleischauer (Monongalia).

House Bill 2153: A bill to require the Department of Environmental Protection to remediate any waste tire pile in the state consisting of more than twenty-five tires. HB 2153 has been introduced by Delegate(s) Richard Iaquina (Harrison), Joe Talbott (Webster), Dale Martin (Putnam), Ron Fragale (Harrison) and Tim Miley (Harrison).

To learn more about these bills, visit the WV Legislative Services website at <http://www.legis.state.wv.us/>

Note from Valley Views:

Additional information on West Virginia environmental legislation tracking is available from the West Virginia Environmental Council, www.wvecouncil.org. WV Environmental Council publishes a monthly newsletter with a listing of all of the legislation they are currently tracking.

As an additional note, the February 3 online edition of the *Martinsburg Journal* carried an article by staff writer Jenni Vincent entitled "Local man lobbies for the environment." According to this article, WV Environmental Council is working with several local legislators on solar energy legislation designed to promote solar energy and provide homeowners with certain inducements and protections for installing solar energy systems.

Let us hope that this recent spate of environmental legislation in West Virginia is an indication of things to come.

Join Potomac Valley Nature Writers

Do you enjoy reading and/or writing about nature? Then you are invited to join the Potomac Valley Nature Writers' Group (PVNWG). The Group meets each month from September through May to discuss a particular nature writer and his or her work. Selections vary to include male and female writers, classic and contemporary works, fiction and nonfiction, prose and poetry. PVNWG also supports members' own writing efforts such as nature journaling. Meeting dates and locations vary. For more information, visit <http://potomacvalleynaturewritinggroup.blogspot.com/> or contact pvnaturewriters@gmail.com

Calendar of Upcoming Events

- Mar 9: Bird walk, Cool Spring Farm
 Mar 9: PVAS program at NCTC, "SkyTruth"
 Mar 18: Woodcock walk, Freshwater Institute
 Mar 19: "Wildlife Signs" walk, Cacapon State Park
 Mar 22: Leave No Trace Workshop (Instructor Training)
 Mar 25: Potomac Valley Nature Photographers Mtg.
 Mar 26: Birding trip to the Shannondale Springs
 Mar 26: Tour of the Ridge State Fish Hatchery, Morgan County
 Apr 2: Flowing Springs Park Open House and Volunteer Day
 Apr 7: Birding 101 class begins
 Apr 9: 10th Annual "This Race is for the Birds," NCTC
 Apr 13: PVAS program, NCTC (Subject TBA)
 Apr 15: Timber Rattlesnake Program, The Ice House in Berkeley Springs
 Apr 16: Annual Wildflower Festival, Yankauer Nature Preserve
 Apr 17: Children's Egg Hunt, Yankauer Nature Preserve
 Apr 17: Wildflower walks, Eidolon Nature Preserve
 Apr 22: Potomac Valley Nature Photographers Mtg.
 Apr 22: Earth Day
 Apr 29: Birding field trip, Sleepy Creek Wildlife Management Area
 Apr 30-May 1: Winston Nursery (All Natives!) Open House
 May 1: Birding field trip, C&O Canal in Hancock
 May 7: Boonsboro GreenFest
 May 11: PVAS program, Natural History of the Potomac River
 May 14-15: Ruth Anne Dean Memorial Birdathon
 May 27: Potomac Valley Nature Photographers Mtg.
 May 28: Birding field trip, Stauffer's Marsh
 May 31: Summer Camp Begins!!!

JOIN PVAS TODAY!

ALL of your dues will stay here to support local PVAS efforts and help us grow! And here's what you'll get:

- Access to a wide variety of PVAS programs and events for adults and children, including field trips, special events, workshops and courses, and environmental projects.
- A subscription to Valley Views, the PVAS newsletter
- E-mail alerts about events and programs of special interest
- Satisfaction of supporting conservation efforts, youth and adult nature education, individual and family recreation, and a wide array of programs in your community.

To become a local member, send in the form below and enclose a check for \$20 (\$15 for seniors and students). Make the check out to "PVAS." This fee covers membership for everyone in your household for one year.

Membership Form

Name: _____
 Address: _____
 City: _____ State: _____ Zip code: _____
 Phone (optional): _____
 E-mail: _____

To save postage costs, PVAS regularly sends its newsletter by e-mail. You can be assured that we do not share email addresses with anyone. If you would prefer to receive the newsletter by U.S. mail check here: _____

Clip and mail this form to:

Membership Chair, PVAS
 PO Box 578
 Shepherdstown, WV 25443

Thank you for your support!



If you'd rather join the National Audubon Society:

Some people prefer National Audubon Society membership, which includes a subscription to the Society's Audubon magazine. To become a National member, go to the Society's website at www.audubon.org and click on "join." If you join National Audubon and reside in Berkeley, Jefferson or Morgan counties in West Virginia, or in Washington County Maryland, you will automatically become a member of PVAS and have access to our events, an e-mail copy of newsletter and e-mail alerts. However almost all of your dues payments will go to the National Audubon Society; only a small percentage will go to PVAS.

RED TEXT - DOT ALERT

If red text or a red dot appears on your mailing label, your membership may have expired and this could be your last issue of Valley Views. Take action to renew your Local membership. If you are a National Audubon Society member, the National Society will notify you directly when your membership is up for renewal.



Potomac Valley Audubon Society
 P O Box 578
 Shepherdstown, WV 25443
 Return Service Requested

NON-PROFIT ORG.
 US Postage
 PAID
 Permit No. 30
 Shepherdstown, WV

<http://www.potomacaudubon.org>

DATED MATERIALS

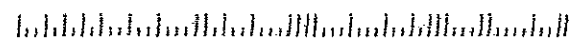
A proud partner of the United Way of
 the Eastern Panhandle and the Com-
 bined Federal Campaign.



MAIL TO:

 Jefferson County Commission
 100 E Washington Street
 Charles Town, WV 25414

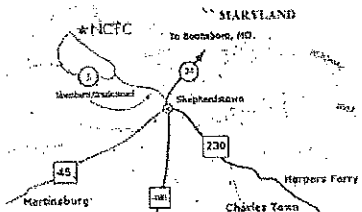
2541481072 0001



March 2011

Printed on 100% post-consumer waste recycled paper

Volume 29, Issue 6



The Potomac Valley Audubon Society meets at 7:00 p.m. on the second Wednesday of each month, September through April, at the US Fish and Wildlife Service National Conservation Training Center (NCTC), Shepherdstown, WV, in the Instructional West Building. Programs are free and open to the public. For additional information about PVAS or its programs and activities, please call any of the board members listed here or see <http://www.potomacaudubon.org>. PVAS serves the Eastern Panhandle of West Virginia and neighboring Washington County, Maryland.

PVAS BOARD
 The PVAS Board meets every other Thursday of the month (Sept.-June). Meeting location will be announced prior to meetings. These meetings are open to all PVAS members.

PVAS Officers and Board Members

- President: Peter Smith 304 876-1139 pvsmith@frontiernet.net
- Vice President: Georgia Jeppesen georgia_jeppesen@comcast.net
- Secretary: Mina Goodrich larrymina@peoplepc.com
- Treasurer: Lex Miller pamandlex@frontiernet.net
- Board Development: Wayne Braunstein 304 728-7181 wbraun@frontiernet.net
- Board Members-at-Large: Don Briggs 1donaldbriggs@gmail.com
- Clark Dixon dixonconsultants@aol.com
- Rob Hoxton rhoxton@hoxtonfinancial.com
- Leigh Jenkins jenkinsleigh@hotmail.com
- Jesse Morgan jmorgan@a-zoneenvironmental.com
- Kathy Stolzenburg kstolzenburg@gmail.com
- Carolyn Thomas webethomas@aol.com
- Janie Vanderhook janehook@frontiernet.net

Ex Officio Board Members

- Diana Mullis 304 267-3482 dianamullis@aol.com

Emeritus Board Members

- Jean Neely jeaneely@comcast.net

Special Contacts

- Executive Director: Kristin Alexander 304 676-3397 kaemail730@aol.com
- Web Master: Kathy Bilton kathy@fred.net
- PVAS Wildlife Rescue Coord: Diana Mullis 304-267-3482



What is being done for the un-insured residents living in your county?

It is no longer sufficient to say "we have a program," the question is...
How well is it working?

ProAct's Prescription Drug Discount Card Program was created specifically to provide immediate financial relief to any person needing to fill a prescription who is uninsured or underinsured. Our program is simple and straightforward. In fact, there is little to no effort required on the county's behalf.

You should know that there is no cost of any sort to either the county or your residents. 40 counties across New York State have exclusively endorsed our program and have cumulatively saved their residents over \$43 Million. That represents \$43 Million that goes right back into the pockets of residents to spend on other necessities. On average, residents will save **10-20% (\$13.87) per prescription on Brand Drugs** and **20-70% (\$27.59) per prescription on Generic Drugs**.

We can say with conviction, your county has nothing to lose and everything to gain from our program. Our endorsement by the New York State Association of Counties (NYSAC) is a testament to our programs effectiveness and success across New York State. We are hopeful that the same can be soon said for the State of West Virginia.

Please consider granting us the opportunity to sit down and discuss in detail how the ProAct Prescription Drug Discount Card Program can assist you in serving the needs of your constituents.

Enclosed please find some of our program materials for your reference.

Very truly yours,

Erison Rodriguez
Program Manager

RECEIVED

FEB 28 2011

Jefferson County Commission



Prescription Drug Discount Card Program

Are There Un-Insured & Under-Insured Residents Living In Your County ??

Together We Can Provide Immediate Financial Relief At The Pharmacy Counter For Your Constituents

Program Highlights:

- Any resident of the county regardless of age or income can participate.
- Discount card can be used at any pharmacies in the area and nationwide.
- All prescription medications are covered. Prescriptions for pets would also be covered.
- Participants can expect to save on average:
 - 10-20% on Brand Drugs
 - 20-70% on Generics

AT NO COST TO THE COUNTY OR PARTICIPANTS

For More Information Contact:
Erison Rodriguez
erisonrodriguez@proactrx.com
315-413-7780 ext. 3212



Discount Card Comparison

(ProAct vs. NACo)

	ProAct	CareMark (NACO)
No Cost to County / Residents	✓	✓
All Brand & Generic Medications Covered	✓	✓
Pet Medications	✓	✓
Direct Mailing to County Households (At no cost to the County)	✓	
Provide Cards to County Agencies; i.e. Dep. Social Welfare, Dep. Of Health, County Clerk's Office and County Executive's Office	✓	
Provide Pharmacies Within The County a Supply of Cards	✓	
Public Service Announcements to announce the program.	✓	
Monthly Performance Reporting to County (At no cost to the county)	✓	
Vision Discounts (exams, frames, lenses, contacts)	✓	
LASIK Discounts (laser vision correction)	✓	
Hearing Product Discounts	✓	
AVERAGE SAVINGS	45%	23% (based on NACO website.)

*Note: All services and program initiatives are provided to each County at No Expense to the County or Residents.

Dr. and Mrs. James G. Gibson
201 Needwood Farm Lane
Harpers Ferry, West Virginia 25425

February 24, 2011

County Commission of Jefferson County
PO Box 250
Charles Town, WV 25414

Dear Honorable Commissioners,

Thank you for the public input meeting to discuss the addition of the Harpers Ferry and Bolivar Urban Growth Boundaries (UGBs) to the Jefferson County Zoning Map. First, we are curious as to why this matter has resurfaced at this time? Has someone asked for this matter to be reconsidered? What is driving this process?

Second, why have the boundaries changed from the approved, but failed, zoning ordinance? Previously, it appeared that Harpers Ferry's UGB ended at the corporate limits of the town. Now, it includes land that contains a river, a road and a strip of land that is undevelopable. ~~None of these appear to be things that should be annexed in the context of the Annexation Law. Bolivar's proposed UGB now includes the quarry land even though the~~ development of that land is apparently under the State's jurisdiction. Furthermore, Bolivar's boundary includes federally owned lands that are outside the jurisdiction of both the County and the towns, as well as land owned by conservation trust groups with restrictions against development. Again, these lands appear to be outside the scope of the Annexation Law.

Mayor Hardy of Bolivar made two statements at the public hearing: 1. they chose in the past not to go against the NPS's wishes to annex land for the bank. 2. and that all Bolivar wants is some more trees. To me this means that the only reason Bolivar would want my land in their UGB is because they have the mistaken opinion that they would have some additional input into discussions of me exercising my property rights under the Jefferson County Zoning Ordinance.

I want to leave no doubt that I don't want my 13 acres on the SE corner of US 340/27 to be included in Bolivar's UGB. My land is included in the residential growth area of the Jefferson County Zoning Ordinance.

Finally, our key concern, what does the boundary mean? Is it merely a line that gives Bolivar and/or Harpers Ferry the ability to negotiate with us regarding the annexation of our land without the intervention of the County? Or, does it give those towns some other standing to question our property rights during a land use application to the County, such as conditional use permit, commercial site plan, or subdivision plan?

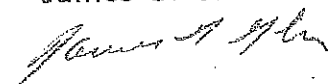
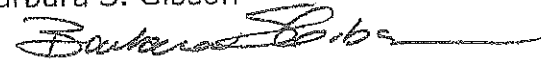
RECEIVED

Thank you for your consideration of this letter.

Sincerely,

FEB 28 2011

James G. Gibson and Barbara S. Gibson

Jefferson County Commission

LAW OFFICE OF
JAMES V. KELSH

300 Summers St., Ste. 1230
P.O. Box 3713
Charleston, WV 25337-3713
kelshlaw@yahoo.com
WV State Bar #6617

Telephone
(304) 343-1654

Facsimile
(304) 343-1657

February 25, 2011

RECEIVED

Honorable Jefferson County Commissioners
100 East Washington Street
Charles Town, West Virginia 25414

RE: Utility Consolidation

Honorable Commissioners:

I write today as the spokesman for the Jefferson County Utilities coalition (the "Coalition"). The Coalition is comprised of representatives from county and municipal water and sewer utilities, private utility providers, and county agencies. The Coalition first met in February, 2009 and has continued to meet regularly to discuss both operational and policy issues.

On October 27, 2010 the Jefferson County Commission hosted a meeting of area elected officials to discuss creating a countywide public utility. One possible outcome discussed at that meeting was for the Jefferson County Commission to initiate a study by an outside consulting firm of the benefits, detriments, and obstacles to creating a countywide public utility.

At the Coalition meeting of January 20, 2011, attended by representatives of the Charles Town Utility Board, the Ranson sewer system, the Jefferson County PSD, Harpers Ferry/Bolivar PSD, Jefferson Utilities, Shenandoah Junction Public Sewer, Inc., Willow Spring Public Service Corp, and the Elk Run Study Group, it was decided that the Coalition should communicate with the Jefferson County Commission regarding the countywide utility study that is being considered. Though not attending the January 20 meeting, additional members of the Coalition include the Harpers Ferry water system, the Shepherdstown Utility Board, Cave Road Utilities, Old Standard LLC, the Jefferson County Development Authority, and the Jefferson County Commission.

With respect to consolidating utilities, the degree of utility consolidation runs along a continuum from total stand-alone operations, to partially integrated

2/28/11 - Copy to all Commissioners + Co. Administrator. - ds

service, to legal merger and total integration. Jefferson County has a total of twelve potable water and/or sanitary sewer utilities, four municipally owned, two PSDs, and six privately owned. Geographically proximate utilities are currently partially integrated with respect to billing and treatment services.

Each distinct type of ownership of a utility has distinct rights and duties by statute. Municipal utilities may only be sold or merged following a referendum of the citizens and approving city council action. The certificates of convenience and necessity granted to private utilities are property rights that can only be taken by due process, and by statute, PSDs may not condemn private water utilities. PSDs may be merged by an act of the county commission, however, terms in existing bonds for any type of utility, including PSDs, may affect the ability and terms of a merger. When utilities are merged, the Public Service Commission's rules expect rates to be unified within a year of the merger. Where there is a sizeable disparity in rates between two or more systems that are contemplating a merger, it is difficult to convince the low rate system's stakeholders of the benefits of merger.

~~While stormwater management service is being provided to some degree by municipalities and the County Commission, currently there is no stormwater utility in Jefferson County. The Coalition believes a new countywide stormwater utility could be beneficial to Jefferson County generally, and to the sanitary sewer utilities in particular. As the County Commission knows, sanitary sewer utilities will be held to nutrient discharge limits in their permits pursuant to the Chesapeake Bay program in a matter of months. Nutrient removal facilities are not currently in place and are costly to construct. One way of meeting nutrient discharge limits, in whole or in part, would be for sanitary sewer systems to purchase nutrient credits from a stormwater utility or management system that exceeds its legal minimum requirements. The Coalition believes a stormwater utility or management system should have broad geographical coverage so that it can manage the watershed in an environmentally beneficial and cost effective manner. Since there is no existing stormwater utility or comprehensive management system in the county, the obstacles to creating a new countywide utility of this type are considerably less than the difficulties attendant to merging existing utilities. The model for a stormwater utility is EPA's Municipal Separate Storm Sewer System ("MS4s"). Information regarding MS4s can be found at <http://cfpub.epa.gov/npdes/stormwater/munic.cfm>. State laws have recently been amended to enable PSDs to serve as MS4s. The fees to pay for the cost of operation of MS4s are typically a flat charge for residential households, and a square footage charge for non-residential properties.~~

The consensus of the Coalition is that it is highly unlikely that the merger of existing potable water and sanitary sewer utilities in Jefferson County on a broad scale will attract the level of stakeholder support needed to surmount the legal and political obstacles to merging. The Coalition believes it will be a better use of community resources if potable water and sanitary sewer utilities explore greater degrees of integration and cooperation between themselves short of merging, such as pooling the purchasing of supplies, rather than being involved in an effort

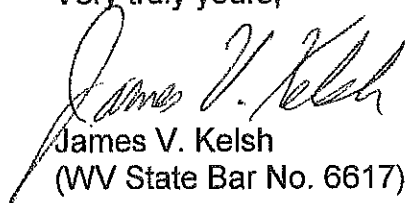
to merge utilities in Jefferson County broadly, which is unlikely to be successful. The Coalition members also believe that both utilities and the County would benefit from greater understanding and sharing of information between utilities, certain State and Federal agencies, and Jefferson County planning, economic development, engineering, and health departments.

To summarize, the Coalition recommends the following to the County Commission:

- Consider initiating a study on whether a new countywide stormwater utility or management system should be created.
- Refrain from studying a broad scale legal merger of existing potable water and sanitary sewer utilities.
- Direct relevant county department directors to participate in meetings with the Coalition and state and federal agencies to promote improved interactions.

~~The Coalition and its members appreciate the involvement of the County Commission in the Coalition, and we would be happy to continue to confer with County Commission as it considers pursuing a study.~~

Very truly yours,



James V. Kelsh
(WV State Bar No. 6617)

JVK/sls

cc: Jane Arnett
Andy Blake, Esquire
Sue Lawton
Robert Hardy
Jimmy Williams
Frank Welch
Lee Snyder
Peter Chakmakian
Herb Jonkers
Russell Roper
Tom Bayuzik
Elk Run Study Group

(Jefferson/Consolidation/2-24-11 utility consolidation draft letter)

From: Vivian Parsons
Date: 2/25/2011 6:27:30 PM
To: All Counties List Serve
Subject: Legislative Update - Friday, February 25, 2011

Just a little update.....Hope everyone has a great weekend!

Vivian

CCAWV Legislative Update - Friday, February 25, 2011

HJR 29, the simple majority amendment, passed out of House Judiciary today and goes to the floor for passage. SJR 9 (same as senate version) was on 3rd reading on the Senate Floor.

SB 242 the Coal Severance bill passed out of Senate Finance Committee this morning. The purpose of this bill is to dedicate five percent of the coal severance tax to the counties where the coal was located at the time it was removed from the ground, upon which the coal severance tax is based. The amount dedicated to these counties will be phased in over five years in one percent increments. The bill also provides that the dedicated moneys will go to the county commissions, and provides specific uses for the moneys. (1)

~~Economic development Projects; Infrastructure Projects; Job creation; and Road repair.~~
The director of the WV development office is authorized to administer the distribution of the money through rules.

Although several amendments were attempted, none were successful. To review the text of the bill go to http://www.legis.state.wv.us/bill_status/bills_text.cfm?billdoc=SB242. It will be on the floor of the Senate next week.

In case you have questions from your fire departments regarding funding for increases in workers comp premiums....Here are two bills that passed out of Senate Finance Committee this morning and will go to the Senate floor next week.

SB 553 will create a workers' compensation insurance subsidy program for volunteer fire departments. The bill establishes a special program within the Auditor's Office; granting authority to the Auditor to administer the program; designating a funding formula for distribution of moneys allocated and granting rule-making authority to administer program. The Legislature has appropriated \$2.5 million in the budget bill and will also consider a supplemental bill of an additional \$2.5 million, totaling \$5 million for this subsidy program. It will be a voluntary program that VFDs can participate in and will provide up to 100% of the increase in workers comp premiums. The VFD will be required to pay the base premium amount prior to the increase. The program will be established by April 1, 2011.

SB 544 (Relating to municipal policemen's and firemen's pension and relief funds) will include another \$1.5 million for VFDs. Five percent of the additional premium tax and surplus lines tax previously authorized to be paid to the Teachers Retirement System Reserve Fund shall be paid to the Fire Protection Fund, for allocation by the Treasurer to volunteer and part-volunteer fire companies.

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

FROM: PATTI HAMILTON



THE COUNTY LEGISLATIVE LINE
February 28th, 2011
CATCH UP

Capitol Quotes:

"I appreciate it when my friends agree with me but vote against me." Delegate Lane on being told by a fellow Judiciary member that the amendment was probably good but she was still voting against it

"No problem." Del Caputo responding to Del. Lane

Here is an update on some of the bills we are following as we go into the last two weeks of the legislative session. Bills must go through 1st, 2nd and 3rd reading "on the floor." 2nd reading is amendment stage; 3rd reading is passage stage. Bills must pass body of origin by Wednesday.

SJR 9 and HJR 29 – simple majority levy amendment; the Senate version has passed to the House; the House version is on first reading (a 2/3 vote is required for passage) (Needs Support!)

SJR 10 – Repeal Sheriffs' Term Limit Constitutional Amendment has passed the Senate and is in House Constitutional Revision Committee (Needs Support!)

SJR 11 – Constitutional Amendment to allow the Legislature to exempt any or all tangible personal property has been sent to the floor and is on 2nd reading but must be reported back to pass out of Senate Finance (Needs OPPOSITION!)

SB 71 – Making child neglect causing substantial risk of bodily harm a misdemeanor is a prosecutors' legislative priority from last year; has passed Senate and is in House Judiciary

SB 96 – Clean up of County compensation statute (ch. 7, art. 7); passed Senate and is in House Judiciary

SB 177 – Allows WV Counties Risk Pool to offer workers comp coverage; rule "bundle" has passed Senate and is in House Judiciary

SB 193 – Relating to law enforcement certification has passed Senate and is in House Judiciary

SB 242 – Coal-producing counties get additional 5% severance tax ; 1st reading in Senate (Needs support!)

SB 266 – Allow counties to keep transfer tax currently sent to state; Still in Senate Finance Committee but could still come out of committee and pass if rules suspended (Calls could still be helpful)

SB 344 – Salvage value for manufacturing facilities; passed Senate and is in House Finance (Needs OPPOSITION!)

SB 391 – Early in-person voting flexibility; On 2nd reading on floor but reported back to pass Senate Finance

SB 396 & HB 2708 – Mutual aid agreements between law enforcement entities don't need to be signed annually; 2nd reading in Senate but must pass Judiciary (House bill passed and is in Senate Gov Org)

SB 428 – Add \$20 fee for county for medical malpractice filings with circuit clerk; Senate 3rd reading

SB 449 – Salvage value for 21st Century Business Technologies; 2nd reading and must go to Finance (Needs OPPOSITION)

SB 465 – Preferential Tax Treatment Marcellus Gas & Manufacturing Facilities; Passed Senate and APPEARS TO HAVE SKIPPED COMMITTEE PROCESS IN HOUSE – HAS ALREADY BEEN REPORTED TO FLOOR AND IS ON SPECIAL CALENDAR. NEEDS CALLS OF OPPOSITION TO HOUSE MEMBERS! Similar bill HB 3099 is on 2nd reading

SB 550 – Relating to gaming at racetracks and The Greenbrier; takes more revenue for the facilities for expansion and enhancement which comes from those who currently receive revenue; Counties lose approximately \$200,000 Statewide

SB 565 – Creates a Fiscal and Policy Division (would create independent fiscal notes instead of the "works of fiction" that are frequently prepared by state agencies); 2nd reading in Senate and goes to Finance. A GOOD BILL FOR COUNTIES TO SUPPORT !

SB 566 – OPEB liabilities; shifts burden to retirees over next 20 years for those currently in the system (not new hired); Senate 2nd reading and to Finance

HB 2345 – Gives non-state entities a member on the PEIA Finance Board; Passed House and is in Senate Gov Org

HB 3087 – Reciprocity agreement for firearms (prosecutors); 2nd reading

HB 3205 – Reduce jail sentence by as much as 30 days for completion of six programs (5 days per program); adds alcohol treatment as a program and could possibly result in a per diem decrease of 30 to 40 cents per day; participants will have to pay \$50 per program (GOOD BILL TO SUPPORT!)

HB 3268 – Allows surviving spouse to retain homestead exemption regardless of their age; 3rd reading (ANOTHER EROSION TO TAX BASE – SURVIVING SPOUSE COULD BE SEVERAL YEARS YOUNGER; HOMESTEAD EXEMPTION IS INTENDED FOR AGE 65/OLDER AND FOR THE DISABLED)

Legislative Calendar 2011

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.

4 PAGES

TO: ALL MEMBERS of the WEST VIRGINIA ASSOCIATION OF COUNTIES

FROM: PATTI HAMILTON



THE COUNTY LEGISLATIVE LINE
Friday, March 4th, 2011

Capitol Quotes:

"You're limited to one, one oz. Sample." Sen. Palumbo on a bill that allows "liquor samplings" much like wine samplings
"Every 15 minutes or what?" Sen. Chafin responding to Sen. Palumbo's answer to his question about what this bill does

"The big issue is what is the source of the \$50 million a year for the next twenty years." Sen. McCabe on a new OPEB bill, SB 616, that passed Wednesday night without any funding from increase in tobacco tax or any other source

"We will become a net siphon instead of a net giver." Sen. Stollings defending SB 242 that provides additional severance tax to coal producing counties, explaining that the money is needed to help coal economy counties diversify

"You can't imagine the vitriol at these meetings." Sen. Hall describing the public hearings on tolls for U.S. 35, stating his opposition to any funding plan that included toll revenue bonds (the bill, SB 606, was rejected rather spectacularly)

"Overall, this is in the best interests of the voting public." Del. Frazier speaking in favor of SJR 10, repealing sheriffs' term limits, explaining how there was a time when he would have been opposed

"The people around this table aren't going to decide if a sheriff has more than two terms. The voters decide." Del. Caputo speaking in support, noting that there would then be more younger sheriffs (and clarifying that he meant no offense to any of the sheriffs present!)

"A majority of states don't have a term limit and I think we should put this out to the voters." Del. Sobonya on SJR 10

"I never thought that the gentlelady from Cabell and I would ever agree on anything." Del. Guthrie to Del. Sobonya on SJR 10

As you can tell from the quotes above on SJR 10, it was received favorably by House Constitutional Revision Committee and passed out by a vote of 13 – 5. The measure will now go to House Judiciary Committee. Thanks to the many Sheriffs who attended.

SJR 11, a constitutional amendment supported by the State Chamber, would allow the Legislature to exempt or reduce any or all personal property tax and also provides that the Legislature *may* identify replacement revenue (none is specified). *It is currently parked on the Senate Rules Calendar (inactive calendar)*. Rules Committee is the only body that moves bills from the Active Calendar to the Rules Calendar and vice-versa. We have had assurances that it will stay there!

On Wednesday, bills had to pass their house of origin in order to remain active. Bills can still be originated in committee. The following is a rundown of some of the bills we have been working on and watching that are still active bills. It is not a complete list of bills of interest to county officials. The best way to check bills that are still active is on the legislative web site www.legis.state.wv.us and click on *Bill Status*, then bills that have *Passed One Chamber*.

SJR 9 – Simple Majority for Levies Constitutional Amendment; On House Calendar, 2nd reading (House Calendar is the parking lot or graveyard, depending on whether House Rules Committee puts a bill back on the “Special Calendar”); Calls of support are needed

SB 63 – Relating to Controlled substances; in House Judiciary

SB 71 – Making child neglect creating substantial risk of bodily harm a misdemeanor is in House Judiciary (a prosecutors’ legislative issues from 2010)

SB 96 – WVACO’s initiative to clean up archaic language and old salary schedules in Ch. 7, art. 7; in House Judiciary

SB 193 – Relating to law enforcement certification; creates means of tracking officers who have resigned; in House Judiciary

SB 242 – Provides 5% additional coal severance to coal producing counties (from state funds); specifies uses for transportation projects, economic development & infrastructure

SB 272 – Tax Increment Financing; adds Class 3 & 4 municipalities; contains assessors’ language to remove various types of motor vehicles from personal property in base assessed value; House Finance

SB 277 – Property tax cap on amount of increase; House Finance

SB 307 – Creates Intermediate Court of Appeals; criminal & civil – whatever the Supreme Court turns down goes to Intermediate Court (concerns about ramifications)

for county prosecutors and bill is unclear about who and where records are kept)
SB 344 – Salvage value for appraising qualified capital additions to manufacturing facilities; House Finance – WVACO opposed to continued use of salvage value

SB 391 – Selection of early community voting location sites (formerly called satellite precincts); House Judiciary

SB 424 – Marcellus Shale regulatory bill; WVACO study committee reviewing several issues of concern and interest to counties; did not go to committee – on House Calendar, 2nd reading

SB 426 – Require judge's permission before release of juror information after trial; circuit clerks' priority issue; House Judiciary

SB 428 – Increase fee for medical malpractice filings; adds \$20 because filing fee portion for county was not included in med mal reform; circuit clerks' priority issue; House Judiciary then Finance

SB 430 – file petition for expungement instead of motion but doesn't allow filing fee; circuit clerk priority issue but may let this one go because of the removal of fee; House Judiciary then Finance

SB 465 – Marcellus Gas & Manufacturing Development Act; salvage value and tax credits; we are working with proponents to make it much more narrow in scope; did not go to committee – on House Calendar, 2nd reading

SB 581 – change early voting to 13th day prior to election day; county clerks legislative priority; House Judiciary

SB 614 – Permit law enforcement officer who is member of federally affiliated drug task force access to Bd of Pharmacy web site; House Health then Judiciary

SB 616 – OPEB mitigation; does not contain funding; picks up liability for school boards but not for the non-state entities in PEIA; House Finance

HB 2345 – WVACO initiative to have a non-state representative on the PEIA Finance Board; Senate Gov Org

HB 2400 – grant licensed appraisers access to assessors' documents; Senate Gov Org then Judiciary

HB 2464 – adding additional requirements for financial disclosure to Ethics Act; affects all public elected officials and includes spousal disclosure; passed both bodies

HB 2505 – adds "synthetic drugs" to schedule 1 controlled substances (bath salts, etc.); Senate Judiciary

HB 2708 – eliminate requirement of annual signature on mutual aid agreements among law enforcement agencies; Senate 2nd reading

HB 2766 – Raises cap on employer contribution to Deputy Sheriffs Retirement System to 13%; Senate 1st reading

HB 2922 – establish felony of causing serious bodily injury to another while DUI; Senate Transportation then Judiciary

HB 2936 – Change canvass date in primary to Monday after election instead of Friday; Senate Gov Org then Judiciary; a county clerks' legislative priority

HB 3044 – Civil forfeiture actions related to criminal activity; Senate Judiciary; sheriffs' legislative priority

HB 3087 – Certification to carry concealed firearm nationwide; reciprocity; prosecutors' legislative issue in Senate Judiciary then Finance

HB 3205 – Reduce jail sentence for completion of education & rehab programs; up to 5 days per program for total of 30 days; fee of \$25 per program; should help reduce regional jail per diem costs; Senate 1st reading

HB 3268 – surviving spouse keep homestead exemption regardless of age (oppose – homestead exemption meant for disabled and 65 or older); Senate Finance

Some Bills of Interest that Did Not Pass House of Origin:

SB 266, allowing counties to keep transfer tax portion sent to state, died in Senate Finance

HB 2843, allowing more grant proceeds to be allocated by Records Management & Preservation Bd, died in House Finance but they are looking at more spending authority through the budget process

SB 249, another salvage bill, did not pass

None of the bills for salvage value for antique vehicles passed.

Nothing is over until it's over! If a bill died and is germane to another bill (similar topic or code section), the "live" bill can be used as a vehicles for the "dead" bill! The session ends March 12th at midnight.



THE COUNTY LEGISLATIVE LINE
Wednesday, March 2nd, 2011
"Crossover Day"

Capitol Quotes:

"I'm very concerned that out surface owners are still left out of the process." Sen. Barnes regarding SB 424, Marcellus Shale regulation

"Do you not think it would be prudent to have some idea of cost and replacement?" Sen. Doug Facemire to State Chamber representative regarding SJR 11 when there was no answer to how the personal property tax revenue would be replaced

"And most of the surrounding states around us are broke, too." Sen. Doug Facemire in response to the State Chamber's representative stating that our surrounding states do not have personal property tax on business equipment

~~"We'd better be careful about letting this horse out of the barn." Sen. Doug Facemire's concluding comment~~

"Coal producing counties are severely impacted." Director of Revenue Mark Muchow in response to Sen. Stollings question on how elimination of business personal property tax would affect coal counties

"It levels the playing field." Sen. McCabe defending SJR 11

"It's not good policy to put tax policy in the Constitution." Sen. Unger on SJR 11

"2935 may be the best bill of the session because it repeals an entire article." Senate Judiciary Counsel explaining an elections bill to the committee that repeals an outdated article relating to punch cards

"This is like the Sheriff of Nottingham." Sen. Unger, speaking in opposition to a bill that would provide \$35 million to Century Aluminum; the bill failed in Senate Finance

SJR 11, a constitutional amendment supported by the State Chamber, would allow the Legislature to exempt or reduce any or all personal property tax and also provides for requiring replacement revenue (none is specified). The quotes above tell the story of the discussion in Senate Finance. The amendment passed out of committee on a very lukewarm "yea" vote that was pretty much equal to the "nay" vote. No roll call vote was called for. We expressed concern that because the amendment would include car tax, it will be sold to the voters as "eliminate the car tax" which amounts to about \$100 million statewide. It could be expected that the Legislature would come under great

pressure to enact that exemption. If business equipment is included, the total loss to property tax revenue is about \$460 million.

SJR 9 and HJR 29 – simple majority levy amendment; the Senate version has passed to the House; the House version is up for passage today (a 2/3 vote is required for passage)

SJR 10 – Repeal Sheriffs' Term Limit Constitutional Amendment has passed the Senate and is in House Constitutional Revision Committee – *rumor has it that it will be on the agenda tomorrow.*

SB 566, OPEB liability mitigation, crashed and burned in Senate Finance....twice! The bill would raise tobacco tax by \$1 and dedicate part of the proceeds (\$50 million) to the Retirement Health Benefit Trust Fund. Additionally, it capped retiree subsidies at the current level, \$150 million, and stated that there would be no additional subsidy for all employees hired *before* July 1, 2010 (essentially all of us currently working in public employment *except for those hired after* July 1, 2010 whose subsidy was ended by the PEIA Finance Board's action last year). On behalf of the non-state agencies, I pointed out to the committee that the over 800 non-state entities in PEIA did not benefit from the funding – it would be attributed entirely to state employees even though the non-states are in the same trust fund. On Tuesday, Sen. McCabe brought it up for reconsideration but the motion failed.

SB 465 is on 2nd reading in the House today, providing salvage value for personal property for Marcellus Shale and related manufacturing activities. We have consistently **opposed** the use of salvage value. Calls need made to House members.

SB 550 has been revised and will not take gaming revenue proceeds from counties and the many others to whom it is distributed. The bill is intended to allow the racetracks and The Greenbrier to enhance their facilities in order to compete with neighboring states. The funds will now come from the Lottery Commission's proceeds unless it's changed in the House.

SB 242 is up for passage in Senate today and will give additional 5% coal severance revenue to producing counties.

More to come....after today a bill must have passed its house of origin to be "alive." My second favorite day of the session!

Jefferson County Public Service District

Jefferson County Public Service District Regular Board Meeting February 7, 2011

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, February 7, 2011 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Joe Hankins; Secretary, Jim Cummins; Treasurer, Peter Appignani; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; District Legal Counsel, Jim Kelsh, and Commission Liaison to the Public Service District, Commissioner Lyn Widmyer.

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

Public Comments

Erich & Lorena Nathan, Norborne Glebe resident: Mr. Nathan questioned how the District determines the sewer rates and who he could make a complaint to about the high rates. Staff offered to go over his sewer bill during office hours and informed him he could make a complaint to the Public Service Commission.

Jacquelyn Milliron, Breckenridge resident and intervener in the District's Flowing Springs Wastewater Treatment Plant Public Service Commission (PSC) case # 09-0347-PSD-PC-CN: Ms. Milliron had comments regarding the recent PSC order, specifically the #9 conclusion which requested the District to show that the treatment plant is feasible notwithstanding the high customer rates and to provide updated data showing this. She expressed the importance of the updated data for growth projections, median household income, and discretionary income data. Ms. Milliron would like the District to really evaluate its customer base and what they can afford.

OLD BUSINESS

Review Minutes of January 4 Regular Board Meeting

The minutes of the January 4, 2011 regular Board meeting were approved as presented.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to accept the January 4, 2011 minutes as presented. Unanimously approved.

Update on Flowing Springs Wastewater Treatment Plant Project

Mr. Kelsh stated the District had received an order from the Public Service Commission (PSC) requiring the filing of additional testimony and an additional hearing which will be held on May 3rd. Ms. Lawton informed the Board that the West Virginia Department of Environmental Protection extended the Districts funding commitment for another six months, expiring July 14th. Mr. Hankins was concerned with the timeline of the expiration of the commitment and the date of the hearing.

Mr. Appignani suggested sending a copy of the letter that was sent to the County Commission regarding the Chesapeake Bay costs to the Development Authority. District staff will send a copy of the letter to the Development Authority.

Action: No action taken by the Board.

Update on the Under-billing of Job Corps

Ms. Lawton informed the Board that the Finance Manager had received a call from Job Corp and they will be paying the District for a large part, if not all, of the billing error.

Action: No action taken by the Board.

NEW BUSINESS

Update on Clean Water Coalition on Lobbying Effort for Chesapeake Bay Funding

Mr. Kelsh updated the Board. Senate Bill 245 was introduced by Senator Snyder and others to create a new grant fund pool of up to \$180 million to assist sewer utilities for nutrient upgrades and new facilities for

Chesapeake Bay Compliance. Mr. Kelsh stated an identical bill was introduced in the House, House Bill 2844. The District is working with the coalition to get language in the bills regarding early compliers being eligible for the grant funding. Last month the District sent the Clean Water Coalition a contribution check for \$2300, but the cost to join the coalition was based on splitting the costs of \$25,000 between 6 utilities so the District owes an additional payment. The Board would like to make the additional contribution payment for up to \$4500.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to authorize the additional payment to Steptoe & Johnson for the Clean Water Coalition of up to \$4500. Unanimously approved.

Consider Additional Payment to Clean Water Coalition for Lobbying for the Chesapeake Bay Legislation
This item was discussed in the above agenda item.

Action: No action taken by the Board.

Update on Countywide Utility Coalition

Ms. Lawton updated the Board on the Countywide Utility Coalition meeting held on January 20th. The group discussed the roundtable meeting the Jefferson County Commission recently had regarding sewer and water utility consolidation. The Utility Coalition created a list of criteria for a countywide study on consolidation of water and sewer utilities. Mr. Kelsh stated he has received all the comments from the utilities present at the meeting and was going to draft a letter to the County explaining the criteria for a study and the possibility of getting on the County Commission agenda.

Action: No action taken by the Board.

Discussion on the Alternate Main Line Extension Agreement with B.C. Partners for Breckenridge East
This item was tabled until next month.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to table this agenda item until next month. Unanimously approved.

Discussion of the Jefferson County Commission Water Advisory Committee and Role of the District

In a letter to the County Commission, Ms. Lawton expressed her concerns regarding the purpose and functions of the group. She has been a member of the Water Advisory Committee (WAC) for the last three years and her term is currently up for reappointment. As a member of this group, Ms. Lawton did not represent the District, but as a professional in the water and wastewater business. Mr. Hankins stated that he was a member of the group when it was created in 2002 and thought the original intent of the group was very narrow focused and they were to make technical and scientific decisions when needed for the County Commission. He informed the audience that the District has never asked or appointed any staff or Board members to the WAC.

Commissioner Lyn Widmyer informed the Board that the Commission is having a work session on this group later in the month to discuss the purpose and goals of the WAC. She stated that it is the County Commissions fault if the committee got off track not the committee's. Commissioner Widmyer would like the group to stay active and keep on track with specific studies or projects.

Action: No action taken by the Board.

Public Comment

The Board took public comments at this time.

Jacquelyn Milliron made a comment regarding the Countywide Coalition meeting. She stated the idea of consolidation was a part of the "common ground" between the interveners of the Flowing Springs case at the Public Service Commission and the District. Ms. Milliron thought consolidation would be a great idea to broaden the customer base and share project costs. She also questioned the Alternate Mainline Extension agreement with Breckenridge and if it was for the existing homes or the new infrastructure. Mr. Kelsh responded by informing Ms. Milliron it was for the new infrastructure of Breckenridge East.

Discussion of any expenses over budget

There were no expenses over budget.

Action: No action taken by the Board.

Approve Transfer of \$1,987.88 from Sewer Security Deposit Account to Sewer Operating for Security Deposit Refunds

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$1,987.88 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Unanimously approved.

Approve Transfer of \$64.30 from Glen Haven Security Deposit Account into Glen Haven Operating for Security Deposit Refunds

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$64.30 from Glen Haven Security Deposit Account into Glen Haven Operating Account for Security Deposit Refunds. Unanimously approved.

Disbursements

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for Cavaland water expenses in the amount of \$1,028.87, Glen Haven water expenses in the amount of \$1,984.27. Unanimously approved.

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for the Public Service District expenses in the amount of \$150,691.62. Unanimously approved.

General Manager's Report

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

- Driswood Elementary School – The District is still trying to clear up a few issues with the new pump station at the school. The District has not yet accepted the pump station as District property.
- Farmers Market – Ms. Lawton met with the "focus group" for the market. They are currently trying to find the best solution to get the proposed new Market finished before the spring. There is still a question as to whether the County Health Department will allow the Market to stay on its existing septic system or connect to on public sewer.

Action: No action taken by the Board.

Correspondence

The District received a letter from Mr. Lee Snyder regarding the progress of the Public/Private Partnership for a report he filed in accordance with the settlement of one of Jefferson Utilities cases at the Public Service Commission. The District is waiting for the results of the test wells study being done by the County Commission for the next steps regarding the partnership. The Board did not agree with everything in the letter from Mr. Snyder.

Action: No action taken by the Board at this time, but see below for action taken after executive session.

Discuss Public Service Commission Staff Proposed Stormwater Rules

Discuss Public Service Commission Staff Proposed Decentralized Sewer Rules

Mr. Kelsh informed the Board that in August 2010, the Public Service Commission (PSC) had filed corrected proposed stormwater rules which has since then been recommended by the PSC to put the proposed rules out for public comment, but has issued no orders yet. PSC staff also filed a petition with the PSC in August 2010 to investigate amending the PSC's Sewer Rules regarding utilities providing sewer service through decentralized sewer systems. It has been recommended by the PSC to put these proposed rules out for public comment, but no order has been issued yet. Mr. Kelsh informed the Board that the PSC currently has an active rule making on the general Sewer Rules, which would be strange to have 2 pending rule makings out on the same set of rules.

He suggested the Board give him the authorization to send a letter to the PSC requesting them to post the proposed stormwater rules for public comment. Mr. Kelsh also suggested the Board give him the authority to file another letter with the PSC encouraging them to post the proposed decentralized rules for public comment or consider these rules in conjunction with the other ongoing review of the Sewer Rules.

Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to direct Mr. Kelsh to draft two letters to the PSC; one letter to address the stormwater

rules and one to address the decentralized sewer rules to request the PSC to expedite the two documents to be published for public comments.
Unanimously approved.

Discuss Proposed Mutual Assistance Agreement Between Utilities

Mr. Kelsh updated the Board. The WV WARN filed a petition with the Public Service Commission for approval of a Water/Wastewater Agency Response Network Agreement which would require members to designate a person to request or commit assistance and willing personnel to assist other utilities in emergencies. Ms. Kelsh stated the utility is required to reimburse responding members using a 45 day period to pay invoices. Since the District cannot wait 45 days to pay employees, this could create a financial strain on the District if the responding personnel work extensive overtime hours for an emergency.

Action: No action taken by the Board.

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

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

Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to direct Mr. Kelsh to respond to the Jefferson Utilities letter indicating the District is waiting for the status of the mountain test wells study before providing a full response, but mention the District is not willing to accept all the issues in the letter. Unanimously approved.

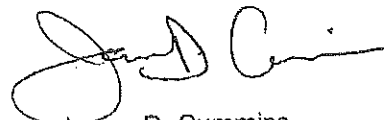
Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to approve the scenario #2 presented by Ms. Lawton in regards to the status of the Finance Manager. Unanimously approved.

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

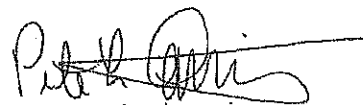
There being no further business at this time, the meeting was adjourned at 10:20PM

The next regular meeting is scheduled for March 1, 2011 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



James D. Cummins
Secretary



Peter L. Appignani
Treasurer

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

Charles Town
 999 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%	RAMSON 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	\$ 26,788.09	\$ 10,912.25
09/04/10	\$ 152,725.68	\$ 76,362.84	\$ 76,362.84	\$ 9,484.26	\$ 26,391.00	\$ 2,787.24	\$ 26,788.09	\$ 11,856.32
09/11/10	\$ 165,938.72	\$ 82,969.36	\$ 82,969.36	\$ 10,304.79	\$ 26,674.21	\$ 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	\$ 10,055.17
10/02/10	\$ 142,027.72	\$ 71,013.86	\$ 71,013.86	\$ 8,819.92	\$ 24,542.39	\$ 2,592.01	\$ 24,911.68	\$ 10,147.88
10/09/10	\$ 138,623.00	\$ 69,311.50	\$ 69,311.50	\$ 8,608.48	\$ 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	\$ 10,751.09
10/23/10	\$ 140,581.50	\$ 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	\$ 8,838.43	\$ 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	\$ 18,687.85	\$ 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	\$ 29,671.36	\$ 12,168.24
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
01/22/11	\$ 121,849.48	\$ 60,924.74	\$ 60,924.74	\$ 7,568.85	\$ 21,055.59	\$ 2,223.75	\$ 21,372.40	\$ 8,706.15
01/29/11	\$ 96,073.88	\$ 48,036.94	\$ 48,036.94	\$ 5,966.19	\$ 16,601.57	\$ 1,753.35	\$ 16,851.35	\$ 6,864.48
02/05/11	\$ 121,554.88	\$ 60,777.44	\$ 60,777.44	\$ 7,548.56	\$ 21,004.68	\$ 2,218.38	\$ 21,320.72	\$ 8,685.09
02/12/11	\$ 134,943.68	\$ 67,471.84	\$ 67,471.84	\$ 8,380.00	\$ 23,318.27	\$ 2,462.72	\$ 23,669.12	\$ 9,641.73
02/19/11	\$ 144,037.08	\$ 72,018.54	\$ 72,018.54	\$ 8,944.70	\$ 24,889.61	\$ 2,628.68	\$ 25,264.10	\$ 10,291.45
02/26/11	\$ 151,086.04	\$ 75,544.02	\$ 75,544.02	\$ 9,382.57	\$ 26,108.01	\$ 2,757.36	\$ 26,500.84	\$ 10,795.24
Subtotal	\$ 4,762,190.02	\$ 2,837,126.75	\$ 1,925,063.27	\$ 239,092.84	\$ 665,301.87	\$ 70,264.84	\$ 675,312.15	\$ 275,091.57

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$

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

Week Ending Date	Week Ending February 26, 2011
To be Deposited on:	March 4, 2011
Amount Played	88,136,832.43
Amount Won	79,070,768.87
Amount Promo	280,633.00
MWAP Contribution	<u>41,910.53</u>
Adjusted Gross Terminal Revenue	<u>8,743,520.03</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>349,740.79</u>
Net Terminal Revenue	<u>8,393,779.24</u>
Surcharge @ 10%	839,377.92
State Share Excess @ 58%	486,839.19
Track Share of Capital Reinvestment @ 42%	352,538.73
Track Share of Capital Reinvestment @ 42% - 96%	\$ 338,437.18
Track Share of Capital Reinvestment @ 42% - 4%	\$ 14,101.55
Adjusted Net Terminal Revenue	<u>7,554,401.31</u>
Racetrack @ 46.50% / 42%	3,172,848.55
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	3,097,304.51
Race Track Purses @ 7% / 14% / 8%	604,352.10
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	37,772.01
Greyhound Development @ .75%	56,658.01
Thoroughbred Development @ .75%	56,658.01
Racing Commission @ 1%	75,544.02
County/Municipality @ 2%	151,088.04
3% Funds:	
Tourism Promotion Fund @ 1.375%	103,873.02
Development Office Promotion Fund @ .375%	28,329.00
Research Challenge Fund @ .5%	37,772.01
Capitol Renovation and Improvement Fund @ .6875%	51,936.51
2004 Capitol Complex Parking Garage Fund @ .0625%	4,721.50
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>75,544.02</u>
	<u>7,554,401.31</u>

1/17/2009	56,068.87	1/16/2010	60,551.28	1/15/2011	54,005.90	Jan-11 106,189.21
1/24/2009	71,474.63	1/23/2010	69,943.53	1/22/2011	60,924.74	
1/31/2009	61,089.80	1/30/2010	48,527.75	1/29/2011	48,036.94	
2/7/2009	83,539.63	2/6/2010	37,155.14	2/5/2011	60,777.44	
2/14/2009	76,054.44	2/13/2010	44,334.00	2/12/2011	67,471.84	
2/21/2009	91,838.41	2/20/2010	76,946.12	2/19/2011	72,018.54	
2/28/2009	80,806.88	2/27/2010	72,024.40	2/26/2011	75,544.02	
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		2837126.75		687965.11

To: ALL County Commissioners
From: Vivian Parsons

From: Vivian Parsons
Date: 3/3/2011 10:01:47 AM
To: Jennifer Web
Subject: Fw: 2011 Bills of County Interest Surviving Cross-Over Day

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

From: Vivian Parsons
Date: 3/2/2011 10:45:38 PM
To: CCAWV-L@listserv.wvu.edu
Subject: 2011 Bills of County Interest Surviving Cross-Over Day

Hi folks,
Following is the list of county interest bills that survived "cross-over day." I have noted those bills that we are supporting and those that we oppose, please see Note column. Call if you have questions 304-415-1608

Vivian

Action Bills - 2011 Regular Session

Bill	Title	SA(Same As)/SI(Similar To)	Last Action	Committee Reference	Notes
<u>SJR 9</u> (None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Proposing amendment to Constitution designated The Silenced Majority Local Levy and Bond Amendment	<u>SI HJR 29</u>	03/03/11 - To House On 2nd reading, Calendar 2nd Reading	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	<u>EDIT NOTE DELETE NOTE</u> CCAWV supports
<u>SJR 10</u> (None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Proposing amendment to Constitution designated Repeal The Two Consecutive Term Limitation for Sheriffs Amendment	<u>SI HJR 28</u>	02/25/11 - To House Constitutional Revision In Committee	House Reference 1 - Constitutional Revision House Reference 2 - Judiciary Senate Reference 1 - Judiciary	<u>EDIT NOTE DELETE NOTE</u> CCAWV supports
<u>HJR 29</u> (None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	The Simple Majority Local Levy and Bond Amendment	<u>SI SJR 8</u> <u>SI SJR 9</u> <u>SA SJR 4</u>	03/03/11 - To House On 2nd reading, Calendar 2nd Reading	House Reference 1 - Constitutional Revision House Reference 2 - Judiciary	<u>EDIT NOTE DELETE NOTE</u> CCAWV supports
<u>SB 98</u> (None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Relating generally to certain county officials	<u>SI HB 2027</u>	02/25/11 - To House Judiciary In Committee	House Reference 1 - Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Finance	<u>ADD A NOTE FOR SB 98</u>
<u>SB 177</u> (None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Authorizing Department of Revenue promulgate legislative rules		02/25/11 - To House Judiciary In Committee	House Reference 1 - Judiciary Senate Reference 1 - Finance Senate Reference 2 - Judiciary	<u>ADD A NOTE FOR SB 177</u>
	Relating to law-	<u>SA HB</u>	02/23/11 - To	House Reference 1 - Judiciary	

<u>SB</u> <u>193</u>	(None) □□□	enforcement certification generally	<u>2538</u>	House Judiciary In Committee	Senate Reference 1 - Judiciary	<u>ADD A NOTE FOR SB 193</u>
<u>SB</u> <u>235</u>	(None) □□□	Revising County Economic Opportunity Development District Act	<u>SA HB</u> <u>2762</u>	02/16/11 - To House Finance In Committee	House Reference 1 - Finance Senate Reference 1 - Energy, Industry and Mining Senate Reference 2 - Finance	<u>ADD A NOTE FOR SB 235</u>
<u>SB</u> <u>242</u>	(None) □□□	Dedicating portion of coal severance tax to county of origin	<u>SI HB</u> <u>2366</u> <u>SI HB</u> <u>2912</u>	03/02/11 - To House Ordered to Introduced	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	<u>EDIT NOTE DELETE NOTE</u> CCAWW supports
<u>SB</u> <u>272</u>	(None) □□□	Relating to WV Tax Increment Financing Act	<u>SA HB</u> <u>2852</u>	02/25/11 - To House Finance In Committee	House Reference 1 - Finance Senate Reference 1 - Energy, Industry and Mining Senate Reference 2 - Finance	<u>EDIT NOTE DELETE NOTE</u> CCAWW opposes this bill...it expands TIF authority to Class III & IV municipalities
<u>SB</u> <u>277</u>	(None) □□□	Limiting amount property reappraisal can increase over previous amount	<u>SI HB</u> <u>2944</u> <u>SI HB</u> <u>2672</u>	03/02/11 - To House Ordered to Introduced	Senate Reference 1 - Government Organization Senate Reference 2 - Finance	<u>EDIT NOTE DELETE NOTE</u> CCAWW has concerns with this bill
<u>SB</u> <u>307</u>	(None) □□□	Creating Intermediate Court of Appeals	<u>SI HB</u> <u>3150</u> <u>SI HB</u> <u>3165</u>	03/02/11 - To House Ordered to Introduced	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	<u>ADD A NOTE FOR SB 307</u>
<u>SB</u> <u>344</u>	(None) □□□	Relating to special method for appraising qualified capital additions to manufacturing facilities	<u>SA HB</u> <u>2950</u>	02/23/11 - To House Finance In Committee	House Reference 1 - Finance Senate Reference 1 - Economic Development Senate Reference 2 - Finance	<u>EDIT NOTE DELETE NOTE</u> CCAWW is opposed to special tax treatment of salvage value.
<u>SB</u> <u>391</u>	(None) □□□	Relating to community voting locations generally	<u>SI HB</u> <u>2748</u> <u>SI HB</u> <u>2857</u> <u>SI HB</u> <u>3229</u>	03/02/11 - To House Ordered to Introduced	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	<u>EDIT NOTE DELETE NOTE</u> CCAWW supports as long as authority is permissive
<u>SB</u> <u>410</u>	(None) □□□	Extending alternative-fuel motor vehicle tax credit	<u>SI HB</u> <u>2938</u> <u>SI HB</u> <u>2135</u>	03/02/11 - To House Ordered to Introduced	Senate Reference 1 - Finance	<u>ADD A NOTE FOR SB 410</u>
<u>SB</u> <u>420</u>	(None) □□□	Clarifying county commissioners must reside in district they represent		03/01/11 - To House Political Subdivisions In Committee	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	<u>ADD A NOTE FOR SB 420</u>

<u>SB</u> <u>424</u>	(None) □□□	Creating Natural Gas Horizontal Well Control Act	<u>SA HB</u> <u>3042</u>	03/02/11 - To House Ordered to Introduced	Senate Reference 1 - Energy, Industry and Mining Senate Reference 2 - Judiciary	<u>EDIT NOTE DELETE NOTE</u> Some question on local regulatory authority
<u>SB</u> <u>428</u>	(None) □□□	Increasing fees charged by clerk of circuit court for medical professional liability actions	<u>SI HB</u> <u>3127</u>	03/01/11 - To House Judiciary In Committee	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance	<u>EDIT NOTE DELETE NOTE</u> Fees go into county general fund
<u>SB</u> <u>438</u>	(None) □□□	Relating to election of magistrates by division	<u>SI HB</u> <u>2051</u>	02/10/11 - To House Judiciary In Committee	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary	<u>ADD A NOTE FOR SB</u> <u>438</u>
<u>SB</u> <u>466</u>	(None) □□□	Creating Marcellus Gas and Manufacturing Development Act	<u>SA HB</u> <u>3099</u>	03/03/11 - To House On 2nd reading, Calendar 2nd Reading	Senate Reference 1 - Energy, Industry and Mining Senate Reference 2 - Finance	<u>EDIT NOTE DELETE NOTE</u> CCAWV is opposed to special tax treatment.
<u>SB</u> <u>495</u>	(None) □□□	Relating generally to use of electronic voting systems	<u>SA HB</u> <u>3058</u>	02/25/11 - To House Judiciary In Committee	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 - Judiciary Senate Reference 2 - Finance	<u>ADD A NOTE FOR SB</u> <u>495</u>
<u>SB</u> <u>510</u>	(None) □□□	Relating to requirements for new facility projects of public agencies and projects receiving state funds	<u>SI HB</u> <u>2024</u> <u>SI HB</u> <u>2401</u> <u>SA HB</u> <u>2957</u>	03/01/11 - To House Government Organization In Committee	House Reference 1 - Government Organization House Reference 2 - Finance Senate Reference 1 - Finance	<u>ADD A NOTE FOR SB</u> <u>510</u>
<u>SB</u> <u>544</u>	(None) □□□	Relating to municipal policemen's and firemen's pension and relief funds		03/02/11 - To House Ordered to Introduced	Senate Reference 1 - Pensions Senate Reference 2 - Finance	<u>EDIT NOTE DELETE NOTE</u> includes 1.25 million for VFD
<u>SB</u> <u>553</u>	(None) □□□	Creating workers' compensation insurance subsidy program for volunteer fire departments	<u>SA HB</u> <u>3191</u>	03/02/11 - To House Ordered to introduced	Senate Reference 1 - Finance	<u>EDIT NOTE DELETE NOTE</u> CCAWV supports. Creates program for distributing state appropriated funds for VFD workers' comp premium increases.
<u>SB</u>	(None)	Changing beginning date for early voting;	<u>SI HB</u> <u>2748</u> <u>SI HB</u>	03/02/11 - To House Ordered	Senate Reference 1 - Judiciary	<u>ADD A NOTE FOR SB</u>

581	□□□	allowing Saturday early voting	2858	to Introduced		581
SB 613	(None) □□□	Relating to state elections and early voting	SI HB 3038	03/02/11 - To House Ordered to Introduced	Senate Reference 1 - Judiciary	ADD A NOTE FOR SB 613
SB 616	(None) □□□	Relating to post-employment benefits generally		03/02/11 - To House Ordered to Introduced	Senate Reference 1 - Finance	ADD A NOTE FOR SB 616
HB 2013	(None) □□□	Requiring the West Virginia Enhanced 911 Council to propose Emergency Medical Dispatch procedures		02/07/11 - To Senate Government Organization In Committee	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	ADD A NOTE FOR HB 2013
HB 2164	(None) □□□	Relating to public school support computation of local share		02/17/11 - To Senate Education In Committee	House Reference 1 - Education House Reference 2 - Finance Senate Reference 1 - Education Senate Reference 2 - Finance	ADD A NOTE FOR HB 2164
HB 2208	(None) □□□	Providing for actual costs to be paid for municipal audits and reducing the cap on audits for Class IV municipalities		02/25/11 - To Senate Government Organization In Committee	House Reference 1 - Political Subdivisions House Reference 2 - Finance Senate Reference 1 - Government Organization Senate Reference 2 - Finance	EDIT NOTE DELETE NOTE No county funds involved.
HB 2345	(None) □□□	Changing the membership of the PEIA Financial Board		01/26/11 - To Senate Government Organization In Committee	House Reference 1 - Political Subdivisions House Reference 2 - Government Organization Senate Reference 1 - Government Organization Senate Reference 2 - Finance	ADD A NOTE FOR HB 2345
HB 2402	(None) □□□	Redefining the term "public record" as it is used in the Freedom of Information Act		01/27/11 - To Senate Judiciary In Committee	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	ADD A NOTE FOR HB 2402
HB 2464	(None) □□□	Adding additional requirements to the Ethics Act		02/28/11 - To House requests to concur Concurrence	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	ADD A NOTE FOR HB 2464
HB	(None)	Relating generally to estates and	SA SB 190	02/01/11 - To Senate Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance Senate Reference 1 -	ADD A NOTE FOR HB

<u>2551</u>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	trusts and their administration		In Committee	Judiciary Senate Reference 2 - Finance	<u>2551</u>
<u>HB 2696</u>	(None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Authorizing the county commission of Boone County to transfer its title and interests in the Boone Memorial Hospital	<u>SA SB 232</u>	02/24/11 - To House Governor 02/24/11 - Journal To Governor	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	<u>ADD A NOTE FOR HB 2696</u>
<u>HB 2703</u>	(None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Relating to qualifications of members of certain county commissions		03/02/11 - To Senate Government Organization In Committee	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary Senate Reference 1 - Government Organization	<u>EDIT NOTE DELETE NOTE</u> This bill pertains to members of commissions at the county level (i.e. civil service commission) Not County Commissioners
<u>HB 2765</u>	(None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Relating to the retirement plans administered by the West Virginia Consolidated Public Retirement Board	<u>SA SB 230</u>	02/22/11 - To Senate Pensions In Committee	House Reference 1 - Pensions and Retirement House Reference 2 - Finance Senate Reference 1 - Pensions Senate Reference 2 - Finance	<u>ADD A NOTE FOR HB 2765</u>
<u>HB 2766</u>	(None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Relating to contribution rate for the Deputy Sheriff Retirement System	<u>SA SB 221</u>	02/22/11 - To Senate Pensions In Committee	House Reference 1 - Pensions and Retirement House Reference 2 - Finance Senate Reference 1 - Pensions Senate Reference 2 - Finance	<u>EDIT NOTE DELETE NOTE</u> This bill increases the employer's contribution cap from 10.5% to 13%. This was the compromise, rather than completely removing the cap and leaving contribution level at the discretion of the PERS board. CCAWV supports compromise.
<u>HB 2879</u>	(None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Providing a one-time, nonbase building, supplemental salary increase for all eligible state employees	<u>SA SB 273</u>	03/02/11 - To Senate Communicated to Introduced	House Reference 1 - Finance	<u>ADD A NOTE FOR HB 2879</u>
<u>HB 2935</u>	(None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Repealing an outdated article of election code relating to voting systems	<u>SA SB 497</u>	02/16/11 - To Senate Judiciary In Committee	House Reference 1 - Judiciary Senate Reference 1 - Judiciary	<u>ADD A NOTE FOR HB 2935</u>
<u>HB 2936</u>	(None) <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Changing the date of the canvassing of votes in a primary election	<u>SA SB 284</u>	02/10/11 - To Senate Government Organization In Committee	House Reference 1 - Judiciary Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	<u>EDIT NOTE DELETE NOTE</u> CCAWV supports change. Makes primary same as general (from the Friday following a primary election to the

Monday following a primary election)

HB 2939 (None)

Clarifying the definition of compensation for purposes of calculating required contributions to the public employees retirement system

02/22/11 - To Senate Pensions In Committee

House Reference 1 - Pensions and Retirement
House Reference 2 - Finance
Senate Reference 1 - Pensions
Senate Reference 2 - Finance

ADD A NOTE FOR HB 2939

HB 2953 (None)

Relating to dedication of coalbed methane severance tax proceeds

SA SB 372

03/01/11 - To Senate Finance In Committee

House Reference 1 - Energy, Industry and Labor, Economic Development and Small Business
House Reference 2 - Finance
Senate Reference 1 - Finance

ADD A NOTE FOR HB 2953

HB 3044 (None)

Relating to civil forfeiture actions related to criminal activity

LSB 223

03/02/11 - To Senate Communicated to Introduced

House Reference 1 - Judiciary
House Reference 2 - Finance

ADD A NOTE FOR HB 3044

HB 3075 (None)

Increasing the time period in the hold-harmless provision when distributing state aid to local health departments

LSB 442

03/02/11 - To Senate Communicated to Introduced

House Reference 1 - Health and Human Resources
House Reference 2 - Finance

ADD A NOTE FOR HB 3075

HB 3119 (None)

Increasing the expenditure limit on public service district construction and purchase contracts

SA SB 442

03/01/11 - To Senate Government Organization In Committee

House Reference 1 - Political Subdivisions
House Reference 2 - Finance
Senate Reference 1 - Government Organization

ADD A NOTE FOR HB 3119

HB 3146 (None)

Providing a one-time bonus to certain annuitants of the Public Employees Retirement System and the State Teachers Retirement System

SI SB 10
SI SB 16

03/02/11 - To House requests to concur - Concurrence

House Reference 1 - Pensions and Retirement
House Reference 2 - Finance

ADD A NOTE FOR HB 3146

HB 3185 (None)

Allowing county commissions to waive or reduce impact fees and capital improvement fees of affordable housing units in their county

SA SB 533

03/02/11 - To Senate Communicated to Introduced

House Reference 1 - Political Subdivisions
House Reference 2 - Judiciary

ADD A NOTE FOR HB 3185

Reducing jail sentence for

03/01/11 - To

House Reference 1 - Judiciary

file://C:\Users\Jennifer\AppData\Local\NIM\Runtime\Message\{76B2DE6A-C9C0-4533-AAB1-2C... 3/3/2011

HB 3205 (None)

successful completion of education and rehabilitation programs

Senate Judiciary In Committee

House Reference 2 - Finance
Senate Reference 1 - Judiciary

EDIT NOTE | DELETE NOTE
CCAWW supports

HB 3268 (None)

Relating to who may claim a homestead exemption

03/01/11 - To Senate Finance In Committee

House Reference 1 - Finance
Senate Reference 1 - Finance

EDIT NOTE | DELETE NOTE
CCAWW has concerns. Would provide for survival spouse to continue to be eligible for homestead exemption even if under 65 yr. old and not disabled

HB 3271 (None)

Relating to the distribution of state funds to volunteer fire companies and departments

03/02/11 - To Senate Communicated to introduced

House Reference 1 - Finance

EDIT NOTE | DELETE NOTE
CCAWW supports

Vivian Parsons

file://C:\Users\Jennifer\AppData\Local\IM\Runtime\Message\76B2DE6A-C9C0-4533-AAB1-2C... 3/3/2011
