

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, FEBRUARY 2, 2012
9:30 A.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

1. **9:45 a.m.** **Resolutions:**
 - In Appreciation for Doug Evans, Emergency Medical Technician for Jefferson County Emergency Services Agency - Discussion/Action
 - In Support of the Hagerstown Eastern Panhandle Metropolitan Organization (HEPMO) - Discussion/Action

2. **10:00 a.m.** **Paul Shroyer, Director of Financial Management**
 - Budget preview - time line - Discussion/Action
 - Budget Revision #001 - Discussion/Action
 - Budget Revision #002 - Discussion/Action

3. **10:15 a.m.** **Bill Polk, Maintenance Director and Paul Shroyer, Director of Financial Management**
 - Request for approval of \$50,000 for the completion of the new maintenance building - Discussion/Action

4. **10:45 a.m.** **Break**

5. **11:00 a.m.** **Paul Marshall, Jefferson County Parks and Recreation Commission**
 - Presentation on Re-Charting Parks and Recreation as a multi-governmental organization - Discussion/Action

6. **11:30 a.m.** **Jennifer Maghan, County Clerk**
 - Election update - Discussion/Action

7. 11:45 a.m. Stephanie Grove, Assistant Prosecuting Attorney
 - Request to withdraw Zoning Map Amendment Petition for Map 15; Parcels 47& 56 also known as the Hott Property - Discussion/Action
 - Legal updates

UNFINISHED BUSINESS:

8. Decision on the Petition of William E. Knode and Jo Ann Knode to vacate unused streets and alley as shown on Map of Trussell's Addition, situated in Shepherdstown District, Jefferson County, West Virginia under §7-1-3h West Virginia Code - Discussion/Action

NEW BUSINESS:

9. Review and possible action on Tim Boyde's exit memo regarding Restructuring County Government - Discussion/Action
10. Increase the Development Authority budget by \$30,000 (WP) - Discussion/Action
11. Legislative updates

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

12. 12:30 p.m. Break for Lunch

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

Courthouse Meeting Room
located at 100 E. Washington Street

13. 1:30 p.m. Board of Review and Equalization
14. ADJOURN

CORRESPONDENCE:

Notice of interview and appointment for the Building Commission will be placed on the February 9, 2012 agenda.

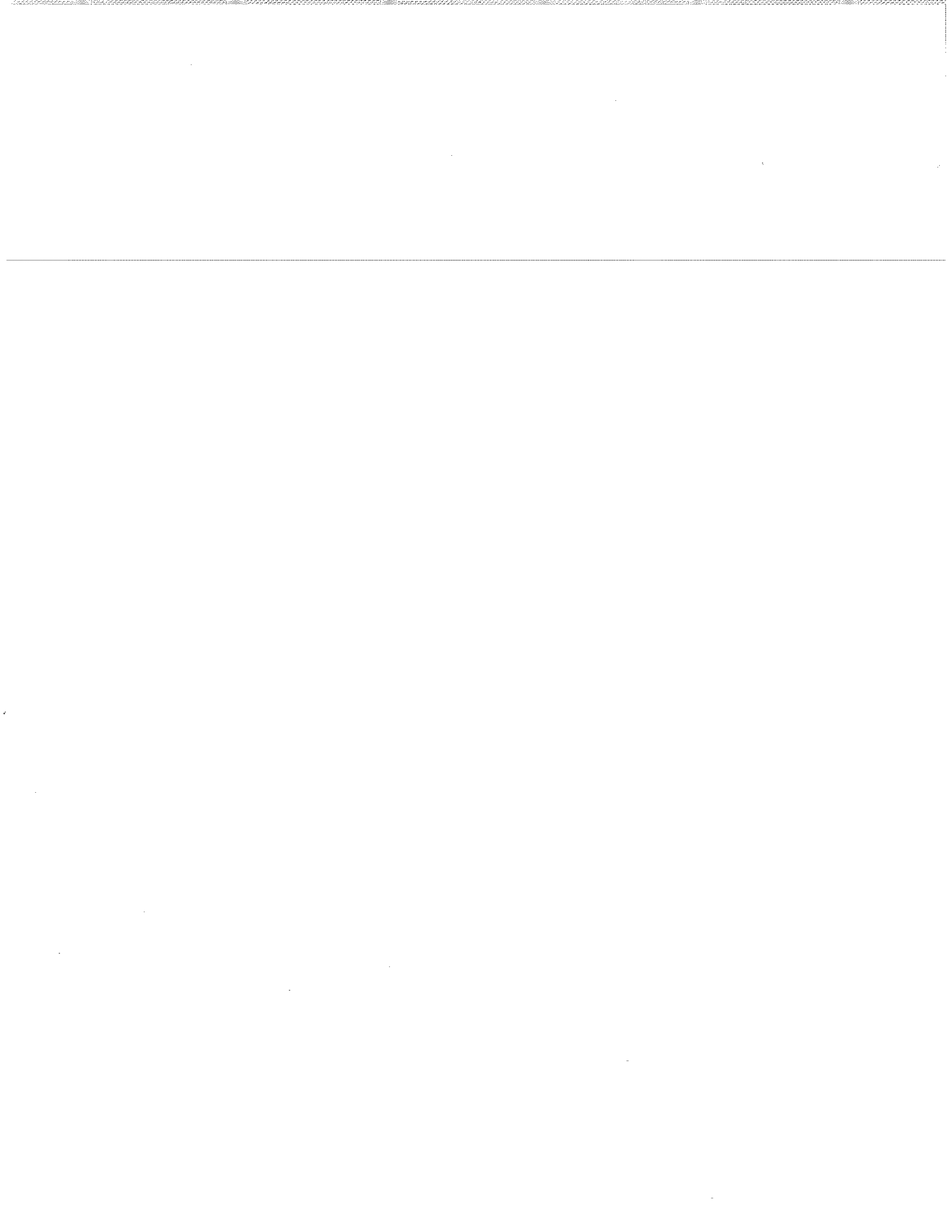
Letter received from Robert Blanck concerning the Fire and EMS fees.

Letter regarding Food Handling Requirements received from G. Nicholas Casey, Jr of Lewis Glasser Casey and Rollins, PLLC Law Offices.

Letter regarding price adjustments received from Paul Comes of Comcast.

The Harpers Ferry-Bolivar PSD Board meeting minutes for 2011 were received from David Tennant.

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



Minutes
Jefferson County Commission
Thursday, January 26, 2012

A meeting of the Jefferson County Commission was held on Thursday, January 26, 2012 in the County Commission meeting room at the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patricia Noland, Dale Manuel, Lyn Widmyer, Frances Morgan and Walt Pellish. Also present were Sandy McDonald, Interim County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddy, Bailiff. (An audio tape of the January 26, 2012 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Widmyer led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Morgan approve the Minutes of the January 12, 2012 Public Hearing as presented.
Motion seconded by Mr. Pellish and unanimously approved.

Motion by Ms. Morgan to approve the Minutes of the January 19, 2012 Regular Meeting as presented.
Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$32,096.96, being purchase order numbers: 52986, 50869, 51004, 50663, 50664, 50925, 50773, 53273, 53274, 53275, 50926, 50928, 50931, 50692, 50727, 50929, and 50932. Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the accounts payable in the amount of \$54,647.08. Motion seconded by Mr. Manuel and unanimously approved.

Lyle Bivens requested that the Commission, pursuant to the case of Citizens United v. Federal Elections Commission, sign a Resolution in support of amending the U.S. Constitution to provide that corporations are not entitled to the entirety of protections or "rights" of natural persons, and, specifically, that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech.

Patience Wait supported the signing of the Resolution.

Keryn Newman supported the signing of the Resolution.

Lynn Yellot supported the signing of the Resolution.

Debbie Royalty supported the signing of the Resolution.

RESOLUTION

WHEREAS, In 2010 the United States Supreme Court issued its decision in Citizens United v. Federal Election Commission, holding that independent spending on elections by corporations and other groups could not be limited by government regulations; and;

WHEREAS, This decision rolled back the legal restrictions on corporate spending in the electoral process, allowing for unlimited corporate spending to influence elections, candidate selection, and policy decisions; and

WHEREAS, In reaching its decision, a majority of the Supreme Court, relying on prior decisions, interpreted the First Amendment of the Constitution to afford corporation the same free speech protections as natural persons; and

WHEREAS, In his eloquent dissent, Justice Paul Stevens rightly recognized that “corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their ‘personhood’ often serves as a useful legal fiction. But they are not themselves members of ‘We the People’ by whom and for whom our Constitution was established”; and

WHEREAS, The Court’s decision in Citizens United severely hampers the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity; and

WHEREAS, Corporations should not be afforded the entirety of protections or “rights” of natural persons, such that the expenditure of corporate money to influence the electoral process is a form of constitutionally protected speech; and

WHEREAS, several proposed amendments to the Constitution have been introduced in Congress that would allow governments to regulate the raising and spending of money by corporations to influence elections;

NOW, THEREFORE BE IT RESOLVED, that the County Commission of Jefferson County, opposes the Supreme Court’s interpretation of the Constitution in Citizens United regarding the constitutional rights of corporations, and supports amending the Constitution to provide that corporations are not entitled to the entirety of protections or “rights” of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, and calls on Congress to begin the process of amending the Constitution.

Approved this 26th day of January, 2012

Patsy Noland, President

Dale Manuel, Vice President

Frances Morgan, Commissioner

Walt Pellish, Commissioner

Lyn Widmyer, Commissioner

David Tabb informed the Commission that he had met with Angela Banks, Jefferson County Assessor, and she agreed to lower his real estate tax assessment from approximately \$500,000 to \$290,000.

Kathy Knight congratulated the Commission and the Jefferson County Planning Commission for the professional and

informative manner in which the proposed zoning amendments were presented to the citizens of Jefferson County.

Following **Public Comment** Mr. Manuel made a motion that the Tim Boyde Exit Memo discussed in Executive Session last week be made available to the public with next week's Agenda to allow citizen review before the Commission begins debate and possible action on its contents as stated on next week's Agenda. Mr. Pellish seconded the motion. The motion was carried 3 – 2 with Ms. Widmyer and Ms. Morgan voting "no."

PRESENTATIONS:

1. Presentation of Resolutions:

- **Dr. Oscar Stine (not present)** for service to the Water Advisory Committee. Ms. Noland read the Resolution. Ms. Widmyer made a motion to approve the Resolution. Motion was seconded by Ms. Morgan and unanimously approved.

RESOLUTION IN RECOGNITION OF DR. OSCAR C. STINE FOR HIS SERVICE ON THE WATER ADVISORY COMMITTEE

WHEREAS, the Jefferson County Commission formed the Water Advisory Committee in May 2003;

WHEREAS, the Water Advisory Committee is comprised of volunteers of Jefferson County Citizens who are knowledgeable and committed to preserving and protecting the water resources in Jefferson County, WV;

WHEREAS, Dr. Oscar C. Stine was appointed by the Jefferson County Commission to the Water Advisory Committee in March 2004 and has served in his capacity as a Volunteer since that time;

WHEREAS, Dr. Oscar C. Stine provided a valuable service to Jefferson County as a member of the Water Advisory Committee by providing his knowledge and applying his professional expertise to the Water Advisory Committee in order to preserve and protect the water resources in Jefferson County, WV;

WHEREAS, the Jefferson County Commission recognizes that the people of Jefferson County will benefit from the knowledge and expertise provided by Dr. Oscar C. Stine for future generations to come as the result of his involvement, dedication and loyalty to the Water Advisory Committee;

THEREFORE, the Jefferson County Commission hereby recognizes Dr. Oscar C. Stine for his years of service as a loyal and dedicated member of the Water Advisory Committee and in appreciation for his service to the citizens of Jefferson County, West Virginia.

By ORDER of the Jefferson County Commission:

Patricia A. Noland, President

Dale Manuel, Commissioner

Walt Pellish, Commissioner

Lyn Widmyer, Commissioner

Frances Morgan, Commissioner

DATED THIS 26TH DAY OF JANUARY, 2012

- **Nancy Manuel for service to the Harpers Ferry Library.** Ms. Widmyer made a motion to approve the Resolution. Motion seconded by Ms. Morgan and unanimously approved.

RESOLUTION IN RECOGNITION OF NANCY MANUEL FOR HER SERVICE TO THE BOLIVAR-HARPERS FERRY PUBLIC LIBRARY

WHEREAS, the dedication date for the Bolivar-Harpers Ferry Public Library was on October 15, 1977,

WHEREAS, the Bolivar-Harpers Ferry Public Library, is comprised of workers and volunteers from Jefferson County Citizens who are knowledgeable and committed to serving the residents of Bolivar and Harpers Ferry;

WHEREAS, Nancy Manuel was hired as the Library Director in October 1992 and was instrumental in navigating the library into the digital future as well as cooperating to create an interconnected county and ultimately a state wide computerized system;

WHEREAS, Nancy Manuel introduced computer proficiency that promoted growth of a book collection that started with 12,000 and tripled to 37,000 during her tenure and also creating an ongoing collaboration with Harpers Ferry Middle School;

WHEREAS, Nancy Manuel provided a valuable service to Jefferson County as a member of the Bolivar-Harpers Ferry Public Library by providing her knowledge and applying her professional expertise in order to educate and provide a resource to the residents of Jefferson County, WV;

WHEREAS, the Jefferson County Commission recognizes that the residents of Jefferson County will benefit from the knowledge and expertise provided by Nancy Manuel for future generations to come as the result of her involvement, dedication and loyalty to the Bolivar-Harpers Ferry Public Library;

THEREFORE, the Jefferson County Commission hereby recognizes Nancy Manuel for her years of service as a loyal and dedicated member of the Bolivar-Harpers Ferry Public Library and in appreciation for her service to the citizens of Jefferson County, West Virginia.

By ORDER of the Jefferson County Commission:

Patricia A. Noland, President

Dale Manuel, Commissioner

Frances Morgan, Commissioner

Lyn Widmyer, Commissioner

Walt Pellish, Commissioner

DATED THIS 26TH DAY OF JANUARY, 2012

- **Resolution opposing the United States Supreme Court's decision regarding Citizens United.** Motion made by Ms. Morgan. Motion seconded by Mr. Manuel and unanimously approved.

RESOLUTION

WHEREAS, In 2010 the United States Supreme Court issued its decision in Citizens United v. Federal Election Commission, holding that independent spending on elections by corporations and other groups could not be limited by government regulations; and;

WHEREAS, This decision rolled back the legal restrictions on corporate spending in the electoral process, allowing for unlimited corporate spending to influence elections, candidate selection, and policy decisions; and

WHEREAS, In reaching its decision, a majority of the Supreme Court, relying on prior decisions, interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons; and

WHEREAS, In his eloquent dissent, Justice Paul Stevens rightly recognized that “corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their ‘personhood’ often serves as a useful legal fiction. But they are not themselves members of ‘We the People’ by whom and for whom our Constitution was established”; and

WHEREAS, The Court’s decision in Citizens United severely hampers the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity; and

WHEREAS, Corporations should not be afforded the entirety of protections or “rights” of natural persons, such that the expenditure of corporate money to influence the electoral process is a form of constitutionally protected speech; and

WHEREAS, several proposed amendments to the Constitution have been introduced in Congress that would allow governments to regulate the raising and spending of money by corporations to influence elections;

NOW, THEREFORE BE IT RESOLVED, that the County Commission of Jefferson County, opposes the Supreme Court’s interpretation of the Constitution in Citizens United regarding the constitutional rights of corporations, and supports amending the Constitution to provide that corporations are not entitled to the entirety of protections or “rights” of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech, and calls on Congress to begin the process of amending the Constitution.

Approved this 26th day of January, 2012

Patsy Noland, President

Dale Manuel, Vice President

Frances Morgan, Commissioner

Walt Pellish, Commissioner

Lyn Widmyer, Commissioner

NEW BUSINESS:

2. Discussion and action on completion of commitment to the Town of Bolivar for in-kind services.

Motion made by Mr. Manuel to approve payment to the Town of Bolivar in lieu of further services to the town in the amount of \$12,000. Motion seconded by Mr. Pellish and unanimously approved.

PRESENTATIONS continued:

3. Paul Shroyer, Director of Finance Management presented for approve a Resolution for the revision of the Levy Estimate (Budget Revision #002 & #BR003) for Jefferson County.

Motion by Mr. Manuel to approve the revision of the Levy Estimate (Budget Revision #002 & #BR003) for Jefferson County. Motion seconded by Mr. Pellish and unanimously approved.

Paul Shroyer presented for approval the December Budget Analysis Report for the Fiscal Year ending June 30, 2012.

Motion by Mr. Manuel to approve the Budget Analysis Report for the Fiscal Year ending June 30, 2012 as presented. Motion seconded by Mr. Pellish and unanimously approved.

The Commission took a short break at 10:45 a.m.
The Commission reconvened the meeting at 10:58 a.m.

4. Interviews and appointments to the following Boards, Committees and Commissions.

- **Board of Zoning Appeals for an unexpired term ending January 1, 2014.** Upon nomination Tyler Quynn was unanimously appointed as a regular member of the Board of Zoning Appeals for the unexpired term ending January 1, 2014.
- **Water Advisory Committee for two terms ending January 31, 2015.** Upon nomination Willis E. Nowell, Jr. and Jane Arnett were unanimously reappointed for the terms ending January 31, 2015 on the Water Advisory Committee.
- **Eastern Panhandle Transit Authority Board for one three-year term ending January 31, 2015.** Upon nomination Eugene Pierson was unanimously reappointed to the Eastern Panhandle Transit Authority three-year term ending January 31, 2015.

5. Public Hearing on the Petition of William E. Knode, Jr. and Jo Ann Knode to vacate unused streets and alley in Trussell's Addition, Shepherdstown, West Virginia. (See separate Special Session Minutes.)

6. Mark Schiavone, Director of Capital Management and Planning request for approval of:

- **FY 2011 Annual Report on Impact Fees, and**
- **Time line for implementation of affordable housing impact fee ordinance.**

Mr. Schiavone and Sandy McDonald, Interim County Administrator, are directed to choose an appropriate date and schedule a public hearing on the aforementioned items.

- **Mr. Schiavone requested approval to amend FY 2012 CIP for Middleway Fire Company from \$100,000 to \$148,500,**

Mr. Manuel made a motion to approve amendment of FY 2012 CIP for Middleway Fire Company from \$100,000 to \$148,500. Motion seconded by Ms. Morgan and unanimously approved.

The Commission broke for lunch at 12:30 p.m.
The Commission reconvened the meeting at 1:30 p.m.

7. **Jennifer Brockman, Director of Planning and Zoning** apprised the Commission of potential amendments to the Zoning Ordinance Text regarding the creation of new commercial and industrial zoning categories and additional recreational opportunities in various zoning districts. **Steve Barney, Director of Zoning**, used a Power Point presentation to illustrate the potential amendments.
8. **Roger Goodwin, Chief County Engineer**, with regard to the Chesapeake Bay Initiative, requests the Commission for payment of \$10,000 as an in-kind match to grant funding of \$40,000 and approval to proceed with issuing a Request for Proposal.

Motion by Ms. Widmyer to approve the payment of \$10,000 as an in-kind match to grant funding of \$40,000 and, if the grant is received, the Commission authorizes Mr. Goodwin to proceed with issuing a Request for Proposal. Motion seconded by Ms. Morgan and unanimously approved.

NEW BUSINESS continued:

9. **Reappointment for two positions on the Berkeley/Jefferson Community Criminal Justice Board.**

Motion by Ms. Morgan to reappoint Dr. Sheri L. Hoff and Ruth A. McQuade to the two positions on the Berkeley/Jefferson Community Criminal Justice Board. Motion seconded by Ms. Widmyer and unanimously approved.

10. **Appointment of full-time Administrative Assistant to fill the vacancy at the Emergency Communications Center.**

Ms. Morgan made a motion to approve the employment of Karen Echement as a full-time Administrative Assistant at Grade II, Step A in the Emergency Communications Center with a starting date to be determined by the Director of Communications. Motion seconded by Mr. Pellish and unanimously approved.

11. **Mr. Manuel provided legislative updates to the Commission.**

12. **Addition of Human Resource position.**

Mr. Pellish made a motion to create a Human Resource position, to develop a salary schedule and to proceed with the completion of the job description that will be used for the proper posting and seeking of applicants for the position. Motion seconded by Ms. Noland and carried 3 – 2 with Ms. Widmyer and Ms. Morgan voting “no.”

Ms. Morgan then moved to table the matter pending a job description and salary classification outlined. Motion seconded by Ms. Widmyer but failed 3 – 2 with Mr. Manuel, Ms. Noland and Mr. Pellish voting “no.”

Ms. Widmyer made a motion that the Commission postpone discussion of this matter until such time as the Commission has a job description and a salary schedule and an understanding of how the new position will affect the County Budget. Motion seconded by Ms. Morgan but failed 3 – 2 with Ms. Noland, Mr. Manuel and Mr. Pellish voting “no.”

Ms. Morgan left the meeting for a prior commitment at 3:00 p.m.

13. Doug Pittinger and Ed Hannon of the Jefferson County Emergency Services Agency provided the Commission with an update on the fire fees and the public meetings. Mr. Hannon asked the Commission to review the draft of the Emergency Services Agency's 5-year Strategic Plan and let them have their comments.

Ms. Widmyer left for a prior commitment at 3:15 p.m.

There being no further business the Commission adjourned at 3:23 p.m. until Thursday next, February 2, 2012.

PATRICIA A. NOLAND, PRESIDENT

PURCHASE ORDERS TO BE APPROVED
February 2, 2012

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
ANIMAL CONTROL	50677	\$ 202.00	MORGANTOWN PRINTING	BUSINESS CARDS
	50678	\$ 217.28	VALLEY HARDWARE	HOSE CART
	50679	\$ 159.00	VALLEY PET CEMETARY	CARCASS DISPOSAL
	50680	\$ 121.92	HILLSIDE VETERINARY HOSPITAL	VET CARE
COUNTY CLERK	50666	\$ 371.12	JEFFERSON PUBLISHING CO	NOTICE OF ADMIN
COURTHOUSE	50941	\$ 521.40	DONALD B. RICE	TIRES
EMERGENCY COMMUNICATION	50971	\$ 1,953.13	TELETRONIC	SYSTEM TECH AFTER HOURS
HOMELAND SECURITY	53188	\$ 1,236.97	STAPLES	SHREDDER/SHEETS
	53187	\$ 699.99	BEST BUY (P-CARD)	FLASH MEMORY CAMCORDER
OTHER BUILDINGS	50924	\$ 1,288.17	ROY'S GLASS	GLASS SERVICES
	50933	\$ 505.00	MILLER & ANDERSON	SEMI ANNUAL MAINT CONTRACT (P&R)
	50934	\$ 1,267.00	BK OFFICE SUPPLY	COPY PAPER
PLANNING & ZONING	50695	\$ 455.00	AARON MOLENDIA	PROFESSIONAL SERVICES

PROSECUTING ATTORNEY	50728	\$ 148.95	EMBASSY SUITES	HOTEL STAY (GROVE)	
SHERIFF	5041	\$ 260.00	LAW ENFORCEMENT SYSTEM	MATERIALS/SUPPLY	
	50492	\$ 197.50	WEST VA SIGNAL & LIGHT	NEW VEHICLE SUPPLIES	
	50494	\$ 420.72	GALL'S	UNIFORMS/ACCESSORIES	
	50497	\$ 1,425.00	VITAL SIGNS	AUTO SUPPLIES NEW VEHICLES	
	50498	\$ 112.58	JEFFERSON PUBLISHING CO	ADS/LEGAL PUBLISH	
	50500	\$ 290.90	SUPERIOR AUTO BODY	VEHICLE REPAIR	
	50501	\$ 232.00	LOGO APPAREL	UNIFORMS/ACCESSORIES	
VARIOUS	50940	\$ 7,368.06	AUTO ZONE	AUTO MATERIALS/SUPPLIES-WASTE OIL SHOP HEATER	
GRAND TOTAL		\$ 19,453.69	Printed at 11:52 a.m. on 1/30/12		

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

AGENDA REQUEST FORM

Name: Commission Office

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: 2/2/12

Date Requested – 2nd Choice: _____

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

Subject: Resolutions:

- In appreciation to Doug Evans of the Jefferson County Emergency Services for years of service
- In support of the Hagerstown Eastern Panhandle Metropolitan Organization

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: Lyn Widmyer, Commissioner

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: February 2, 2012

Date Requested – 2nd Choice: _____

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

Subject: **Resolution supporting HEPMO**

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:

RESOLUTION IN RECOGNITION OF DOUG EVANS FOR HIS SERVICE ON THE
JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

WHEREAS, the Jefferson County Commission formed the Jefferson County Ambulance Authority in November 1995,

WHEREAS, the Jefferson County Ambulance Authority, now known as the Jefferson County Emergency Services Agency, is comprised of volunteers of Jefferson County citizens who are knowledgeable and committed to serving and protecting the residents in Jefferson County, WV;

WHEREAS, Doug Evans was appointed by the Jefferson County Commission to the Jefferson County Ambulance Authority in August 1999 and served in his capacity as a Volunteer;

WHEREAS, Doug Evans was a valuable asset to Jefferson County as a member of the Jefferson County Emergency Services Agency by providing his knowledge and applying his professional expertise in order to preserve and protect the residents of Jefferson County, WV;

WHEREAS, the Jefferson County Commission recognizes that the people of Jefferson County have benefited from the knowledge and expertise provided by Doug Evans as the result of his involvement, dedication and loyalty to the Jefferson County Emergency Services Agency;

THEREFORE, the Jefferson County Commission hereby recognizes Doug Evans for his years of service as a loyal and dedicated member of the Jefferson County Emergency Services Agency and in appreciation for his service to the citizens of Jefferson County, West Virginia.

By ORDER of the Jefferson County Commission:

Patricia Noland, Commissioner

Dale Manuel, Commissioner

Frances Morgan, Commissioner

Lyn Widmyer, Commissioner

Walt Pellish, Commissioner

DATED THIS 2ND DAY OF FEBRUARY, 2012

RESOLUTION IN SUPPORT OF THE HAGERSTOWN EASTERN PANHANDLE
METROPOLITAN ORGANIZATION

Whereas, the Jefferson County Commission met on Thursday, January 26, 2012 with a quorum present and supports the Hagerstown Eastern Panhandle Metropolitan Organization in opposing federal legislation making 200,000 the minimum population for metropolitan planning organization; and

Whereas, the Senate passed Bill 1813, Moving Ahead for Progress in the 21st Century (MAP-21) which will replace TEA-21 transportation legislation proposes to dissolve the Metropolitan Planning organizations that serves areas with populations under 200,00; and

Whereas, the Jefferson County Commission are in support for the retention of the existing Metropolitan Planning Organizations under the 200,000 population threshold and request that the language in the final Transportation Bill be such that it preserve the local voice; and

Whereas, the Metropolitan Planning Organizations are an essential part of the decision making process and is critical to provide a local voice, therefore with the elimination of this voice, it would shift more power to the State agencies which have less understanding of the needs of local metropolitan areas;

NOW THEREFORE, BE IT RESOLVED, that we, the County Commissioners of Jefferson County, West Virginia support the Hagerstown Eastern Panhandle Metropolitan Organization in opposing federal legislation making 200,000 the minimum population for metropolitan planning organization.

By Order of the Jefferson County Commission

Dated this 2nd Day of February, 2012

Patricia Noland, President

Dale Manuel, Vice President

Frances Morgan, Commissioner

Walter Pellish, Commissioner

Lyn Widmyer, Commissioner

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

AGENDA REQUEST FORM

Name: Paul Shroyer, Director of Financial Management

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: February 2, 2012

Date Requested – 2nd Choice: _____

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

Subject: **Budget preview - timeline**

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:

Internal Budget Revision Request #002

**Prepared by: Paul Shroyer
Directory of Financial Management
Jefferson County, West Virginia
Preparation date: January 26, 2012**

Narrative

This request was made by Department #412, Ag Agent, to decrease Acct 412-02-212, allocation for Printing \$5,200, Acct 412-02-212 and increase Acct 412-02-212, allocation for Telephone, by \$4,250 and increase Material and Supplies, Acct 412-01-341, by \$950. This request is for the re-allocation of the current budget; no additional funding is required.

Internal Budget Revision Request #001

**Prepared by: Paul Shroyer
Directory of Financial Management
Jefferson County, West Virginia**

Narrative

This budget revision request needs only the County Commission approval. This budget request is the redistribute budgeted in Department #425, Other County Buildings and no additional funding is required. The request is to reduce Acct 425-02-215, Other Utilities by \$43,000 and increase Acct 425-02-213, Other Buildings-Electricity by \$43,000.

This request is required because the distribution in the original budget was properly allocated.

3

held over to 1-26-12 2-2-12

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

AGENDA REQUEST FORM

Name: **Bill Polk, Maintenance Director**

Department or Entity: **Dept of Maintenance**

Estimation of amount of time needed for appointment: **15 minutes**

Date Requested – 1st Choice: **January 19, 2012**

Date Requested – 2nd Choice: **January 26, 2012**

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

Subject: **Request for approval of \$50,000 for the completion of the new maintenance building.**

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): **Motion by XXX, second by XXX to approve funding in the amount of \$50,000 for the completion of the new maintenance building.**

Attachments:

**The County Commission of Jefferson County
Department of Maintenance
P.O. Box 250
Charles Town, WV 25414
304-728-3355 • 304-728-2519 • 304-728-3376 (f)
William Polk, Director
bpolk@jeffersoncountywv.org**

TO: Jefferson County Commission

FROM: William Polk, Director of Maintenance

DATE: January 30, 2012

RE: Agenda Request

The work on Lot 18 will soon reach completion. I understand that \$30,000 has been set aside to pave the parking lot. I am requesting an additional \$25,000 in order to complete the interior renovations.

I will provide a Power Point presentation during the meeting on Thursday. The presentation will show the progress made on the project as well as cost savings.

Thank you for your consideration.

Bardane Building Improvements and Related Cost

Attached is a listing of expenditures made as part of the building improvement project to County Buildings located at the Bardane Building Complex; the total expenditures on this project to date is \$124,415.17. Those cost are broken down as follows; Auto Mechanic Project, \$23,602.50, Maintenance Building Expenditures, \$89,858.25, and the Voters Storage Expenditure \$10,954.42.

The listing identifies the equipment, materials, or services associated with the project cost. These cost, as grouped, were charged to the General County Fund and the Capital Outlay Fund as follows:

General County Fund

<u>Acct Number</u>		<u>Amount</u>	
001-424-03-343	Courthouse Materials & Supplies	\$ 19,914.36	
001-425-02-215	Maintenance & Repair, Other Buildings	1,408.67	
001-424-02-217	Maintenance & Repair, Vehicles	1,289.95	
001-424-02-223	Professional Services	275.44	
001-424-02-215	Maintenance & Repair, Other Buildings	15,886.16	
001-424-02-223	Professional Services	4,412.26	
001-425-03-341	Materials and Supplies, Other Buildings	<u>28,623.93</u>	
	Sub-total	\$ <u>71,810.77</u>	71,810.77

Capital Outlay Fund

<u>Acct Number</u>		<u>Amount</u>	
246-425-04-460	Capital Outlay-Building Improvements	\$ 714.08	
246-425-04-460	Capital Outlay-Building Improvements	<u>40,935.90</u>	
	Sub-total	<u>41,649.98</u>	41,649.98

Voter Storage Expenditures-Capital Outlay Fund

<u>Acct Number</u>		<u>Amount</u>	
246-425-02-460	Capital Outlay-Building Improvements	<u>10,954.42</u>	
	Sub-total	<u>10,954.42</u>	<u>10,954.42</u>
	Grand total		<u>124,415.17</u>

Maintenance Building Expenditures

Capital Outlay Account - JC Lot 18 - 246-425-04-460-000-GG-000

Backhoe, Buffer and Jackhammer Rental	\$443.87
Equipment Rental	\$1,184.80
Trusses	\$5,250.00
RCS Security - Cameras	\$4,468.25
RCS - Security Services	\$4,089.64
Winchester Security - Security Services	\$1,275.00
Winchester Security - Security Services	\$6,318.00
Capital Tristate - Electrical Supplies	\$651.84
HVAC in Conference Room	\$4,900.00
Norvac - Installation of Locks	\$802.90
84 Lumber - Materials and Supplies	\$3,330.00
84 Lumber - Materials and Supplies	\$2,721.54
84 Lumber - Materials and Supplies	\$1,548.95
Dell Server	\$2,539.36
Cisco Catalyst Switch	\$1,411.75
Total for 246-425-04-460-000-GG-000	\$40,935.90

Maintenance & Repair Other Buildings - 001-424-02-215-000-GG-000

Alliance Electric - Place panel on pole for lights	\$413.40
Alliance Electric - Tamped & cleaned up ditch	\$3,944.35
RCS - Security Services	\$4,500.00
Garage Door Replacement	\$3,315.00
84 Lumber - Materials and Supplies	\$3,713.41
Total for 001-425-02-215-000-GG-000	\$15,886.16

Professional Services Other Buildings - 001-425-02-223-000-GG-000

Fence Installation	\$2,322.00
Alliance Electric - Labor	\$97.50
RCS - Security Services	\$966.00
Kubic Construction - Labor	\$1,026.76
Total for 001-425-02-223-000-GG-000	\$4,412.26

Materials & Supplies Other Buildings - 001-425-03-341-000-GG-000

RCS - Setting up Security System	\$8,450.20
Capital Tristate - Electrical Supplies	\$20,173.73
Total for 001-425-03-341-000-GG-000	\$28,623.93

TOTAL MAINTENANCE BUILDING EXPENDITURES	\$89,858.25
--	--------------------

Auto Mechanic Expenditures

Capital Outlay Account - JC Lot 18 - 246-425-04-460-000-GG-000

Compressor & Startup Kit	\$99.99
Truck Cone Kit for Wheel Balancer	\$289.50
Electric Workstation	\$324.59
Total for 246-425-04-460-000-GG-000	\$714.08

Courthouse Materials & Supplies - 001-424-03-343-000-GG-000

Jump Boxes	\$347.65
Vehicle Jack	\$474.50
Vehicle Lift	\$7,738.99
Snap On Tools Solus Ultra	\$2,895.00
Air Compressor	\$2,960.00
2 Ton Low Clearance Jack	\$419.00
Air Dryer	\$1,655.00
Air Unit	\$160.99
Drainpan	\$22.90
Headlight Aimer, Brake Lining Thickness, Replacement Lens	\$611.95
Battery Charger & Alligator Clip	\$35.58
Wheel Weight Tool	\$31.59
Propane Cylinder & Flame Torch	\$27.63
Portable Lift	\$2,099.00
Auto Rewind Hose	\$109.99
Transmission Jack	\$324.59
Total for 001-424-03-343-000-GG-000	\$19,914.36

Maintenance & Repair Other Buildings - 001-425-02-215-000-GG-000

Air Lines	\$1,099.35
Air Lines	\$309.32
Total for 001-425-02-215-000-GG-000	\$1,408.67

Maintenance & Repair Vehicles - 001-424-02-217-000-GG-000

4 - 6 Ton Vehicle Stands	\$499.96
Engine Stand and Folding Crane	\$789.99
Total for 001-424-02-217-000-GG-000	\$1,289.95

Professional Services - Courthouse 001-424-02-223-000-GG-000

Briggs Welding - Shims w/bolt cutouts for lift	\$275.44
Total for 001-424-02-223-000-GG-000	\$275.44

TOTAL AUTO MECHANIC EXPENDITURES	\$23,602.50
---	--------------------

The County Commission of Jefferson County
Department of Maintenance
P.O. Box 250
Charles Town, WV 25414
304-728-3355 • 304-728-2519 • 304-728-3376 (f)
William Polk, Director
bpolk@jeffersoncountywv.org

TO: Jefferson County Commission

FROM: Bill Polk, Maintenance Director

DATE: January 13, 2012

RE: Agenda request for additional funding for new maintenance building

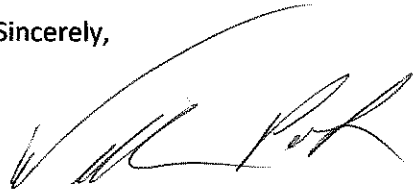
I am requesting additional funding in the amount of \$50,000 to cover the completion of the new maintenance building. Because the building will now have to be accessed by the public for election purposes, the parking lot will need to be paved. This was an unexpected cost that was not figured in the original figures. The joists for the building were also more costly than originally anticipated.

Also, funding was supposed to come from other sources for the new building instead of everything from the original \$70,000. For example, some of the major purchases for the auto mechanic has come out of the original \$70,000. The expenditures for the County Clerk's voter storage have also come out of this fund. The finance department informed us that the funding for the building must all come from the same line number. We have expended approximately \$10,000 for the County Clerk's voter area and approximately \$32,000 for the auto mechanic.

Therefore, with the unexpected costs of the parking lot paving, joist costs and not receiving funding from other sources, we are in need of an additional \$50,000 for completion of the project.

Thank you for your consideration.

Sincerely,



William Polk
Maintenance Director

Auto Mechanic - Expenditures

Invoice Number	Invoice Date	PO Number	Provider	Explanation	Amount Paid
45045	8/19/2011	53100	Fisher Auto Parts	Jump Boxes	\$347.65
45257	8/25/2011	53121	Fisher Auto Parts	Vehicle Jack	\$460.00
45386	8/29/2011	50517	Fisher Auto Parts	Vehicle Lift	\$6,950.00
4805-69012	8/31/2011		Home Depot	Air lines	\$1,099.35
1114884457	8/31/2011		AutoZone	4 - 6 Ton Vehicle Stands	\$499.96
1114885671	9/1/2011		AutoZone	Engine Stand, Folding Crane, 18 Gallon Oil Drain	\$789.99
34464	9/13/2011	50583	Snap-On Tools/Mark A. Andrews	Solus Ultra	\$2,895.00
0594-9	9/14/2011		Sherwin-William	Paint Materials	\$3,787.27
096-046021	9/16/2011		Fisher Auto Parts	Air Compressor	\$2,960.00
096-046007	9/16/2011		Fisher Auto Parts	2 Ton Low Clearance Jack	\$419.00
0618-6	9/20/2011		Sherwin-William	Paint Materials	\$100.51
1499-0	9/20/2011		Sherwin-William	Paint Materials	\$20.30
4805-69991	9/23/2011		Home Depot	Air lines	\$309.32
096-046426	9/27/2011		Fisher Auto Parts	Air Dryer	\$1,655.00
46873	10/7/2011		Fisher Auto Parts	Compressor & Start Up Kit	\$99.99
4374	10/14/2011	50594	BG Tire & Brake Equipment	Truck Cone Kit for Coats Wheel Balancer	\$289.50
	10/14/2011	50587	Craig 1st Choice Heating & Air	Garage Duct Work	\$6,500.00
630293	10/18/2011		NAPA Auto Parts	Air Unit	\$160.99
630931	10/26/2011		NAPA Auto Parts	Drainpan	\$22.90
631150	10/28/2011		NAPA Auto Parts	Headlight Aimer, Brake Lining Thickness, Replacement Lens	\$611.95
096-047761	10/31/2011		Fisher Auto Parts	Battery Charger & Alligator Clip	\$35.58
631265	10/31/2011		NAPA Auto Parts	Wheel Weight Tool	\$31.59



Maintenance Building - Expenditures

Invoice Number	Invoice Date	PO Number	Provider	Explanation	Amount Paid
5450	5/24/2011	52831	Alliance Electric	Professional Services	\$413.40
P2015	5/24/2011	52833	RCS Security		\$4,500.00
14190	7/11/2011	53043	Jefferson Rentals	Jack Hammer Rental	\$67.73
	7/19/2011	53068	Blue Ridge Garage Doors	Garage door replacement	\$3,315.00
	7/19/2011	53070	Long Fence	Fence Installation	\$2,322.00
P2105 P2068	7/19/2011	53069	RCS Security	Setting up security system	\$8,450.20
14862	8/16/2011	53108	Jefferson Rentals	Excavator rental	\$325.95
5489	8/29/2011	53123	Alliance Electric	Professional Services	\$103.35
P2167 P2168 P2161	8/29/2011	53118	RCS Security	Security services	\$966.00
	9/2/2011	53135	84 Lumber	Materials & Supplies	\$3,713.41
5492	9/2/2011	53133	Alliance Electric	Electrical Work	\$3,944.35
	9/12/2011	50510	Jefferson Rentals	Equipment Rental	\$1,184.80
	9/19/2011	50520	84 Lumber	Trusses	\$5,250.00
P2204	9/19/2011	50522	RCS Security	Cameras	\$4,468.25
	10/7/2011	50577	84 Lumber	Materials & Supplies	\$2,721.54
	10/7/2011	53127	Capital Tri-State	Electrical Supplies	\$651.84
	10/13/2011	50586	Kubic Construction	Contracted Services	\$1,026.76
	10/14/2011	50587	Craigo	Duct work installation in garage	\$6,500.00
	10/14/2011	50588	Craigo	HVAC in Conference Room	\$4,900.00
	10/18/2011	48067	Sherwin Williams	Paint supplies	\$3,908.08
1114029563	12/8/2011		Autozone	Waste oil furnace	\$6,000.00
				Total Spent	\$64,732.66

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Paul Marshall

Department or Entity: Jefferson County Parks and Recreation Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: February 2, 2012

Date Requested – 2nd Choice: _____

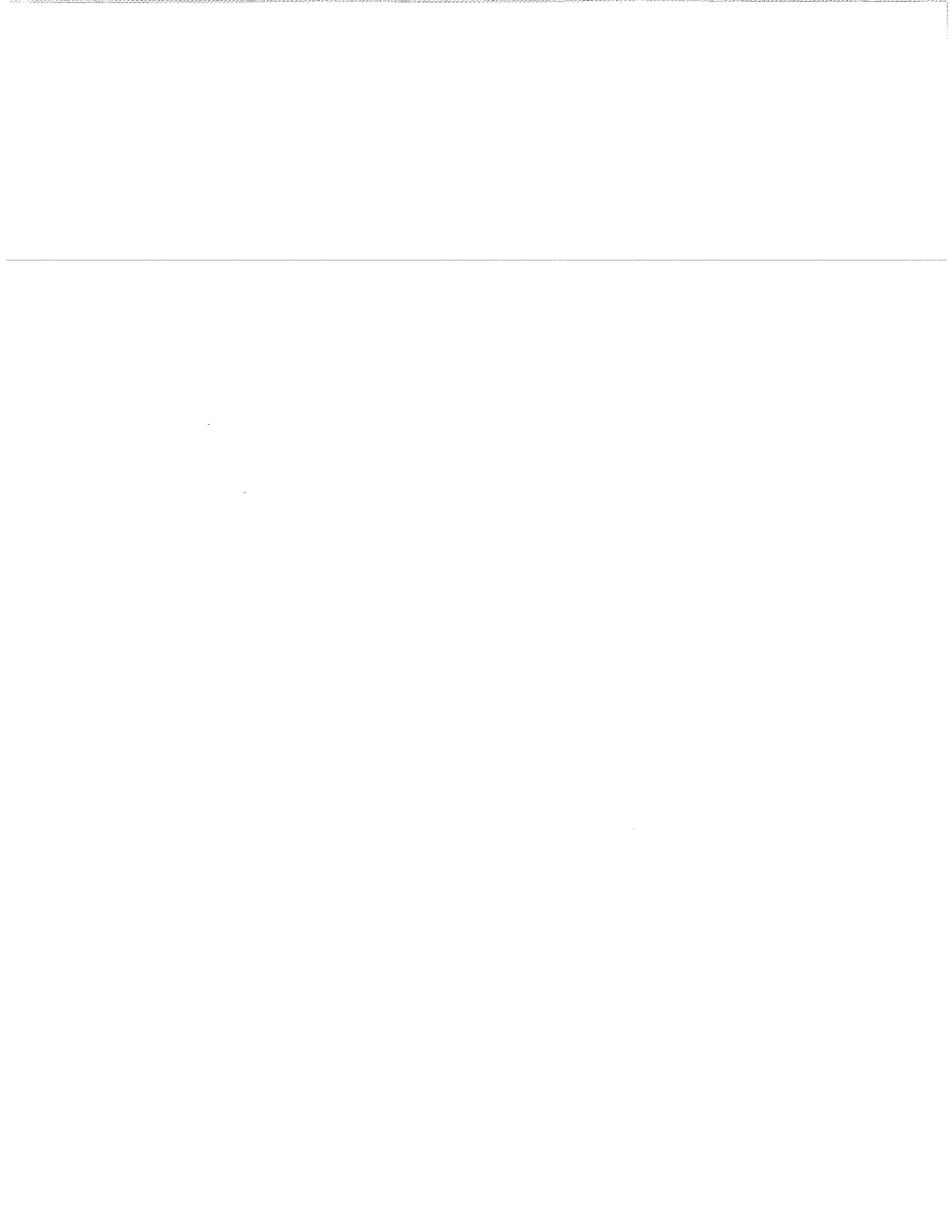
If a specific date is needed, please provide reason for specific date:

Subject: **Presentation on Re-Chartering Parks & Recreation as a multi-governmental organization**

Please provide the County Commission with a description of your request or presentation, including any background information: **Paul Marshall, President would like to give the Commission a presentation on Re-chartering the Parks and Recreation Department as a multi-governmental organization under Chapter 10, Article 2 of the WV State Code**

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:

6

AGENDA REQUEST FORM

Name: Jennifer Maghan

Department or Entity: County Clerk

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: **Election 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:

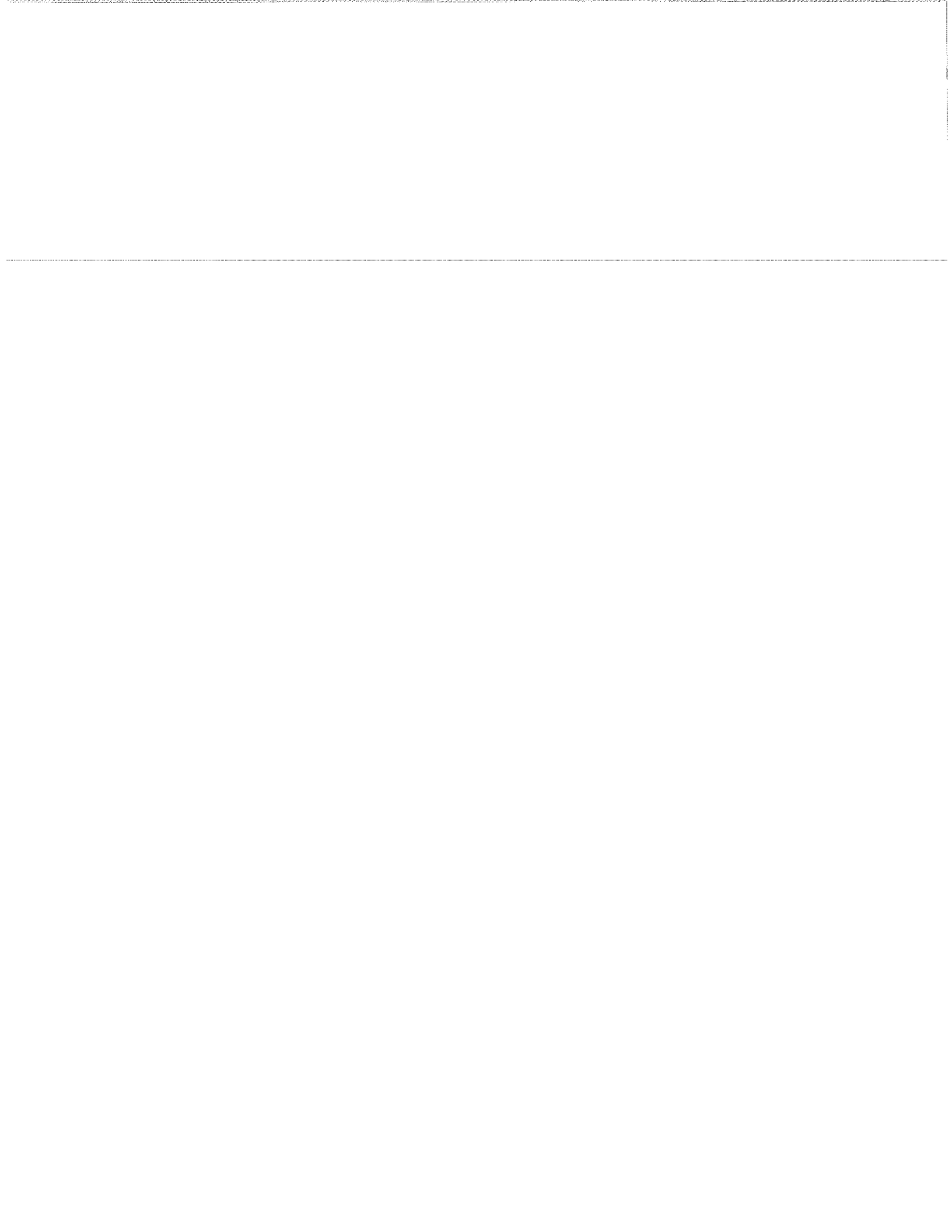
**West Virginia Election Calendar Overview
2012 Primary Election - Jefferson County**

PRIMARY ELECTION	Jan	Feb	Mar	Apr	May	Jun
Receive application for absentee ballot for military/overseas voters	2				2	
Notice of precinct change - deadline	8					
List of authorized ballot vendors issued by SoS - deadline	9					
Candidate filing period	9-28					
Give notice of appointment of ballot commissioners	10-25					
Appoint ballot commissioners	15-30					
Inactive voters designated through non-response of NCOA		1				
Voter registration data copied as permanent record		1-29				
Deadline for ordering precinct change		8				
Adopt policy extending medical emergency absentee voting - deadline		8				
Petition for suspension of election official - deadline		8				
Notice of emergency precinct change		9				
Executive committees fill vacancies due to withdrawal of candidate - Pri		10/14				
Candidate withdrawal deadline		14				
Receive application for absentee ballot by all other eligible voters		14			2	
Notice of number of election officials - deadline		14				
SoS certifies and posts lists of candidates filed with their office		14				
Vendor applies for authority to print ballots		14				
Drawing for order on the ballot - 9am		21				
Executive committees fill vacancies due to withdrawal of candidate - Gen		27/29				
SoS certifies candidates to county clerk		28				
Estimate number of absentee ballots - deadline		28				
Candidate name removed from ballot due to death		28				
Election official nominations filed - deadline		28				
Emergency order to change precincts - deadline			9			
Notice of number of sets of emergency absentee voting commissioners			13			
Election officials and alternates appointed			20			
County clerk fills vacancies of election officials			20		8	
Voter program for eligible high school students - deadline			23			
Delivery of absentee ballots to county clerk			23			
Mail absentee ballots			23		3	
Notice mailed to election officials - deadline			27			
Write-in candidate filing deadline for Primary (BOE)			27			
First primary report (or annual report)			31	6		
Election officials respond to notification from clerk - deadline				3		
Instructional program for election officials begins on/after				9		
Publish notice of public test for EV & ED				9-13		
Paper ballots and supplies delivered to county clerk				10		
Publish sample ballot for EV				12-18		
Voter registration deadline				17		
Maintenance to clear out EV room and remove hall benches				17		
Correct incomplete applications for voter registration - deadline				18		
Public test of equipment for EV & ED in Bardane - 10am				18		
Notify commission of ballots and AutoMARK readiness for EV				18-23		
Accept voter registration card by mail without postmark - deadline				20		
Maintenance to bring EV equipment to courthouse				20		
Pre-primary financial reports due				23-27		
Last minute independent expenditures reported				23	7	
EARLY VOTING PERIOD				25	5	
Saturday EV				28		
Publish official list of candidates or sample ballots for ED					1-7	
Instructional program make-up session					1-7	
Request emergency medical absentee ballot					1-8 noon	
Deadline for absentee by mail application					2	
Saturday EV - last day to early vote					5	
Deadline to hand-deliver absentee ballot to the clerk's office					7	
Maintenance to pick up trucks in Halltown/equipment delivery to pcts					7	
Election commissioners receive election supplies/delivery thereof					7	

**West Virginia Election Calendar Overview
2012 Primary Election - Jefferson County**

PRIMARY ELECTION	Jan	Feb	Mar	Apr	May	Jun
PRIMARY ELECTION DAY					8	
Post precinct returns					8	
Maintenance to pick up equipment from pcts/return trucks to Halltown					9	
Absentee ballots without postmark accepted					9	
Mail precinct returns to SoS					10	
Absentee ballots postmarked by ED accepted - before canvass convenes					14	
Military absentees without postmark accepted - before canvass convenes					14	
Canvass returns					14	
Recount/contest primary election					TBD	
Post-primary financial statements					21	19
Maintenance to return EV equipment to Bardane; set up mtg room/hall					22	
Transmit certificate of results to SoS						7

Last updated 1/19/12



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

AGENDA REQUEST FORM

Name: Stephanie Grove, Assistant Prosecutor

Department or Entity: Prosecuting Attorney

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: **Legal Updates**

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

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

Attachments:



William H. Gordon Associates, Inc.
301 North Mildred Street, Suite 1
Charles Town, WV 25414
304-725-8456 Phone
304-728-0117 Fax

January 25, 2012

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

On behalf of Catherine and David Hott, it is formally requested that the Zoning Map Amendment request petitioned on April 11, 2011 and amended on July 25, 2011 for the parcels of land identified on Jefferson County Tax Map 15 as Parcels 47 & 56 (Deed Book 933, Page 160) be **withdrawn from consideration** by the Jefferson County Commission.

The zoning map amendment requested that the properties zoning designation be revised from Rural to Residential-Light Industrial-Commercial. It is maintained that the requested designation is both appropriate and is consistent with the Jefferson County Comprehensive Plan. It is understood that future zoning petitions for the subject properties will require a new submission, including fees, staff review and public hearing.

Thank you for your time and consideration for this request.

Sincerely,

Chad Wallen
William H. Gordon Associates

Sandy McDonald

From: "Kristen Ringstaff" <KStolipher@whga.com>
To: <sandy@jeffersoncountywv.org>
Sent: Thursday, January 19, 2012 4:33 PM
Subject: Hott Property Rezoning
Sandy,

Per our discussion earlier today, we would respectfully request that the County Commission hearing on the Hott property rezoning be scheduled for February 2, 2012. We are currently in the process of working with the West Virginia Department of Environmental Protection to address all of their comments regarding items remaining on the property. We anticipate having all of their comments addressed by the February 2, 2012 County Commission meeting. If you have any questions on this, please let me know.

Thanks,
Kristen

Kristen Stolipher, Associate
Director of Engineering

William H. Gordon Associates, Inc.

Civil Engineering | Landscape Architecture | Site Security Consulting | Land Planning | Surveying

301 North Mildred Street, Suite 1
Charles Town, WV 25414
office: 304-725-8456 | cell: 304-904-7359 | www.whga.com

View my profile on [Linked !\[\]\(60a3f2d4abdac1e163f2d13393fcf383_img.jpg\)](#)



JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT

Patsy Noland

VICE PRESIDENT

Dale Manuel

COMMISSIONER

Frances Morgan

COMMISSIONER

Walt Pellish

COMMISSIONER

Lyn Widmyer

January 10, 2012

Chad Wallen
William H. Gordon Associates, Inc.
301 North Mildred Street, Suite 1
Charles Town, WV 25414

Dear Mr. Wallen:

The Commission will be placing the Petition for the Hott Property Zoning Map Amendment on the County Commission agenda for a decision on January 26, 2012.

In your letter dated October 18, 2011 it was requested that the Applicant for the Hott Property Rezoning request not be placed on future agendas until such time as requested by the Applicant. The County Commission has not received any correspondence from the Application regarding this matter. The Applicant now has two options. They can allow the Commission to take action they deem appropriate or may withdraw the application.

If you have any questions, please feel free to contact me.

Sincerely,

Tim Boyde
County Administrator



William H. Gordon Associates, Inc.
301 North Mildred Street, Suite 1
Charles Town, WV 25414
304-725-8456 Phone
304-728-0117 Fax

October 18, 2011

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

This letter is to formally request on behalf of Catherine Hott (Applicant) that the petition for the Hott Property (identified in the Harpers Ferry District, Tax Map 15 as Parcel 56) Zoning Map Amendment not be scheduled for the upcoming County Commission meetings until requested by the Applicant.

On October 11, 2011 the applicant received a Notice of Violation from the Jefferson County Department of Engineering concerning the Engineering Departments perception of the current use of the property. The letter stated that the violations will go before the Planning Commission on November 8, 2011 if not resolved.

It is requested by the Applicant that the Hott Property Rezoning request not be placed on future agendas until such time as requested by the Applicant. This will allow the Applicant the necessary time to address the requests brought forward by the Jefferson County Department of Engineering prior to appearing before the Jefferson County Commission. Thank for your time and consideration for this request.

Sincerely,

Chad Wallen
William H. Gordon Associates

RECEIVED

OCT 18 2011

JEFFERSON COUNTY COMMISSION

NOTICE OF PUBLIC HEARING
COUNTY COMMISSION OF JEFFERSON COUNTY
Thursday, October 6, 2011, at 7:00 p.m.

The County Commission of Jefferson County has scheduled a Public Hearing on a Zoning Map Amendment (Rezoning) for properties designated as Tax District: Harpers Ferry, Map: 15, Parcel: 47 and 56. The request includes all of parcel 56 and part of parcel 47. These properties are adjacent to both the existing Route 9 (Charles Town Rd.) and the Route 9 currently under construction and is a total of 42 acres. This property is currently zoned Rural and a request has been made by the owners, David and Catherine Hott, to change the zoning to Residential/Light Industrial/Commercial.

Provide oral or written comments at the hearing, **7:00 p.m., Thursday, October 6, 2011, at the Blue Ridge Elementary School Cafeteria** located at 18899 Charles Town Road. All meeting attendees **MUST** park in the front of the school and enter through the door to the left of the main entrance.

Copies of the proposed amendment application and related documents can be found at the Department of Planning office located at 116 East Washington Street in Charles Town, the County Commission office located at 124 E. Washington Street in Charles Town, and on our website at <http://www.jeffersoncountywv.org/uploads/planning/Hott%20Property%20Rezoning%20Information%20for%20Oct.%206%202011%20Public%20Hearing.pdf>.

If you have any questions, please call the Department of Planning office at (304) 728-3228.

You may also provide written comments to info@jeffersoncountywv.org.

A decision will be made at a later date.

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

**A Motion Recommending Approval of a
Rezoning for Hott Property
August 9, 2011**

Whereas, David and Catherine Hott has requested rezoning of property known as the Hott Property; and

Whereas, The property is identified as Parcels 47 and 56 as shown on Tax Map 15 of the Harpers Ferry District, cumulatively consisting of 59 acres; and

Whereas, The applicant is requesting a portion of Parcels 47 and 56, comprising of 42 acres, be rezoned from Rural to Residential-Light Industrial-Commercial as shown in the exhibit below; and

Whereas, The remaining 17 acres will remain Rural; and

Whereas, The requested rezoning process complies with the requirements in accordance with the provisions of Article 12 of the Jefferson County Zoning and Land Development Ordinance, effective July 7, 1988, as amended and West Virginia State Code Section 8A-7-9; and

Whereas, The Planning Commission finds that the requested rezoning conforms with the adopted 2004 Comprehensive Plan as outlined subject to the conditions attached hereto as Exhibit A; and

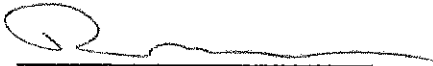
Whereas, The Planning Commission further finds that there has not been major changes of an economic, physical or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted; and

Whereas, Staff recommends approval of the requested rezoning based on the conditions outlined in the staff report attached which include but are not limited to a merger deed with proper consideration for single 42 acre parcel, bar any residential use, require set-back of 50 foot and vegetation buffers and such other conditions as set forth in Exhibit A; attached hereto and

Now therefore be it moved, that the Jefferson County Planning Commission recommends approval the request for rezoning from Rural to Residential-Light Industrial-Commercial for property identified in the Jefferson County Tax Map as Parcels 47 and 56 as shown on Tax Map 15 of the Harpers Ferry District.

The portion of the record of the Planning Commission meeting pertaining to this application and the official minutes thereof are incorporated herein by reference as if set forth in full herein.
Recommended ____ this __ day of August

By vote of the Jefferson County Planning Commission
By a vote of Yes No



Daniel Hayes, Commission President

Exhibit A to Hott Re-Zoning

1. Merger deed would be recorded prior to rezoning containing all of the following restrictions which would be placed upon the merger parcel and recorded in the land records of Jefferson County such that the restrictions touch and concern the land and would run with the land.
2. Shields on lighting to direct light downward. No box lighting on sides of building without louvers to direct light toward the ground. Submit a photometric plan at the time of site plan submission showing no greater than 0.5 foot candles at the property line, with the exception of vehicular entry points.
3. Use of Low Impact Design (LID) techniques will be used on the site to provide water quality measures, to the extent allowed by Jefferson County. Soil erosion and establishing a vegetated cover that will reduce erosion potential shall be implemented.
4. Tree canopy coverage of 20% over the entire property that is subject to the rezoning shall be maintained as part of the final development. The 20% coverage would include existing trees and new trees planted with future site plan submittals.
5. Tree preservation areas will be a minimum of 20 feet in width to maintain canopy areas. Tree canopy preservation areas will be identified on all future site plans with tree protection details.
6. Parking lot screening with vegetation at a minimum of 2 foot or taller provided between the road and parking locations.
7. No more than 40% of any structure comprised of metal siding, concrete panels, split face block, EFIS or vinyl on the front and sides of a structure.
8. No use of concrete block would be permitted on the front and sides of the structure. Use of concrete panels, split face block, EFIS, vinyl or use of concrete block would be allowed on the rear of a building, so long as the rear is not visible from a street/road or right of way.
9. Use of brick, stone, fiber cement siding (such as Hardi Plank), wood, stucco, would not have any limitations.
10. Entrances to buildings shall front the street to which the building is oriented.
11. Dumpster enclosures shall match buildings in color and like material.
12. Outdoor storage areas shall be screened from view of all right of ways.

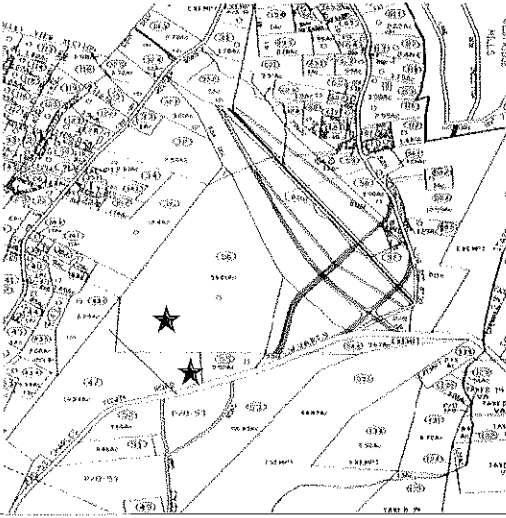
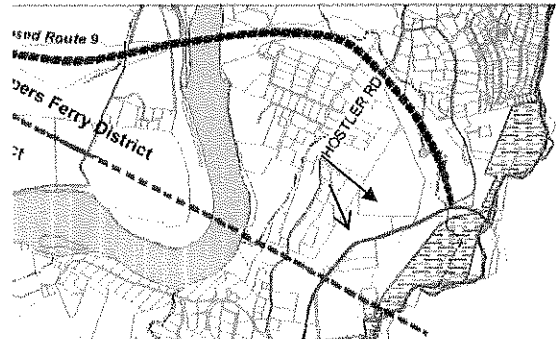
13. LED message board signs or streaming signage are prohibited from the subject property.
14. The only use proposed to be restricted is residential activity. No residential development shall take place upon the parcel to be re-zoned. None of the remaining uses in the district are proposed to be restricted. Applicant has stated that they intend to bring their septic business and related equipment to the rear of the property, which would be similar to a contractor's yard. The septic system and related equipment would be fully screened from Route 9 and adjacent properties. There are no specific uses currently planned for the balance of the property and the applicant has suggested that a nursery or landscaping business, a Dollar General store, a gas station, and other neighborhood-serving land uses are options that are being considered.
15. All uses of the subject property shall abide by the hillside protection/slope requirements found in Zoning Ordinance and Subdivision Regulations.

Staff Report

Jefferson County Planning Commission Meeting

August 9, 2011

Item #4 Request for Zoning Map Amendment (Rezoning) by David and Catherine Hott for property designated as Tax District: Harpers Ferry, Map 15, portions of Parcels 47 and 56, from the Rural Zoning District to the Residential/Light Industrial/Commercial Zoning District. The property is adjacent to both the current Route 9 (Charles Town Rd.) and the Route 9 currently under construction and is a total of 42 acres.

APPLICANT:	David and Catherine Hott
OWNER :	David and Catherine Hott
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	William H. Gordon & Associates
PROPERTY LOCATION:	
LEGAL DESCRIPTION:	District: Harpers Ferry, Map: 15, portions of Parcels: 47 and 56
	
	Rural
CURRENT ZONING DISTRICT:	

SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North:</i> Rural <i>South:</i> Rural <i>East:</i> Rural <i>West:</i> Rural
LOT AREA:	42 Acres
PRIOR CASES:	None
VARIANCE(S):	None
REQUEST ZONING DISTRICT:	Residential/Light Industrial/ Commercial Zoning District
Requested Planning Commission Action:	Recommend approval or not approval of the proposed rezoning (map amendment) to the County Commission.

Introduction and Purpose

David and Catherine Hott, owners of the subject properties which are located along Route 9 on the Mountain directly adjacent to and behind Torlones Restaurant, have requested that 42 acres of their properties detailed below be rezoned from the Rural Zoning District to the Residential/Light Industrial/ Commercial Zoning District. The parcels are identified as Tax Map 15, Parcels 47 and 56 of the Harpers Ferry District. Parcel 47 is approximately 19.24 acres and Parcel 56 is approximately 39.81 acres. All of Parcel 56 and part of parcel of 47 is being requested for rezoning. A total of 42 acres is proposed for rezoning and the remaining acreage will remain Rural (Image 1).

The properties are located at the southwest corner of the new Route 9 and existing Route 9 and have an existing access to the existing Route 9. The new Route 9 being constructed is directly to the east of the parcels proposed for rezoning. No direct connection to new Route 9 will be created for the subject properties now or in the future. The parcels are currently zoned Rural and are wooded and vacant. With the exception of the Village of Mannings, which is approximately 1 mile away, the entire mountain is zoned Rural (Image 2). The applicant has requested rezoning of the 42 acres from Rural to Residential-Light Industrial-Commercial. The remaining approximately 17 acres will remain Rural and the applicant is planning to build their home on that land. The following report has been prepared to assist the efforts of the Jefferson County Planning Commission and Jefferson County Commission to make findings regarding the consistency of the proposed rezoning with the Jefferson County Comprehensive Plan, in accordance with West Virginia State Code requirements.

Statutory Authority and Requirements

The West Virginia State Code Section 8A-7-9 provides that a locally adopted zoning ordinance and its maps may be amended by the County Commission with the advice of

the Planning Commission. Article 12 of the County Zoning Ordinance also requires that the "procedure for amendment [by petition] shall be as dictated in Section 8A-1-1 et seq of the West Virginia State Code as amended." As concerns amendments by petition, State Statute provides that, "Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan." [See *WVC 8A-7-9(c)*] This subsection of the State Code also states that, "If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area."

Scope of this Assessment

This report focuses on whether or not the rezoning application is consistent with the Comprehensive Plan. Staff believes that there have not been major changes of an economic, physical or social nature, within the area involved, which were not anticipated when the comprehensive plan was adopted and which would have "substantially" altered the basic characteristics of the area. This belief is limited to the proposal to rezone the subject site.

The format for this assessment includes quotes, in italics from specific provisions of the Comprehensive Plan, which are identified by page number citation at the end of the sentence where it is quoted. Staff has used these notations and quotations in order to address sections of the Comprehensive Plan as it relates to the proposed rezoning. Identification of the specific page numbers where these provisions can be found in the Plan, permits the Planning Commission and/or County Commission to easily locate the particular provision and personally evaluate the provision in the context of the larger Plan document. When available or appropriate, map references are provided with maps located in the Appendix to this report.

It should also be noted that the Comprehensive Plan states, "*Its recommendations are (by their nature and intent) general and, as such, sometimes conflicting. It will not be difficult to find two that individually justify and conflict with many land use proposals.*" In that sense, there are many plan references that are identified in this report that can or may appear to support or fail to support a finding of consistency between the proposed rezoning and the Comprehensive Plan. In the final analysis, each member of the Planning Commission and the County Commission will need to weigh the degree to which various plan provisions are of greater or less importance, in establishing their respective findings regarding the application.

Finally, this report provides a recommendation concerning the proposed rezoning based on review of the various plan sections and elements. The recommendations should be

considered the professional opinion of staff, no more and no less. Since the Planning and Zoning staff has no statutory authority to make decisions in this regard, we defer to the Planning Commission and subsequently the County Commission for any final recommendation or decision that may be forthcoming with respect to the subject application.

Rezoning Conditions Agreed to by the Applicant

The applicant has agreed to apply some conditions to the rezoning request. The applicant and Staff have had a discussion regarding conditions that the applicant is willing to abide by in this rezoning request. Staff cannot and has not compelled conditions upon the applicant. Below are the agreed upon conditions:

- Shields on lighting to direct light downward. No box lighting on sides of building without louvers to direct light toward the ground. Submit a photometric plan at the time of site plan submission showing no greater than 0.5 foot candles at the property line, with the exception of vehicular entry points.
- Use of Low Impact Design (LID) techniques will be used on the site to provide water quality measures, to the extent allowed by Jefferson County. Emphasis will be placed on controlling soil erosion and establishing a vegetated cover that will reduce erosion potential.
- Tree canopy coverage of 20% over the entire property that is subject to the rezoning. The 20% coverage would include existing trees and new trees planted with future site plan submittals.
- Tree preservation areas will be a minimum of 20 feet in width to maintain canopy areas. Tree canopy preservation areas will be identified on all future site plans with tree protection details.
- Parking lot screening with vegetation at a minimum of 2 foot or taller provided between the road and parking locations.
- No more than 40% of any structure comprised of metal siding, concrete panels, split face block, EFIS or vinyl on the front and sides of a structure. No use of concrete block would be permitted on the front and sides of the structure. Use of concrete panels, split face block, EFIS, vinyl or use of concrete block would be allowed on the rear of a building, so long as the rear is not visible from a street/road or right of way. Use of brick, stone, fiber cement siding (such as Hardi Plank), wood, stucco, would not have any limitations.
- Entrances to buildings shall front the street to which the building is oriented.
- Dumpster enclosures shall match buildings in color and like material.
- Outdoor storage areas shall be screened from view of all right of ways.
- LED message board signs or streaming signage are prohibited.
- The only use proposed to be restricted is residential activity. None of the remaining uses in the district are proposed to be restricted. Applicant has stated

that they intend to bring their septic business and related equipment to the rear of the property, which would be similar to a contractor's yard. The site would be fully screened from Route 9 and adjacent properties. There are no specific uses currently planned for the balance of the property and the applicant has suggested that a nursery or landscaping business, a Dollar General store, a gas station, and other neighborhood-serving land uses are options that are being considered.

- Applicant is shall abide by the hillside protection/slope requirements found in Zoning Ordinance and Subdivision Regulations.

Relevant Comprehensive Plan Elements and Commentary


One of the weaknesses of the 2004 Comprehensive Plan is that there is a not future land use map and not all areas of the County are adequately addressed. There are sections of the plan that clearly discuss the growth potential of certain areas of the County. However there are other areas of the County, where future impacts and opportunities seem evident, and the document is silent relative to future planning implications in those areas.

Where the Comprehensive Plan is silent, the directive found in state law that "...the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan..." is difficult to comply with where the document provides minimal or no guidance. It is possible to speculate that if the plan does not address areas or locations of the County, that the plan might have anticipated those areas would not fundamentally change from their condition in 2004.

Transportation Components from the Comprehensive Plan

Since the 2004 Comprehensive Plan does note in several places within the text that new Route 9 is proposed to be built, Staff cannot conclude "...that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area." All the changes that have occurred in that location were anticipated, as it relates to transportation improvements. While the road improvement is discussed from a transportation perspective, the writers of the Comprehensive Plan did not contemplate the land use impact that this new transportation feature would have on the adjacent properties.

The new and nearly complete Route 9 will assist in alleviating some of the current traffic volume on the existing Route 9. The Comprehensive Plan does acknowledge existing problems with the current Route 9 (pg. 30). All of the existing traffic concerns on Route 9 are not located near this property. In the Plan Policies on page 8, the Comprehensive Plan states "*This Plan identifies strategies to assure that community facilities and transportation infrastructure are provided in sequence with new development.*" The new transportation infrastructure may reduce traffic on the exiting Route 9, providing for




potential new development to occur with improvements in that location. Since access to this site is from the existing Route 9, turn movements into this site may be safer and less congested with the new Route 9 coming on line. Aside from recognizing that the four-lane Route 9 is proposed, the Comprehensive Plan provides little guidance on how that might impact future growth in this area.

Environmental Comments from the Comprehensive Plan

The Comprehensive Plan notes the follow environmental elements that apply to this rezoning request:

- *Plan recommends that Jefferson County natural features, particularly stream valleys, be conserved as green space and that significant natural features be afforded protection as development proceeds (pg. 8).*
- *Promote growth and development that are both economically and environmentally sound (pg. 19).*
- *Promote the conservation of the natural, cultural, and historical resources and the preservation of the County's scenic beauty (pg. 19).*
- *Caves, scenic vistas, wildlife corridors and cliff areas are just several examples of additional forms of natural resources that contribute to the environmental and cultural mix that is Jefferson County. The topography, geology, hydrology, and biological diversity of the environment is one of the hallmarks that makes Jefferson County the beautiful environment that it is. Unfortunately, not every form of natural resource can be discussed in detail within the context of a Comprehensive Plan (pg. 52).*
- *The protection of scenic vistas has been the subject of public comment during this process (pg. 52).*
- *Should the County identify the protection of scenic vistas as an issue to address, this is best done through the adoption of standards within the ordinances, so that all parties are aware of their rights and responsibilities in this regard (pg. 52).*



The noted sections above highlight the elements that need to be considered when planning for the future and for any potential development. Resources that exist today are difficult to replace once lost. Jefferson County is shaped by its natural, cultural and historic resources. If not planned for properly, Jefferson County could become as indistinct from many other communities and lose features that make it different from other places. Preservation of the natural resources on this property is important. As noted above, the need to provide "...development that are both economically and environmentally sound..." is important to provide that balance. That balance is not a lofty goal, it is a reality that can be accomplished.

As noted above the applicant is willing to provide some tree preservation on the site and supplement the site with additional canopy tree plantings to achieve a 20% canopy cover. The tree preservation and new trees is not only important for how this site looks from the existing and new Route 9, but how the Mountain looks when viewed from a distance or below. The Mountain has a unique development pattern. Considering there are approximately 3,191 houses in that geographical area, when looking up the Mountain, the viewer sees very little disturbance and primarily only trees are visible. The retention of existing trees and vegetation would allow for the scenic views from below to be maintained. Additionally, if done properly, the preservation of existing trees within the development could provide immediate environmental and aesthetic value, ensuring that development and the environment would coexist. While the 20% is a minimum, it is hoped that the 42 acres would possibly exceed that requirement to maintain a healthy forest cover that currently exist on nearly all of the land east of the Shenandoah River and also maintain the character of the Mountain.

This condition the applicant has presented is in keeping with the draft Urban Tree Canopy Goals and Plan under consideration for adoption this Fall. Goals that might be relevant to this proposal include "Develop implementable land use policies which encourage the retention of existing tree canopy coverage on steep slopes and in riparian buffer areas." Further, the Urban Tree Canopy Goals and Plan outline this recommendation, "Consider developing implementation recommendations that build upon this planning effort and the 2008 Green Infrastructure Assessment analysis as a part of the 2014 Comprehensive Plan Update, particularly developing land use policies that will help to assure minimizing the fragmentation of the identified core forest areas that contain large patches of intact forest". It is hoped that any development in this heavily forested areas of the County would strive to meet these proposed goals.

Lighting and Signage Comments from the Comprehensive Plan

The Comprehensive Plan details lighting and signage on page 58 outlining that:

- *"With the growth of commercial and residential development in the County in the 1990s, the issue of commercial lighting and business signs has been raised as an issue by elements of the community, with the concern that a proliferation of such utilities will damage the rural character of the County and the small town character of its municipalities."*
- *"Measures can be codified in the Ordinances which reduce the amount of glare, through the use of full cut-off light fixtures and revised sign regulations that permit businesses sufficient exposure without turning commercial areas into "neon orchards". Due to property rights and enforcement volume concerns, this Plan specifically does not address lighting maintained by homeowners."*
- *"Often referred to as a "night sky ordinance", amendments can be codified that address parking lot and other forms of commercial lighting, as well as illuminated signage, so that the County can maintain its rural nighttime environment."*

The applicant has agreed to reduce light and glare for the structures built on the property by directing light down by the use of shields and louvers. This condition should reduce the effect of lighting up the Mountain and casting light on to surrounding properties, particularly those at a lower elevation. A photometric plan shall be required with each site plan ensuring that no more than 0.5 foot candles can be measured at the property line. There are very few commercial establishments on the Mountain, and most stores close in the early evening hours. The applicants willingness to not turn an otherwise residential community into a brightly lighted center is in keeping with the nature of the Mountain. In addition, the applicant has stated that LED message board signs or streaming signage will not be permitted.

Economic Growth and Development Comments from the Comprehensive Plan

Economic growth and development are discussed on page 63 of the Comprehensive Plan and the following points that relate to this rezoning are outlined:

- *Historically, small business development in the region has taken place in close proximity to housing and population growth. Earlier development and transportation trends created an economic mix that was geared to serve the needs of the local community. Hence, the older, more established small business firms are located in Charles Town and the other municipalities.*
- *In recent years, population growth and transportation improvements have generated new markets for small businesses. Multi-purpose shopping centers have been built on the outskirts of Charles Town and Shepherdstown, thereby creating competition for downtown businesses. In some instances, shopping centers have attracted downtown merchants to suburban locations. In addition, relatively easy access to Maryland and Virginia fosters shopping in Hagerstown, Frederick, Martinsburg, Leesburg and Winchester, retarding small business development in the County.*
- *While recent small business development on the fringe areas has helped increase the variety of goods and services available to area residents, it also heightened the competitive disadvantage of the traditional central business district, most notably Charles Town and Ranson. Although the municipalities are not within the planning jurisdiction of the County, it should be noted that having its major urban center handicapped by an abandoned, neglected or under-used commercial core is not in the County's best interest.*

While retail and commercial activity in the County has a tendency to detract from the urban cores, where appropriate infrastructure is present, there are limited situations where this type of activity is acceptable. The Mountain is unique in its development patterns and difficulty in its ability to access retail and commercial services. Currently

there are limited commercial services east of the Shenandoah and the distance to commercial services currently requires indirect travel to those locations. The proposed development is in relatively close proximity to existing housing and population. The impact on existing retail and commercial activity in the County would be limited.

The applicant has applied to rezone to the Residential-Light Industrial-Commercial District. The Comprehensive Plan on page 71 outlines a few recommendations related to this Zoning District; one of those recommendations is noted here:

- *A second, less pressing issue is whether property that is in this district, but part of a larger tract under common ownership should be required to submit a concept plan for the development of the entire tract as part of the application for development of the initial phase of the project. By policy statement, the Planning Commission does ask for a concept plan, but it is nonbinding and advisory only. Requiring the approval of a concept plan (subject to revision if circumstances and needs change) would allow the Planning Commission to view how the development as a whole would affect the area and how the initial phase would coordinate with the proposed build out concept.*
- *RECOMMENDATION 3.20: A concept plan for an entire tract in this district and other districts should be required when submitting an application seeking to develop only a portion of that tract, including codified standards for what should appear on the concept plan.*

Taking into account the numerous uses in this district; the recommendation outlined above is reasonable. The variety of uses and intensity of uses is broad. While not to the extent intended in the Comprehensive Plan, the applicant has made an effort to provide some level of detail of how the uses will develop based on architectural details, landscaping preservation and screening and lighting standards. The broadness of this request reinforces previously expressed public concern regarding the need for additional zoning districts to allow for additional land use options, which the Planning Commission has determined to be a high priority in the upcoming Zoning Ordinance text amendment process.

Blue Ridge Mountain Communities Area Watershed Common Vision

During the summer and fall of 2010, the Planning Staff, with the assistance of a consulting firm, held 3 extensively publicized and well attended outreach meetings for stakeholders and citizens of the Mountain. The purpose of these meetings was for stakeholders of the Mountain discuss with the Planning Staff and formulate their vision for the Mountain. At its core, these meetings asked the same question, "What is your vision for the Mountain in 20 years?" It was a productive and rewarding outreach that has resulted in a group of concerned and caring citizens who are trying to address concerns or build on strengths of the Mountain. It should be noted that this Visioning

effort was a first step toward the development of a Watershed Plan or Small Area Plan for the Mountain that will be tied to the 2014 County Comprehensive Plan. As such, the comments and recommendations of the Visioning document should be awarded similar weight as the policy statements in the 2004 Comprehensive Plan as it reflects the Vision for this area of the County.

A common and yet pervasive concern from those meetings was "...the potential need for new future regulations to protect the watershed and Mountain residents, as well as to preserve the personal property rights enjoyed by Mountain residents (pg. 3 of the Common Vision)." This dichotomy was understood by many participants who understood the difficulty and necessity of protecting property rights while understanding the need for possible regulatory requirements. Expressed clearly in the Vision, "Some participants of the visioning process felt that providing options may inspire residents to maintain and improve water quality, while still allowing for positive landowner choices (pg. 3 of the Common Vision)."

By offering some conditions to the rezoning, the applicant has begun to supply some of the balance between property rights and preservation that the public is seeking. The proposed conditions provide an opportunity for a balance of regulatory control and potentially more land use rights if an approval is granted to the applicant. Currently, all property owners in the County have property rights and specific permitted uses within the zoning district that they are in; it's the level and intensity of uses that the owner may want to increase by applying for a rezoning or a Conditional Use Permit. The major weakness of the Residential-Light Industrial-Commercial District is that while it is the least intense district in the zoning code allowing for commercial uses, it permits such a wide range of uses as to be overindulgent. This is a real and legitimate concern to those citizens wouldn't mind having some additional uses in their neighborhood, but the intensity of uses is significant in the Residential-Light Industrial-Commercial District.

An equally strong feeling among the Blue Ridge Mountain stakeholders who participated in the Visioning process is that "Residents and stakeholders participating in this process want to see the Mountain retain its character and natural beauty (pg. 3 of the Common Vision)." They further noted that they "...want to see current tree canopy preserved. The Mountain topography, trees, and vegetation serve to mitigate soil erosion and runoff. Protected natural features also maintain the current beauty and quality of life and create opportunities for recreation and tourism (pg. 3 of the Common Vision)." Again, the dichotomy between the need to protect property rights while also wanting to maintain the feel of the mountain in its rural wooded environment was expressed by many participants. Those who have moved to the Mountain area of the County truly appreciate, care for and respect the Mountain for its unique natural and geographic features. Embodied within this is a feeling of self-sufficiency. The melding of the two elements creates for a unique culture that is not often expressed elsewhere.

Hence they take great pride in feeling the need to protect their area from activity that might impact the character and natural beauty of the Mountain and yet allow some reasonable use of the land.

During the outreach meetings, discussion was presented on future activity on the Mountain and the potential for increased intensity of land use. The residents noted that "Looking to the future, residents seek the preservation of the natural feel and wooded landscape on the Mountain that contrasts with the urbanized feel of the neighborhoods in the valley (pg. 3 of the Common Vision)." Relative to commercial development, it was noted that "Although there was not a consensus among participants on this specific issue, some residents would like to see some commercial development in the future. The types of development suggested, which should possibly be discussed in more detail during future planning efforts, included small market stores, a gas station, a hardware store, and parks and recreational opportunities (pg. 3 of the Common Vision)." It is important to note the concern of "urbanized feel" is associated with commercial development that disrespects the natural features of the Mountain also applies to residents who move to the wooded environment and clear cut a building lot to create an urban lawn.


Some of the concessions proposed in the conditions by the applicant, such as landscaping, lighting and architectural elements, could assist in retaining some character of the community.

Staff Recommendation

As noted earlier, this staff report focuses on whether or not the rezoning application is consistent with the Comprehensive Plan as required by state law. While it is arguable that the 2004 Comprehensive Plan is not specific enough to provide direction regarding the proposed rezoning, the Blue Ridge Mountain Communities Area Watershed Common Vision indicates the need for some neighborhood commercial services to be provided in a convenient and a well-balanced manner.


Therefore, staff believes that the Planning Commission and County Commission could reasonably conclude that the requested rezoning from Rural to Residential-Light Industrial-Commercial is in conformance with a locally adopted plan, provided that the applicant's recommended conditions are a part of the approval process. Based on the unique development patterns of the Mountain, and being geographically removed other retail centers, the ability to have this type of use is not unreasonable and will not adversely affect other retail centers in the County. This unique condition provides the ability to support this rezoning in this location.

Through an effort on the part of the applicant to provide some conditions on the rezoning, there are elements which allow the rezoning to be more palatable. The applicant has stated that the conditions outlined above will be added as a deed



restriction to the property. The architectural limits on the amount of building materials provide assurance that structures will have some level of detail to the design. While not required, the applicant should consider using certain architectural features that present a stone/wood lodge, cabin, chalet, and other rustic wood elements on structures to be in keeping with and highlighting the higher elements in the Mountains built environment. If required as a part of the rezoning approval, the applicant(s) would be required to provide architectural building elevations as a part of the site plan process showing they have met the design criteria. All outdoor storage shall be screened from view and dumpster enclosures shall match buildings in color and like material.

The applicant's commitment to offer preservation of existing trees and planting of new canopy trees to achieve a minimum of 20% tree canopy coverage is consistent with an effort to maintain the character of the Mountain and reduce the urbanized feel of the development. Mountain stakeholders noted strongly the need to retain the mountains natural and existing character on the Mountain. While the proposed area for rezoning is large at 42 acres, it is expected that future lot sizes will be based on the need for onsite septic areas, internal road, parking areas, building setbacks and other site constraints. The combination of these elements may reduce the number of possible buildings and lots on this site.



It should be noted that at the recommendation of the Planning Commission, Staff met with the applicant to discuss the option of pursuing a Conditional Use Permit (CUP). The applicant stated that they did not want to pursue the option of a CUP. While a CUP may have been the best way to proceed with this type of conditionally approved process, the conditioned rezoning has the net effect of resulting in the desired outcome.

With the conditions noted in this report, it is reasonable to approve the request.

Image 1

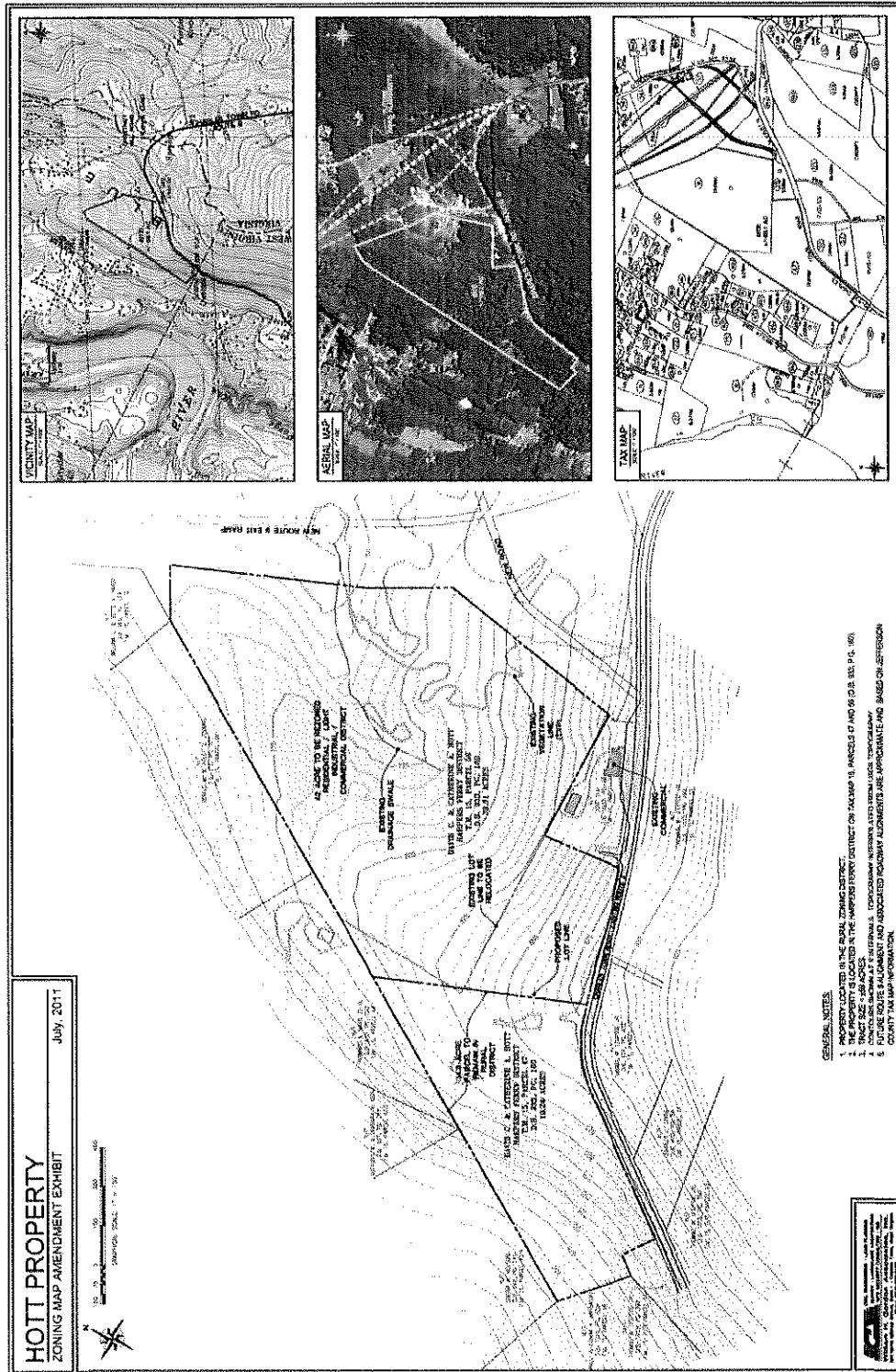
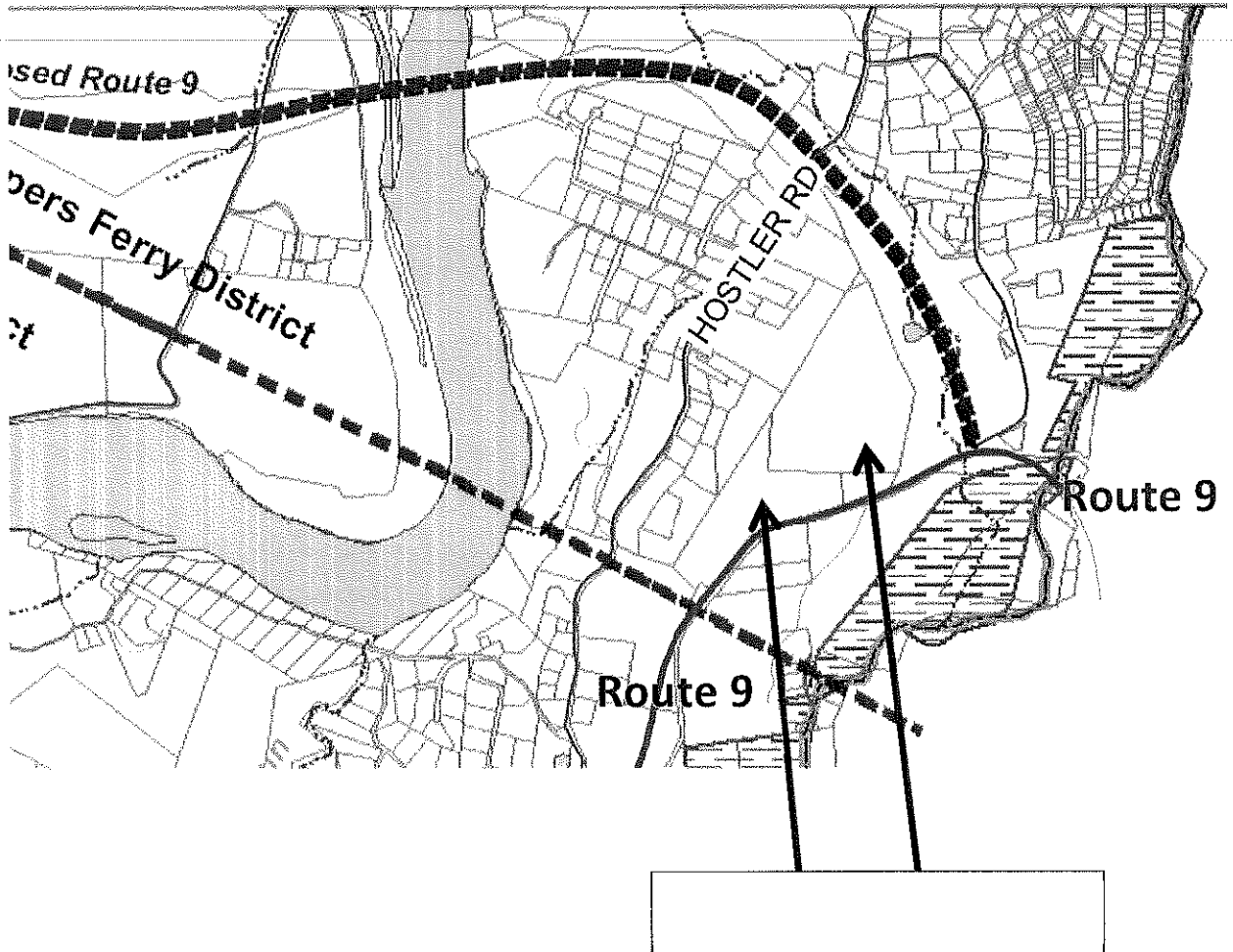


Image 2



211-03



William H. Gordon Associates, Inc.
301 North Mildred Street, Suite 1
Charles Town, WV 25414
304-725-8456 Phone
304-728-0117 Fax

RECEIVED

MAY 24 2011

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

April 11, 2011

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

On this 11th day of April, 2011 David C. Hott and Catherine A. Hott hereby petition the County Commission of Jefferson County, West Virginia to amend the zoning designation for lands adjacent to both current Route 9/Charles Town Road and new Route 9. It is requested that the current zoning designation of Rural be amended to the Residential-Light Industrial-Commercial zoning designation as defined in the Jefferson County Zoning and Land Development Ordinance. The property consists of approximately 59 acres and is located in the Harpers Ferry Tax District of Jefferson County as identified on Tax Map 15 as Parcels 47 & 56 (Deed Book 933, Page 160).

The subject property is ideally situated to provide greatly needed commercial services to Jefferson County residents who live east of the Shenandoah River. Residents who live in these areas face a round trip of up to 20 miles to access basic commercial services that are in close proximity to the majority County residents. This lack of basic commercial services has a significant impact on the environment as residents are forced to drive to find these services. An average family making three trips to Charles Town a week would travel an additional 3,000 miles every year. The provision of commercial use needs to be balanced with the rural nature of the area. While it may not be appropriate to have commercially zoned lands throughout this area it is hard to argue that a commercial development located at the only new Route 9 interchange east of the Shenandoah River will not be a significant asset to residents in the area.

The development plan for the property would be for service commercial and employment based projects. The service commercial properties could be developed in close proximity to the new Route 9, while the employment based project would be located further into the site and fully screened from the adjacent roads. The level of development will be limited by the ability of well and drain fields to service the new uses, no plans exist to extend public water and sewer to the site that would permit higher density development of the property.

The zoning map amendment is also being requested due to the proximity of the property to the interchange on new Route 9. It is the only property with direct access to both the interchange and the existing Route 9 which will continue to be an important road in this area. The properties location next to both existing and new Route 9 provides excellent vehicular infrastructure for the development of the site. The use of existing infrastructure in the development of land can significantly reduce future costs for maintenance of this infrastructure.

The value of the property for appropriate commercial development is further enhanced by the topography of the site. The majority of the land has a slope of less than 10% and can be developed without significant earthwork that would be expected for a property in this area.

The Jefferson County Comprehensive Plan does not do an adequate job in addressing the proposed rezoning request. The plan provides little detail on the area and only identifies Route 9, a primary access to Jefferson County, as a local service road. It is clear though, that the comprehensive plan understands the need to provide services to its residents and in turn the value of these commercial services to the local economy. The comprehensive plan also understands that Jefferson County must continue to grow. A zoning amendment to Residential-Light Industrial-Commercial is comparable with the 2004 Jefferson County Comprehensive Plan as it will provide new commercial development that will help diversify the economy, increase the County's tax base and provide employment opportunities.

The proposed rezoning will not result in the development of strip highway commercial uses. The site has significant separation from the new Route 9 and is not suitable for this poor form of development. The proposed uses will be to provide local commercial services and employment, not high density strip development. As part of the rezoning process the applicant looks forward to discussing the project with neighbors, the County Commission and Planning Commission. This input will be critical in refining the proposed development and making it an integral component of this community.

Under the provisions of WV Code 8A-7-9, David C. Hott and Catherine A. Hott petition the Jefferson County Commission to rezone the parcels identified above from the Rural District to the Residential-Light Industrial-Commercial District.

Sincerely,



Catherine A. Hott, Property Owner



David C. Hott, Property Owner

8

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

AGENDA REQUEST FORM

Name: Commission Office

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: 2/2/12

Date Requested – 2nd Choice: _____

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

Subject: Decision on Petition of William E. Knode and Jo Ann Knode o vacate unused streets and alley as shown on Map of Trussell’s Addition, situated in Shepherdstown District, Jefferson County, West Virginia under §7-1-3h West Virginia Code

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: _____

see information

hold over legal review 2-2-12 decision next week

AGENDA REQUEST FORM

Name: Mike Cassel, Attorney

Department or Entity: _____

Estimation of amount of time needed for appointment: 30 min

Date Requested – 1st Choice: 1/26/12

Date Requested – 2nd Choice: _____

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

Subject: Public Hearing

- Petition of William E. Knode and Jo Ann Knode to vacate unused streets and alley as shown on Map of Trussell's Addition, situate in Shepherdstown District, Jefferson County, West Virginia under §7-1-3h West Virginia Code

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
STAFF
UNDERTAK
NOTICE CLERK
Agenda
ITEM
11:00 A.M.
PROPOSED
HEARING DATE
1-26-12
E NOTICE IN SHEP
CHRONICLE

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE:) **PETITION OF WILLIAM E. KNODE, JR.,**
) **and JO ANN KNODE TO VACATE UNUSED**
) **STREETS AND ALLEY Under §7-1-3h**
) **West Virginia Code**

Come now William E. Knode, Jr., and Jo Ann Knode, hereinafter referred to as
Petitioners, and state as follows:

-1-

That the Petitioners bring this verified application before this County Commission
pursuant to §7-1-3h of the West Virginia Code.

-2-

That the Petitioners own land, whose property abuts unused streets and an alley,
as shown on a map of Trussell's Addition, situate in Shepherdstown District, Jefferson
County, West Virginia.

-3-

That said plat is recorded in the Office of the Clerk of the County Commission of
Jefferson County, West Virginia, in Slide 2158A.

-4-

That the unused streets and alley, which your Petitioners request that the County
Commission vacate, shown on said plat are as follows: Princess Street (Extended) from
the southern limit of Church Alley (which is also the division line between the

Corporation of Shepherdstown and Jefferson County) to Fairmont Avenue; Fairmont Avenue from Princess Street extending westwardly to the Town Run; Old Prospect Avenue from Princess Street extending westwardly to the Town Run; and an unnamed alley from Princess Street extending westwardly to the Town Run.

WHEREFORE, your Petitioners request the following:

- 1) That the County Commission consider this application.
- 2) That the County Commission fix a time, date and place for hearing on such application.
- 3) That after hearing any evidence relating to the use of and rights or claims in and to such streets and alley, the County Commission cause to be entered an Order closing and vacating the streets and alley as aforesaid, and causing said Order to be certified for entry of record in said Clerk's Office.

Respectfully submitted,

William E. Knode, Jr.

William E. Knode, Jr.

Jo Ann Knode
Jo Ann Knode

STATE OF WEST VIRGINIA

COUNTY OF JEFFERSON, to wit:

WILLIAM E. KNODE, JR., and JO ANN KNODE, PETITIONERS named in the foregoing PETITION TO VACATE UNUSED STREETS AND ALLEY, being duly sworn, says that the facts and allegations contained therein are true, except so far as they are therein stated to be on information, and that so far as they are therein stated to be upon information, they believe them to be true.

William E. Knode, Jr.

His William E. Knode Jr Mark

Jo Ann Knode
Jo Ann Knode

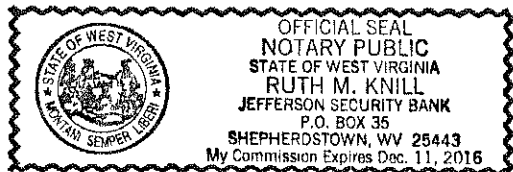
I, Ruth M. Knill, a Notary Public of the said County, do hereby certify that WILLIAM E. KNODE, JR., who signed the writing above and JO ANN KNODE, who signed the writing above, bearing date the 19th day of December, 2011, has this day acknowledged the same before me in my said County.

Given under my hand this 19th day of December, 2011.

My commission expires: Dec 11, 2016

(Affix Notary Seal)

Ruth M. Knill
Notary Public



included within the boundaries of any municipal corporation, except as provided herein. Any county commission for the purpose of implementing this section is hereby authorized to enter into such contract or contracts with any municipality or county within this state for the purposes of carrying out the powers vested in such county commissions by this section, and all said county commissions may, pursuant to such contract, exercise the authority herein granted within such contracting municipality. Provided, however, That where an area is furnished garbage and refuse collection service by an existing carrier under authority issued by the Public Service Commission of West Virginia, the county commission may enter into contracts or agreements with such carrier to supplement such existing service, but shall not enter into any competing service without authority being granted by the Public Service Commission.

The term "users" as used herein shall mean and include any person to whom such services are made available under the provisions of this section.

The authority granted by this section expires on the first day of January, one thousand nine hundred eighty-nine.

History. 1955, c. 30; 1974, c. 15; 1988, c. 84.

Cross references. — West Virginia litter control program, §§ 20-7-24 et seq.

Garbage service fee. — Garbage service fee provided for in this section may be properly imposed on actual users of the service. How-

ever, the manner in which the fee may be imposed on and collected from other than such actual users of the service needs legislative clarification. Op. Att'y Gen., Oct. 6, 1987, No. 18.

§ 7-1-3g. Acquisition, operation, and maintenance of sewerage systems and sewage plants.

In addition to all other powers and duties now conferred by law upon county courts [county commissions], such courts are hereby empowered to acquire, by purchase, right of eminent domain, lease, gift, or otherwise, and to operate and maintain, sewerage systems and sewage treatment plants, and to pay the cost of operation and maintenance thereof out of a special fund to be derived from sewerage service fees paid by the users of such sewerage system or sewage treatment plant: Provided, however, That the power and authority hereby conferred on county courts shall not extend into territory within the boundaries of any municipal corporation, sanitary district or public service district.

History. 1955, c. 30.

county court as county commission, see W.Va. Const. art. IX, § 9.

Editor's notes. — For construction of the

§ 7-1-3h. Authority and procedure for closing unused roads, streets and travel ways; notice and hearing; circuit court review.

The county court [county commission] of any county, upon the verified application of any landowner whose land abuts on any unused road, street, or other travel way designated on any map or plat of a subdivision of land or otherwise within such county but outside of incorporated towns or cities thereof, is hereby authorized to close and vacate any part or all of any such

unused road, street or other designated travel way by order entered of record after hearing as hereinafter provided. Before acting to close and vacate any such road, street or travel way, the county court shall consider the application and shall fix a time and place for hearing on such application. Such hearing shall be held not less than fifteen days after the hearing date and place have been so fixed. The applicant shall cause notice of the time and place of such hearing and the purpose thereof to be published as a Class I legal advertisement in compliance with the provisions of article three [§§ 59-3-1 et seq.], chapter fifty-nine of this code, and the publication area for such publication shall be the county. The notice shall be published at least fifteen days before such hearing. The applicant shall also cause to be served, at least fifteen days before such hearing, in the manner provided by law for the service of notices and process, a notice showing the time, place and purpose of such hearing, upon every owner of property, and every person holding a lien thereon, abutting on such unused road, street or other travel way. The affidavit of publication of such notice shall be filed with the county court at or before the hearing as a part of the record in the proceedings.

At the time and place fixed for the hearing, the county court [county commission] shall hear any evidence relating to the use of and rights or claims in or to any such road, street or other designated travel way sought to be closed and vacated. If the county court concludes and finds upon the record and evidence in the proceedings that the use and rights of no person or persons in such road, street or other travel way will be impaired or lost by the closing and vacation thereof, the county court shall proceed to enter an order closing and vacating such road, street or other travel way and shall cause a copy of said order to be prepared and certified for entry of record in the office of the clerk of such county court. The applicant shall pay the recording fee thereon.

Any person aggrieved by the action of the county court [county commission] in any such case may seek review thereof in the circuit court of the county as provided in article three of chapter fifty-eight [§§ 58-3-1 et seq.] of this code.

History. 1957, c. 26; 1967, c. 105.

Editor's notes. — For construction of the county court as county commission, see W.Va. Const. art. IX, § 9.

Refusal to close road not an acceptance of dedication. — County commission's refusal of an application by the alleged obstructing parties to close one of two roads that the challenging parties sought to establish as pub-

lic roads was not evidence that the county commission accepted a dedication of that road. There was no requirement in W. Va. Code § 7-1-3h, regarding the closing of roads, that a road at issue be a public road nor was there any other indication that the road was a public road. *Ford v. Dickerson*, — W. Va. —, 662 S.E.2d 503, 2008 W. Va. LEXIS 11 (2008).

Stated in *Newman v. Michel*, — W. Va. —, — S.E.2d —, 2009 W. Va. LEXIS 58 (2009).

§ 7-1-3i. County commission may cooperate with other governmental units.

Any county commission may join together in the exercise of any of its powers, duties and responsibilities, or otherwise cooperate with any other county or counties, municipality or municipalities, the government of this State or of the United States in carrying out any lawful purpose not in conflict with the Constitution of West Virginia: Provided, That the county commission of any

Nichelle Hosby

From: Nichelle Hosby [nhosby@jeffersoncountywv.org]
Sent: Monday, January 09, 2012 1:09 PM
To: 'tmilbourne@shepherdstownchronicle.com'
Subject: News

A Public Hearing will be held by the Commission on January 26, 2012 at 11:00 am regarding Petition of William E. Knode, Jr, and Jo Ann Knode to vacate unused streets and alley Under§7-1-3h West Virginia Code.

Call if you need more information.

Working daily to serve you better,

Nichelle Adams Hosby
Executive Assistant, Jefferson County Commission
P.O. Box 250
Charles Town, WV 25414
Phone: 304-728-3284
Fax: 304-725-7916
email: nhosby@jeffersoncountywv.org



62

60

LS GARDENS

PRINCESS

AV

NOT OPEN

55

56

W.H. Knoder & Son
ICE PLANT
POWER PLANT
EMPTY TANKS PER DIAM.

Southern
Stores

Old Five Value

MILL

3

UNRAVED

N & W
R. R.

Hodges-Lemon Co.
STORAGE
NO WATCHMAN

FRUIT PACKS
HOS

PLASTIC MILLS
K

CHARLESTOWN PIKE

64

67

68

69

70

71

72

73

50

51

52

53

54

55

56

57

58

59

60

61

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

80

81

82

83

84

85

86

87

88

89

90

91

92

93

94

95

96

97

98

99

100

101

102

103

104

105

106

107

108

109

110

111

112

113

114

115

116

117

118

119

120

121

122

123

124

125

126

127

128

129

130

131

132

133

134

135

136

137

138

139

140

141

142

143

144

145

146

147

148

149

150

151

152

153

154

155

156

157

158

159

160

161

162

163

164

165

166

167

168

169

170

171

172

173

174

175

176

177

178

179

180

181

182

183

184

185

186

187

188

189

190

191

192

193

194

195

196

197

198

199

200

201

202

203

204

205

206

207

208

209

210

211

212

213

214

215

216

217

218

219

220

221

222

223

224

225

226

227

228

229

230

231

232

233

234

235

236

237

238

239

240

241

242

243

244

245

246

247

248

249

250

251

252

253

254

255

256

257

258

259

260

261

262

263

264

265

266

267

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

292

293

294

295

296

297

298

299

300

301

302

303

304

305

306

307

308

309

310

311

312

313

314

315

316

317

318

319

320

321

322

323

324

325

326

327

328

329

330

331

332

333

334

335

336

337

338

339

340

341

342

343

344

345

346

347

348

349

350

351

352

Sandy McDonald

From: "Donna Hansen" <sd_hansen@frontiernet.net>
To: <dstellato@jeffersoncountywv.org>; <webmaster@jeffersoncountywv.org>; <laura@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>; <nhosby@jeffersoncountywv.org>
Sent: Saturday, January 28, 2012 10:44 AM
Subject: Please Vote No -- Petition to Have Princess Street Extended Made Vacate

Your submission:

Your Name: Donna Hansen

Your Email Address: sd_hansen@frontiernet.net

Subject: Please Vote No -- Petition to Have Princess Street Extended Made Vacate

Message: Dear Jefferson County Commissioners:

I understand that there is a petition to have Princess Street Extended made vacate coming before the Commission this Thursday. I very much hope that you will turn down this petition, which appears to be self-serving for one and only one individual.

My daughter and I visit the street at least once a week, since she attends the Shepherdstown School of Dance, a dynamic and vital part of the Shepherdstown community. With the mix of business as well as residences on the street, I cannot understand the logic the petitioner used to think of making it "vacate." As a Jefferson County resident, I expect my tax dollars to go towards maintaining streets such as this, which enhance business, social, and living opportunities in the community, as I hope that you will agree.

As an additional consideration, I cannot even begin to imagine the safety hazard that will be present for the many small children who visit the Shepherdstown School of Dance each week if community members are no longer able to make use of this street.

Thank you for taking the time to consider my and other community members' view as you make your deliberations for Thursday's hearing regarding the petition to have Princess Street Extended made vacate. I hope that a denial will be forthcoming!

Respectfully,

Donna Hansen
827 Elk Run Estates Drive
Harpers Ferry, WV 25425
304-535-1253

Nichelle Hosby

From: fred dubay [fdubay@aol.com]
Sent: Monday, January 30, 2012 11:09 AM
To: dstellato@jeffersoncountywv.org; webmaster@jeffersoncountywv.org;
laura@jeffersoncountywv.org; sandy@jeffersoncountywv.org; nhosby@jeffersoncountywv.org
Subject: princess street

Your submission:

Your Name: fred dubay

Your Email Address: fdubay@aol.com

Subject: princess street

Message: i understand that there is a hearing on the public use of Princess street in Shepherdstown, wv. i support the continued use as a county / public street. The area near the dance studio is used by many parents and others to allow safe access for small children attending dance class.

voters were never asked if Jefferson county should give up the ownership of this county property so i see no reason to consider it at this time.

Shepherdstown business's biggest challenge is safe, open public parking. please do not do anything that would restrict that any more than it already is restricted.

Fred Dubay



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

AGENDA REQUEST FORM

Name: **Dale Manuel** _____

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: Make the Tim Boyde’s exit memo available to the Public in an effort to continue transparency in County Government

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:

RALPH A. LORENZETTI, JR.
PROSECUTING ATTORNEY

CHARLES B. HOWARD
ASSISTANT PROSECUTING ATTORNEY

JAMES CASIMIRO III
ASSISTANT PROSECUTING ATTORNEY

BRANDON C.H. SIMS
ASSISTANT PROSECUTING ATTORNEY

KIMBERLEY D. CROCKETT
ASSISTANT PROSECUTING ATTORNEY



**OFFICE of THE
PROSECUTING ATTORNEY**
of
JEFFERSON COUNTY, WEST VIRGINIA

P. O. Box 729
201 N George St., 2nd Floor
Charles Town, WV 25414
(304) 728-3243
fax (304) 728-3293
paoffice@jeffersoncountywv.org
www.jeffersoncountywv.org/pa

LAURENCE R. CROFFORD
ASSISTANT PROSECUTING ATTORNEY

HASSAN RASHEED
ASSISTANT PROSECUTING ATTORNEY

CIVIL DIVISION

(304) 728-3318
fax: (304) 728-3353

STEPHANIE F. GROVE
ASSISTANT PROSECUTING ATTORNEY

STEPHEN V. GROH
ASSISTANT PROSECUTING ATTORNEY

January 31, 2012

Patsy Noland, President
County Commission of Jefferson County
124 East Washington Street
Charles Town, West Virginia 25414

Dear Commissioner Noland:

At its regularly scheduled meeting on Thursday, January 26, 2012, the County Commission requested that I provide an opinion concerning the legality of releasing an exit memorandum from Tim Boyde, County Administrator, which memo the Commission received in executive session. This letter is intended to provide my opinion on the same.

The Open Governmental Proceedings Act, codified at W.Va. § 6-9A-1 *et seq.*, permits the County Commission to enter an executive session to discuss personnel matters. Specifically, W.Va. Code § 6-9A-4(b)(2)(A) provides that a governing body may enter an executive session to consider “[m]atters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee, or prospective public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting.” The Act goes on to provide that a governing body is prohibited from considering general personnel policies in an open meeting. W.Va. Code § 6-9A-4(b)(2)(B). These provisions allow a governing body to close a public meeting to discuss a specific employee, but do not require the Commission to enter an executive session to discuss personnel matters involving a specific employee as the statute uses the permissive “may.”

The West Virginia Ethics Commission has also addressed executive sessions in the context of personnel matters. The opinions of the Ethics Commission Committee on Open Governmental Meetings tracks the language of the statute, advising that the commission may enter an executive session to discuss personnel plans to reduce the workforce which plans would only affect certain employees. *Open Meetings Advisory Opinion* No. 2009-02 and 2009-05. However, these opinions do not require the County Commission to enter an executive session to

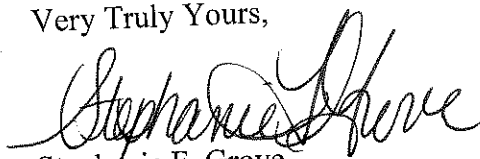
discuss these personnel matters but simply provide the Commission with the ability to enter an executive session if it chooses by a majority vote to do so.

Additionally, there is nothing that would prevent the County Commission from discussing the reorganization plan contained in the report in public session even if the reorganization would only affect certain employees. If the memorandum discussed work performance or other private employment information, relying upon that information as the basis for termination, then the Commission should choose to enter an executive session unless the employee requests an open session. However, the recommendations contained in the memorandum at issue are based upon the volume of work and the monetary impact of eliminating certain positions. The report does not contain personnel information that would be considered an invasion of privacy if released as it addresses positions rather than the people who hold those positions. Accordingly, while the Commission was authorized to enter into executive session to discuss the memorandum, public debate would not violate the privacy of any of the individual employees, and as such, release of the memorandum to the public would not create any liability on the part of the Commission.

Finally, if the Commission intends to reference in detail the memorandum and its recommendations in public session when discussing options for re-organization, then the Commission should release the document to the public. Pursuant to the West Virginia Freedom of Information Act, the County Commission has the right to prevent public disclosure of internal memoranda which contain advice and recommendations of staff. Accordingly, the Commission may enter an executive session to discuss internal memoranda pursuant to exemption 12 contained in the Open Governmental Proceedings Act. W.Va. Code § 6-9A-4(b)(2)(A)(12). If the Commission does not act on the advice contained in the documents, then the documents may be withheld from the public. However, debating the document's recommendations in public removes the protection from the document, and the document would become a public record at that time.

To summarize, the Commission does have the ability to receive internal memoranda from staff in executive session. In the instant case, the Commission had the ability to enter an executive session to discuss this particular memorandum under both the internal records and personnel exemptions contained in the West Virginia Open Governmental Proceedings Act. However, the relevant laws do not require the Commission to enter an executive session but merely provide the option to close the meeting. Accordingly, if a majority of the commission wishes to release this document that was initially distributed in an executive session to the public, then the Commission has a legal right to do so and does not open itself to any liability as a result of this decision. If you have any questions or concerns regarding this opinion, please feel free to contact me.

Very Truly Yours,



Stephanie F. Grove
Assistant Prosecutor

Sandy McDonald

From: "Dale Manuel" <dmanuel@frontiernet.net>
To: <sandy@jeffersoncountywv.org>; <pnoland@jeffersoncountywv.org>; <walt@waltpellish.com>;
<fberrymorgan@aol.com>; "Lyn Widmyer" <lynwidmyer@gmail.com>
Sent: Monday, January 23, 2012 8:23 PM
Subject: Agenda item

Please place the following on next week's agenda:

Review and possible Action on Tim Boyde's exit memo regarding Restructuring County Government

Please make the exit memo available to the public in an effort to continue transparency in County Government.

Thanks,
Dale Manuel

PROPOSED RE-ORGANIZATION PLAN

Jefferson County is currently at a crossroad in their future. The County has not kept pace with emerging trends in the area of Information Technology (IT), Human Resources (HR), good financial management, or strategic planning. Options and opportunities are within our reach but they will require careful deliberation and decisive actions.

- **Information Technology:** At the present time, there is no one consistent operating platform established on a county-wide basis. Department Heads and Elected Officials are operating independently and without regard to cost or operational efficiency. An inherent distrust exists with our current system administrators and various departments/elected officials. We have elected officials and various department heads using outside vendors to address in-house needs. This is a costly process and promotes a dysfunctional situation.
- **Options:** The County Commission has two viable options in this arena. The first option is to grow the IT functions in-house. This will require the county to make a major investment in both personnel and equipment. The current system configuration is too unwieldy for our current staff complement without additional personnel. We also need to overcome the current distrust of the current personnel. The second option is to solicit a Request For Proposals (RFP) for the implementation and management of a viable IT system. Certain elected officials and some departments have specialty needs that can be managed by an external vendor. The addition of an outside vendor would permit a thorough analysis and recommendation for a standardized system (to the extent possible). The RFP should include language that would require the establishment of a Help Desk and provide 24 hour support. Included in this proposal should also be a statement that current staff be strongly considered to fill the Help Desk position at the local level. An RFP is drafted and ready for release should you choose to explore this option.
- **Human Resources:** Jefferson County lacks a single point of contact for key HR issues. The functions are currently split between the County Clerk's office, the County Administrator, and, to some extent, the departments who have chosen to write/implement policy specific to their domain. It is a convoluted system, lacking in consistency, and potentially places the County in jeopardy. The absence of consistent policy (& application) is a glaring weakness and something that employees are seeking. We need an individual to centralize the various HR functions within County government. These areas would include; policy development, hiring protocols, benefits administration, oversight of Worker's Comp matters, discipline, termination, unemployment, performance reviews, and overall compliance issues.
- **Options:** Given the current employee complement, the Commission should consider the creation of an HR Director/position on a part-time basis. The position should be no more than three-quarters paid position.
- **Financial Management:** The addition of the Finance Director will pay dividends for the county. The ability to analyze and forecast expenditures will help the county to better manage current resources and provide buffers against potential shortfalls. Some departments are not adept at handling some of their fiduciary responsibilities. Receivables are not consistently processed according to established guidelines. Grant reporting guidelines are sometimes missed or the

reporting is insufficient. These two aspects reflect negatively on the county and hinder our ability to secure additional grant funding. We have several different bodies collecting fees. Consideration should be given to the consolidation of this process to the extent possible. Management and oversight of the various checking accounts held by departments should be moved under the direction/supervision of the finance director. A demonstrated need exists for a thorough analysis of our long-range income and expenditures. The development of a capital plan should be instituted for FY 2013 and include plans to address space needs and the potential construction of a government complex. When and where possible, consideration should be given (required) for centralized purchasing of routine office supplies and other consumables. It is possible to conduct an in-depth analysis of our commonly used items and either bid these out or secure them via state contract. State contract and other approved group purchasing agreements should be pursued to the extent possible.

- **Personnel:** The personnel complement needs to be reviewed and/or revised. We are carrying more people in some areas and have insufficient numbers in others. Some aspects of County government do not have the volume to justify the number of positions currently in place. In other areas, a demonstrated need exists to expand the workforce at least on a part-time basis.
- **Proposed Workforce Reductions:**
 - **Capital Planning/Impact Fees:** The County currently has a facilities manager/construction oversight position. There are no current plans in place for construction renovation that will rise to the level requiring the services of this individual. I would propose the elimination of this position. Assuming the IT department is outsourced, the current Help Desk/Support personnel would go the successful respondent. That leaves two individuals in the office of Capital Planning and Impact Fees. With the addition of the Finance Director, the duties of that have been scaled back significantly. Potential elimination of the IT functions further reduces the need for that position. Impact fees are trickling in and the justification for a full-time Impact Fee coordinator does not exist. I would propose that this department be eliminated and the current director be retained under a contractual agreement to address Impact Fee issues on an as needed basis. The remaining individual in that department (impact fees collection) could be shifted to the Engineering Department assuming sufficient work is available to justify a full-time position.

Workforce Additions:

- **Emergency Communications:** The County is currently carrying a rather large liability in accrued leave and overtime in this department. A contributing factor to this problem is the lack of a sufficient part-time employment pool to address leave time and fill vacancies in a timely manner. Thought should be given to doubling the current pool. It would be more efficient financially and ease the burn-out factor by over-working the current staff complement.

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

AGENDA REQUEST FORM

Name: Walt Pellish

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: 2/2/12

Date Requested – 2nd Choice: _____

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

Subject: Increase the Development Authority Budget by \$30,000

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: _____

Date Requested – 2nd Choice: _____

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

Subject: **Legislative Updates**

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

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

Attachments:

Legislative Lineup

County Commissioners' Legislative Update

Please Distribute To All Commissioners ASAP

Volume 15, Issue 2

January 26, 2012

Legislative Lineup Week 2...

Good morning everybody! This is the second weekly legislative update from CCAWV and includes new bills introduced in the House and the Senate from January 19th through January 26th that are of interest to counties, along with updates of action and movement of bills so far. Remember, you can go to the legislative website at www.legis.state.wv.us for bill text, bill history, bill tracking, and lots of other good stuff. There is a link on the CCAWV website (www.ccawv.org) to the Legislative website as well.

Remember, the Lineup is sent on the listserve, and also faxed to each courthouse. You should be able to click on the blue bill numbers below to view the text of the bill itself.

Quick Update:

- The County Officials Salary Bill (SB 168) was advanced from Senate Government Organization to Senate Finance
- The County Credit Card Acceptance Bill (SB 167) advanced from Senate Government Organization to the Senate Floor with amendments. The amendments added required clear notice to taxpayer that when using a credit card there would also be a transaction fee, and requires that the county obtain 3 bids and take the lowest bid when choosing a credit card company to work with.
- ♦ CCAWV Committee on Tax Increment Financing met with Governor's staff to discuss our concerns with the Governor's last year TIF bill that would have extended TIF authority to class 3 and 4 cities without the consent of their county commission. It is our understanding, that there is no plan to reintroduce last year's bill at this time, or unless both counties and municipalities are in agreement.
- ♦ S.B. 347 Rededicating excise tax paid on real property transfers to Counties for regional jail support is on the agenda this afternoon in Senate Judiciary Committee (listen online at www.legis.state.wv.us)
- ♦ GOVERNOR TOMBLIN has signed H.B. 4086 - The Legislation establishes property tax relief for ethane "cracker" development on a 2 billion dollar investment. The bill has completed the legislative process and the Governor is on his way to Texas to meet with Shell!

Remember, the CCAWV Legislative Committee will meet weekly by telephone to discuss bills of county interest. These calls will be held on Thursday afternoon at 4:00 PM, so if you have concerns, make sure you contact your Legislative Committee representatives, listed as follows:

2012 CCAWV Legislative Committee

Danny Greathouse, Legislative Chairman
Cindy Pyles, Mineral County, President
Tim McCormick, Ohio County, Vice-President
Don Mason, Marshall County, Executive Committee
Janice LaRue, Mineral County, Executive Committee
Pat Boyle, Lewis County, Executive Committee
Chuck Armentrout, Executive Committee
Marty Bartz, Brooke County, District 1
Ron Watson, Harrison County, District 1
Gary Ellyson, Braxton County, District 2
J.C. Rafferty, Upshur County, District 2
Al Halstead, Boone County, District 3
Gordon Lambert, McDowell County, District 3

As always, if you have questions or concerns, just call (304) 345-4639 or my cell (304) 415-1608.

Attached are bills of interest to County Commissions introduced January 19-26, 2012...

Personalized Bill Tracking List

Page 1 of 6

West Virginia Legislature							
Senate	House	Joint	Bill Status	WV Code	Audits/ Reports	Educational	Contact

Personalized Bill Tracking List

CCAWVwk2 - 2012 Regular Session					
Bill	Title	SA (Same As)/ SI (Similar To)	Last Action	Committee Reference	Notes
SB 234 (None)	Authorizing State Auditor promulgate legislative rule relating to transaction fee and rate structure		01/26/12 - To Senate Judiciary	Senate Reference 1 - Finance Senate Reference 2 - Judiciary	
SB 239 (None)	Authorizing CPRB promulgate legislative rule relating to PERS		01/26/12 - To Senate Judiciary	Senate Reference 1 - Pensions Senate Reference 2 - Finance Senate Reference 3 - Judiciary	
SB 243 (None)	Authorizing Courthouse Facilities Improvement Authority promulgate legislative rule relating to Courthouse Facilities Improvement Fund		01/25/12 - To Senate Judiciary	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	
SB 261 (None)	Authorizing Development Office promulgate legislative rule relating to use of coalbed methane severance tax proceeds		01/26/12 - To Senate Judiciary	Senate Reference 1 - Economic Development Senate Reference 2 - Finance Senate Reference 3 - Judiciary	

Personalized Bill Tracking List

SB 268 (None)	Authorizing Governor's Committee on Crime, Delinquency and Correction promulgate legislative rule relating to law-enforcement training standards		01/18/12 - To Senate Judiciary	Senate Reference 1 - Judiciary	
SB 317 (None)	Authorizing Secretary of State promulgate legislative rule relating to Vote-by-Mail Pilot Project Phase 2: Voting by Mail		01/18/12 - To Senate Judiciary	Senate Reference 1 - Judiciary	
SB 318 (None)	Authorizing Secretary of State promulgate legislative rule relating to general management and preservation of state records		01/26/12 - To Senate Judiciary	Senate Reference 1 - Finance Senate Reference 2 - Judiciary	
SB 342 (None)	Creating Public Safety and Offender Accountability Act	SA HB 4123	01/18/12 - To Senate Judiciary	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	
SB 343 (None)	Providing volunteer and part-volunteer fire departments grace period to meet eligibility for certain funds allocation	SA HB 4114	01/18/12 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Finance	
SB 347 (None)	Rededicating excise tax paid on real property transfers to counties for regional jail support	SI HB 2429 SI HB 2785 SA HB 4117	01/19/12 - To Senate Judiciary	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	
SB 351 (None)	Limiting size of voting precincts: other provisions		01/19/12 - To Senate Judiciary	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	
SB 354 (None)	Relating to filling		01/20/12 - To	Senate	

Personalized Bill Tracking List

Page 3 of 6

	vacancies in certain county offices		Senate Government Organization	Reference 1 - Government Organization Senate Reference 2 - Judiciary	
SB 355 (None)	Allowing counties to deduct delinquent tax collection costs from distribution to levying bodies		01/20/12 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Finance	
SB 363 (None)	Creating Uniform Real Property Electronic Recording Act	SA HB 4250 SI HB 2790 SI HB 2710	01/23/12 - To Senate Senator Tucker requests to be removed as sponsor of bill	Senate Reference 1 - Interstate Cooperation Senate Reference 2 - Judiciary	
SB 365 (None)	Increasing membership of PEIA Finance Board		01/20/12 - To Senate Banking and Insurance	Senate Reference 1 - Banking and Insurance Senate Reference 2 - Government Organization	
SB 387 (None)	Requiring training of floodplain managers		01/23/12 - To Senate Government Organization	Senate Reference 1 - Government Organization	
SB 392 (None)	Increasing public service district board members' salaries		01/24/12 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Finance	
SB 409 (None)	Substituting community service for jail confinement for certain persons convicted of alcohol-related crimes		01/24/12 - To Senate Judiciary	Senate Reference 1 - Judiciary	

Personalized Bill Tracking List

Page 4 of 6

HB 4051 (None)	Establishing the right to control the disposition of the remains of a deceased person		01/13/12 - To House Judiciary	House Reference 1 - Judiciary	
HB 4107 (None)	Relating to volunteer firefighter training	SA SB 213	01/27/12 - To House On 2nd reading, Calendar 2nd Reading	House Reference 1 - Government Organization	
HB 4112 (None)	Creating the Commission on Streamlining Government		01/18/12 - To House Government Organization	House Reference 1 - Government Organization House Reference 2 - Finance	
HB 4113 (None)	Relating to the Municipal Home Rule Pilot Program		01/26/12 - To House Judiciary	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary	
HB 4114 (None)	Providing a grace period for volunteer fire companies or departments to comply with submission of data in order to meet eligibility requirements to receive allocations from municipal pensions and protection fund	SA SB 343	01/18/12 - To House Pensions and Retirement	House Reference 1 - Pensions and Retirement House Reference 2 - Finance	
HB 4117 (None)	Redistributing an existing excise tax paid upon the transfer of real property	SA SB 347	01/18/12 - To House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance	
HB 4123 (None)	Relating to the Public Safety and Offender Accountability Act	SA SB 342	01/18/12 - To House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance	
HB 4129 (None)	Reallocating and dedicating three percent of oil and gas severance tax revenues to the oil and gas producing counties of origin	SA SB 157	01/19/12 - To House Energy, Industry and Labor, Economic Development and Small Business	House Reference 1 - Energy, Industry and Labor, Economic Development and Small Business House Reference 2 - Finance	
HB 4132 (None)	Requiring the		01/19/12 - To	House Reference	

Personalized Bill Tracking List

	Department of Health and Human Resources to reimburse the circuit clerk of the county where involuntary commitment hearings are held for certain expenses		House Judiciary	1 - Judiciary House Reference 2 - Finance	
HB 4238 (None)	Establishing procedures for address confidentiality program participants on the special absentee voting list		01/27/12 - To House On 3rd reading, Calendar 3rd Reading	House Reference 1 - Judiciary	
HB 4246 (None)	West Virginia Companion Animal Protection Act		01/20/12 - To House Agriculture	House Reference 1 - Agriculture House Reference 2 - Judiciary	
HB 4250 (None)	Creating the Uniform Real Property Electronic Recording Act	SA SB 363	01/27/12 - To House On 2nd reading, Calendar 2nd Reading	House Reference 1 - Judiciary House Reference 2 - Finance	
HB 4252 (None)	Relating to the Rainy Day Fund, and creating a West Virginia Infrastructure Modernization and Development Special Revenue Fund	SA SB 390	01/23/12 - To House Finance	House Reference 1 - Finance	
HB 4253 (None)	Providing a one-time supplements to certain annuitants	SA SB370	01/23/12 - To House Pensions and Retirement	House Reference 1 - Pensions and Retirement House Reference 2 - Finance	
HB 4257 (None)	Providing late voter registration opportunities to individuals covered by the Uniformed and Overseas Citizens Act of 1986		01/23/12 - To House Judiciary	House Reference 1 - Judiciary	
HB 4261 (None)	Relating to review of state administrative agency rule-making		01/23/12 - To House Judiciary	House Reference 1 - Judiciary	
HB 4265 (None)	Requiring flowback plans for all work on oil and gas wells		01/23/12 - To House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance	

Personalized Bill Tracking List

Page 6 of 6

HB 4266 (None)	Requiring the posting of material data safety sheets and documentation of fracking fluid components		01/23/12 - To House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance	
HB 4267 (None)	Studying the environmental and health impacts of shale gas development		01/23/12 - To House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance	
HB 4280 (None)	Relating to collection of delinquent taxes		01/25/12 - To House Finance	House Reference 1 - Finance	
HB 4285 (None)	Adding the county sheriff, or his or her designee, to those law-enforcement officials who are granted access to certain confidential pharmaceutical information		01/25/12 - To House Health and Human Resources	House Reference 1 - Health and Human Resources House Reference 2 - Judiciary	
HB 4286 (None)	Relating to registration plates to state, county, municipal and other governmental vehicles		01/25/12 - To House Roads and Transportation	House Reference 1 - Roads and Transportation House Reference 2 - Finance	
HB 4287 (None)	Expanding the definition of Class A vehicles and designating class farm trucks as Class X		01/25/12 - To House Roads and Transportation	House Reference 1 - Roads and Transportation House Reference 2 - Judiciary	
HB 4292 (None)	Authorizing the West Virginia Supreme Court of Appeals to establish a reasonable fee of compensation for mental hygiene services		01/25/12 - To House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance	
HB 4295 (None)	Amending recount procedures		01/25/12 - To House Judiciary	House Reference 1 - Judiciary	
HB 4298 (None)	Limiting the amount a property reappraisal can increase		01/25/12 - To House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance	

8 Pages

TO: ALL MEMBERS of the WEST VIRGINIA ASSOCIATION OF COUNTIES

FROM: PATTI HAMILTON



THE COUNTY LEGISLATIVE LINE
Friday, January 27th, 2012

Capitol Quotes:

"Have you ever tried to read instructions in Chinese to put something together?" Del. Brown to Del. Walker in a discussion of an amendment to require that all electronic recordings accepted by the County Clerk be in English

"I'm one of those men who don't read instructions!" Del. Walker's response

"The question is not whether or not we should do it but how." Sen. Jenkins on the credit card acceptance bill for county officials

"I just pulled it up and queried the name Smith. Are you related to Otis, Lawrence....?" Sen. Jenkins to Senate Judiciary Counsel Tom Smith, while asking questions SB 382, sex offender registry

"This is money collected locally and sent to the state." Sen. Snyder speaking in favor of SB 347 which would allow counties to keep the transfer tax currently sent to the state

"I couldn't go home if I bothered their money." Sen. Snyder, from the Eastern Panhandle, answering a question on whether SB 347 affected farmland preservation funds

The first bill of the session has completed legislative action. The Governor's "cracker" tax incentive bill, HB 4086, has been sent to the Governor's desk for signature. It will be touted as the State seeks to compete with Pennsylvania & Ohio for a cracker facility that cracks the ethane produced from the Marcellus Shale gas. The bill gives salvage value for a facility described as a \$2 billion investment. WVACO generally opposes the use of salvage value but it was apparent that this bill was on a fast track and targeted directly to attracting a specific facility.

SB 167, authorizing acceptance of credit cards for county fees, is out of committee as of yesterday. This bill will allow county officials to accept credit/debit cards for transactions such as fees and fines. The bill was amended to require disclosure of the fee (which the

1

attorney explained can be as simple as telling the card-paying customer that there will be a transaction fee) and a requirement to solicit three bids in order to get the best transaction rate deal. The bill has completed committee work in the Senate and will go to the floor. (Sheriffs already have authority to accept credit cards under Ch. 11 tax code).

Last year's controversial "sudafed" bill has been re-introduced as "The Larry Border Act," (SB 346) named for the late Delegate Border who was a pharmacist. The bill would require products with ephedrine & pseudoephedrine to be prescription-only.

Senate Judiciary passed out SB 347, allowing counties to keep amount of transfer tax that they currently send to the state. Currently, County Clerks must send 50% of transfer tax collected to the state, which totaled approximately \$8 million in FY '11. The bill requires that this money would be dedicated to defray regional jail costs which totaled \$42,209,684 in FY '11 (invoiced amount). There was only one *no* vote. The bill will now go to Senate Finance. Calls of support to Senate Finance members needed!

SB 168, the County Officials Compensation Increase, is pending before Senate Finance. Finance committees in both bodies hold budget hearings through February 6th and will probably not run any bills prior to that date. Support for the bill needs to be expressed to members of Senate Finance. General feedback from legislators is that the amounts need to be reduced or the bill will not advance any further.

SB 31, a precinct consolidation bill allowing a larger number of voters in certain precincts where it is practical to consolidate (such as 3 precincts in one gymnasium) advanced out of Senate Judiciary today. The bill had a 2nd reference to Finance but that has been waived so it will go straight to the floor.

Besides the legislative web site, another great way to keep up with the Legislature is by watching WV PBS *Legislature Today* at 6:30 p.m. with a repeat at 11:30 p.m. every Monday through Friday during the session. Even though I'm at the Capitol every day, I record it and get a broader perspective of what's going on.

A list of House and Senate bills of interest to counties was sent out on listserves this morning and will be included in a statewide fax also.

LEGISLATIVE CALENDAR 2012

January 11 – First Day (*WV Const. Art. VI, §18*)

January 30 – Twentieth Day; Legislative Rulemaking Review bills due

February 20 – Forty-first Day; Last day to introduce bills in Senate and House (*Senate Rule 14*) (*House Rule 91a*); Does not apply to originating or supplementary appropriation bills

February 26 – Forty-seventh Day; Bills due out of committee in house of origin to ensure three full days for readings

February 29 – Fiftieth Day; Last day to consider bill on 3rd reading in house or origin (*Joint Rule 5b*)

March 10 – Sixtieth Day; Adjournment at Midnight (*WV Const. Art. VI, §22*)

FY11

July 1, 2010 - June 30, 2011



COUNTY		TRANSFER TAX AMOUNT		REGIONAL JAIL COST	
HB4117 / SB347					
Barbour	\$	41,644.90	\$	212,377.60	
Berkeley	\$	651,775.30	\$	2,849,575.10	
Boone	\$	36,104.20	\$	891,039.20	
Braxton	\$	33,894.30	\$	380,891.80	
Brooke	\$	58,370.40	\$	356,532.80	
Cabell	\$	397,535.60	\$	2,891,504.10	
Calhoun	\$	14,415.50	\$	153,915.20	
Clay	\$	25,223.00	\$	390,777.30	
Doddridge	\$	18,338.10	\$	181,340.80	
Fayette	\$	126,757.40	\$	808,030.40	
Gilmer	\$	25,757.60	\$	167,047.60	
Grant	\$	35,279.20	\$	322,909.60	
Greenbrier	\$	241,499.50	\$	560,102.30	
Hampshire	\$	101,501.40	\$	495,124.80	
Hancock	\$	75,104.70	\$	487,902.40	
Hardy	\$	71,878.40	\$	390,985.60	
Harrison	\$	356,252.60	\$	1,749,772.80	
Jackson	\$	76,926.30	\$	669,828.80	
Jefferson	\$	499,274.60	\$	1,037,891.60	
Kanawha	\$	745,725.20	\$	4,389,911.80	
Lewis	\$	62,942.00	\$	249,599.60	
Lincoln	\$	41,935.30	\$	404,844.80	
Logan	\$	92,437.71	\$	1,006,444.10	
Marion	\$	282,971.70	\$	1,236,452.80	
Marshall	\$	123,090.00	\$	611,067.70	
Mason	\$	55,100.00	\$	489,024.80	
McDowell	\$	19,453.50	\$	1,068,183.20	
Mercer	\$	214,637.50	\$	1,346,587.20	
Mineral	\$	81,044.70	\$	746,643.90	
Mingo	\$	33,949.30	\$	994,428.70	
Monongalia	\$	791,085.90	\$	1,470,100.00	
Monroe	\$	50,106.00	\$	184,171.20	
morgan	\$	78,283.70	\$	531,358.40	
Nicholas	\$	82,790.40	\$	782,800.80	
Ohio	\$	146,685.00	\$	767,038.40	
Pendleton	\$	30,408.40	\$	121,951.20	
Pleasants	\$	24,349.60	\$	103,163.20	
Pocahontas	\$	75,325.80	\$	267,716.80	
Preston	\$	130,922.00	\$	382,250.40	
Putnam	\$	358,521.90	\$	1,153,046.40	
Raleigh	\$	377,043.65	\$	2,372,997.60	
Randolph	\$	145,079.00	\$	554,216.60	
Ritchie	\$	27,744.20	\$	128,783.20	
Roane	\$	58,230.70	\$	403,347.60	
Summers	\$	28,532.90	\$	244,244.00	
Taylor	\$	52,951.85	\$	252,784.00	
Tucker	\$	46,275.90	\$	57,875.30	
Tyler	\$	45,501.50	\$	185,635.20	
Upshur	\$	80,058.00	\$	522,111.20	
Wayne	\$	97,761.40	\$	682,028.80	
Webster	\$	26,742.10	\$	348,793.10	
Wetzel	\$	115,344.90	\$	319,005.60	
Wirt	\$	14,199.90	\$	54,802.40	
Wood	\$	446,685.80	\$	1,855,770.30	
Wyoming	\$	35,014.10	\$	922,954.40	
TOTALS	\$	8,006,464.51	\$	42,209,684.50	

Personalized Bill Tracking List

Senate

SB 201 (None)	Creating Unintentional Pharmaceutical Drug Overdose Fatality Review Team	SA HB 4096	01/16/12 - To Senate Health and Human Resources	Senate Reference 1 - Health and Human Resources	
SB 206 (None)	Designating certain property as qualified capital addition to manufacturing facilities	SI HB 4094 SA HB 4086	01/23/12 - To Senate Finance	Senate Reference 1 - Economic Development Senate Reference 2 - Finance	Governor's Bill for Cracker facility tax incentive
SB 243 (None)	Authorizing Courthouse Facilities Improvement Authority promulgate legislative rule relating to Courthouse Facilities Improvement Fund		01/25/12 - To Senate Judiciary	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	
SB 331 (None)	Providing certain persons residing with crime victims parole notification and right to be heard		01/27/12 - To Senate On 1st reading 1st Reading	Senate Reference 1 - Judiciary	
SB 342 (None)	Creating Public Safety and Offender Accountability Act	SA HB 4123	01/18/12 - To Senate Judiciary	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	Prosecutors need to review
SB 346 (None)	Creating Larry Border Act		01/24/12 - To Senate Senator Plymale requests to be removed as sponsor of bill	Senate Reference 1 - Health and Human Resources Senate Reference 2 - Finance	Sudafed bill
SB 347 (None)	Rededicating excise tax paid on real property transfers to counties for regional jail support	SI HB 2429 SI HB 2785 SA HB 4117	01/19/12 - To Senate Judiciary	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	Counties keep transfer tax currently sent to state. Priority issue. Approx \$8 million statewide
SB 351 (None)	Limiting size of voting precincts; other provisions		01/19/12 - To Senate Judiciary	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	May consolidate precincts. Priority issue
SB 352 (None)	Creating criminal offense for custodian's failure to report missing child	SA HB 4242	01/19/12 - To Senate Judiciary	Senate Reference 1 - Judiciary	
SB 353 (None)	Exempting Concealed Carry Permit holders from National		01/20/12 - To Senate Judiciary	Senate Reference 1 - Judiciary	

Personalized Bill Tracking List

	Instant Criminal Background Check System when purchasing firearm				
SB 354 <u>(None)</u>	Relating to filling vacancies in certain county offices		01/20/12 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Judiciary	
SB 355 <u>(None)</u>	Allowing counties to deduct delinquent tax collection costs from distribution to levying bodies	SA HB 4280	01/20/12 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Finance	
SB 358 <u>(None)</u>	Prohibiting possession of certain multiple controlled substances obtained from more than one practitioner	SA HB 4034	01/20/12 - To Senate Health and Human Resources	Senate Reference 1 - Health and Human Resources Senate Reference 2 - Judiciary	Priority
SB 363 <u>(None)</u>	Creating Uniform Real Property Electronic Recording Act	SA HB 4250 SI HB 2790 SI HB 2710	01/23/12 - To Senate Senator Tucker requests to be removed as sponsor of bill	Senate Reference 1 - Interstate Cooperation Senate Reference 2 - Judiciary	
SB 365 <u>(None)</u>	Increasing membership of PEIA Finance Board		01/20/12 - To Senate Banking and Insurance	Senate Reference 1 - Banking and Insurance Senate Reference 2 - Government Organization	Add non state representative. Priority
SB 370 <u>(None)</u>	Relating to transport and storage of firearms in private vehicles		01/20/12 - To Senate Judiciary	Senate Reference 1 - Judiciary	
SB 376 <u>(None)</u>	Establishing procedures for inclusion of Address Confidentiality Program participants on special absentee voting lists	SA HB 4238	01/23/12 - To Senate Judiciary	Senate Reference 1 - Judiciary	
SB 380 <u>(None)</u>	Transferring sole ownership of real property to co-owner paying taxes		01/23/12 - To Senate Judiciary	Senate Reference 1 - Judiciary	for minimum of 5 years
SB 382 <u>(None)</u>	Requiring sex offender register only in county of residence		01/23/12 - To Senate Judiciary	Senate Reference 1 - Judiciary	computerized

Personalized Bill Tracking List

SB 385 (None)	Expanding definition of "computer" in commission of certain crimes		01/23/12 - To Senate Judiciary	Senate Reference 1 - Judiciary	
SB 387 (None)	Requiring training of floodplain managers		01/23/12 - To Senate Government Organization	Senate Reference 1 - Government Organization	6 hours annual training
SB 392 (None)	Increasing public service district board members' salaries		01/24/12 - To Senate Government Organization	Senate Reference 1 - Government Organization Senate Reference 2 - Finance	\$150 regular meetings, \$100 special meetings
SB 400 (None)	Providing late voter registration opportunities under Uniformed and Overseas Citizens Act of 1986	SA HB 4257	01/24/12 - To Senate Military	Senate Reference 1 - Military Senate Reference 2 - Judiciary	Sec of State bill
SB 403 (None)	Creating WV Criminal and Civil Forfeiture Act		01/24/12 - To Senate Judiciary	Senate Reference 1 - Judiciary Senate Reference 2 - Finance	Asset forfeiture, priority issue
SB 409 (None)	Substituting community service for jail confinement for certain persons convicted of alcohol-related crimes		01/24/12 - To Senate Judiciary	Senate Reference 1 - Judiciary	Under age 21
SB 417 (None)	Establishing right to disposition of deceased's remains		01/25/12 - To Senate Judiciary	Senate Reference 1 - Judiciary	Sets forth role for county commission
SB 422 (None)	Relating generally to retirement benefits and costs of PERS, State Police Retirement System and TRS		01/25/12 - To Senate Pensions	Senate Reference 1 - Pensions Senate Reference 2 - Finance	Changes in benefits for new hires
SB 425 (None)	Exempting certain nursing homes from certificate of need review and bed moratorium		01/25/12 - To Senate Health and Human Resources	Senate Reference 1 - Health and Human Resources Senate Reference 2 - Government Organization	For Wirt County
SB 426 (None)	Relating to controlled substances monitoring		01/25/12 - To Senate Health and Human Resources	Senate Reference 1 - Health and Human Resources Senate Reference 2 - Judiciary	

Personalized Bill Tracking List

House

HB 4105 <u>(None)</u>	Establishing criminal penalties for the disruption of emergency communications by theft of equipment	SA SB 212	01/18/12 - To House Government Organization	House Reference 1 - Government Organization House Reference 2 - Judiciary	
HB 4117 <u>(None)</u>	Redistributing an existing excise tax paid upon the transfer of real property	SA SB 347	01/18/12 - To House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance	Counties keep portion currently sent to state. Approx \$8 million statewide. Priority issue
HB 4123 <u>(None)</u>	Relating to the Public Safety and Offender Accountability Act	SA SB 342	01/18/12 - To House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance	Prosecutors need to review
HB 4129 <u>(None)</u>	Reallocating and dedicating three percent of oil and gas severance tax revenues to the oil and gas producing counties of origin	SA SB 157	01/19/12 - To House Energy, Industry and Labor, Economic Development and Small Business	House Reference 1 - Energy, Industry and Labor, Economic Development and Small Business House Reference 2 - Finance	
HB 4132 <u>(None)</u>	Requiring the Department of Health and Human Resources to reimburse the circuit clerk of the county where involuntary commitment hearings are held for certain expenses		01/19/12 - To House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance	
HB 4188 <u>(None)</u>	Courthouse facilities improvement authority, facilities improvement fund		01/19/12 - To House Finance	House Reference 1 - Finance House Reference 2 - Judiciary	
HB 4238 <u>(None)</u>	Establishing procedures for address confidentiality program participants on the special absentee voting list		01/27/12 - To House On 3rd reading, Calendar 3rd Reading	House Reference 1 - Judiciary	Secretary of State bill
HB 4240 <u>(None)</u>	Adding to the list of persons mandated to report abuse and neglect of children		01/20/12 - To House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance	
HB 4242 <u>(None)</u>	Establishing criminal penalties for failure to report a missing child by the child's custodian	SA SB 352	01/20/12 - To House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance	
HB	Creating the Uniform Real	SA	01/27/12 - To House	House Reference 1 -	

Personalized Bill Tracking List

4250 (None)	Property Electronic Recording Act	SB 363	On 2nd reading, Calendar 2nd Reading	Judiciary House Reference 2 - Finance	
HB 4257 (None)	Providing late voter registration opportunities to individuals covered by the Uniformed and Overseas Citizens Act of 1986		01/23/12 - To House Judiciary	House Reference 1 - Judiciary	Sec of State bill
HB 4280 (None)	Relating to collection of delinquent taxes		01/25/12 - To House Finance	House Reference 1 - Finance	Deduct cost of collection
HB 4285 (None)	Adding the county sheriff, or his or her designee, to those law-enforcement officials who are granted access to certain confidential pharmaceutical information		01/25/12 - To House Health and Human Resources	House Reference 1 - Health and Human Resources House Reference 2 - Judiciary	
HB 4288 (None)	Relating to the receipt and transfer of scrap metal		01/25/12 - To House Judiciary	House Reference 1 - Judiciary	Permit law enforcement to confiscate metals
HB 4291 (None)	Relating to county law libraries established by the Supreme Court of Appeals		01/25/12 - To House Judiciary	House Reference 1 - Judiciary	Determine which are being used & should continue
HB 4295 (None)	Amending recount procedures		01/25/12 - To House Judiciary	House Reference 1 - Judiciary	
HB 4297 (None)	Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license		01/25/12 - To House Judiciary	House Reference 1 - Judiciary	
HB 4298 (None)	Limiting the amount a property reappraisal can increase		01/25/12 - To House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance	10%

8 pages

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

FROM: PATTI HAMILTON



**THE COUNTY LEGISLATIVE LINE
Friday, January 20th, 2012**

Capitol Quotes:

"I move to amend the bill to require that any fee be clearly identified and capped at not in excess of 2%." Sen. Jenkins on SB 167, authorizing county offices to accept credit cards

"It's so 20th century." My own quote that was printed in the Charleston Gazette regarding the inability to accept credit cards for county fees

"Evil triumphs when good men do nothing." Edmund Burke, being quoted by Dr. Robert Rupp of WV Wesleyan, speaking in favor of SB 161, reporting child abuse

"It's as clear as any legal standard is." Sen. Palumbo on the standard for reporting in SB 161

Is it just the end of the first full week of the legislative session? It's been such a long week, it seems more like the middle!

First and foremost, I'd like to thank Governor Tomblin for what was, I'm sure, his leadership in the vote of the Consolidated Public Retirement Board to *lower* the employer contribution to 14% (from 14.5%). We were anticipating an increase to 17% or even 17.5% so this news is welcome relief for county budgets. Also thanks to Kanawha County Commission who have had an actuarial study completed that will help support our effort in SB 150 which will put a cap on the employer contribution amount *back* into code. A cap was in code until an amendment in 2005 gave the CPRB the sole discretion to increase the employer contribution.

Many thanks to the members of Senate Government Organization Committee who passed out SB 168 unanimously as introduced. The county officials salary bill still has a



long way to go (Senate Finance and then two committee in House of Delegates) but that's a good start. Please emphasize to your legislators that it has been six years since the last pay raise became effective (July 1, 2006). This bill has an effective date of July 1, 2012.

SB 167, authorizing acceptance of credit cards for county fees, was laid over until Tuesday, January 24th by Senate Government Organization. Questions were raised about what the transaction fee would be. Counties would, obviously, negotiate the best fee they could. The bill limits the fee to the actual charge incurred by the county. For example, the Supreme Court's credit card program in magistrate court (and one circuit court) incurs a 2.5% fee. (The court actually "eats" these fees but for the county, the fee-paying or tax-paying citizen would incur the credit card fee; it would not be taken out of county revenue). This is an important step considering that many people today use nothing but a debit or credit card. Sheriffs already have authority to accept credit card payments for taxes.

There was a great deal of discussion in Senate Judiciary about SB 161, reporting of child abuse, in part stemming from the Penn State/Coach Sandusky situation. It has been put into a subcommittee with Senators Wills, Foster & Facemyer.

County Clerks would like to consolidate precincts so that if there are 2 or 3 precincts in one facility, they could be combined, or in other circumstances where they are in close proximity and consolidation would not be a hindrance to voters. In order to do that, maximum population numbers need to be increased. SB 351 proposes 3,000 in urban areas and 1,500 in rural areas. SB 31 is a similar bill proposing 5,000 and 1,500. This issue will be studied by a subcommittee of Senators Beach, Williams and Nohe.

January 19th was Physical Activity Day at the Capitol with a presentation featuring Landau Eugene Murphy, Jr. At last count, 35 county commissions had passed a resolution in support of this effort.

A Governor's Bill providing incentive to help WV attract a "cracker" facility (cracks the ethane) has been proposed in SB 206 and HB 4086. The investment required is \$2 billion in order to have the real and personal property valued at salvage value for 25 years.

LEGISLATIVE CALENDAR 2012

January 11 – First Day (*WV Const. Art. VI, §18*)

January 30 – Twentieth Day; Legislative Rulemaking Review bills due

February 20 – Forty-first Day; Last day to introduce bills in Senate and House (*Senate Rule 14*) (*House Rule 91a*); Does not apply to originating or supplementary appropriation bills

February 26 – Forty-seventh Day; Bills due out of committee in house of origin to ensure three full days for readings

February 29 – Fiftieth Day; Last day to consider bill on 3rd reading in house or origin (*Joint Rule 5b*)

March 10 – Sixtieth Day; Adjournment at Midnight (*WV Const. Art. VI, §22*)

Personalized Bill Tracking List

WVACOHouse - 2012 Regular Session					
Bill	Title	SA(Same As)/SI(Similar To)	Last Action	Committee Reference	Notes
<u>HJR</u> <u>4</u>	Homestead Increase Amendment		01/11/12 - To House House Constitutional Revision	House Reference 1 - Constitutional Revision House Reference 2 - Judiciary	
<u>HJR</u> <u>5</u>	Disabled Veterans Homestead Exemption Amendment		01/11/12 - To House House Constitutional Revision	House Reference 1 - Constitutional Revision House Reference 2 - Judiciary	
<u>HJR</u> <u>6</u>	Reformation of County Commission Elections Amendment		01/11/12 - To House House Constitutional Revision	House Reference 1 - Constitutional Revision House Reference 2 - Judiciary	
<u>HJR</u> <u>9</u>	Homestead Exemption Increase Amendment		01/11/12 - To House House Constitutional Revision	House Reference 1 - Constitutional Revision House Reference 2 - Judiciary	
<u>HJR</u> <u>11</u>	Increase of the General Homestead Exemption Amendment		01/11/12 - To House House Constitutional Revision	House Reference 1 - Constitutional Revision House Reference 2 - Finance	
<u>HJR</u> <u>13</u>	Homestead Exemption Increase Amendment		01/11/12 - To House House Constitutional Revision	House Reference 1 - Constitutional Revision House Reference 2 - Finance	
<u>HJR</u> <u>17</u>	Homestead Exemption Increase Amendment		01/11/12 - To House House Constitutional Revision	House Reference 1 - Constitutional Revision House Reference 2 - Finance	

<u>HJR</u> <u>21</u> Homestead Exemption Calculation Amendment	01/11/12 - To House House Constitutional Revision	House Reference 1 - Constitutional Revision House Reference 2 - Finance
<u>HJR</u> <u>31</u> Homestead Exemption Increase Amendment	01/11/12 - To House House Constitutional Revision	House Reference 1 - Constitutional Revision House Reference 2 - Finance
<u>HJR</u> <u>33</u> Homestead Exemption Increase Amendment	01/11/12 - To House House Constitutional Revision	House Reference 1 - Constitutional Revision House Reference 2 - Finance
<u>HJR</u> <u>34</u> Tangible Personal Property Tax Exemption and Rate Reduction Amendment	01/11/12 - To House House Constitutional Revision	House Reference 1 - Constitutional Revision House Reference 2 - Finance
<u>HJR</u> <u>35</u> Manufacturing Inventory Amendment	01/11/12 - To House House Constitutional Revision	House Reference 1 - Constitutional Revision House Reference 2 - Finance
<u>HJR</u> <u>36</u> Homestead Exemption Increase Amendment	01/11/12 - To House House Constitutional Revision	House Reference 1 - Constitutional Revision House Reference 2 - Judiciary
<u>HJR</u> <u>39</u> Homestead Exemption Increase Amendment	01/11/12 - To House House Constitutional Revision	House Reference 1 - Constitutional Revision House Reference 2 - Finance
<u>HB</u> <u>2236</u> Exempting antique cars from taxation and fees	01/11/12 - To House House Roads and Transportation	House Reference 1 - Roads and Transportation House Reference 2 - Finance
<u>HB</u> <u>2360</u> Allowing quarterly payment of real and personal property taxes	01/11/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance

<u>HB</u> <u>2395</u>	Clarifying an exception that allow sheriffs to collect property taxes in more than two installments		01/11/12 - To House House Finance	House Reference 1 - Finance
<u>HB</u> <u>2417</u>	Requiring write-in candidates for public office to pay a filing fee	<u>SI SB 23</u>	01/11/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance
<u>HB</u> <u>2433</u>	Providing guidance for prosecuting attorneys in cases involving abused and neglected children		01/11/12 - To House House Judiciary	House Reference 1 - Judiciary
<u>HB</u> <u>2521</u>	Eliminating the requirement of serving domestic violence orders by certified mail		01/18/12 - To House On 3rd reading, House Calendar 3rd Reading	House Reference 1 - Judiciary
<u>HB</u> <u>2533</u>	Requiring the identities of signatories to a certificate for a person seeking ballot access to be made public and verified		01/18/12 - To House On 1st reading, House Calendar 1st Reading	House Reference 1 - Judiciary
<u>HB</u> <u>2541</u>	Relating to the criminal offense of robbery and attempted robbery		01/11/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance
<u>HB</u> <u>2665</u>	Relating to annexation generally		01/11/12 - To House House Political Subdivisions	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary
<u>HB</u> <u>2710</u>	Uniform Real Property Electronic Recording Act	<u>SI SB 26</u>	01/11/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance
<u>HB</u> <u>2713</u>	Relating to civil and criminal forfeiture actions related to criminal activity		01/11/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance
<u>HB</u> <u>2754</u>	Allowing sheriffs and their designees access to information maintained by the Board of Pharmacy		01/11/12 - To House House Judiciary	House Reference 1 - Judiciary
<u>HB</u> <u>2803</u>	Making it a felony to drive a vehicle while under the influence of alcohol, controlled substance or other drug that causes serious bodily injury to another person	<u>SI SB 42</u> <u>SI SB 60</u>	01/11/12 - To House House Roads and Transportation	House Reference 1 - Roads and Transportation House Reference 2 - Judiciary
<u>HB</u> <u>2944</u>	Capping a property tax increase resulting from an increase from the three-year reappraisal		01/11/12 - To House House Finance	House Reference 1 - Finance

<u>HB</u> <u>3040</u>	Twenty-First Century Business Technologies Property Valuation Act		01/11/12 - To House House Energy, Industry and Labor, Economic Development and Small Business	House Reference 1 - Energy, Industry and Labor, Economic Development and Small Business House Reference 2 - Finance
<u>HB</u> <u>3065</u>	Relating to the eligibility requirements, processes, and assistance of absentee voting, and early in person voting		01/11/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance
<u>HB</u> <u>3128</u>	Relating to filing a civil petition for expungement of records relating to an arrest		01/18/12 - To House On 3rd reading, House Calendar 3rd Reading	House Reference 1 - Judiciary
<u>HB</u> <u>3132</u>	Requiring a judge's permission before a juror's information can be released		01/18/12 - To House On 3rd reading, House Calendar 3rd Reading	House Reference 1 - Judiciary
<u>HB</u> <u>3193</u>	Permitting persons who have been convicted of felonies to qualify for jury service	<u>SI SB 96</u>	01/11/12 - To House House Judiciary	House Reference 1 - Judiciary
<u>HB</u> <u>3248</u>	Allowing political parties to obtain ballot access by expanding the scope of the definition of political party	<u>SI SB 63</u>	01/11/12 - To House House Judiciary	House Reference 1 - Judiciary
<u>HB</u> <u>4018</u>	Granting licensed real estate appraisers access to commercial or residential review documents		01/12/12 - To House House Political Subdivisions	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary
<u>HB</u> <u>4019</u>	Increasing the effective period for domestic violence protective orders		01/12/12 - To House House Judiciary	House Reference 1 - Judiciary
<u>HB</u> <u>4021</u>	Relating to emergency powers of the Secretary of State		01/12/12 - To House House Judiciary	House Reference 1 - Judiciary
<u>HB</u> <u>4023</u>	Requiring a prescription to receive drug products that contain as an active ingredient ephedrine, pseudoephedrine, phenylpropanolamine and other precursors of methamphetamine	<u>SI SB 45</u>	01/12/12 - To House House Health and Human Resources	House Reference 1 - Health and Human Resources House Reference 2 - Judiciary
<u>HB</u> <u>4030</u>	Prioritizing the payment of fees, costs, bonds, fines or other sums charged or assessed in magistrate courts in civil and criminal matters		01/12/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance

<u>HB</u> <u>4034</u>	Establishing prohibited acts relating to possession of controlled substances obtained from more than one health practitioner		01/12/12 - To House House Health and Human Resources	House Reference 1 - Health and Human Resources House Reference 2 - Judiciary	Sheriffs priority
<u>HB</u> <u>4038</u>	Relating to death certificates of military veterans	<u>SA SB</u> <u>136</u>	01/12/12 - To House House Veterans' Affairs and Homeland Security	House Reference 1 - Veterans' Affairs and Homeland Security House Reference 2 - Finance	Up to 5 free
<u>HB</u> <u>4042</u>	Clarifying when the enforcement of firearms possession prohibition can occur after a domestic violence protective order is issued		01/12/12 - To House House Judiciary	House Reference 1 - Judiciary	
<u>HB</u> <u>4050</u>	Adding penalties for driving under the influence of alcohol		01/13/12 - To House House Roads and Transportation	House Reference 1 - Roads and Transportation House Reference 2 - Judiciary	
<u>HB</u> <u>4053</u>	Relating to abduction, kidnapping and human trafficking		01/13/12 - To House House Judiciary	House Reference 1 - Judiciary House Reference 2 - Finance	
<u>HB</u> <u>4061</u>	Expediting the construction of a new one thousand two hundred bed correctional facility by the Division of Corrections	<u>SA SB</u> <u>177</u>	01/13/12 - To House House Judiciary	House Reference 1 - Judiciary	
<u>HB</u> <u>4063</u>	Relating to civil service commissions in political subdivisions		01/13/12 - To House House Political Subdivisions	House Reference 1 - Political Subdivisions House Reference 2 - Judiciary	
<u>HB</u> <u>4068</u>	Providing that antique motor vehicles be valued at their salvage value for personal property tax purposes		01/13/12 - To House House Roads and Transportation	House Reference 1 - Roads and Transportation House Reference 2 - Finance	
<u>HB</u> <u>4084</u>	Relating to personal safety orders		01/16/12 - To House House Judiciary	House Reference 1 - Judiciary	
<u>HB</u> <u>4086</u>	Designating certain property as a qualified capital addition to a manufacturing facility		01/17/12 - To House House Energy, Industry and Labor, Economic Development and Small Business	House Reference 1 - Energy, Industry and Labor, Economic Development and Small Business House Reference 2	Governor's Bill for Cracker facility tax incentive



General Business

- Finance

HB
4091 Establishing the offense of operating a motor vehicle while sending or reading a text message

01/17/12 - To House
House Roads and Transportation

House Reference 1
- Roads and Transportation
House Reference 2
- Judiciary

HB
4096 Creating the Unintentional Pharmaceutical Drug Overdose Fatality Review Team

01/17/12 - To House
House Health and Human Resources

House Reference 1
- Health and Human Resources
House Reference 2
- Government Organization

HB
4100 Creating new criminal offenses for the trafficking of persons, illegal aliens and involuntary servitude

01/17/12 - To House
House Judiciary

House Reference 1
- Judiciary





13

JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT
Patsy Noland

VICE PRESIDENT
Dale Manuel

COMMISSIONER
Frances Morgan

COMMISSIONER
Walt Pellish

COMMISSIONER
Lyn Widmyer

NOTICE Board of Review and Equalization

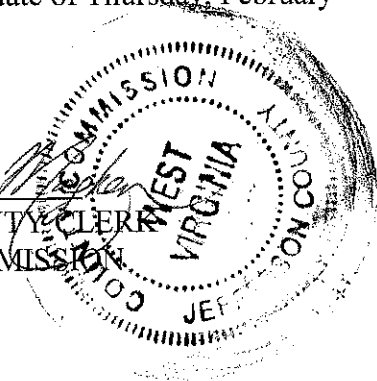
The County Commission of Jefferson County will convene as a Board of Review and Equalization in the County Commission Courtroom at the Courthouse of said County on Wednesday, February 1st, 2012, at 1:30 p.m., for the purpose of reviewing and equalizing assessments returned by the Assessor of Jefferson County for the tax year 2012.

The Commission will continue to sit as a Board of Review and Equalization on Thursday, February 2nd, 2012, at 1:30 p.m., Tuesday, February 7th, 2012, at 1:30 p.m., Thursday, February 9th, 2012, at 1:30 p.m., and thereafter as deemed necessary.

Persons wishing to appear before the Commission should apply to the Assessor no later than Friday, February 10th, 2012, at noon, in order to complete the proper forms and to schedule a hearing date prior to the planned final date of Thursday, February 16th, 2012.

Given under my hand this 5th day of January, 2012.



JENNIFER MAGHAN, COUNTY CLERK
JEFFERSON COUNTY COMMISSION



COUNTY ADMINISTRATOR
Tim Bovde



DEPUTY COUNTY ADMINISTRATOR
Sandy Slusher McDonald





Information

On February 9, 2012 the following interviews and appointments will be held before the County Commission:

- Jefferson County Building Commission
- 
- 

Sandy McDonald

From: <fberrymorgan@aol.com>
To: <nhosby@jeffersoncountywv.org>; <sandy@jeffersoncountywv.org>
Sent: Monday, January 23, 2012 6:16 PM
Subject: Fwd: New Homeowner assessment
for JCC records

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

From: Robert Blanck <blanck@usna.edu>
To: pnoland <pnoland@jeffersoncountywv.org>; dmanuel <dmanuel@frontiernet.net>; walterpellish
<walterpellish@mac.com>; fberrymorgan <fberrymorgan@aol.com>; lynwidmyer
<lynwidmyer@gmail.com>
Sent: Mon, Jan 23, 2012 2:48 pm
Subject: New Homeowner assessment

Sir/Ma'am,

Please reconsider burdening homeowners with a \$110 year assessment. I understand the need for basic emergency services but this tax is permanent and exorbitant. Please consider alternate means to SAVING \$. We all have had to do more with less. The fact that the county is growing should mean that revenue is growing. We don't need to tax and spend more. We need cut and save. Thank you for you time.

Robert Blanck
529 Multnomah Lane
Harpers Ferry



600 Hays Avenue
Staunton, VA 24401

January 16, 2012

Mr. Tim Boyde
Jefferson County Administrator
124 East Washington Street
Charles Town, WV 25414

Re: Price Adjustments

Dear Mr. ^{Tim} Boyde:

As part of our commitment to provide our customers with the very best entertainment and communications experience, we continue to invest in making our services even better. These investments make it possible to deliver continued innovations such as more HD and On Demand choices, converged services, faster Internet speeds and new services consumers want and value. Here are just a few highlights:

We now offer over 60,000 **On Demand** TV shows and hit movies on TV and online—many of them free! On Demand allows customers to catch up and keep up with their favorite shows from all the top networks and enjoy new movies, many the same day as DVD and a month before Netflix. Customers can watch On Demand from their TV or online, anytime, anywhere—even from their iPad or iPhone!

We now offer the best online experience with the **fastest Internet speeds** and the most comprehensive security. Customers can experience download speeds up to an incredible 105 Mbps, and now 25% faster on our most popular Internet tiers. XFINITY is reliably fast delivering over 100% of its advertised download and upload speeds—even during the peak hours for Internet use.* And customers receive comprehensive online protection with Constant Guard, including Norton Security, at no extra charge.

And with the **Comcast Customer Guarantee**, we promise to provide our customers a consistently superior experience, including 24/7 customer service and on time appointments—or we'll credit them \$20 or give them a free premium channel for three months. The Customer Guarantee lets customers know what they can and should expect from Comcast - and what we're doing to hold ourselves accountable every day.

While we continue to make these investments, we periodically need to adjust prices due to increases in programming and other business costs. Starting March 1, new prices will apply to certain video services, equipment and other charges as indicated in this notice. For customers currently receiving services on a promotional basis, under a minimum term agreement associated with a specific rate, or in the guaranteed period of one of our SurePrice™ plans, the prices for those specific services will not be affected during the applicable promotion, minimum term or SurePrice™ period.

As always, if you should have any questions or concerns regarding this matter, or any matter, please feel free to contact me at: 540-974-5123.

RECEIVED

JAN 16 2012

Sincerely,

Paul Comes

Director - Government Affairs

Jefferson County Commission

*According to a recent government report from the FCC entitled 'Measuring Broadband America,' August, 2011

Important Price Adjustment Information - Effective March 1, 2012

K293

December 2011

Dear Valued Customer,

As part of our commitment to provide you with the best entertainment and communications experience, we continue to invest in making your services even better. Here are just a few highlights:

More to Watch, More Ways—Anytime, Anywhere

- Now, over 60,000 On Demand TV shows and hit movies on TV and online—over half are free!
- Catch up and keep up with your favorite shows from all top networks & enjoy new movies On Demand—many the same day as DVD & a month before Netflix
- Watch from your TV or online, anytime, anywhere—even from your iPad or iPhone!

Faster Internet Speeds + Most Comprehensive Security = The Best Online Experience

- XFINITY is the fastest Internet provider in the nation according to PCMag[^]
- Reliably fast: XFINITY delivers over 100% of its advertised download and upload speeds—even during the peak hours for Internet use^{^^}
- Comprehensive online protection with Constant Guard, including Norton Security, at no extra charge

[^] 2011 rating by PCMag based on review of customer data from www.speedtest.net.

^{^^} According to a recent government report from the FCC entitled 'Measuring Broadband America,' August, 2011

Comcast Customer Guarantee and Commitment to Service

- And with the Comcast Customer Guarantee, we promise to provide you a consistently superior experience, including 24/7 customer service and on time appointments—or we'll credit you \$20 or give you a free premium channel for three months.

While we continue to make these investments, we periodically need to adjust prices due to increases in programming and other business costs. Starting March 1, 2012, new prices will apply to certain video and Internet services and equipment as indicated in this notice. If you are currently receiving services on a promotional basis or under a minimum term agreement associated with a specific rate the prices for those specific services will not be affected during the applicable promotion, minimum term period.

Please note that Digital Preferred packages will now include a digital converter and remote for the primary outlet. As a result, customers with these services will no longer see a separate charge on their bill statement for their primary converter and remote.

We'd welcome the opportunity to help you find the perfect package that meets your needs. Visit us at xfinity.com or call us at 1-800-XFINITY to learn more.

Thank you for being a Comcast customer. We look forward to continuing to serve you.

Monthly Video Services	Current Price	New Price
Limited Basic Service	\$20.70	\$22.70
Expanded Service	\$38.85	\$40.15
Standard Service (includes Limited Basic Service and Expanded Service) (not available for new subscription)	\$59.55	\$62.85

Monthly Digital Packages ¹	Current Price	New Price
Digital Economy (includes Limited Basic Service, Economy Video Service, Digital Converter and Remote, and Interactive Program Guide)	\$39.95	No Change
Digital Starter (includes Limited Basic Service, Expanded Service, Digital Starter Channels, MoviePlex, Digital Converter and Remote, ON DEMAND, and Interactive Program Guide)	\$59.55	\$62.85
Digital Preferred ^{1a} (includes Limited Basic Service, Expanded Service, Digital Starter Channels and Digital Preferred Channels, Encore, Digital Converter and Remote, ON DEMAND and Interactive Program Guide)	\$78.50	\$81.80
Digital Preferred with 1 Premium ^{1,1a} (includes Limited Basic Service, Expanded Service, Digital Starter Channels and Digital Preferred Channels, Digital Converter and Remote, and one premium service - choose from: HBO, SHO, MAX, TMC, STARZ)	\$86.45	\$89.75

Monthly Digital Packages ¹	Current Price	New Price
Digital Preferred with 2 Premiums ^{1,1a} (includes Limited Basic Service, Expanded Service, Digital Starter Channels and Digital Preferred Channels, Digital Converter and Remote, and two premium services - choose from: HBO, SHO, MAX, TMC, STARZ)	\$100.45	\$103.75
Digital Preferred with 3 Premiums ^{1b} (includes Limited Basic Service, Expanded Service, Digital Starter Channels and Digital Preferred Channels, Digital Converter and Remote, and three premium services - choose from: HBO, SHO, MAX, TMC, STARZ)	\$108.45	\$111.75
Digital Premier ^{1a} (includes Limited Basic Service, Expanded Service, Digital Starter Channels and Digital Preferred Channels, Digital Converter and Remote, and 4 premium services - HBO, SHO, MAX, STARZ & Sports Entertainment Package)	\$111.40	\$116.70
MultiLatino Plus (includes Limited Basic Service, MultiLatino, Digital Converter and Remote)	\$29.95	No Change

Double Play Bundles	Current Price	New Price
Digital Economy plus 1 Product (includes Limited Basic Service, Economy Video Service, Digital Converter and Remote, Interactive Program Guide and choice of one of the following services: Economy Internet or Economy Plus Internet)	\$29.95	\$34.95

Monthly Digital Services ¹	Current Price	New Price
Digital Preferred	\$17.95	No Change
Sports Entertainment Package	\$6.95	\$8.95
Digital Video Recorder (DVR) Service ² (per outlet)	\$15.95	\$16.95
MultiLatino ⁵	\$16.95	No Change
Digital Additional Outlet Service (each outlet)	\$9.25	\$9.95
HD Technology Fee - Primary Outlet (not available to Limited Basic Service only subscribers)	\$9.25	\$9.95
HD Additional Outlet Service (each outlet) (includes Digital Converter with HDTV capabilities and Remote) (subscription to the HD Technology Fee on the primary outlet is required)	\$9.25	\$9.95

Monthly Premium Services	Current Price	New Price
HBO ³	\$16.95	No Change
Cinemax, Starz, Showtime or The Movie Channel (TMC) ³ (each)	\$16.95	No Change
Playboy TV ^{3,4}	\$21.95	No Change

PAY-PER-VIEW and ON DEMAND Subscription Services (monthly unless noted) ⁵	Current Price	New Price
Howard Stern ⁴		
Monthly Subscription ⁶	\$10.99	No Change
Annual Prepayment Plan ⁷	\$119.99	No Change
Disney Family Movies On Demand ⁴	\$5.99	No Change
WWE 24/7 On Demand ⁴	\$7.99	No Change
On Demand, Pay-Per-View movies, Events & Sports Packages	Varies	No Change
The Jewish Channel On Demand ⁴	\$6.99	No Change

XFINITY Internet ¹⁰	Current Price	New Price
Internet Service with another Comcast Service:		
Economy (No longer available for new subscription effective 3/1/12)	\$26.95	\$29.95
Economy Plus	\$29.95	No Change
Performance Starter ¹⁵ (Downstream speed up to 6 Mbps/Upstream speed up to 1 Mbps)	\$49.95	No Change
Performance	\$45.95	\$48.95
Blast! [®]	\$55.95	\$58.95
Internet Service Only:		
Economy (No longer available for new subscription effective 3/1/12)	\$39.95	No Change
Economy Plus	\$39.95	No Change
Performance Starter ¹⁵ (Downstream speed up to 6 Mbps/Upstream speed up to 1 Mbps)	\$49.95	No Change
Performance	\$62.95	No Change
Blast! [®]	\$72.95	No Change
Wireless Networking Support:		
Wireless Networking Support (monthly)	\$5.95	No Change
Wireless Networking Support Enrollment Fee (per occurrence)	\$39.00	No Change
Data Modem ⁹ (monthly)	\$7.00	No Change
Home Networking Router - ⁹ (Sidecar/Cable modem required)	No Charge	No Change
Home Networking Device Rental	\$7.00	No Change

2012 Pricing Guide - Effective March 1, 2012 - Ranson/Jefferson County

XFINITY Internet ¹⁰	Current Price	New Price
Professional Internet Installation ¹³	\$99.00	No Change
Wireless Networking On-Site Professional Set-Up (with Comcast Video) (per occurrence)	\$49.95	No Change
Wireless Networking On-Site Professional Set-Up (Separate Trip) (per occurrence)	\$99.95	No Change
Wireless Networking On-Site Professional Set-Up (Additional Device) (per occurrence)	\$29.95	No Change
Unreturned/Lost/Stolen/Damaged Equipment ¹⁹	Replacement Cost	No Change

XFINITY Internet 2go	Current Price	New Price
XFINITY Internet 2go (for non-Comcast Internet customers)		
Nationwide 3G (2GB Usage Allowance)	\$60.00	No Change
Nationwide Preferred 3G/4G Service ¹⁶	\$75.00	No Change
XFINITY Internet 2go (for Comcast Internet customers)		
Nationwide 3G (2GB Usage Allowance)	\$25.00	No Change
Nationwide Preferred 3G/4G Service ¹⁶	\$40.00	No Change

For more information regarding XFINITY Internet 2go, go to <http://www.comcast.com/2go>.

Monthly Equipment Rental	Current Price	New Price
Remote Control	\$0.25	\$0.20
Digital Converter ⁸	\$4.75	\$2.30
HDTV Digital Converter (only available to Limited Basic Service Only subscribers)	\$4.75	\$2.30
CableCard ¹⁴ (first card in device)	No Charge	No Charge
CableCard ¹⁴ (second card in same device)	\$1.75	No Charge
Customer-Owned Video Equipment Credit ¹⁷	\$5.00	\$2.50

(See www.comcast.com/equipmentpolicy for additional information)

Installation / Other Prices (per occurrence, unless noted)	Current Price	New Price
Installation - Unwired Home ¹¹	\$49.95	No Change
Installation - Prewired Home ¹¹	\$39.95	No Change
Installation - Additional Outlet (Same Trip)	\$19.95	No Change
Installation - Additional Outlet (Separate Trip)	\$29.95	\$31.50
Other Installation - Upgrade (Trip required)	\$19.95	\$20.10
Other Installation - Downgrade (Trip required)	\$19.95	No Change
Other Installation - Upgrade/Downgrade (No Trip)	\$2.49	\$2.99
Connect VCR/DVD (Same Trip)	\$8.00	\$8.55
Connect VCR/DVD (Separate Trip)	\$19.95	No Change
Hourly Service Charge ¹² (for custom installation work, per technician)	\$33.00	\$33.75
Activate Pre-Existing Additional Outlet (Same Trip)	\$8.75	No Change
Activate Pre-Existing Additional Outlet (Separate Trip)	\$15.00	\$21.75
Other Installation - Relocate Outlet (Same Trip)	\$15.25	No Change
Other Installation - Relocate Outlet (Separate Trip)	\$22.50	\$32.20
Reactivation Fees (No in-home visit required - per occurrence unless noted)		
Video Reactivation	\$1.99	\$5.00

Installation / Other Prices (per occurrence, unless noted)	Current Price	New Price
Internet Reactivation	\$5.00	No Change

Miscellaneous Fees (per occurrence, unless noted)	Current Price	New Price
Returned check fee (NSF)	\$25.00	No Change
Late Fee	\$2.00	No Change
Field Collection Fee	\$25.00	No Change
Deposits	Not to Exceed Replacement Costs	No Change
Service Call (Video Only)	\$39.95	\$40.00
Service Call (Internet)	\$40.00	No Change
Unreturned/Lost/Stolen/Damaged Equipment ¹⁹	Replacement Cost	No Change
Payment by Phone Processing Fee (via Automated Response Unit)	\$2.00	No Change
Convenience Fee (for payment made by phone or at the front counter with a Customer Care Representative)	\$5.99	No Change
Service Protection Plan (monthly)	\$3.95	No Change
Self Installation Kits (SIK) Fee	\$15.00	No Change
Multi Product Self Installation Fee	\$30.00	No Change
SIK Shipping and Handling (Standard)	\$10.00	No Change
SIK Shipping and Handling (Priority)	\$30.00	No Change
Signal Amplifier	N/A	\$35.00
Name Change Fee (for changes made to an account holder's legal name)	\$5.95	\$1.99
Bill Statement Reprint (for up to 12 bill statement copies requested by phone or in person with a Customer Care Representative)	N/A	\$5.00

Services Not Available for New Subscription	Current Price	New Price
Digital Preferred Plus ¹⁸ (includes Limited Basic Service, Expanded Service, Digital Starter Channels and Digital Preferred Channels, and HBO, SHO & STARZ, Digital Converter and Remote)	\$105.45	\$108.75
Total Premium ¹⁸ (includes Limited Basic Service, Expanded Service, Digital Starter Channels and Digital Preferred Channels, And 5 premium services - HBO, SHO, MAX, TMC, STARZ & Sports Entertainment Package, Digital Converter and Remote)	\$111.40	\$116.70
Selecto ⁵	\$13.95	No Change

Certain services available separately or as a part of other levels of service. Limited Basic Service is required to receive any other level of video service. Comcast service is subject to Comcast's standard terms and conditions of service. Unless otherwise specified, prices shown are the monthly charge for the corresponding service, equipment or package. Prices shown do not include applicable taxes, franchise fees, FCC fees, Regulatory Recovery Fee, Public Access fees, other state or local fees or other applicable charges (e.g., per-call toll or international charges). Prices, services and features are subject to change. If you are a video service customer and you own a compatible digital converter or CableCARD device, please call 1-800-XFINITY for pricing information or visit www.comcast.com/equipmentpolicy. After a notice of an increase in rates, you may change your level of service at no additional charge for a period of 30 days from the effective date of the change. Please refer to your billing statement for your Local Franchising Authority's name and address.

- Digital Converter or Cable Card required. Prices noted do not include monthly price for Digital Converter and Remote unless otherwise noted. Includes On Demand, Interactive Program Guide, access to Pay-Per-View, and Music Channels. Availability of On Demand content varies with level of service subscription.
- Available with a subscription to any Comcast Digital Service. In addition, a Digital Converter with Digital Video Recorder (DVR) capabilities is required. HD Technology Fee is also included on the primary outlet for subscribers with a HDTV capable television set and Digital Converter with both HDTV and DVR capabilities. DVR Service on the primary outlet is required to subscribe to DVR Service on an additional outlet.
- Limited Basic and either a Digital Converter or Cable Card required. Prices noted do not include monthly price for Digital Converter and Remote unless otherwise noted.
- This service is not available in a digital package and is only available as an ala carte premium service.
- Requires digital converter and subscription to Limited Basic.
- If cancelled in the first month, you will be charged the greater of \$5.00 or a pro rata of the monthly rate for the number of days in the billing cycle before cancellation.
- Automatically renewed annually at prevailing service price. If cancelled in the first month of subscription, subscriber will be charged a minimum of \$10.99, with the remainder of the prepayment credited to the subscriber's account. If cancelled between the 2nd and the 6th month, subscriber will receive a \$25 credit. If cancelled after 6 months, no credit will be issued.
- Includes Interactive Program Guide, Music Channels, certain digital channels, multiple screens of premium service(s) subscribed to separately (where available), access to Pay-Per-View and On Demand.
- Modem rental is only required if subscriber does not own a cable modem.

¹⁰ Cable modem required. For more information regarding Xfinity internet go to <http://www.comcast.com/Corporate/Learn/HighSpeedInternet/highspeedinternet.html?td=2LearnHS&pos=Nav>

¹¹ Refers to installs up to 125 feet from existing Comcast Plant; primary outlet only. Custom installations include installations which require in-wall wiring or installations in extensive drop ceilings, attics, basements or crawl spaces.

¹² Non-standard work includes, but is not limited to, wall fishing, extensive drop ceiling work, basement, crawlspace, attic work, removal and replacement of fixtures, relocation of drops, installation of customer owned equipment, such as home theaters, PVR and HDTV equipment.

¹³ Comcast High-Speed Internet Installation - Includes installation of standard additional outlet, software and NIC or USB device and cabling from cable modem to personal computer (laptop). PC users must provide own NIC.

¹⁴ This equipment does not include the following services: On Demand, Pay-Per-View and Interactive Program Guide.

¹⁵ Does not include PowerBoost®. Many factors affect speed. Actual speeds may vary and are not guaranteed.

¹⁶ 5GB Usage Allowance for 3G portion only. No Usage Allowance limit for 4G service.

¹⁷ Available to customers that subscribe to a package that includes a converter and remote but choose to use qualifying video equipment and do not lease Comcast equipment.

¹⁸ Current price includes the price of the digital converter (\$4.75) and remote (\$0.25) which were previously listed separately.

¹⁹ Please contact 1-800-XFINITY for questions regarding equipment replacement charges.

36-JEFFERSON



Lewis Glasser
Casey & Rollins
PLLC
LAW OFFICES

300 Summers Street
BB&T Square, Suite 700
Post Office Box 1746
Charleston, WV 25326
Telephone: 304.345.2000
Telecopier: 304.343.7999

Writer's Contact Information:
304.345.2000 Ext. 1003
gncasey@lgcr.com

January 19, 2012

Dr. Robert Johnson, Chairman
Jefferson County Board of Health
1948 Wiltshire Road, Suite 1
Kearneysville, West Virginia 25430

Re: Food Handling Requirements

Dear Dr. Johnson:

My client, Rite Aid of West Virginia, Inc., is working to comply with the Department of Health Policy's regarding food handling procedures. Though representatives of Rite Aid have discussed the matter with members of the Department of Health, I write to ask the Department to give consideration to modifying its policy.

As you are aware, Rite Aid does sell food products, most of which do not have specific handling instructions, such as candy bars, beer, soda or the like, but some do. The two most sensitive being milk and eggs. Although Rite Aid sells milk and eggs in Jefferson County, it does not handle these products other than "facing them," which is to be sure the products are pulled to the front of the cooler for display purposes, and to ring the items up at the checkout counter.

Currently, Rite Aid maintains coolers for beer, soda, milk, eggs and other products. The vendors that wholesale milk or eggs to Rite Aid unload those products from their trucks, deliver those products into the store and actually stock the coolers. From that point it is the consumer who opens the cooler and takes the milk or eggs from the cooler to the counter where a Rite Aid clerk will receive payment and bag the milk and eggs.

Milk and eggs are delivered to Rite Aid on a regular basis by dairy or other vendors. Those vendors are responsible for, and deal with, the temperature of the cooler, the applicable expiration dates, and, as appropriate, the removal or addition of products. Rite Aid's contact with the food products is minimal other than at the checkout counter.

RECEIVED

JAN 23 2012

Jefferson County Commission

Lewis Glasser
Casey & Rollins
PLLC

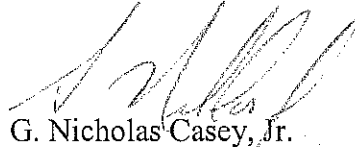
My client understands its dairy and egg vendors are properly licensed by the Department of Health or other regulatory agencies to deliver and stock or remove products from the shelves. Rite Aid recognizes the importance handling milk and eggs properly but believes this is being fully accomplished by its vendors.

I respectfully request the Board of Health to consider modifying its current policy to account for the situation that Rite Aid faces where its involvement with the milk and eggs is extremely limited. Rite Aid requests specific modifications to not require Rite Aid employees to wear photo ID cards and not require TB testing for Rite Aid employees. Rite Aid will still obtain food licenses for its stores that sell milk and eggs and provide reasonable training.

Should you or your staff need additional information to assist in the review of this matter, contact me at the above address or telephone number. If appropriate, I will submit a more formal request to modify this policy.

Thank you for your assistance in this matter. I look forward to hearing from you at your convenience.

Very truly yours,



G. Nicholas Casey, Jr.

GNC:bj

cc: Patsy Noland, County Commission President
Dale Manuel, County Commission Vice President
Walt Pellish, County Commissioner
Frances Morgan, County Commissioner
Lyn Widmyer, County Commissioner
Rosamond Burns, Health Board Member
Willis Nowell, Health Board Member
Mark Shields, Health Board Member
Tom Trumble, Health Board Member
Mike A. Podgurski, Rite Aid
Jim Akers, Rite Aid Licensing Department

Harpers Ferry/ Bolivar PSD
P. O. BOX 235
192 LAKE QUIGLEY DRIVE
HARPERS FERRY, WEST VIRGINIA 25425
(304)-535-2390 FAX (304)-535-2524

To whom it may concern:

Here are the monthly Board meeting minutes for 2011 for the Harpers Ferry-Bolivar PSD.
If you have any questions please give us a call at the above number.

Thanks,
David Tennant

RECEIVED

JAN 27 2012

Jefferson County Commission

Harpers Ferry/ Bolivar PSD
P. O. BOX 235
192 LAKE QUIGLEY DRIVE
HARPERS FERRY, WEST VIRGINIA 25425
(304)-535-2390 FAX (304)-535-2524

THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE JANUARY MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON January 12ST, 2011.

The meeting was called to order at 8:13 a.m.

Those in attendance were:

James A. Addy-Chairman
Robert Hardy-Treasurer
Frank Donadio-Secretary

James Williams-Operations Manager
David Tennant-Plant Operator

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the December minutes, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the November and December regular checking account financial statements, approved

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the November and December construction account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the November and December security deposit account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the November and December capital replacement account financial statements, approved.

Mr. Williams discussed our new NPDES permit, that we to challenge two items (1) 20% sludge to the landfill (2) E-DMR sludge semi-annual reports, can we E-file them. Also that we will get proof of publication of our new permit and send that information to the State.

Mr. Addy discussed with the Board the new proposed sewer billing per customer and processing rate change requested by the Harpers Ferry Water Works.

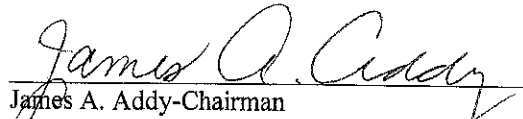
Motion by Mr. Hardy, seconded by Mr. Donadio to approve the increase of one dollar per sewer bill and to increase the monthly processing fee up five hundred dollars, approved.


The Board discussed the time extension for the construction project, all agreed that the time the contractor asked for was too long.

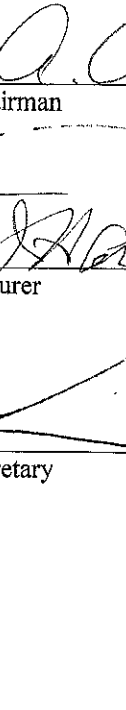
Motion by Mr. Hardy, seconded by Mr. Addy to approve the time extension for the amount of (29) days, approved.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve sewer adjustments in the amount of \$815.27 for Mr. Schaffer and \$129.56 adjustment for Mr. King, approved.

The Meeting adjourned at 8:42 a.m.


James A. Addy-Chairman


Robert Hardy-Treasurer


Frank Donadio-Secretary

Harpers Ferry/ Bolivar PSD

P. O. BOX 235
192 LAKE QUIGLEY DRIVE
HARPERS FERRY, WEST VIRGINIA 25425
(304)-535-2390 FAX (304)-535-2524

THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE FEBRUARY MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON FEBRUARY 16, 2010.

The meeting was called to order at 8:00 a.m.

Those in attendance were:

James A. Addy-chairman
Robert Hardy-Treasurer
Frank Donadio-Secretary

James Williams-Operations Manager
David Tennant-Plant Operator
Richard Klein-Alpha & Associates

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the January minutes, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the regular checking account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the construction account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the capital replacement account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the security deposit account financial statements, approved.

Mr. Klein discussed that our new NPDES permit will not have limits on Total Nitrogen and Total Phosphorus, we are monitor only. Also reported on contractor update change order # 9 in the amount of \$4,647.16. Change order # 10 in the amount of \$12,084.00. Alpha general invoice # 14 in the amount of \$93.15. Mr. Klein also talked about the asset management plan that will address the major needs of the waste water plant. The majority of the plant equipment is over 30 years old, all needing replaced.

Motion by Mr. Hardy, seconded by Mr. Addy to approve Alpha general invoice # 14, approved.

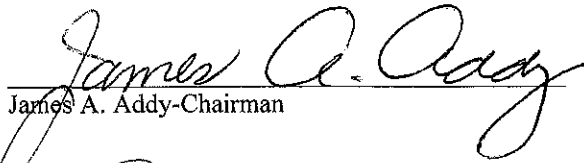
Motion by Mr. Hardy, seconded by Mr. Donadio to approve proceeding with the asset management facility plan, approved.

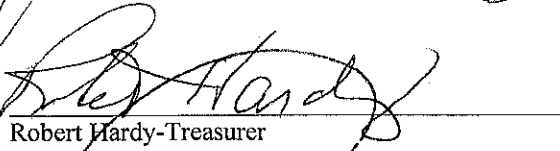
Mr. Klein discussed the time extension change orders, nothing back from the Bond company as of date. Change order # 11 for 29 extra work days, which is being looked at by both sides to come up with the final number. The lime feed system is still under review and on the drawing board. We have no shop drawings as of date.

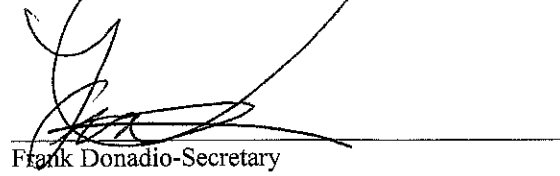
Mr. Williams also discussed the possibility of paying any additional costs of the project out of the contingency fund. Mr. Williams also discussed putting asphalt in the back of the plant to aide in the trash removal for the influent bar screen. At present the area is muddy and a total mess to access the screen.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve looking into getting prices on asphalt for the back area of the plant, approved.

Meeting was adjourned at 9:00 a.m.


James A. Addy-Chairman


Robert Hardy-Treasurer


Frank Donadio-Secretary

Harpers Ferry/ Bolivar PSD
P. O. BOX 235
192 LAKE QUIGLEY DRIVE
HARPERS FERRY, WEST VIRGINIA 25425
(304)-535-2390 FAX (304)-535-2524

THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE MARCH MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON MARCH 16TH 2011.

The meeting was called to order at 8:22 a.m.

Those in attendance were:

James A. Addy-Chairman
Robert Hardy-Treasurer
Frank Donadio-Secretary

James Williams-Operations Manager
David Tennant-Plant Operator
Richard Klein-Alpha & Associates

Motion by Mr. Hardy, seconded by Mr. Addy to approve the February minutes, approved.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the regular checking account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the construction account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the capital replacement account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the security deposit account financial statements, approved.

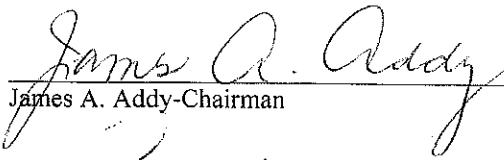
Mr. Williams discussed that Jefferson Asphalt came out and checked out the property to give us an estimate on paving the back of the lot around the influent bar screen. We had our compliance inspection with WV DEP. The inspection went well, with no problems. We talked with the people from E-one about replacing some of our grinder pump stations. Mr. Donadio has completed his board member seminar.

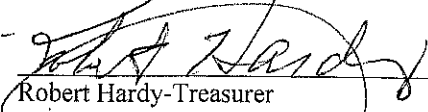
Mr. Klein discussed that there were no new invoices for the month. Alpha general invoice # 15 in the amount of \$748.00. Mr. Klein also asked that if possible the District pay outstanding invoices that total of \$5078.00. Motion by Mr. Hardy, seconded by Mr. Addy to approve Alpha general invoice in the amount of \$748.00, approved. Also discussed the change orders # 2-10 signed by the bond company as of 3-8-2011. Alpha is still working on the lime feed system. Jefferson Contracting has officially requested that it remain unpainted. Motion by Mr. Hardy, seconded by Mr. Donadio to approve to keep lime feeder unpainted, approved. There is still no news on the time extension over runs. Mr. Klein asked us to get to him information on revenue for 6 months before and 6 months after the rate increase.

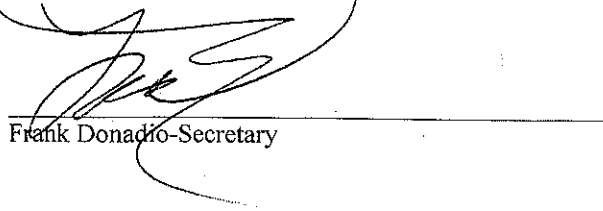
Motion by Mr. Hardy, seconded by Mr. Donadio to gather all information on lost revenue, approved.

The Board requested us to write a letter to Jefferson Contracting asking them to complete this project as soon as possible and to work in conjunction with Alpha & Associates.

The meeting was adjourned at 9:00.


James A. Addy-Chairman


Robert Hardy-Treasurer


Frank Donadio-Secretary

Harpers Ferry/ Bolivar PSD
P. O. BOX 235
192 LAKE QUIGLEY DRIVE
HARPERS FERRY, WEST VIRGINIA 25425
(304)-535-2390 FAX (304)-535-2524

THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE APRIL MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON APRIL 13ST, 2011.

The meeting was called to order at 8:30 a.m.

Those in attendance were:

James A. Addy-Chairman
Robert Hardy-Treasurer
Frank Donadio-Secretary

James Williams-Operations Manager
David Tennant-Plant Operator
Dick Klein-Alpha & Associates

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the March minutes, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the March regular checking account financial statements, approved

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the March construction account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the March security deposit account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the March capital replacement account financial statements, approved.

Mr. Williams discussed the prices that we got on upgrading lift stations and to rebuild the plant blowers. Also discussed our DEP inspection report. The inspection went very well the plant and staff are doing a great job stated in the report. Mr. Williams discussed the letter from Jefferson Contracting stating that they want to finish the project in a timely manner.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the upgrade of lift stations when they fail by replacing the controls and pumps, approved.

Mr. Klein discussed no new Alpha invoices for phase I project this month. Mr. Klein added Alpha general invoice # 16 in the amount of \$2002.50. Discussed change orders 2-10 approved by DEP. Alex from the Bond Council to proceed with unfinished work. Change order # 11 is under discussion. On 4-12-2011 the shop drawings for the lime feed system were approved.

Motion by Mr. Hardy, seconded by Mr. Addy for Alpha general invoice # 16 in the amount of \$ 2002.50, approved.

Mr. Klein also discussed the cost of the bankruptcy on actual lose based on 4,000 gpd average. The overall increase is 15.5%. The 15.5% added to May and June for a loss of \$8,142.79. Discussed general invoices cost \$6,145.50 for the bankruptcy. Also discussed inspection time and legal fees due to the bankruptcy, this extra costs to come out of the project fund. Mr. Klein is asking Jackson & Kelly to give us an invoice for the bankruptcy bill.

Mr. Hardy issued a special thanks to the operations staff on the DEP inspection and the Harpers Middle School field trip also gave a great report. Mr. Addy added that the Harpers Ferry news letter will have a report on the DEP inspection as well.

Mr. Tennant discussed the sewer adjustments for:

Lewis in the amount of \$57.78

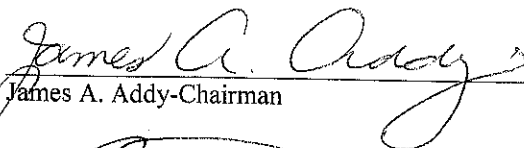
Donovan in the amount of \$121.50

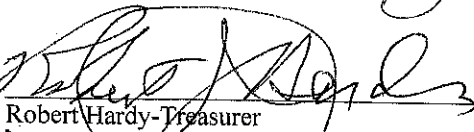
Deal in the amount of \$630.18

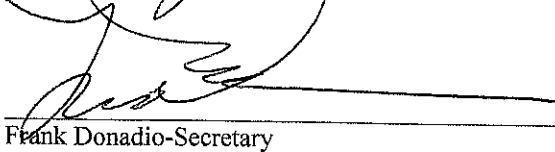
Gelillo in the amount of \$129.60

All were approved.

Meeting was adjourned at 9:10 a.m.


James A. Addy-Chairman


Robert Hardy-Treasurer


Frank Donadio-Secretary

Harpers Ferry/ Bolivar PSD

P. O. BOX 235
192 LAKE QUIGLEY DRIVE
HARPERS FERRY, WEST VIRGINIA 25425
(304)-535-2390 FAX (304)-535-2524

THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE MAY MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON MAY 11TH 2011.

The meeting was called to order at 8:30 a.m.

Those in attendance were:

James A. Addy-Chairman
Robert Hardy-Treasurer
Frank Donadio-Secretary

James Williams-Operations Manager
David Tennant-Plant Operator
Richard Klein-Alpha & Associates

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the April minutes, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the regular checking account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the construction account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the capital replacement account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the security deposit account financial statements, approved.

Mr. Klein discussed Alpha general invoice # 17 in the amount of \$467.50 for the bankruptcy.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve Alpha general invoice # 17, approved.

Mr. Klein discussed Alpha invoice # 49 in the amount of \$2,613.06 for wastewater post construction line item. Also discussed the J.C. Kunkle invoice in the amount of \$3,500.00, Mr. Klein reported that we still have \$1,200.00 available for accounting.

Motion by Mr. Hardy, seconded by Mr. Donadio to pay J.C. Kunkle \$1,200.00 out of the DEP pay requisition and to pay the remainder of the invoice out of our regular account, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve DEP pay requisition # 18 for the amount of \$3,813.00, approved.

Mr. Klein discussed Amendment # 7 in the amount of \$6,195.61 for the asset management plan.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve Amendment # 7 for the amount of \$6,195.61, approved.

Mr. Klein discussed that the DEP has approved change order #11. Mr. Addy authorized the signing of the change order.

Mr. Klein discussed the cost of the Heritage Contracting bankruptcy on the District. Has cost \$6,613.00 for Alpha and \$8,142.79 in total. The legal fees from Jackson Kelly are still not known at this time. The Siemens O&M manuals have been received by the Bond Company and by Alpha. There has been no progress on the lime feed system to date. We have been notified by Mr. Klein that the DEP and EPA are to do an audit on the projects buy American plan.

The Board discussed past due accounts to pay up on sewer bills or make arrangements to pay in full in a timely manner or to be cutoff. The Board discussed that all delinquent sewer bills that aren't paid in full or have a written payment agreement be cutoff until payment is made.

Mr. Williams discussed paving the back lot of the treatment plant to aide in bar screenings removal. The cost of the project will be \$4,800.00.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the back lot paving at a cost of \$4,800.00, approved.

Meeting adjourned at 9:30 a.m.

James A. Addy-Chairman

Robert Hardy-Treasurer

Frank Donadio-Secretary

Harpers Ferry/ Bolivar PSD
P. O. BOX 235
192 LAKE QUIGLEY DRIVE
HARPERS FERRY, WEST VIRGINIA 25425
(304)-535-2390 FAX (304)-535-2524

THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE JUNE MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON JUNE 8TH, 2011.

The meeting was called to order at 8:30 a.m.

Those in attendance were:

James A. Addy-Chairman
Robert Hardy-Treasurer
Frank Donadio-Secretary

James Williams-Operations Manager
David Tennant-Plant Operator
Richard Klein-Alpha & Associates

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the May minutes, approved.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the May regular checking account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the May construction account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the May security deposit account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the May capital replacement account financial statement, approved.

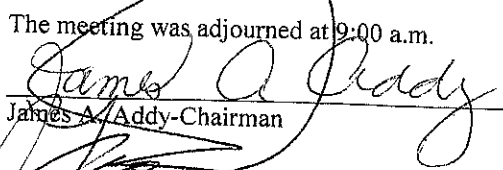
Motion by Mr. Hardy, seconded by Mr. Donadio to approve a cell phone for Chairman Addy, approved.

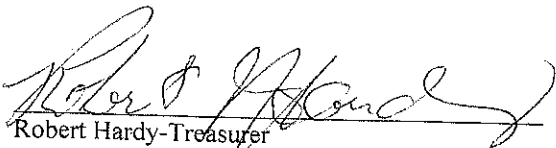
Mr. Klein discussed that he had no new general invoices and no new phase I project invoices. The bankruptcy issue remains the same no changes as of yet. Also discussed that the lime feed equipment should arrive in two weeks.

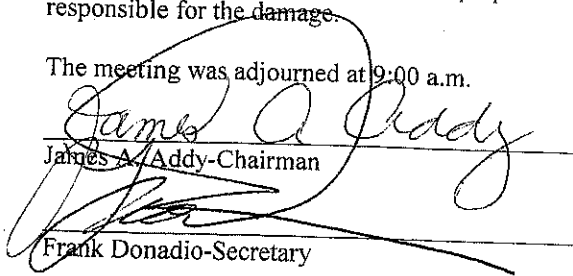
The Board discussed delinquent sewer accounts and the progress with collections, everything seems to be going OK with the new Town Manager and solving the in house problems.

Mr. Addy discussed Mr. Pope's alleged damage to his daughter's car that was parked on the side of Old Furnace Road. He claims the water damage to the car during the storm was from our sewer. The Board discussed the matter and came to the conclusion that the damage was not from us, but from the damaged storm drain that was blocked. We will prepare a letter to inform him of the decision that the District is not responsible for the damage.

The meeting was adjourned at 9:00 a.m.


James A. Addy-Chairman


Robert Hardy-Treasurer


Frank Donadio-Secretary

Harpers Ferry/ Bolivar PSD

P. O. BOX 235
192 LAKE QUIGLEY DRIVE
HARPERS FERRY, WEST VIRGINIA 25425
(304)-535-2390 FAX (304)-535-2524

THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE JULY MEETING AT BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON JULY 14TH, 2010.

The meeting was called to order at 8:30a.m.

Those in attendance were:

James A. Addy-Chairman
Robert Hardy-Treasurer
Frank Donadio-Secretary

James E. Williams-Operations Manager
David E. Tennant-Operator
Richard Klein-Alpha & Associates

Motion by Mr. Hardy, seconded by Mr. Addy to approve the June minutes, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the June regular checking account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the June construction account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the June security deposit account financial statements, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the June capital replacement account financial statements, approved.

Mr. Klein discussed contractor pay estimate # 11 for the amount of \$32,868.00, can not be processed until the O & M manuals are turned in. Alpha invoice # 43 for the amount of \$4,411.45. DEP pay requisition for the amount of \$37,279.00. Motion by Mr. Hardy, seconded by Mr. Addy to approve.

Motion by Mr. Hardy, seconded by Mr. Addy for Alpha general invoice for the amount of \$654.50, approved.

Mr. Klein also discussed the land exchange agreement was recorded, the asset management plan is in progress, the NPDES permit was recorded April 17th, and Mr. Klein also recommends the approval of project substantial completion paperwork.

Mr. Klein discussed the contract agreement with Heritage Contracting and the District. Also legal counsel recommends that we don't accept the rider to allow Heritage Contracting to turn over the contract to Jefferson Asphalt. Heritage Contracting must show us all paid invoices to vendors, before we will process the next pay estimate.

Motion by Mr. Hardy, seconded by Mr. Addy not to accept assignment of Heritage Contracting to Jefferson Asphalt, approved. As recommended by legal counsel.

Mr. Donadio discussed with Joe Hebda of Heritage Contracting that we could not accept assignment of contract to Jefferson Asphalt.

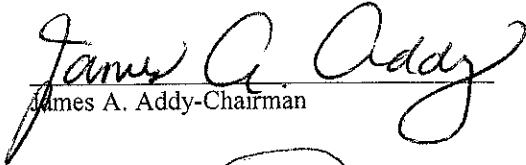
Mr. Williams discussed the line of credit with BCT and City National Bank. Motion by Mr. Addy, seconded

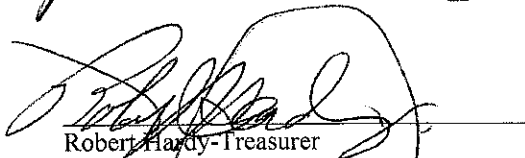
by Mr. Donadio to seek the line of credit, approved.

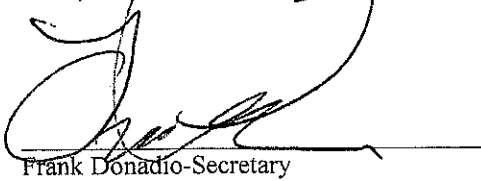
Motion by Mr. Addy, seconded by Mr. Donadio to write the letter to town to start the new rates for sewer, approved.

Sewer adjustments approved to Lewis Rodgers for \$31.74, for Donald Cole for \$31.74, for Jerry Milbourne for \$28.31, for Timmy Staubs for \$35.16, Sherry Cain for \$42.01, for Frank Mason for \$42.00, for Rita Harrison for \$14.61, for John Garza for \$47.50, for Susan Demory for \$28.31.

Meeting adjourned at 9:05


James A. Addy-Chairman


Robert Hardy-Treasurer


Frank Donadio-Secretary

Harpers Ferry/ Bolivar PSD

P. O. BOX 235
192 LAKE QUIGLEY DRIVE
HARPERS FERRY, WEST VIRGINIA 25425
(304)-535-2390 FAX (304)-535-2524

THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE AUGUST MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON AUGUST 11TH, 2010.

The meeting was called to order at 8:30 a.m.

Those in attendance were:

James A. Addy-Chairman
Robert Hardy-Treasurer
Frank Donadio-Secretary

James Williams-Operations Manager
David Tennant-Plant Operator
Richard Klein-Alpha & Associates

Motion by Mr. Hardy, seconded by Mr. Addy to approve the July minutes, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the July regular checking account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the July construction account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the July security deposit account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the July capital replacement account financial statement, approved.

Mr. Klein discussed Alpha invoice # 44 in the amount of \$7,238.14. DEP outlay request # 13 in the amount of \$12,534.00. Motion by Mr. Hardy, seconded by Mr. Addy to approve DEP request, approved. Also for Alpha general invoice in the amount of \$1408.50. Motion by Mr. Hardy, seconded by Mr. Addy to approve Alpha general invoice, approved.

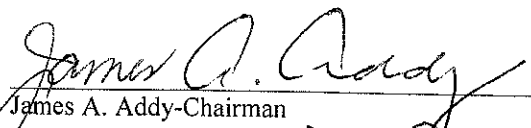
Mr. Klein also informed us that Heritage Contracting filed for bankruptcy on 7/23/2010.

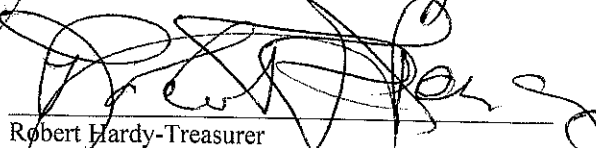
Motion by Mr. Hardy, seconded by Mr. Addy to approve phase II preliminary application SRF form, approved.


Mr. Williams to meet with Mr. Anderson about Mr. Hough sewer issues. Mr. Williams also discussed the problems with the Bi-river lift station. The wet well pump not setting on the rails correctly. He will get a price from Snyder Environmental to fix the station. Motion by Mr. Hardy, seconded by Mr. Addy to approve getting a price to fix the lift station, approved. Motion by Mr. Hardy, seconded by Mr. Addy to put a lien on the Hough house, approved.

Mr. Tennant discussed a sewer adjustment to Erik Eastman in the amount of \$44.55, approved.

The meeting adjourned at 9:20n a.m.


James A. Addy-Chairman


Robert Hardy-Treasurer


Frank Donadio-Secretary

Harpers Ferry/ Bolivar PSD

P. O. BOX 235
192 LAKE QUIGLEY DRIVE
HARPERS FERRY, WEST VIRGINIA 25425
(304)-535-2390 FAX (304)-535-2524

THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE SEPTEMBER MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON SEPTEMBER 14, 2011.

The meeting was called to order at 8:30 a.m.

Those in attendance were:

James A. Addy-Chairman
Robert Hardy-Treasurer
Frank Donadio-Secretary

James Williams-Operations Manager
David Tennant-Plant Operator
Richard Klein-Alpha & Associates

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the August minutes, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the August regular checking account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the August construction account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the August security deposit account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the August capital replacement account financial statement, approved.

Mr. Klein discussed project invoice #52 in the amount of \$1,654.00.

Motion by Mr. Hardy, seconded by Mr. Addy to approve project invoice #52, approved.

Mr. Klein discussed DEP outlay request #21 in the amount of \$1654.00.

Motion by Mr. Donadio, seconded by Mr. Hardy to approve DEP outlay request #21, approved.

Discussed final payment to contractor and liquidated damages to possibly be a final change order. Lost revenue and bills to date plus 8 hrs. of Mr. Klein's time for a total of \$16,251.79 in total liquidated damages. Mr. Klein discussed the O&M manuals are almost complete. The final inspection by DEP on 9-29-2011. We do not have the as built drawings. The asset management plan is 96% finished. The filtrate pump wetwell issue was discussed and they are going to put a third pump in at a cost of \$2,750.00. We discussed sharing the cost of the third pump with Alpha, to do an even split.

Motion by Mr. Hardy, seconded by Mr. Donadio to split the cost of the third filtrate pump, approved.

Mr. Hardy discussed Harpers Ferry and Bolivar storm water management for us to write a letter to region 9 about the effect of storm water on the wastewater plant.

Mr. Williams discussed storm drain under Route 340 that goes under our main feeder pipe to the plant that was undermined, has been fixed by the state road crew.

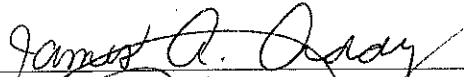
Mr. Tennant discussed sewer adjustments:


Mrs. Kamerow in the amount of #130.00, approved.

Also discussed getting a update for our Quickbooks software when the latest update is available.

Motion by Mr. Hardy, seconded by Mr. Addy to approve software update, approved.

Meeting adjourned at 9:20


James A. Addy-Chairman


Robert Hardy-Treasurer


Frank Donadio-Secretary

Harpers Ferry/ Bolivar PSD

P. O. BOX 235
192 LAKE QUIGLEY DRIVE
HARPERS FERRY, WEST VIRGINIA 25425
(304)-535-2390 FAX (304)-535-2524

THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE OCTOBER MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON OCTOBER 12, 2011.

The meeting was called to order at 8:30 a.m.

Those in attendance were:

James A. Addy-Chairman
Robert Hardy-Treasurer
Frank Donadio-Secretary

James Williams-Operations Manager
David Tennant-Plant Operator

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the September minutes, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the September regular checking account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the September construction account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Donadio to approve the September security deposit account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the September capital replacement account financial statement, approved.

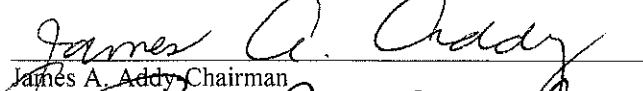
The Board received their copies of the 2010 Annual report, Chairman Addy signed and the Report was sent off to the West Virginia PSC.

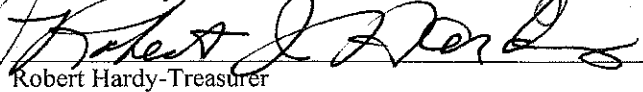
Mr. Tennant discussed the Alpha invoices for Mr. Klein in his absence, Alpha general invoice in the amount of \$1,496.00. DEP outlay request in the amount of \$905.00.

Motion by Mr. Hardy, seconded by Mr. Addy to approve Alpha general invoice and DEP outlay request, approved.

Mr. Tennant discussed sewer adjustment for Mrs. Brown in the amount of \$30.00, the adjustment was approved.

Meeting was adjourned at 8:50 a.m.


James A. Addy, Chairman


Robert Hardy-Treasurer

Frank Donadio-Secretary

Harpers Ferry/ Bolivar PSD
P. O. BOX 235
192 LAKE QUIGLEY DRIVE
HARPERS FERRY, WEST VIRGINIA 25425
(304)-535-2390 FAX (304)-535-2524

THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE NOVEMBER MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON NOVEMBER 16, 2011.

The meeting was called to order at 8:30 a.m.

Those in attendance were:

James A. Addy-Chairman
Robert Hardy-Treasurer

James Williams-Operations Manager
David Tennant-Plant Operator
Richard Klein-Alpha & Associates

Motion by Mr. Hardy, seconded by Mr. Addy to approve the October minutes, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the October regular checking account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the October construction account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the October security deposit account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the October capital replacement account financial statement, approved.

Mr. Klein discussed no general invoices for Alpha. Also Alpha project invoice #54 in the amount of \$1004.11. Contractor invoice #11 final payment application in the amount of \$135,979.65.

Motion by Mr. Hardy, seconded by Mr. Addy to approve Alpha project invoice #54 in the amount of \$1004.11, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the contractor final payment application in the amount of \$135,979.65, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve DEP outlay request #23 in the amount of \$136,982.00, approved.

Mr. Klein also discussed the bankruptcy issues with contractor, the total cost to date is \$16,251.79. The suggestion was made to inform the bond company of the ARRA inspection letter with issues mostly due to the contractor not supplying enough information. Alpha is still working on the asset management plan.

Motion by Mr. Hardy, seconded by Mr. Addy to get 4th person, Mr. Tennant to be able to sign checks, approved.

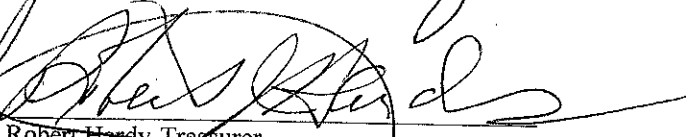
Mr. Williams is getting quotes together to rehab, and make improvements to the Old Furnace sewer lift station. The station is very difficult to remove and install new and used pumps when repairs are needed.

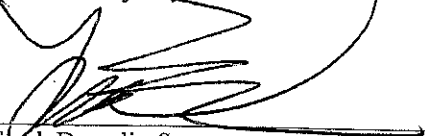
Motion by Mr. Hardy, seconded by Mr. Addy to move forward with getting quotes and to rehab the station, approved.

Mr. Tennant discussed a sewer adjustment for Mrs. Wright in the amount of \$277.02, approved.

The meeting adjourned at 8:51


James A. Addy-Chairman


Robert Hardy-Treasurer


Frank Donadio-Secretary

Harpers Ferry/ Bolivar PSD
P. O. BOX 235
192 LAKE QUIGLEY DRIVE
HARPERS FERRY, WEST VIRGINIA 25425
(304)-535-2390 FAX (304)-535-2524

THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE DECEMBER MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON DECEMBER 14, 2011.

The meeting was called to order at 8:30 a.m.

Those in attendance were:

James A. Addy-Chairman
Robert Hardy-Treasurer
Frank Donadio-Secretary

James Williams-Operations Manager
David Tennant-Plant Operator

Motion by Mr. Hardy, seconded by Mr. Addy to approve the November minutes, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the November regular checking account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the November construction account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the November security deposit account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Addy to approve the November capital replacement account financial statement, approved.

Motion by Mr. Hardy, seconded by Mr. Donadio to give employees a \$400.00 Christmas bonus, approved.

Mr. Williams discussed the Old Furnace lift station update. He is getting prices from contractors. Also discussed Mr. Woods sewer tape main line extension in 2005. Mr. Woods is saying that he was overcharged. Our paperwork shows that there was a mistake, and he was charged \$27.00 too much.

Motion by Mr. Hardy, seconded by Mr. Addy to reimburse Mr. Woods \$27.00 due to overcharge for main line extension, approved.

Mr. Tennant discussed sewer adjustments for Pewett due to water line leak in the amount of \$189.54 this adjustment was approved. Also Mrs. Blake asked for a adjustment due to her sewer line being clogged, that no sewer went down her sewer pipes for two days, this request was denied.

The meeting adjourned at 8:46

James A. Addy
James A. Addy-Chairman

Robert Hardy
Robert Hardy-Treasurer

Frank Donadio
Frank Donadio-Secretary



William H. Gordon Associates, Inc.
301 North Mildred Street, Suite 1
Charles Town, WV 25414
304-725-8456 Phone
304-728-0117 Fax

January 25, 2012

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

On behalf of Catherine and David Hott, it is formally requested that the Zoning Map Amendment request petitioned on April 11, 2011 and amended on July 25, 2011 for the parcels of land identified on Jefferson County Tax Map 15 as Parcels 47 & 56 (Deed Book 933, Page 160) **be withdrawn from consideration** by the Jefferson County Commission.

The zoning map amendment requested that the properties zoning designation be revised from Rural to Residential-Light Industrial-Commercial. It is maintained that the requested designation is both appropriate and is consistent with the Jefferson County Comprehensive Plan. It is understood that future zoning petitions for the subject properties will require a new submission, including fees, staff review and public hearing.

Thank you for your time and consideration for this request.

Sincerely,

Chad Wallen
William H. Gordon Associates

RECEIVED

JAN 25 2012

Jefferson County Commission