

**REGULAR TERM:**

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

At a Regular Term of the County Commission of said County and State continued and held at the Courthouse thereof on Thursday, May 12, 2005, beginning at 9:30 o'clock a.m.

**PRESENT:** Gregory Corliss, President Pro Tem;  
James Surkamp; Dale Manuel; Jane M. Tabb; Commissioners

**In re: PLEDGE OF ALLEGIANCE**

Commissioner Corliss conducted the Pledge of Allegiance.

**In re: DISPENSE WITH READING OF MINUTES**

Motion by Manuel, second by Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, May 5, 2005, and to approve the Minutes as presented. Motion carried.

Motion by Tabb, second by Manuel to dispense with the reading of Minutes for the special meeting held on Monday, May 9, 2005 and to approve the Minutes as presented. Motion carried.

Motion by Tabb, second by Manuel to dispense with the reading of the Minutes for the special meeting held on Thursday, May 5, 2005 and to approve the Minutes as presented. Motion carried.

**In re: APPROVAL OF PURCHASE ORDERS**

Motion by Tabb, second by Manuel to approve the following Purchase Orders for the Week of May 9, 2005, totaling \$92,385.84: 41288, 41309, 41368, 41371, 41372, 40654, 41322, 41327, 41374, 41220, 41221, 41338 and 41342. Motion carried.

**In re: BONDING AND ACTIVITY REPORT**

Paul Raco appeared before the Commission to give the Planning Commission Activity Report.

**In re: PUBLIC COMMENT**

Paul Rosa commented on the Fire, EMS and Park and Recreation Impact Fees and expressed his support to the Commission.

**In re: DARRELL PENWELL - JEFFERSON COUNTY FLOOD WARNING PLAN AND OPERATIONS**

Darrell Penwell appeared before the Commission to report on the Jefferson County Flood Warning Plan and Operations. Mr. Penwell discussed the sky warn training, the storm spotter program, river gauge, stream and springs observations and the implementation of a volunteer program with consideration to National Weather Service standards.

Commissioner Tabb requested Mr. Penwell add Bell Springs to the Springs to be Observed to Cause Flooding list.

Paul Rosa commented on capabilities of river gauges.

**Commissioner Morgan arrived at 10:15 a.m.**

**In re: PAUL ROSA - AMBULANCE AUTHORITY - WEST VIRGINIA FIREFIGHTER AND EMS SKILLS COMPETITION**

Paul Rosa appeared before the Commission to report on the West Virginia Firefighter and EMS Skills Competition to be held August 12-14, 2005. Mr. Rosa asked for financial support from the Commission in support of Ambulance Authority participants in Jefferson County.

After discussion, motion by Manuel, second by Tabb to provide the Jefferson County Ambulance

Authority \$2,000.00 to support Jefferson County Ambulance Authority EMS officials in the West Virginia Firefighter and EMS Skills Competition. Motion carried.

**In re: TONI MILBOURNE - PARKS & RECREATION RFP COMMITTEE**

Toni Milbourne, Parks and Recreation RFP Committee Chairperson, appeared for discussion. Ms. Milbourne reported on the goals of the Parks and Recreation RFP Committee and requested Commission approval for publication of the RFP.

After discussion, motion by Manuel, second by Surkamp to concur with the RFP as presented by Ms. Milbourne with review by Leslie D. Smith prior to advertising the RFP. Motion carried.

**In re: GERALD J. MACFARLANE - APPEAL OF THE DEPARTMENT OF PLANNING, ZONING AND ENGINEERING DECISION OF NOT MEETING THE MINIMUM REQUIREMENTS OF THE COMMUNITY IMPACT STATEMENT**

Mr. Gerald J. MacFarlane appeared before the Commission to discuss his appeal to the Department of Planning, Zoning and Engineering and requested his complaint be submitted to the Planning Commission for consideration. Paul Raco was present for comments.

After discussion, motion by Manuel, second by Tabb to seek an advisory legal opinion and place this matter on the May 19, 2005 agenda. Motion carried.

**The Commission took a 5-minute break.**

**In re: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT**

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the County Clerk's weekly report. Ms. Maghan reported on the Election Advisory Committee, Document Preservation Committee, the Spring and Summer Tours scheduled from May-September 2005 and Ms. Maghan announced the resignation of Robin Gaynor in the Probate Office.

Ms. Maghan presented the Commission with a budget revision request for consideration and approval. Motion by Morgan, second by Surkamp to approve the budget revision as presented by the County Clerk. Motion carried.

Commissioner Morgan and Commissioner Manual expressed their concerns with the Spring and Summer Courthouse Tours scheduled with consideration to upcoming Court House renovations.

**In re: STEPHEN PERKINS - PUBLIC SAFETY ISSUES**

Mr. Steven Perkins appeared before the Commission for discussion and presentation of his Notice of Appeal; Case Number: 03-C-131 as filed by the Deer Mountain Estates Homeowners Association. Mr. Perkins expressed concerns regarding the lack of a community impact hearing or work session with consideration to the construction of access roads for Enos Minor Subdivision.

Motion by Surkamp to accommodate Mr. Perkins concerns with the agreement he withdraw all legal actions pending. Motion failed due to lack of a second.

No action was taken due to Mr. Perkins suit filed in Circuit Court.

**In re: JANE PETERS - DEVELOPMENT AUTHORITY REZONING REQUEST**

Jane Peters, Director, Development Authority appeared before the Commission to request Rezoning. Bill Chesley and Ken Lowe were also present for comments. Commissioner Tabb excused herself due to a conflict of interest and left the room.

After discussion, motion by Morgan, second by Manuel to authorize the Jefferson County Planning Commission to review the site for consistency with the county's comprehensive plan for commercial zoning, and the County Commission will schedule a public hearing. Motion carried.

**In re: MICHAEL POND - REQUEST FOR SUPPORT FOR NEW FIRE COMPANY - COMPANY 7 BAKERTON FIRE DEPARTMENT**

Michael Pond appeared before the Commission to request support for a new Fire Company, Company 7 - Bakerton. Mr. Pond reported on equipment he has purchased in support of the fire company, fire marshal requirements and his meeting with the Fire Chiefs. Mr. Pond also discussed Zoning Procedures with comments from Paul Raco.

After discussion, motion by Surkamp, second by Morgan to authorize the Commission President Pro Tem, Gregory Corliss to affix his signature upon the Resolution as presented by Michael Pond in support of the new Fire Company - Company 7: Bakerton. Motion carried.

**RESOLUTION**

*WHEREAS, Bakerton is one of the geographic areas of concern in fire protection in Jefferson County, and*

*WHEREAS, trained firefighters are stepping forward to form a new fire company in the Bakerton area.*

*Now therefore be it resolved that the Jefferson County Commission supports the effort to form a Bakerton Fire Company and ask all who are in a position to assist, to do what they can to bring this possibility to fulfillment.*

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GREGORY CORLISS, PRESIDENT PRO TEM

**The Commission recessed for lunch at 12:45 p.m.**

**The Commission reconvened at 2:00 p.m.**

**In re: SUBDIVISION AND ZONING RFP'S**

Motion by Manuel, second by Tabb to withdraw the Subdivision contract negotiations with Duncan Associates and prepare an RFP for the Subdivision Ordinance and Zoning Ordinance. Motion carried.

Commissioner Corliss expressed his concerns with subdivision regulations being outdated.

**In re: APPROVAL OF EMPLOYMENT - PART TIME ANIMAL CONTROL OFFICER**

Motion by Tabb, second by Manuel to approve the employment of Robert Hooe as part time Animal Control Officer. Motion carried.

**In re: CITY OF MARTINSBURG - MUTUAL AID AGREEMENT**

The Commission agreed to table this matter pending review of the Mutual Aid Agreement by Dr. Henry Christie, President of the Fire and Rescue Association.

**In re: ZONING METHODS**

Sherry Kelly, Planner for the Department of Planning, Zoning and Engineering appeared before the Commission to discuss alternative zoning methods while implementing goals and objectives of the Comprehensive Plan.

Ms. Kelly gave detailed reports on Conventional Zoning methods, Inclusionary Zoning methods, Performance Zoning methods, Permit-Based Zoning methods, Covenant Zoning methods, Form-Based Zoning methods and Incentive Zoning methods.

After discussion, the Commission requested that the presentation materials be posted on the County's website.

**In re: APPROVAL OF PARKS & RECREATION IMPACT FEE ORDINANCE**

Mark Schiavone, Impact Fee Coordinator appeared before the Commission to report on the results of the Public Hearing, public correspondence received, proffers, municipal standards and fee calculation regulations and legalities.

Motion by Corliss, second by Surkamp to approve the Parks and Recreation Impact Fee Ordinance. Motion carried.

Commissioners expressed concern with terms of the letter received from Ranson officials with regard to proposed Intergovernmental Agreements. Greg Jones was present for comment.

Motion by Manuel, second by Surkamp to attend the meeting with Ranson officials scheduled May 17, 2005 with legal counsel and present Intergovernmental Agreement Proposal for consideration by the City of Ranson and to request an accounting of Ranson's proffer collections. Motion carried by a 3 to 2 vote, Commissioners Corliss and Morgan voted no.

**In re: APPROVAL OF FIRE & EMS IMPACT FEE ORDINANCE**

Mark Schiavone, Impact Fee Coordinator appeared before the Commission to report on the results of the Public Hearing, discussions with Ed Smith with regard to EMS fees and fee calculation regulations and legalities.

Motion by Morgan, second by Corliss to approve the Fire and EMS Impact Fee Ordinance. Motion carried.

**In re: PROSECUTING ATTORNEY REVIEW OF ETHICS COMMISSION ADVISORY OPINION NO: 2005-07 AS IT WOULD APPLY TO PLANNING COMMISSION MEMBERS PETER KUBIC, RUSSELL ROPER AND ARNIE DAILEY**

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission for discussion. Ms. Sims reported on the May 5, 2005 opinion from the Ethics Commission, opinion number: 2005-07 as it applies to the Planning Commission.

Leslie D. Smith, County Administrator reported on Peter Kubic's resignation from the Planning Commission received May 12, 2005.

Russell Roper was present for comments.

After discussion, motion by Corliss, second by Morgan to authorize the Assistant Prosecuting Attorney to interview Planning Commission members to ascertain any conflicts of interest between the Planning Commission or other Departments within the County in regard to appointees business endeavors.

Motion by Manuel, second by Morgan to table Commissioner Corliss' preceding motion. Motion carried by a 4-1 vote, Commissioner Tabb voted no.

**In re: DENTAL AND/OR OPTICAL PLAN FOR COUNTY EMPLOYEES**

Commissioner Manuel reported that he and Leslie Smith are looking into various health plans to include dental and optical coverage and a report will be forthcoming which will include cost analysis, various quotes and coverage specifications. Commissioner Surkamp expressed his support.

**In re: JEFFERSON COUNTY PUBLIC SERVICE DISTRICT - TRIP TO ATLANTA TO VIEW A MEMBRANE SEWAGE TREATMENT PLANT**

Commissioner Corliss requested that Paul Raco, Director of Planning, Zoning and Engineering assign a Planning, Zoning and Engineering Employee to accompany Public Service District members to Atlanta to view a Membrane Sewage Treatment Plant.

**In re: APPROVAL OF PART TIME EMPLOYMENT - ERICA BANKS - ASSESSOR'S OFFICE**

Motion by Tabb, second by Manuel to approve the part time employment of Erica Banks at the Assessor's Office.

**In re: CONFLICT OF INTEREST POLICY - COUNTY COMMISSION AND BOARDS**

No action was taken on this item. This item was dismissed from the agenda.

**In re: APPROVAL OF MAY DELINQUENT LIST OF 2004 PROPERTY TAXES**

Motion by Morgan, second by Tabb to authorize the County Commission President Pro Tem, Gregory Corliss to affix his signature upon the May Delinquent List of 2004 Property Taxes as presented. Motion carried.

**In re: COUNTY COMMISSION REPORTS**

Commissioner Tabb commented on the recent Journal Junction article regarding the traffic study. Commissioner Tabb reported on the Great Valley Water Resources Science Forum she attended. Commissioner Tabb reported on the PanTran Study Group meeting she attended. Commissioner Tabb reported on the Air Quality Task Force meeting she attended. Commissioner Manuel reported on a meeting with Delegate Doyle. Commissioner Manuel reported on the reception for Dr. James Moler he will be attending. Commissioner Morgan reported on the Great Valley Water Resources Science Forum he attended. Commissioner Surkamp reported on the Storm Water Management Forum he attended. Commissioner Surkamp reported on the Impact Fee Committee meeting he attended. Commissioner Surkamp reported on the IT Advisory Committee meeting he attended. Commissioner Corliss reported on the Planning Commission meeting he attended.

**The Commission received the following information:**

Reminder of Meeting with Ranson City Council on May 17, 2005.

Appointment to be made to the Planning Commission on May 26th, 2005.

Impact Fee Status Report for April 2005 received from the Department of Impact Fees.

Memorandum received from the Executive Director of Planning, Zoning and Engineering concerning the Building Inspectors certifications through the International Code Council.

Invitation received from Morgan County to attend a meeting on May 13th, 2005 concerning election information.

Copy of correspondence sent to the Secretary of State from Governor Manchin received concerning Senate Bill 741.

Correspondence received from HSMM concerning the Public Safety Building.

Correspondence received from the Secretary of State concerning election information.

Correspondence Received from the Secretary of State concerning Special Election Reference Material.

West Virginia Ethics Reporter received for April 2005.

Correspondence received from TRC concerning the Historical Review of the East Washington Street Buildings.

Copy of correspondence sent to the Board of Education from the City of Ranson received concerning

the May 17, 2005 Ranson City Council Meeting.

Correspondence received from the City of Ranson concerning Impact Fee Ordinances for Parks & Recreation and Fire and Emergency Medical Services.

Correspondence received from Adelphia concerning the sale of Adelphia to Time Warner, Inc. and Comcast.

Notice of a Special Association Meeting on May 23, 2005 received from the County Commissioners' Association.

Information received from the County Commissioners' Association concerning vetoed bills.

Legislative Update received from the County Commissioners' Association.

Newsletter received from the Potomac Headwaters RC&D.

Harpers Ferry National Historical Park Community Bulletin received.

Operating Budget for fiscal year 2005-2006 received from the Jefferson County Public Service District.

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

Miscellaneous

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

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GREGORY CORLISS, PRESIDENT PRO TEM