

**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 Old Charles Town Library thereof on Thursday, June 9, 2005, beginning at 9:30 o'clock a.m.**

**PRESENT:               A.M.S. (Rusty) Morgan, III, President;  
James Surkamp; Greg Corliss;  
Dale Manuel; Jane M. Tabb; Commissioners**

**In re: PLEDGE OF ALLEGIANCE**

**Commissioner Tabb 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 Special Meeting held on Tuesday, May 31, 2005, and to approve the Minutes as prepared. Motion carried.**

**Motion by Tabb, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, June 2, 2005, and to approve the Minutes as prepared. Motion carried.**

**In re: APPROVAL OF PURCHASE ORDERS**

**Motion by Tabb, second by Manuel to approve the following Purchase Orders for the Week of June 6, 2005, totaling \$11,590.35: 41059, 41299, 41195, 41406, 40746, 40662, 40686, 40687, 41117, 41456, 41457, 41490, 41236, 41239, 41227, 41348, 41430, 41432, 41433 and 41245. Motion carried.**

**In re: RANSON IMPACT FEE AGREEMENT STATUS**

**Commissioner Morgan discussed the meeting with Greg Jones, Assistant Prosecuting Attorney and the City of Ranson regarding the Impact Fee Agreement.**

**In re: CONFLICTS OF INTEREST POLICY**

**Commissioner Corliss discussed the conflicts of interest policy. Motion by Corliss, second by Tabb to distribute the ethics commission policy to all new appointees to Boards, Commissions, Authorities, all public officials, elected officials and non elected officials and have the County Clerk hand out the policy during the swearing in. Commissioner Surkamp discussed the policy and his discussion with Mr. Brewer with the Ethics Commission. Motion by Surkamp, second by Corliss to modify the motion by adding that the recusal be included in the minutes. Motion by Surkamp, second by Corliss to modify the motion again to add to also send the County Commission Conflicts Policy to the Ethics Commission and**

the Prosecuting Attorney for review and opinion. Motion by Manuel, second by Tabb to table the matter for further review. Motion failed by a 2-3 vote. Commissioners Morgan, Corliss and Surkamp voted no. The original motion to distribute the ethics commission policy to all new appointees to Boards, Commissions, Authorities, all public officials, elected officials and non elected officials and have the County Clerk hand out the policy during the swearing in. Motion passed by a 3-2 vote. Commissioners Tabb and Manuel voted no.

**In re: BONDING AND ACTIVITY REPORT**

Paul Raco appeared before the Commission to give the Planning Commission Activity Report. The Commission discussed the fire damage done at Burch's property. Mr. Raco said he would send someone out to look at it.

**In re: PUBLIC COMMENT**

No public comment given.

**In re: PARKS AND RECREATION OFFICE TRAILER**

Bill Polk, Maintenance Director appeared before the Commission and discussed the Parks and Recreation office trailer. Mr. Polk will come back next week with additional prices and sizes of trailers for the Commission to vote on.

**In re: AFFORDABLE HOUSING COMMITTEE**

Peter Chakmakian appeared before the Commission to discuss the Affordable Housing request for the Commission to consider enacting an Ordinance exempting the Impact Fee for Affordable Housing. Commissioner Surkamp read comments regarding the Affordable Housing Committee and ask that they give more detailed proposals for affordable housing besides the one proposed today and read 9 items that should be looked at. After discussion, the Commission agreed to hold a work session to discuss the request.

**In re: BIZTECH FUNDING REQUEST**

Nieltje Gedney appeared before the Commission to request funding in support of services available at BizTech. After discussion, motion by Surkamp to approve \$14,400.00 for 2 workstations for 1 year each and that the Jefferson County Commission would determine who uses the space and are entitled to have the space. The motion failed due to the lack of a second.

After discussion, motion by Tabb, second by Manuel to grant a one time allocation in the amount of \$20,000.00 to BizTech. Motion carried.

**In re: RFP APPROVAL OF ZONING AND SUB-DIVISION ORDINANCE REWRITING BY A SINGLE CONTRACTOR**

Motion by Corliss, second by Manuel to approve the RFP of Zoning and Subdivision Ordinance rewriting by a single contractor. Motion carried.

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

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the County Clerk's report. Mrs. Maghan's report included the following:

- ▶ County Finance Training Seminar
- ▶ Grant approved from the Secretary of State
- ▶ Various Oaths of Office

**In re: FUNDING LONG-RANGE PLANNER FOR PLANNING COMMISSION MEMBERS**

No action was taken on this matter.

**In re: STATUS ON LEGAL OPINION ON PUBLIC SERVICE DISTRICT/COUNTY COMMISSION RELATIONSHIPS**

The Commission discussed the status of the legal opinion on Public Service District/County Commission authorities. The Commission agreed to submit specific questions to the Prosecuting Attorney and place this item on next week's agenda.

**In re: SELECTION OF COUNTY HEALTH INSURANCE CARRIER**

Motion by Corliss, second by Manuel to retain the current carrier - The Guardian for Fiscal Year 2006. Motion carried. The Commission also discussed getting information from County Employees regarding health insurance coverage.

The Commission took a 5 minute break at 11:00 a.m. until 11:05 a.m.

**In re: NOISE ORDINANCE PUBLIC HEARING**

Michael Zagarella, MA appeared before the Commission to discuss the proposed Noise Ordinance. Motion by Corliss, second by Morgan to approve the proposed Noise Ordinance subject to these changes after review of Brandy Sims, Assistant Prosecuting Attorney:

65 decibel to 45 decibel

Add change submitted by Magistrate Gail Boober regarding the option to have a hearing

Add A Scale level to the decibels

Change the time from 9pm to 10pm

After further discussion, motion by Manuel, second by Tabb to review the matter and the changes and to table the matter until next week. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

**In re: REVIEW OF JAIL RENOVATIONS RFP'S AND REVIEW OF PUBLIC SAFETY BUILDING RFP'S**

The Commission discussed the RFP's received for the Jail Renovations and the Public Safety Building. The Commission agreed to appoint committees to review the RFP's for the selection and to schedule interviews with those submitting RFP's for the jail.

**In re: CORRESPONDENCE RECEIVED FROM THE DEPARTMENT OF PLANNING, ZONING AND ENGINEERING CONCERNING PROPOSED REZONING OF THE WILLIAM T. WHEELER, TRUSTEE-BRINGHAM DAY PAVING COMPANY PROPERTY**

The Commission received information from the Planning Commission regarding the rezoning hearing and that it is consistent with the Jefferson County Comprehensive Plan.

**In re: REQUEST FROM PLANNING COMMISSION - FUNDING FOR GREEN INFRASTRUCTURE STUDY**

Motion by Corliss, second by Manuel to have Joe Hankins from the Freshwater Institute come in and meet with the Commission to discuss the correspondence received from the Department of Planning, Zoning and Engineering regarding the funding for Green Infrastructure Study and have Mr. Hankins provide a proposal with costs and time-lines. Motion carried.

**In re: WEST VIRGINIA EMPLOYERS' MUTUAL INSURANCE COMPANY - NOTICE OF ELECTION**

No action was taken on this matter.

**In re: PLANNING AND ZONING TRAINING - RE: CERTIFICATION OFFERINGS**

Commissioner Surkamp withdrew his request to discuss the Planning and Zoning Training - Re: Certification Offerings and will bring the matter up in a work session. No action was taken on this matter.

**In re: APPROVAL OF EMPLOYMENT - PAUL BUSCHER - PUBLIC SAFETY DISPATCHER II**

Motion by Tabb, second by Manuel to approve the employment of Paul Buscher as a Public Safety Dispatcher II. Motion carried.

The County Administrator informed the Commission of an upcoming Hearing regarding the Removal of an Administrator possibly on July 7, 2005. The Commission agreed to place this on next week's agenda.

**In re: COUNTY COMMISSION REPORTS**

Commissioner Surkamp reported on the LEPC meeting he attended.

Commissioner Corliss reported on the PSD meeting he attended.

Commissioner Manuel reported on the EPTA meeting he attended.

Commissioner Tabb reported on the Clean Air Protections and reported. Information regarding the Clean Air Protection may be obtained on the following website: [www.cleanairconnection.org](http://www.cleanairconnection.org)

After all business was completed, the Commission recessed until 7:00 p.m.

The County Commission of said County and State reconvened and held at the Old Charles Town Library Ground Floor meeting room thereof beginning at 7:00 o'clock p.m.

**PRESENT:** A.M.S. (Rusty) Morgan, III, President;  
Dale Manuel, Greg Corliss and James Surkamp; Commissioners

Commissioner Jane Tabb recused herself previously on this issue and did not attend the session.

**In re: PUBLIC HEARING - PROPOSED CHANGES TO THE JEFFERSON COUNTY ZONING AND DEVELOPMENT REVIEW MAP/ORDINANCE**

Commissioner Morgan discussed the rezoning of the F. O. Day property as outlined by the Jefferson County Development Authority. Commissioner Morgan also advised those present of the information packet available for review as designated by the Jefferson County Development Authority.

Jane Peters, Director, Jefferson County Development Authority was present to discuss the economic impact and project consideration for the F. O. Day Property.

Paul Raco, Director; Planning, Zoning and Engineering was present.

Those present for comments were: Ken Lowe on behalf of F. O. Day, Robert Crawford on behalf of the Berkeley County Development Authority, James Courtney, Roy B. Holmes, Elmer Vickers and Mike Thomas. Senator John Unger was present without comment.

After discussion, motion by Corliss, second by Morgan to authorize the rezoning of approximately 191 acres of the F. O. Day Property from Rural to Commercial Industrial. Motion carried.

The Commission received the following information:

Thank you letter received from Senator Byrd concerning space accommodations made at the Courthouse for his staff during a recent visit.

Correspondence received from Assistant Prosecuting Attorney, Brandon Sims, concerning Bush, et al. V. Gilley, County Commission of Jefferson County et al.

Correspondence received from the County Commissioners' Association concerning the Director of the State Regional Jail and Correctional Facility Authority, Steve Canterbury, switching jobs to the new Supreme Court Administrative Director.

Newspaper article received from the County Commissioners' Association concerning the Supreme Court ruling for counties to cut back on the number of mental detentions.

Permit Activity for the 2<sup>nd</sup> quarter of 2005 received from the Department of Planning Zoning and Engineering.

Notice received of the West Virginia Breeders Classic, LTD.

Correspondence received from Matt Ward concerning Greenvest obligation to pay impact fees for education.

Meeting minutes received from the Potomac Headwaters RC&D.

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

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

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PRESIDENT