

**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, December 22, 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 Morgan conducted the Pledge of Allegiance.

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

Motion by Corliss, second by Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, December 15, 2005, and to approve the Minutes as prepared. Motion carried.

**In re: APPROVAL OF PURCHASE ORDERS**

Motion by Corliss, second by Manuel to approve the following Purchase Orders for the Week of December 19, 2005, totaling \$56,654.67: 42026, 41935, 41493, 42024, 42025, 42027, 42175, 40821, 41642, 41755, 41759, 41862, 41883, 42105, 42108, 42115, 42117, and 42120. Motion carried.

**In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD**

No action was taken on this agenda item.

**In re: APPOINTMENT TO THE AMBULANCE AUTHORITY**

No action was taken on this agenda item.

**In re: LANE KENDIG CONTRACT**

The County Administrator informed the Commission that a meeting had been set up with representative of Lane Kendig in the afternoon of January 5, 2005.

**In re: COUNTY COMMISSION OF BERKELEY COUNTY - REQUEST FOR SUPPORT OF HOUSE BILL 2899**

Motion by Corliss, second by Morgan to support House Bill 2899 as requested by the County Commission of Berkeley County. Motion carried.

**In re: BONDING AND PLANNING COMMISSION ACTIVITY REPORT**

The County Administrator informed the Commission that there was no Bonding or Planning Commission Activity Report this week. Commissioner Corliss requested an update on the status of the hiring of a Long Range Planner. The County Administrator obtained that information later in the meeting and informed the Commission that the interview process would begin the first week of January.

**In re: PUBLIC COMMENT**

Comments concerning the appointment to the Jefferson County Public Service District were made by Scot Faulkner, Beth Haney, Frances Latterell, Lee Snyder and Richard Latterell.  
Tom Trumble commented on exempting impact fees for age restricted communities.

**In re: DR. LORI STILLEY AND DR. STEPHEN NICHOLS - BOARD OF EDUCATION POSITION ON AGE RESTRICTED COMMUNITIES**

Dr. Lori Stilley and Dr. Stephen Nichols appeared before the Commission to discuss the Board of

Education's position on impact fees for age restricted communities. The Commission agreed to begin the discussion for a decision on this matter at 11:00 a.m.

**In re: LOCAL ECONOMIC DEVELOPMENT ASSISTANCE GRANT - BLUE RIDGE ACRES COMMUNITY CLUBHOUSE**

Motion by Tabb, second by Morgan to approve the Local Economic Development Assistance Grant for Blue Ridge Acres Community Clubhouse. Motion carried.

**In re: SET DATE AND TIME FOR FIRST MEETING OF 2006**

Motion by Tabb, second by Manuel to set the first meeting for 2006 for January 5, 2006, at 9:30 a.m. Motion carried.

**In re: DECISION ON UNEMPLOYMENT INSURANCE**

Motion by Manuel, second by Tabb to continue with the process of self insurance for the purposes of unemployment protection. Motion carried.

**In re: LAUREN PEREZ - HAVERFORD COLLEGE - SENIOR THESIS RESEARCH**

No decision was made on this agenda item.

**In re: BANK OF CHARLES TOWN - REQUEST FOR APPROVAL OF REPLACEMENT OF SECURITIES**

Upon recommendation from the County Clerk, motion by Morgan, second by Manuel to approve the release of securities as presented by the Bank of Charles Town. Motion carried. Upon recommendation from the County Clerk, motion by Morgan, second by Manuel to approve the resolution presented by the Bank of Charles Town to replace the securities previously released. Motion carried.

**In re: BILL STUBBLEFIELD - FUTURE AVAILABILITY OF GROUND WATER FOR BERKELEY COUNTY**

Bill Stubblefield appeared before the Commission to discuss the future availability of ground water for Berkeley County.

**In re: FARMLAND PROTECTION BOARD ANNUAL REPORT**

Peter Fricke and Kellie Boles appeared before the Commission to give the Farmland Protection Board's Annual Report.

**In re: SENATOR JOHN YODER - HUD MEETING WITH GEORGE RODRIGUEZ - ELDERLY TAX RELIEF**

Senator John Yoder appeared before the Commission to discuss a HUD meeting with George Rodriguez. Senator Yoder also discussed property tax relief for elderly residents.

**In re: DECISION ON AGE RESTRICTED COMMUNITIES**

The Commission discussed the request for an exemption of school impact fees for the Four Seasons age restricted community in Huntfield. Motion by Corliss to request the Prosecuting Attorney to prepare a resolution granting a school impact fee exemption to the Huntfield Four Seasons Development in consideration of (1)Prosecuting Attorney legal advice that to not grant an exemption to the Four Season Development would be illegal and that based on this advice the Prosecuting Attorney also stated that the Prosecuting Attorney would not represent the County Commission in a subsequent legal action if the no exemption decision was challenged, (2)Huntfield guaranteeing the payment of all exempted and future school impact fees to Jefferson County should the home/house covenant prohibition of no child residing in the community be violated, (3)Consideration that under the Local Powers Act that there is no legally significant benefit to the Four Seasons residents without children provided by school impact fees, as well as in consideration that 80% of their property tax dollars will automatically go to the School Board. Motion failed due to a lack of a second.

Motion by Manuel, second by Morgan to prepare a resolution to deny the request for an exemption of school impact fees for the Four Seasons age restricted community in Huntfield. Motion by Surkamp to amend the motion that all discussion of the impact fee waiver request by the entities before the County

Commission be henceforth embargoed and confined to a public meeting in February 2006 in which the three involved public bodies, the school board, the Town of Charles Town, and the County Commission, are present with their legal counsel and Four Seasons is welcome to participate. Motion to amend failed due to a lack of a second. After discussion, the Commission voted on the motion to prepare a resolution to deny the request for an exemption of school impact fees for the Four Seasons age restricted community in Huntfield. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

**In re: ADDITIONAL QUESTION FOR PROSECUTING ATTORNEY RE IMPACT FEE WAIVER REQUEST**

Motion by Surkamp to request that the Prosecuting Attorney provide an opinion on the three sections of the WV Code having to do with homeowners voting to change restrictions on allowing children in their community. Motion failed due to a lack of a second.

**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. Ms. Maghan discussed storage space for election equipment and a trip planned to Charleston for acceptance testing of the Automark machines.

**In re: APPOINTMENT TO THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT**

Nomination by Tabb to reappoint Joe Hankins to the Jefferson County Public Service District for a 6 year term ending December 1, 2011.

Nomination by Surkamp to appoint Jim Cummins to the Jefferson County Public Service District for a 6 year term ending December 1, 2011.

Joe Hankins was reappointed to the Jefferson County Public Service District for a 6 year term ending December 1, 2011. Commissioners Tabb, Manuel and Morgan voted for Mr. Hankins. Commissioners Corliss and Surkamp voted for Mr. Cummins.

**In re: REQUEST FOR COUNTY WATER ADVISORY COMMITTEE (WAC) TO COMPLETE NOT LATER THAN 1 APRIL 2006 A REVIEW OF LOCAL USGS AND BERKELEY COUNTY WATER RECHARGE STUDIES FOR APPLICABILITY IN JEFFERSON COUNTY**

Motion by Corliss, second by Surkamp to request the Water Advisory Committee to provide a study proposal for water recharge in Jefferson County. Motion carried.

**In re: DISCUSSION ON THE POSSIBLE CANCELING OF THE DECEMBER 29<sup>TH</sup> COMMISSION MEETING**

Motion by Manuel, second by Tabb to cancel the Commission meeting scheduled for December 29<sup>th</sup>, 2005. Motion carried.

**In re: APPROVAL OF LOCAL ECONOMIC DEVELOPMENT ASSISTANCE GRANTS**

Motion by Manuel, second by Tabb to approve the Local Economic Development Assistance Grants for the Sheriff's Department, Sheriff's Reserve, Good Shepherd Interfaith Volunteer Caregivers, Blue Ridge Mountain Fire Hall, and Jefferson County Fire and Rescue Association. Motion carried.

**In re: COUNTY COMMISSION REPORTS**

Commissioners Corliss and Morgan reported on a Water Advisory Committee meeting. Commissioner Manuel commented on solicitation at busy intersections in the County. Commissioner Tabb reported on an Animals in Disaster meeting. Commissioner Tabb reported on a Development Authority meeting. Commissioner Tabb informed the Commission of a new website, [www.jeffersonfarms.org](http://www.jeffersonfarms.org). The Commission agreed to cancel the Intra-Governmental meeting scheduled for December 28, 2005 and reschedule the meeting for January 4, 2006, beginning at 5:00 p.m.

**In re: ESTATE OF ELEANOR D. COATES - CONTINUED - PETITION TO REMOVE EXECUTRIX**

David Camilletti, attorney for the Petitioner James D. Coates, and John Askintowicz, attorney for

Barbara Williams, Executrix of the Estate of Eleanor D. Coates appeared before the commission concerning the Petition to remove the Executrix of the Estate of Eleanor D. Coates. Mr. Coates and Ms. Williams were also present. Mr. Camilletti and Mr. Askintowicz informed the Commission that an agreement had been reached and agreed to by both parties in the matter. Both parties agreed to the appointment of Mr. Camilletti and Mr. Askintowicz as co-executors to the Estate of Eleanor D. Coates and agreed that the matter was resolved.

**The Commission received the following information:**

Courthouse offices will close at 5:00 p.m. on Friday, December 23<sup>rd</sup>, 2005 and Friday, December 30<sup>th</sup>, 2005.

Appointment to be made to the West Virginia Eastern Panhandle Transportation Authority on December 29<sup>th</sup>, 2005.

Appointment to be made to the Board of Health on January 19<sup>th</sup>, 2005.

Correspondence received from the City of Ranson concerning School Impact Fee/Public Education Improvement Proffer.

Correspondence received from the City of Ranson concerning legislative resolutions from the West Virginia Municipal League.

Grant application received for the West Virginia Court Security Fund.

Correspondence received from Brickstreet Insurance concerning Workers' Compensation Claims.

Legislative Issues received from the Martinsburg-Berkeley County Chamber of Commerce.

Notice received of the Independent Fire Company Annual Banquet on Saturday, January 7, 2006.

Correspondence received from Joseph and Irene Yates concerning Impact Fees for Huntfield.

Correspondence received from John & Theresa Noel concerning Impact Fees for Huntfield.

Information received from the Association of Counties concerning the 2006 Annual Meeting.

Copy of a newspaper article received from the County Commissioners' Association concerning the metro bill.

Correspondence received from the Association of Counties concerning premium increase for FY2007.

Information received from the County Commissioners' Association concerning the passing of the granddaughter of Ritchie County Commissioner Floyd Hodge.

Correspondence received from the County Commissioners' Association concerning the Legislative Association Meeting and County Commissioners' continuing Educational Training Program.

Correspondence received from the Association of Counties concerning Workers Compensation Rates.

Correspondence received from Elizabeth Filauri concerning an alternate exit from Mission Road.

Correspondence received from Adelphia concerning channel changes.

E-911 Remittance for November 2005 received from Fibernet.

Correspondence received from Christy Huddle concerning her appointment as an alternate to the Board of Zoning Appeals.

Oath of Office received from Steven E. Gibson as the Chief Deputy of the Department of Finance.

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

Upon rising, the Commission recessed until Thursday, January 5, 2006, beginning at 9:30 o'clock a.m.

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A.M.S. MORGAN, III, COMMISSION PRESIDENT