

**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, January 12, 2006, beginning at 9:30 o'clock a.m.

**PRESENT:** Greg Corliss, President;  
James Surkamp; A.M.S. (Rusty) Morgan, III;  
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 Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, January 5, 2006, and to approve the Minutes as amended. Motion carried.

**In re: APPROVAL OF PURCHASE ORDERS**

Motion by Morgan, second by Tabb to approve the following Purchase Orders for the Week of January 9, 2006, totaling \$10,795.11: 42096, 41269, 42065, 42066, 42037, 42256, 39295, 39296, 42028, 42038, 42039, 42097, 41954 and 42137. 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: APPOINTMENT TO THE WEST VIRGINIA EASTERN PANHANDLE TRANSPORTATION AUTHORITY**

The Commission agreed to place this agenda item on next week's agenda under Old Business.

**In re: LANE KENDIG CONTRACT**

The County Administrator informed the Commission that she has the draft contract with changes. The Commission directed that the County Administrator send the draft to the Planning Commission Committee for review.

**In re: PARTIAL BOND RELEASE - RANSON/CHILDS ROAD CHURCH OF GOD**

Motion by Morgan, second by Tabb to approve the partial release of a Letter of Credit for Ranson/Childs Road Church of God in the amount of \$25,627.00 with the County to retain \$35,778.00. Motion carried.

**In re: BONDING AND ACTIVITY REPORT**

Paul Raco, Executive Director of Planning, Zoning and Engineering, appeared before the Commission to give a Planning Commission Activity Report.

Mr. Raco reported on the upcoming Planning Web/Audio Conference scheduled for January 18, 2006.

After discussion, the Commission agreed to hold a work session to discuss Adequate Public Facilities. Also a work session with the Prosecuting Attorney to discuss 8A.

**In re: PUBLIC COMMENT**

No comment was made by the public at this time.

**In re: IT COMMITTEE MISSION AND VISION STATEMENT**

Motion by Surkamp, second by Corliss to approve the IT Committee’s Mission and Vision Statement as presented. Motion carried.

The Commission recommends that the IT Committee acquire information on GIS, wireless, internet and television for review and consideration.

Commissioner Tabb informed the Commission that the Development Authority would be forming their own IT Committee.

**In re: ZONING BOARD OF APPEALS INTERVIEWS**

Edwin Kelly and Doug Rockwell appeared before the Commission for the Zoning Board of Appeals interviews.

**In re: APPOINTMENT TO THE ZONING BOARD OF APPEALS**

Nomination by Commissioner Morgan to appoint Christy Huddle to the Zoning Board of Appeals for a 3 year term ending January 1, 2009. Nomination by Commissioner Manuel to reappoint Doug Rockwell to the Zoning Board of Appeals for a 3 year term ending January 1, 2009. Nomination by Commissioner Tabb to reappoint David Wiegand and to appoint Edwin Kelly to the Zoning Board of Appeals for a 3 year term ending January 1, 2009.

Christy Huddle and Edwin Kelly were appointed to the Zoning Board of Appeals for a 3 year term ending January 1, 2009.

Nominations	Tabb	Corliss	Surkamp	Morgan	Manuel
Christy Huddle		✓	✓	✓	
Doug Rockwell					✓
David Wiegand	✓				✓
Edwin Kelly	✓	✓	✓	✓	

**In re: APPOINTMENT OF AN ALTERNATE MEMBER TO THE ZONING BOARD OF APPEALS**

The Commission agreed to place this item on next week’s agenda.

**In re: J. MICHAEL CASSELL, ESQ. - SUPREME COURT DECISION IN JEFFERSON UTILITIES V. JEFFERSON COUNTY BOARD OF ZONING APPEALS**

Mike Cassell appeared before the Commission to comment on the Supreme Court decision on Jefferson Utilities v. Jefferson County Zoning Board of Appeals.

**In re: REQUEST TO HIRE PART TIME PUBLIC SAFETY DISPATCHER - AMY MARTIN**

Motion by Tabb, second by Manuel to approve the employment of Amy Martin as a part time Public Safety Dispatcher. Motion carried.

**In re: RESOLUTION - DENIAL OF REQUEST FOR EXEMPTION OF SCHOOL IMPACT FEES**

Motion by Tabb, second by Manuel to approve the following Resolution - Denial of Request for Exemptions of School Impact Fees. Motion carried.

**RESOLUTION**

WHEREAS, the County Commission of Jefferson County, West Virginia, was requested to decide if an exemption of school impact fees should be granted to the Four Seasons age restricted community in Huntfield.

THEREFORE, BE IT RESOLVED, that the County Commission of Jefferson County, West Virginia, on Thursday, December 22, 2005, voted 4-1 to deny the request for an exemption of school impact fees for the Four Seasons age restricted community in Huntfield.

Signed on this 12<sup>th</sup> day of January, 2006.

/s/  
Gregory A. Corliss

/s/  
A.M.S. Morgan, III

/s/  
Jane M. Tabb

/s/  
Dale Manuel

/s/  
James Surkamp

Attest: \_\_\_\_\_  
Jennifer S. Maghan, County Clerk

**In re: REQUEST FOR APPROVAL OF SPECIAL DEPUTY STATUS**

Motion by Tabb, second by Manuel to approve the Special Deputy Status for the following: Motion carried. Chief of Police - Lewis Barry Subelsky; Patrolman Anthony Joseph Mancine; Patrolman Samuel Ray Smith and Patrolman Jonathan Quinnam.

**In re: WORK OUT POLICY CONCERNING BUDGET ALLOCATIONS TO COMMUNITY ORGANIZATIONS FOR 2006**

Commissioner Morgan suggested that the Commission work out a policy for 2006 Organizations requesting allocations.

**In re: SHEPHERDSTOWN CIVIL WAR BATTLEFIELD - TRANSPORTATION DEPARTMENT GRANT APPLICATION**

Ed Dunleavy appeared before the Commission requesting approval and the Presidents signature on the Shepherdstown Civil War Battlefield grant application.

After discussion, motion by Morgan, second by Surkamp to approve the \$100,000 application and have the President affix his signature to the application for the Shepherdstown Civil War Battlefield Grant and to include the discussed modifications to the application. Motion passed by a 3-2 vote. Commissioners Tabb and Manuel voted no.

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

Matt Barney, Deputy County Clerk appeared before the Commission to give the elections update. Commissioner Corliss requested that the County Clerk prepare a PERT Chart for upcoming Election activities and give to the Commission the PERT Chart next week.

**In re: APPROVAL OF LETTERS TO DEMOCRATIC AND REPUBLICAN EXECUTIVE COMMITTEES**

Motion by Morgan, second by Manuel to approve the letters to the Democratic and Republic Executive Committees. Motion carried.

The Commission took a 5 minute break at 11:10 a.m. The Commission returned at 11:15 a.m.

**In re: QUARTERLY FIDUCIARY REVIEW**

The time of the Commission was taken up this day with examination of sundry fiduciary accounts.

Motion by Morgan, second by Manuel to accept all fiduciary accounts presented. Motion carried.

**In re: REQUEST FOR FUNDING FOR PROGRAM REGISTRATION FEE - MODEL US HOUSE OF REPRESENTATIVES**

The Commission agreed to approve the request for funding for Program Registration Fees for the Model US House of Representatives. The Commission agreed to use personal money for this allocation - \$20 from each Commissioner totaling \$100.

**In re: PROPERTY VALUATION TRAINING AND PROCEDURES COMMISSION - ASSESSOR'S VALUATION FUND**

The Commission acknowledged the Property Valuation Training and Procedures for the Assessor's Valuation fund.

**In re: GRANT LETTERS OF AGREEMENT AND RESOLUTIONS**

Motion by Tabb, second by Morgan to approve the following Grant Agreement Letters and Resolutions: Motion carried. CASA of the Eastern Panhandle; Jefferson County Fair Association; Jefferson County Ambulance Authority and Jefferson County Agriculture Task Force.

**In re: ESTATE OF NANCY LEWIS FURIOSO - PETITION OF ANTHONY FURIOSO THAT THE COUNTY COMMISSION DETERMINE THAT SAMUEL JOHN FURIOSO, JR. IS PRESUMED TO BE DEAD**

John C. Skinner, Jr., Attorney appeared before the Commission regarding the Estate of Nancy Lewis Furioso, Petition of Anthony Furioso that the County Commission determine that Samuel John Furioso, Jr. is presumed to be dead.

Anthony P. Furioso, Charlene M. Furioso and Krystle Marie Furioso were sworn to give testimony. For the record, Charlene M. Furioso and Krystle Marie Furioso gave testimony.

Upon request from John C. Skinner, Jr., Attorney the Commission agreed to continue the hearing until Thursday, February 16, 2006 and that Mr. Skinner and the County Administrator will work together to schedule the time and also that Mr. Skinner will prepare the Order.

**In re: REQUEST FOR APPROVAL OF EMPLOYMENT - PROJECT MANAGER/LAND DEVELOPMENT INSPECTOR**

Motion by Morgan, second by Tabb to approve the employment of Kirk Davis as the Project Manager/Land Development Inspector. Motion passed by a 4-1 vote. Commissioner Surkamp voted no.

**In re: BRANDON SIMS - ASSISTANT PROSECUTING ATTORNEY - LEGAL COUNSEL UPDATE AND REPORT**

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission to give legal counsel update and report.

Motion by Morgan, second by Tabb to enter into Executive Session. Motion carried.

Motion by Tabb, second by Morgan to convene into Regular Session. Motion carried.

Motion by Tabb, second by Morgan to forward to file the complaint as discussed in Executive Session. Motion carried.

The Commission directed legal staff to meet with the Planning Commission and the Zoning Board of Appeals to review Supreme Court Ruling as related to land use.

▶ **MEETING WITH MANAGEMENT CONSULTANT AND DEPARTMENT HEADS**

Department Heads met at 2:00 p.m. with the Management Consultant.

**In re: COUNTY COMMISSION REPORTS**

Commissioner Morgan reported on the Solid Waste Authority meeting he attended.

Commissioner Tabb reported on the Farmland Protection Board meeting she attended.

Commissioner Tabb reported on the Region 9 meeting she attended.

Commissioner Manuel gave an update on the Community Center Construction.

Commissioner Manuel reported on the Parks and Recreation Commission meeting he attended.

Commissioner Corliss reported on the Public Service District meeting he attended.

Commissioner Corliss reported on the Planning Commission meeting he attended.

Commissioner Corliss discussed the upcoming Emergency Preparedness Meeting.

**The Commission received the following information:**

Reminder Courthouse is Closed Monday, January 16, 2006, Martin Luther King, Jr. Day.

Appointment to be made to the Board of Health on January 19, 2006.

Acceptance of Bond for Lake Forest Estates Subdivision.

Permit Activity report received from the Department of Planning, Zoning and Engineering.

Impact Fee Status Report received for December 2005.

Memorandum received from the Department of Planning, Zoning and Engineering concerning Subdivision Regulations - Rewrite Issues.

Subdivision Regulations Rewrite suggestions received from Commissioner Manuel.

Memorandums received from the Department of Impact Fees concerning transfers of funds.

Correspondence received from Brickstreet concerning insurance coverage.

2006 State Issues received from the Martinsburg-Berkeley County Chamber of Commerce.

2006 State Legislative Goals received from the Eastern Panhandle Business Association.

Information received from the Shannondale Safety Patrol concerning public safety.

Information received concerning the American Planning Association's Audio/Web Conference Training Series.

Correspondence received from Bruce Spence concerning impact fees.

Copy of correspondence sent to the Division of Highways from Windsong Homes received concerning Faraway Farms and the Shepherdstown Battlefield Preservation Trust.

Copy of correspondence sent to the Governor's Office from Windsong Homes received concerning Faraway Farms.

Newsletter received from the WVU Extension Service - Jefferson County.

Oath of Office received from Joseph Hankins as a member of the Jefferson County Public Service District.

Weekly settlement for Charles Town received 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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GREGORY A. CORLISS, COMMISSION PRESIDENT