

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 19, 2006, beginning at 9:30 o'clock a.m.

PRESENT: Gregory A. Corliss, President;
A.M.S. Morgan, III; Jane M. Tabb;
Dale Manuel; James Surkamp; Commissioners

In re: PLEDGE OF ALLEGIANCE

Commissioner Corliss conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Tabb, second Morgan by to dispense with the reading of the Minutes for the meeting held on Thursday, January 12, 2005, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by Tabb to approve the following Purchase Orders for the week of January 16, 2006, totaling \$90,760.47: 42067, 42069, 42071, 42170, 42171, 41536, 41990, 42091, 42257, 42259, 42260, 42261, 42212, 42138 and 42139. 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 staff review meeting for the week of January 20, 2006.

Commissioner Surkamp commented on the letter received from Gap View Subdivision Homeowner's Association regarding Bonding compliancy. The Commission agreed to place this matter on the agenda for the week of January 26, 2006.

In re: PARTIAL BOND RELEASE

Motion by Tabb, second by Manuel to approve the partial release of a Letter of Credit for Orchard Knolls, L.L.C. in the amount of \$506,312.20 with the County to retain \$580,097.00. Motion carried.

Motion by Morgan, second by Tabb to approve the partial release of a Letter of Credit for Cameron Run, L.L.C in the amount of \$1,144,731.00 with the County to retain \$\$163,704.00. Motion carried.

Motion by Tabb, second by Morgan to approve the partial release of a Letter of Credit for Windmill Crossing/New Vision Properties, II, Incorporated in the amount of \$888,682.00 with the County of retain \$1,841,215.00. Motion carried.

In re: PUBLIC COMMENT

Bill Lewandowski appeared before the Commission to report on the workshop held in regard to determining the employment of the Long Range Planner for the Department of Planning, Zoning and Engineering.

Bill Lewandowski appeared before the Commission to express his concerns with the letter received from Michael Cassell, Esquire regarding procedures and policies of the Jefferson County Planning Commission.

In re: BILL LEWANDOWSKI - PLANNING COMMISSION PRESIDENT - SUBDIVISION AND ZONING REWRITE OVERWRITE COMMITTEE - CHANGES TO WEST VIRGINIA CODE 8A AND HB 3261

Bill Lewandowski, Planning Commission President appeared before the Commission to request that three Planning Commission members be considered for the Subdivision and Zoning rewrite committee.

Motion by Surkamp, second by Manuel to appoint three (3) Planning Commission members to the Subdivision and Zoning rewrite committee to oversee the rewrite process. Motion carried.

Mr. Lewandowski presented the Commission with a letter on behalf of the Planning Commission requesting the County Commission to ask West Virginia State Legislators to suspend consideration of HB 3261 until February 3, 2006 to allow the Planning Commission opportunity to provide review and consider the legalities of HB 3261 and provide an opinion.

Commissioner Manuel expressed his concerns with suspending the decision on HB 3261. Commissioner Morgan reported on his discussions with Senator John Doyle regarding the time line of HB 3261. Paul Raco, Planning, Zoning and Engineering Director was present for comments.

Motion by Surkamp, second by Corliss that the County Commission ask the West Virginia State Legislators to suspend consideration of HB 3261 until February 3, 2006 to allow the Jefferson County Planning Commission the opportunity to provide comment. Commissioner Surkamp withdrew his motion.

Motion by Corliss, second by Surkamp to allow the Planning Commission time for review and consideration of HB 3261 and provide the County Commission with their comments by February 3, 2006. Motion carried.

Commissioner Manuel agreed to express concerns with HB 3261 to delegates on behalf of the Jefferson County Planning Commission.

In re: DR. LORI STILLEY AND DR. STEVEN NICHOLS - BOARD OF EDUCATION - CITY OF RANSON IMPACT FEE

Dr. Lori Stilley, President and Dr. Steven Nichols, Superintendent of Jefferson County Schools reported on the Board of Education meeting held on Thursday, January 12, 2006. Dr. Stilley reported that a cost analysis will be conducted at the next scheduled Board meeting on January 26, 2006 and invited the Commission to attend.

Dr. Nichols reported on the Local School Improvement Council meeting scheduled to be held at 7:00 p.m.

Dr. Stilley and Dr. Nichols expressed their concerns with the information provided in newspaper articles referencing School Impact Fees.

In re: APPROVAL OF NEW EMPLOYEE - PROSECUTING ATTORNEY'S OFFICE - SECRETARY

Motion by Tabb, second by Manuel to approve the employment of Teresa Elaine Conner-Tritelli as the new secretary for the Prosecuting Attorney's Office. Motion carried.

In re: JENNIFER MAGHAN - COUNTY CLERK'S REPORT

Jennifer S. Maghan, County Clerk appeared before the Commission for the County Clerk's report.

Ms. Maghan reported on new filings received in the County Clerk's office. Ms. Maghan distributed copies of the elections calendar to the Commission and reported on the training seminar for County Commission and County Clerk personnel scheduled for January 25, 2006 for the new voting machines. Commissioner Corliss requested a dry run of ballot and canvassing procedures.

Ms. Maghan reported on security and web monitoring procedures for the upcoming elections.

Ms. Maghan reported on the proposed meeting with Secretary of State Betty Ireland on Tuesday, January 24, 2006.

The Commission took a break at 11:10 a.m.; The Commission reconvened at 11:15 a.m.

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

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

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

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

Michael Thompson, Prosecuting Attorney appeared before the Commission to discuss HB 4037. Mr. Thompson reported on the effects of House Bill 4037 regarding tax rate revisions to class two and class three real estate taxes.

The Commission agreed to place House Bill 4037 on the agenda for the week of January 26, 2006 for further review and consideration.

In re: SPECIAL FIDUCIARY REVIEW - ESTATE OF MARGARET YVONNE CASTLE

Motion by Morgan, second by Tabb to approve the final accounting for the Estate of Margaret Yvonne Castle as presented by Sarah Fowler, Deputy Clerk of Probate. 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 OF AN ALTERNATE MEMBER OF THE ZONING BOARD OF APPEALS

Leslie D. Smith, County Administrator reported there are no new applicants for alternate members to the Zoning Board of Appeals. The Commission authorized Leslie D. Smith to advertise the vacancies.

In re: APPOINTMENT TO THE WEST VIRGINIA EASTERN PANHANDLE TRANSPORTATION AUTHORITY

Leslie D. Smith reported on the email she received from interested candidate, Tony Rosati. Commissioner's expressed their concerns with the authority delegated to West Virginia Eastern Panhandle Transportation Authority members with regard to the MPO, Region 9 and the Department of Transportation.

The Commission agreed to defer consideration of a WV Eastern Panhandle Transportation Authority appointment until further information can be acquired regarding authoritative action.

In re: LANE KENDING CONTRACT

Motion by Corliss, second by Surkamp to approve the Lane Kending contract upon review and approval from legal counsel. Motion carried.

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

Commissioner Morgan requested that the Commission fix a percentage at a rate agreeable to other Commissioners for budget allocations for charitable organizations in Jefferson County.

The Commission agreed to table this matter for further consideration.

In re: APPOINTMENT TO THE JEFFERSON COUNTY BOARD OF HEALTH

Motion by Morgan, second by Manuel to appoint John M. Sherwood to the Jefferson County Board of Health for one unexpired term ending June 30, 2009. Motion carried.

In re: CHARLES TOWN CHAPLAINCY SERVICES - REQUEST FOR FUNDING

The Commission discussed deferring Charles Town Chaplaincy Service budget request until budget deliberations as well as requesting that Charles Town Races and Slots consider funding for the Charles Town Chaplaincy Services.

Motion by Morgan, second by Corliss authorizing the County Administrator to draft a letter to Charles Town Races and Slots requesting budgetary support on behalf of Charles Town Chaplaincy Services and to defer this budget request until County Commission budget deliberations. Motion carried.

In re: VIRGINIA LYNCH GRAF - JEFFERSON COUNTY ORGANIZATION OF DEMOCRATIC WOMEN - REQUEST FOR USE OF COUNTY MEETING ROOM

Leslie D. Smith, County Administrator advised the Commission on the Old Charles Town Library meeting room policy.

Motion by Surkamp, second by Manuel to approve the request of Virginia Lynch Graf from Jefferson County Organization of Democratic Women permitting the organization use of the Old Charles Town Library meeting room as requested. Motion carried.

In re: HAMSTEAD & ASSOCIATES, L.C. - EASTLAND HOMEOWNERS ASSOCIATION - ATV ORDINANCE

Leslie D. Smith, County Administrator reported that this matter has been referred to legal counsel for review. No action was taken on this agenda item.

In re: TRUMP & TRUMP, L.C. - COUNTY COMMISSION OF JEFFERSON COUNTY V. CITY OF CHARLES TOWN, ET AL. CIVIL ACTION NO: O4-C-194 REQUEST FOR WORKING MEETING

The Commission authorized County Commission legal counsel to draft an appropriate response letter to Trump & Trump, L.C. Associates.

In re: APPROVAL OF EMPLOYMENT - LONG RANGE PLANNER

Paul Raco appeared before the Commission to discuss personnel matters.

Upon the request of Paul Raco, Planning, Zoning and Engineering Director, motion by Manuel, second by Tabb to enter into executive session to discuss personnel matters pertaining to the hiring of a Long Range Planner. Motion carried.

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

Motion by Corliss, second by Manuel to approve the employment of a Long Range Planner with salary and benefits to be determined by the Department of Planning, Zoning and Engineering.

Motion carried.

In re: PUBLIC COMMENT

Toni Milbourne appeared before the Commission to inquire as to the status of the employment of the Long Range Planner.

Jennifer S. Maghan, County Clerk appeared before the Commission to confirm the meeting with Secretary of State Betty Ireland on Tuesday, January 24, 2006 at 1:00 p.m.

Fred Blackmer appeared before the Commission to comment on the employment negotiations for the Long Range Planner.

In re: COUNTY COMMISSION REPORTS

Commissioner Tabb reported on the Audio Web Conference hosted by Planning, Zoning and Engineering that she attended.

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

Commissioner Corliss reported on the MPO meeting he attended.

Commissioner Morgan reported on the upcoming Library Task Force meeting he will be attending.

Commissioner Morgan reported on the Planning Commission meeting he attended.

The Commission received the following information:

Jefferson County Office of Homeland Security Newsletter received for January 2006.

Reminder of Council of Government Meeting on Wednesday, January 25, 2006, at 5:00 p.m.

Notice received of Jefferson County Emergency Preparedness Night on January 26, 2006 from 7:00 - 8:30 p.m.

Notice that the County Commission of Jefferson County will convene as a Board of Review and Equalization beginning February 1, 2006.

Correspondence received from Roger M. Eitelman, President & CEO of WVUH East, concerning Jefferson Memorial Hospital.

Correspondence received from Shepherdstown Day Care, Inc. concerning receipt of funds.

Correspondence received from IBTS Institute concerning building plans.

Notices received from Loudoun County of Comprehensive Plan Amendment Public Hearings.

Shenandoah Traveler Newsletter received.

Meeting minutes received from the Jefferson County Public Service District.

Meeting minutes received from the Harpers Ferry/Bolivar Public Service District.

Notice received from the Department of Planning, Zoning and Engineering of a Subdivision Work Session on January 20, 2006.

E-911 remittance received from Citizens Communications and the Public Service Commission.

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.

GREGORY CORLISS, COMMISSION PRESIDENT