

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 26, 2006, beginning at 9:30 o'clock a.m.

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

Commissioner Corliss was absent due to a prior commitment.

In re: PLEDGE OF ALLEGIANCE

Commissioner Tabb conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Morgan, second by Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, January 19, 2006, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Morgan to approve the following Purchase Orders for the Week of January 23, 2006, totaling \$37,390.76: 41589, 42075, 42076, 42077, 42079, 42263, 40950, 40129, 42093, 42262, 42140, 42142, 42143, 42144, 42145, 41760, 41863, 41867, 41868, 41869, 42107, 42122, 42123, 42124, 42126, 42129, 42179, 42179, 42182, 42183, 42185, 42186, 42188, 42189, 42112, 42121, and 42184. Motion carried.

In re: EXONERATION

Upon recommendation from the Assessor, motion by Tabb, second by Manuel to approve the following exoneration because of erroneous assessment for the year 2005. Motion carried.

NAME	DISTRICT	TYPE	AMOUNT	TICKET #
Elizabeth Senseney	Charles Town	Personal Property	\$10.02	304278

In re: COMPLETE BOND RELEASE - MISSION MOUNTAIN LLC

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Morgan, second by Tabb to approve the complete release of a bond in the amount of \$86,877 for Mission Mountain LLC for the Beacon Hill Subdivision. Motion carried.

In re: PLANNING COMMISSION ACTIVITY REPORT

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

In re: PUBLIC COMMENT

Joe Coakley commented on impact fee agreements with the municipalities.
Mike Thompson commented on House Bill 4037.

In re: HOUSE BILL 4037 - POSITION OF COUNTY COMMISSION

The Commission discussed House Bill 4037. After discussion, the Commission agreed to request information from the Assessor's office and place the matter on next week's agenda.

In re: DOUG ESTEPP - SAVE AMERICA'S TREASURES GRANT

Doug Estep, from JCPASH, appeared before the Commission to request that the Commission seek National Register Status for the county jail building. After discussion, the Commission agreed to place the matter on the agenda next week.

In re: MARK SCHIAVONE - DEPARTMENT OF IMPACT FEES ANNUAL REPORT

Mark Schiavone appeared before the Commission to give the Department of Impact Fees Annual Report. Dr. Schiavone recommended putting on the agenda next week for consideration, a resolution to adopt the changes presented. The Commission agreed to place the matter on the agenda.

In re: DR. STEVEN NICHOLS & ALAN STURM - PRESENTATION OF CIP AND UPDATE ON IMPACT FEES

Dr. Steven Nichols and Alan Sturm, from the Jefferson County Board of Education appeared before the Commission to present their CIP. Dr. Nichols and Mr. Sturm also discussed Impact Fees.

In re: PETER FRICKE & WILLIAM WHITE - RESOLUTION IN SUPPORT OF RENOVATION

OF THE HISTORIC WHITE CHURCH

Peter Fricke and William White Grantham appeared before the Commission to request the Commission approve a Resolution and Letter of Support for the renovations to the Historic White Church. After discussion, motion by Surkamp, second by Tabb to approve a Resolution and a Letter of Support for the renovations to the Historic White Church. Motion carried.

In re: TONI MILBOURNE - PARKS AND RECREATION - FIREWORKS

Toni Milbourne, from the Parks and Recreation Commission, appeared before the Commission to request a contribution of \$10,000 in order to help with cost of providing a fireworks display in the County for the 4th of July celebration. The Commission took no action on this matter.

The Commission took a 5 minute break at 10:55 a.m.

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 updated the Commission on election information.

In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD

Motion by Tabb, second by Morgan to appoint Chris Lotze to the Farmland Protection Board for an unexpired term ending September 7, 2008. Motion carried.

In re: APPOINTMENT TO THE AMBULANCE AUTHORITY

The Commission took no action on this agenda item.

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

The Commission took no action on this agenda item.

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

The Commission took no action on this agenda item.

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

The Commission took no action on this agenda item.

In re: RESOLUTION - LOCAL ECONOMIC DEVELOPMENT ASSISTANCE GRANT - AFFORDABLE HOUSING AUTHORITY

Motion by Morgan, second by Tabb to approve the Local Economic Development Assistance Grant for the Affordable Housing Authority in the amount of \$40,000. Motion carried.

In re: RESOLUTION - LOCAL ECONOMIC DEVELOPMENT ASSISTANCE GRANT - CITIZENS FIRE COMPANY

Motion by Tabb, second by Morgan to approve the Local Economic Development Assistance Grant for Citizens Fire Company in the amount of \$8,000. Motion carried.

In re: APPROVAL OF EMPLOYMENT - BRANDON CORBETT HAYNES - SHERIFF'S LAW ENFORCEMENT DEPARTMENT

Motion by Morgan, second by Tabb to approve the employment of Brandon Corbett Haynes in the Sheriff's Law Enforcement Department. Motion carried.

In re: DEPARTMENT OF IMPACT FEES - REQUEST FOR TRANSFER OF FUNDS BETWEEN ACCOUNTS

Motion by Tabb, second by Morgan to approve the transfer of funds between accounts for the Department of Impact Fees. Motion carried.

In re: CITY OF RANSON - SCHOOL IMPACT FEE/PUBLIC EDUCATION IMPROVEMENT PROFFER - INTERGOVERNMENTAL AGREEMENT

The County Administrator recommended that the Commission refer any questions concerning this matter to legal counsel.

In re: PARKS & RECREATION COMMISSION - WVDOH RECREATIONAL TRAILS PROGRAM GRANT - RESOLUTION & LETTER OF SUPPORT

Motion by Morgan, second by Surkamp to approve the resolution and letter of support for the WVDOH Recreational Trails Program Grant for the Parks and Recreation Commission. Motion carried.

In re: ESTATE OF DAVID RAY DEVILBISS - PETITION FOR PROBATE OF WILL IN SOLEMN FORM

David Camiletti, counsel for the petitioner, appeared before the Commission to request the approval

of a Petition for Probate of Will in Solemn Form for the Estate of David Ray Devilbiss. Sworn testimony was heard from Glenda Watkins. Stacey Stanley and Cathy Jo Devilbiss were present and stated that they had no objections to the petition. Motion by Morgan, second by Tabb to approve the Petition for Probate of Will in Solemn Form for the Estate of David Ray Devilbiss. Motion carried.

In re: HOWLING DOG ORDINANCE DISCUSSION

The Commission discussed the possibility of implementing a howling dog ordinance. No action was taken on this matter.

In re: OMBUDSMAN FOR JEFFERSON COUNTY TO THE LEGISLATURE

The Commission discussed appointing an ombudsman for Jefferson County to report on legislative issues. No action was taken on this matter.

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

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

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

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

Motion by Tabb, second by Morgan to direct the County Administrator to hire legal counsel to defend the County Commission in case number 06C24. Motion carried.

In re: PETER L. CHAKMAKIAN - TRANSFERABLE DEVELOPMENT RIGHTS ORDINANCE

Peter L. Chakmakian appeared before the Commission to discuss the possibility of a transferable development rights ordinance in Jefferson County. After discussion, motion by Surkamp to schedule two public hearings on the matter of a transferable development rights ordinance. Motion failed due to a lack of a second. The Commission agreed to put the matter on the agenda next week.

The Commission recessed at 12:30 p.m. The Commission reconvened at 1:45 p.m.

In re: COUNTY COMMISSION REPORTS

Commissioner Tabb reported on a Development Authority meeting.

Commissioner Tabb reported on an Extension Service meeting.

Commissioner Morgan reported on a meeting with Matt Grove.

Commissioner Morgan reported on a Water Advisory Committee meeting

Commissioner Morgan discussed parking issues.

Commissioner Surkamp reported on a Historic Landmarks Commission meeting.

Commissioner Surkamp reported on a Homeland Security Steering Committee meeting.

Commissioner Manuel reported on the training for the voting machines.

Commissioner Manuel reported on legislative issues.

In re: MAINTENANCE BUILDING DISCUSSION

Bill Polk, Maintenance Director, appeared before the Commission to discuss the proposed maintenance building. After discussion, the Commission agreed to have Mr. Polk inquire into if the bid previously received for \$390,000 was still good.

In re: PUBLIC COMMENT

Fred Blackmer commented on transportation funding.

The County Administrator reminded the Commission that they will convene as a Board of Review and Equalization beginning February 1, 2006, at 1:30 p.m.

Commissioner Manuel reminded the Commission of Emergency Preparedness Night at 7:00 p.m this evening.

The Commission received the following information:

Appointments to be made to the Jefferson County Water Advisory Committee on February 16, 2006.

Appointments for alternate members to be made to the Board of Zoning Appeals on February 23, 2006.

Appointments to be made to the Eastern Panhandle Transit Authority Board of Directors on February 23, 2006.

Jefferson County Emergency Preparedness Night is scheduled for January 26, 2006, at 7:00 p.m. at Independent Fire Company.

Notice that the County Commission will convene as a Board of Review and Equalization on February

1, 2006.

Acceptance of Bond for RAI Group LLC in the amount of \$323,492.15.

Correspondence received from Randall DeHaven concerning budget deliberation work sessions.

Copies of correspondence sent to Senator Kessler and Senator Yoder received from the Prosecuting Attorney concerning House Bill 4037.

Subdivision Regulation Rewrite suggestions received from Commissioner Morgan.

Correspondence received from the Department of Environmental Protection concerning the Storm Water Pollution Plan for Sam Michaels Park Recreation Center.

Correspondence received from Donald W. Campbell concerning the General Management Plan for Harpers Ferry National Historical Park.

News Release received from the 167th Airlift Wing of the farewell ceremony for the last three C-130 Hercules on February 4, 2006.

Copy of an article received concerning increased property taxes and deferred payment.

Copy of correspondence sent to Dewberry received from the Ambulance Authority concerning Willow Springs Apartments VI.

Legislative information received from the Association of Counties.

Legislative information received from the County Commissioners' Association.

Notice received from Loudoun County of a Public Hearing on amendments to the Loudoun County Comprehensive Plan, Zoning Ordinance and Zoning Map on February 9, 2006 and February 11, 2006.

E-911 fees received from Vartec, Excel and Fibernet.

Correspondence received from Frederick Hatcher concerning property tax assessments.

Notice of a Special Meeting on Friday, January 27, 2006, at 1:30 received from the Jefferson County Public Service District.

Correspondence received from Adelphia concerning channel additions.

Notice of Proposed Retention for Adelphia Communications Corporation received from the United States Bankruptcy Court.

Oath of Office received from Christy Huddle as a member of the Board of Zoning Appeals.

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

C. DALE MANUEL, PRESIDENT PRO TEM