

**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, February 2, 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 Morgan, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, January 26, 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 February 2, 2006, totaling \$60,266.51: 41270, 41962, 41541, 41542, 42081, 42265, 42266, 42267, 42268, 42269, 42214, 42215, 42216 and 42217. 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.

The Commission advised Mr. Raco of the TDR Workshop scheduled for Thursday February 9, 2006.

**In re: JAY WATSON & PETE KELLEY - JEFFERSON COUNTY FIRE & RESCUE ASSOCIATION - PAID ASSISTANCE PROPOSAL**

Jay Watson appeared for the Commission for presentation of a proposal requesting Paid Assistance to Jefferson County Fire and Rescue Companies.

Mr. Watson reported on expenditures and qualification requirements for paid personnel, municipality contributions, emergency response volunteers, fund raising contributions and state funding received.

Pete Kelley appeared before the Commission to report on call volume and statistics. Mr. Kelley also reported on the results of the 5-year needs assessment conducted by the Fire and Rescue Association.

The Commission agreed by consensus to conduct a work session with Jefferson County Fire and Rescue Association for further review and consideration of their request.

Mr. Watson expressed gratitude to the Commission on behalf of the five county fire companies: Independent, Blue Ridge, Citizens, Shepherdstown and Friendship Fire Companies for their consideration.

**In re: SHANNA DICK - WVU EXTENSION AGENT ENERGY EXPRESS**

Shanna Dick, WVU Extension Agent appeared before the Commission to request \$3,000.00 in funding for the Energy Express Program.

Ms. Dick gave a detailed description of the Energy Express Program offered by the West Virginia University Extension Service to youths in Jefferson County. Ms. Dick reported Americorps contributions to the Energy Express Program by Americorps.

After discussion, motion by Manuel, second by Morgan to contribute \$3,000.00 to the Energy Express Program from the 2007 budget as requested by Shanna Dick. Motion carried.

**In re: PATTY BENNETT AND PAM QUIMETTE - POTOMAC HIGHLANDS SUPPORT SERVICES**

Patty Bennett appeared before the Commission on behalf of Potomac Highlands Support Services to request funding in the amount of \$2,500.00. Ms. Bennett reported on the expenditures and services provided by Potomac Highlands Support Services to businesses and non-profit organizations in Jefferson County.

After discussions, the Commission agreed to review and consider this budget request further during budget deliberations.

**In re: MARK SCHIAVONE - IMPACT FEE ORDINANCE AMENDMENTS - SCHOOL, PARKS & RECREATION, LAW ENFORCEMENT AND FIRE & EMS**

Dr. Mark Schiavone, Impact Fee Coordinator appeared before the Commission to request a Resolution endorsing the scheduled inflation adjustments for the Law Enforcement, Parks & Recreation and Fire & EMS impact fee schedules.

Dr. Schiavone also requested a public hearing be scheduled with regard to incorporating the 2006 School Impact Fee calculation into ordinance 2003-3 and to discuss inflation adjustments.

Dr. Schiavone gave a detailed report of the Impact Fee Annual report generated to the County Commission on Thursday, January 26, 2006.

After discussion, motion by Manuel, second by Morgan authorizing Leslie D. Smith, County Administrator to schedule a public hearing as requested by Dr. Mark Schiavone to discuss the 2006 school impact fee calculations and inflation adjustments. Motion carried.

**The Commission took a 5-minute recess 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 and to provide an Elections update.

Ms. Maghan reported on research conducted by Election Advisory Committee members with regard to ballot tampering and security, voting procedures and the projected locations and usage of web cams. Ms. Maghan requested authorization to purchase necessary web cams from the election budget with a purchase order to be submitted the week of February 9, 2006.

Ms. Maghan discussed the necessary precinct changes for Precinct 3 and 15. Ms. Maghan reported that all voters would be notified of precinct changes.

After discussion, motion by Manuel, second by Morgan to approve the changes to Precinct 3 from St. Thomas Lutheran Church to Citizen's Fire Hall and Precinct 15 from Bolivar Community Center to Harpers Ferry Middle School. Motion carried.

**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 to discuss pending litigation with regard to §6-9A-4 Exemptions. Motion carried.

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

Motion by Morgan, second by Manuel authorizing Assistant Prosecuting Attorney's Brandon Sims and Stephanie Grove to act on the legal matters discussed in executive session as necessary. Motion carried.

**In re: SPECIAL FIDUCIARY SESSION - ESTATE OF DOMINICK L. FRANKLIN**

Motion by Corliss, second by Tabb to acknowledge the acceptance of the Fiduciary Account for the Estate of Dominick L. Franklin presented by the Jefferson County Probate Office and approve the Estate of Dominick L. Franklin as presented. Motion carried.

**In re: BILL LEWANDOWSKI - PLANNING COMMISSION RECOMMENDATIONS REGARDING HOUSE BILL 3261**

Bill Lewandowski, Planning Commission President appeared before the Commission to report on the recommendations of the Planning Commission with regard to House Bill 3261. Mr. Lewandowski referenced policies and procedures as they apply from West Virginia Code 8A.

Commissioner Manuel reported on the status of House Bill 3261 at the legislative level.

Motion by Surkamp to forward Mr. Lewandowski's letter to the House of Delegates requesting non-support of House Bill 3261.

Due to lack of a second Commissioner Surkamp withdrew his motion.

Motion by Corliss, second by Surkamp authorizing the County Commission's endorsement of the Planning Commission's recommendations to the House of Delegates. Motion carried by a 4-1 vote. Commissioner Manuel voted no.

**In re: LEGISLATIVE ISSUES**

Commissioner Manuel reported on the status of the introductory House Bill pertaining to implementation of a Charitable Solicitation Ordinance.

Commissioner Manuel reported that House Bill 4314 was introduced on February 1, 2006. Commissioner Surkamp expressed his concerns with House Bill 4314 clauses.

**In re: MAINTENANCE BUILDING DISCUSSION**

Leslie D. Smith, County Administrator reported on previous bidding procedures and contract negotiations for the Jefferson County Maintenance Building project.

Commissioner Morgan expressed his concerns with storage capacity and the jail renovation project with regard to expenditures.

Leslie D. Smith recommended the Commission rebid the Maintenance Building proposals. \_\_\_\_\_ Motion by Manuel, second by Tabb to rebid the maintenance building with four bays exclusively for maintenance department use. 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**

Leslie D. Smith, County Administrator reported that this matter is currently under legal review by Assistant Prosecuting Attorney, Brandon Sims.

**In re: HOUSE BILL 4037 - POSITION OF COUNTY COMMISSION**

Commissioner Surkamp reported that the House of Delegates passed House Bill 4037 on February 1, 2006 and it is pending Governor approval. Commissioner Surkamp expressed his concerns with the effects of House Bill 4037 on Jefferson County Government.

Commissioner Manuel expressed his opposition of House Bill 4037.

Commissioner Morgan expressed his concerns with taxing classes and the effects to recipients of affordable housing.

Motion by Surkamp to send a letter to Governor Manchin requesting veto of House Bill 4037 as recommended by Prosecuting Attorney, Michael Thompson.

After discussions, Commissioner Surkamp withdrew his motion.

Motion by Surkamp, second by Manuel to send a letter to the Governor requesting veto of House Bill 4037 and request that HB4037 be placed on the agenda of the special tax session with the House of Delegates. Motion carried.

**In re: HIRING LEGAL COUNSEL FOR IMPACT FEE EXEMPTION CASE**

Leslie D. Smith, County Administrator reported on the letter of interest received from the Law Office of Kratovil and Amore. Commissioner Manuel reported on John Skinner and David Hammer's interest in providing legal counsel for the Impact Fee Exemption case. The Commission discussed the qualifications of all interested attorney's.

After discussion, motion by Morgan, second by Corliss to contract David Hammer, Esquire to provide legal services to the County Commission for the Impact Fee Exemption case. Motion carried by a 4-1 vote. Commissioner Tabb voted no.

**In re: LETTER TO DELEGATION AND GOVERNOR ASKING THAT HB4037 NOT BE PASSED AND SIGNED INTO LAW IN ORDER TO DISCUSS TAX REFORM IN THE SPECIAL SESSION**

This matter was rectified under agenda item: House Bill 4037 - Position of County Commission.

**In re: AMENDMENTS TO IMPACT FEE ORDINANCE**

This matter was rectified under agenda item: Mark Schiavone - Impact Fee Ordinance Amendments - School, Parks & Recreation, Law Enforcement and Fire & EMS.

**In re: SAVE AMERICA'S TREASURES GRANT**

Leslie D. Smith, County Administrator discussed the requirements in acquiring a National Registry for the Historic Jail as required by the National Park Service for the Save America's Treasures grant application.

Motion by Morgan, second by Corliss authorizing the County Administrator to draft a letter to Matthew Grove requesting he acquire the proper status for the Save America's Treasures grant. Motion carried.

**In re: LEGAL COUNSEL FOR AGE RESTRICTED IMPACT FEE LAWSUIT**

This matter was rectified under agenda item: Hiring Legal Counsel for Impact Fee Exemption Case.

**In re: REQUEST FOR APPROVAL OF EMPLOYEE IN SHERIFF'S LAW ENFORCEMENT OFFICE**

Motion by Tabb, second by Manuel to approve the full-time employment of Evelyn Jean Partlow at the Jefferson County Sheriff's Office. Motion carried.

**In re: COMMUNITY CENTER - PROPOSAL FOR CONSTRUCTION MONITORING AND TESTING SERVICES - TRIAD ENGINEERING, INCORPORATED**

After review of the proposed contract by Commissioners Morgan and Tabb the Commission agreed by consensus that County Commission President, Gregory A. Corliss would affix his signature upon the contract for Triad Engineering to conduct construction monitoring and testing services as presented by Tim Barr, Parks and Recreation Director.

**In re: PROPOSED HOME CONSORTIUM FOR THE EASTERN PANHANDLE**

At the request of City of Martinsburg officials, the Commission agreed that Commissioner Morgan and Commissioner Manuel would attend the Proposed Home Consortium for the Eastern Panhandle on behalf of the Jefferson County Commission.

**In re: SHEPHERDSTOWN FIRE DEPARTMENT - REQUEST FOR THE CREATION AND FUNDING FOR A VOLUNTEER RECRUITMENT AND RETENTION COORDINATOR**

Upon acknowledgment of this request, the Commission agreed to review and consider this request further during budget deliberations.

**In re: SHEPHERDSTOWN FIRE DEPARTMENT - REQUEST FOR PLACEMENT OF FULL-TIME EMERGENCY MEDICAL RESPONDER AT COMPANY 3**

Upon acknowledgment of this request, the Commission agreed to review and consider this request further during budget deliberations.

**In re: CITY OF RANSON - ANNEXATION REQUEST**

David Mills, City Manager for the Corporation of Ranson appeared before the Commission for discussion and presentation of a proposed annexation for property adjacent to the Tackley Mill Development consisting of three (3) parcels, totaling 2.7 acres with a capacity of up to thirty-eight (38) units. Discussion also included Mr. Mills' report on Ranson's Annexation Policy.

After discussion, the Commission agreed by consensus to present Mr. Mills' request to Prosecuting Attorney Michael Thompson for further review and consideration.

**In re: REQUEST LETTER FROM PROSECUTING ATTORNEY REGARDING REASONS FOR REFUSAL TO REPRESENT COUNTY COMMISSION IN IMPACT FEE EXEMPTION CASE**

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission to distribute Michael Thompson's letter outlining the reasons for being unable to represent the County Commission in the Impact Fee Exemption case.

The Commission took no action on this agenda item.

**In re: LETTER TO LEGISLATIVE DELEGATION AND GOVERNOR TO OPPOSE ANY LEGISLATION HARMFUL TO LOCAL HORSE INDUSTRY**

The Commission agreed to table this matter.

**In re: FORMAL DISCUSSION AND ACTION - COUNTY COMMISSION AUTHORITY TO REMOVE MORE THAN ONE PLANNING COMMISSION MEMBER**

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission to report on Commission Policy and West Virginia Code 8A procedures and statutes.

The Commission took no action on this agenda item.

**In re: DISCUSSION - EXECUTIVE SESSION - USES AND ABUSES**

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission to report on the Open Governmental Procedures Act and Peters V. Wood County Commission (205 W. Va. 481) with copies of the statute presented to the Commission.

Commissioner Surkamp expressed his concerns with litigation being conducted in open session as opposed to executive session.

The Commission took no action on this agenda item.

**In re: JOB CORPS MEMORIAL SERVICE IN MEMORY OF 10 YEAR ANNIVERSARY OF THE YOUTH KILLED IN TRAIN CRASH**

The Commission agreed by consensus that Commissioner James Surkamp would attend the Job Corps Memorial Service in Memory of 10 year anniversary of the youth killed in train crash.

**In re: COUNTY COMMISSION REPORTS**

The Commission offered no reports for the week of February 2, 2006.

**The Commission received the following information:**

Acceptance of bond for Beacon Hill Estates Subdivision in the amount of \$86,877.

Correspondence received from Sheriff Boober concerning Courthouse security.

2<sup>nd</sup> Quarter Fiscal Year 2006 Service and Expenses Report received from the Ambulance Authority.

Correspondence received from Senator John D. Rockefeller, IV concerning the West Virginia Summit on Homeland Security II on March 19-20, 2006.

Correspondence received from the Division of Highways concerning Division of Highways and 2006 Transportation, Community and System Preservation projects.

Correspondence received from Ohio County Commissioner Tim McCormick concerning appointing a representative to the NACo Board of Directors.

West Virginia Local Health Department Contact Information booklet received from the Department of Health and Human Resources.

Notice received from the Office of the State Auditor of in-service training programs.

Information received concerning Jefferson County Emergency Preparedness Night.

Capital Improvement Plan received from the Board of Education.

Capital cost calculations received from the Board of Education.

Correspondence received from the West Virginia Pharmaceutical Cost Management Council concerning prescription drug costs.

Correspondence received from Frederick Hatcher concerning property taxes.

Notice received from Loudoun County of a hearing for proposed amendments to the comprehensive plan.

E-911 fees received from IDT Corporation and AT&T Communications of West Virginia.

Legislative Information received from the County Commissioners' Association.

Copies of Newspaper articles received from the County Commissioners' Association concerning legislation.

Correspondence received from the Association of Counties concerning the 2006 WVACo Annual Meeting.

Legislative information received from the Association of Counties.

Copy of newspaper article concerning a bill to allow local funding of road projects.

January 2006 newsletter received from the Old Opera House.

Notice received from the Department of Planning, Zoning and Engineering of a Subdivision Work Session on February 3, 2006.

Oath of Office received from John M. Sherwood as a member of the Jefferson County Board of Health.

Upon rising, the Commission recessed until Thursday afternoon next beginning at 1:30 o'clock p.m.

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GREGORY CORLISS, COMMISSION PRESIDENT