

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

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

**In re: PLEDGE OF ALLEGIANCE**

**Commissioner Surkamp conducted the Pledge of Allegiance.**

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

**Motion by Tabb, second by Morgan to dispense with the reading of the Minutes for the Board of Review and Equalization meeting held on Wednesday, February 1, 2006, and Thursday, February 2, 2006 and to approve the Minutes as prepared. Motion carried.**

**Motion by Morgan, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, February 2, 2006, and to approve the Minutes as amended. Motion carried.**

**In re: APPROVAL OF PURCHASE ORDERS**

**Motion by Corliss, second by Morgan to approve the following Purchase Orders for the Week of February 6, 2006, totaling \$35,005.56: 42080, 42083, 42084, 42264, 42271, 42272, 41966, 42176, 42190, 42191, 42192, 42193, 42194, 42195, 42196, 42197, and 42198. Motion carried.**

**In re: LEGISLATIVE ISSUES**

**Commissioner Manuel discussed current Legislative Issues.**

**In re: PARTIAL BOND RELEASE - MARK COLONIAL HILLS, LLC**

**Motion by Morgan, second by Tabb to approve the partial bond release for Mark Colonial Hills, LLC in the amount of \$740,124.88 with the County to retain \$358,541.10. Motion carried.**

**In re: PUBLIC COMMENT**

**No Public Comment was given.**

**In re: APPOINTMENT TO THE JEFFERSON COUNTY 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 MEMBERS TO THE BOARD OF ZONING APPEALS**

The Commission agreed to hold interviews for the Alternate Members to the Board of Zoning Appeals next week.

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

The Commission took no action on this agenda item. The Commission reported that this matter is still under legal review.

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

The Commission took no action on this agenda item. The Commission reported that this matter is still under legal review.

**In re: HOUSE REPLACEMENT AT LYLE C. TABB & SONS, INC.**

Jane Tabb appeared before the Commission to discuss the house replacement at Lyle C. Tabb & Sons, Inc. She discussed the paper work with Dr. Mark Schiavone, Impact Fee Coordinator. She also discussed the Impact Fee Exemption. She reported that the house was torn down and the new house would replace that one.

**In re: JEFFERSON COUNTY OFFICE OF HOMELAND SECURITY - REQUEST FOR THE APPOINTMENT OF BILL BUETTIN TO THE JEFFERSON COUNTY OFFICE OF HOMELAND SECURITY'S STEERING COMMITTEE**

Motion by Corliss, second by Surkamp to appoint Bill Buettin to the Jefferson County Office of Homeland Security's Steering Committee. Motion carried.

**In re: BERKELEY COUNTY COMMISSION - REQUEST FOR DESIGNATED CONTACT PERSON FOR THE PURPOSE OF HOMELAND SECURITY**

Motion by Corliss, second by Tabb to send correspondence to the Berkeley County Commission designating Barbara Miller, Office of Homeland Security as the contact person for Jefferson County and to notify Berkeley County Commission that Darrell Penwell, Director of Emergency Management would be the next contact person as well as Leslie D. Smith, County Administrator. Motion carried.

**In re: ROGER BOYER - POTOMAC HEADWATERS RC&D ANNUAL REPORT AND BUDGET HEARING**

Roger Boyer, Potomac Headwaters Project Coordinator and Marian Buckner, Jefferson County Commission Representative appeared before the Commission to give the Annual Report and request funds for FY2006.

After the presentation, the Commission agreed to discuss the request for funds during the budget deliberation.

**In re: GEORGE RUTHERFORD & DEBORAH PISATELLI - NIAGRA MOVEMENT MEMORIAL COMMEMORATION**

George Rutherford and Deborah Pisatelli appeared before the Commission to discuss the Niagra Movement Commemoration to be held in Jefferson County in August 2006. Mr. Rutherford and Deborah Pisatelli informed the Commission that they still need \$20,000 for the project and requested that the Commission make a one time allocation in that amount or any amount would be appreciated. Commissioner Surkamp commented and said that he would support the \$20,000 during the budget deliberation. The Commission agreed to discuss this during their budget deliberation.

**In re: JANE PETERS - DEVELOPMENT AUTHORITY**

Jane Peters, Jefferson County Development Authority Executive Director appeared before the Commission to give the Annual Report.

Jane Peters also requested an exemption for bonding - New Phase Burr Business Park. The Commission agreed to place this matter on next week's agenda and to request information from the Department of Planning, Zoning and Engineering regarding the exemption for bonding.

**In re: PETER CHAKMAKIAN - JDM LOCUST HILL - REQUEST FOR BOND RELEASE - FILE NO. 01-09**

This matter was cancelled and was requested to be placed on next week's agenda.

**In re: DISCUSS SECURITY BOLLARDS/BOLLARD FOR COURTHOUSE**

The Commission agreed to refer this matter to the Security Committee and to place this item in next week's agenda with information gathered from the Security Committee.

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

Susan Marshall, Assistant County Clerk appeared before the Commission to request a change in precinct. Precinct 3 - change from Citizens Fire Company to Charles town Baptist Church.

Motion by Morgan, second by Surkamp to change location of Precinct 3 from Citizens Fire Company to the Charles Town Baptist Church. Motion carried. For the record, Susan Marshall informed the Commission that the County Clerk's office would be placing the notice in the local paper regarding the precinct change.

**In re: AMENDMENTS AND ADJUSTMENTS TO IMPACT FEES - MARK SCHIAVONE**

Dr. Mark Schiavone, Impact Fee Coordinator appeared before the Commission to discuss the amendments and adjustments to Impact Fees. After discussion, Dr. Schiavone informed the Commission that he will recalculate the figures and report back to the Commission next week.

Dr. Schiavone also discussed the possibility of reinvestigating exemptions and asked if the Commission would also like to open up the Procedures Ordinance as well. The Commission agreed that they were interested and Dr. Schiavone informed the Commission that he would give the Commission a report next week regarding this matter.

**In re: ASSIGNING DIRECTOR OF IMPACT FEES/IMPACT FEE COORDINATOR ADDITIONAL STAFF RESPONSIBILITIES FOR COUNTY STAFF COORDINATION AND REVIEW OF PROPOSALS RELATED TO PAID FIREFIGHTERS, FIRE BOARD, AMBULANCE BOARD AND FIRE/AMBULANCE FEES**

Motion by Corliss, second by Surkamp to assign Director of Impact Fees/Impact Fee Coordinator additional staff responsibilities for county staff coordination and review of proposals related to paid firefighters, Fire Board, Ambulance Board and Fire/Ambulance Fees. Motion by Manuel, second by Tabb to table this matter and to place this on next week's agenda. Motion passed by a 3-2 vote. Commissioners Corliss and Morgan voted no.

**In re: SHERIFF BOOBER - REQUEST FOR BUDGET REVISION**

Motion by Morgan, second by Corliss to approve the Budget Revision requested by Sheriff Boober. Motion carried.

**In re: BRANSON 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 Tabb, second by Morgan to enter into Executive Session to discuss pending litigation. Motion carried. For the record, Michael Thompson, Prosecuting Attorney was present during the Executive Session.

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

Motion by Corliss, second by Morgan to hire David Hammer, Esquire and to refer the Charles Town lawsuit to Mr. Hammer. Motion carried.

**In re: SPECIAL FIDUCIARY SESSION - ESTATE OF GRACE MARY MASTER**

Motion by Morgan, second by Corliss to acknowledge the acceptance of the Fiduciary Account for the Estate of Grace Mary Master presented by the Jefferson County Probate Office and approve the Estate of Grace Mary Master as presented. Motion carried.

**In re: JOHN V. FINAMORE - CHARLES TOWN RACES & SLOTS**

John V. Finamore, Senior Vice President - Regional Operations for Penn National Gaming, Inc. appeared before the Commission to make a brief presentation and provide formal assurance regarding the company's on-going commitment to thoroughbred horse racing and to discuss the table games bill.

**In re: RAYMOND J. FUNKHOUSER - CHARLES TOWN HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION**

Raymond J. Funkhouser, President - Charles Town HBPA, Inc. appeared before the Commission to address House Bill 4314 and to present a Resolution adopted by the Charles Town HBPA, Inc.

**In re: ESTABLISH POSITION AND DESIRED ACTION OF COUNTY COMMISSION REGARDING PENDING TABLE GAMES BILL BEING ADDRESSED BY LEGISLATURE**

Motion by Surkamp, second by Morgan to oppose House Bill 4314 in its current form and to send a letter stating that to our Delegates and Brian Kastick, the Governor's Aid. Motion carried. For the record, the Commission discussed possibly having a work session in the future to discuss this matter.

The Commission took a 25 minute recess at 1:05 p.m.

The Commission reconvened at 1:30 p.m. as a Board of Review and Equalization.

The Commission returned to Regular Session at 1:33 p.m.

**In re: ADDITIONAL SPACE FOR SHERIFF'S OFFICE IN THE MASON BUILDING**

Motion by Morgan, second by Surkamp to authorize the Sheriff to use the space that was vacated by the Parks and Recreation Commission in the Mason Building for additional space for the Sheriff's Office. Motion carried.

**In re: SET BUDGET PERCENTAGE FOR NON PROFITS AND ESTABLISH DOLLAR LIMITS FOR INDIVIDUAL GRANTS**

The Commission agreed to place this matter on next week's agenda. For the record, Commissioner Surkamp was not present for this discussion.

**In re: MOTION TO COLLECT DATA TO FACILITATE DELIBERATIONS ON SALARY ISSUES DURING THE UPCOMING BUDGET PREPARATIONS**

Motion by Manuel, second by Surkamp that the following data be collected to facilitate the Commission deliberations on salary issues during the upcoming budget preparations and to direct the County Administrator to collect the following data: Motion carried.

- ▶ The cost of moving all employees making less than \$23,000 up to that salary level
- ▶ The cost of moving all employees making less than \$24,000 up to that salary level
- ▶ The cost of moving all employees making less than \$25,000 up to that salary level
- ▶ Computing a salary at the following levels - 4%, 5% and 6%

**In re: COMMISSION REPORTS**

Commissioner Morgan discussed the possibility of having a Public Hearing in regards of a Draft Budget.

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

The Commission agreed to place the following items on next week's agenda:

- ▶ Harper's Ferry Center - 57 Jobs Scheduled for Cutting in the Next Nine Months
- ▶ Clarification of Legal Importance of Ethics Commission Advisory Opinions

**In re: COUNTY COMMISSION WORKSHOP - TRANSFERABLE DEVELOPMENT RIGHTS**

This matter was cancelled and was requested to be placed on next week's agenda.

The Commission received the following information:

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

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

Invitation received from the City of Ranson to attend a dedication of a Veterans Memorial on Saturday, February 18, 2006, at 12:30 p.m.

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

Notice of Hearing received on the question of whether or not the Court should issue a Rule to Show Cause upon Petitioners' Petition for Writ of Mandamus on February 9, 2006, at 9:00 for Case No. 06-C-24.

Notice received from the West Virginia Department of Environmental Protection concerning the approval of WV/NPDES General Water Pollution Control Permit for the Sam Michaels Park Recreation Center.

Correspondence received from Jason Ringer concerning the Noise Ordinance.

Correspondence received from the Walnut Grove-Security Hills Citizen's Association Inc. concerning driving laws on subdivision roads.

Correspondence received from the West Virginia Division of Homeland Security and Emergency Management concerning LEPC grant funding.

Correspondence received from Kodak Graphics Solutions and Services concerning Worker Adjustment and Retraining Notification Act.

Copy of correspondence sent to Sheriff Boober from Paul Rosa received concerning bollards.

Legislative information received from the County Commissioners' Association.

Correspondence received from the County Commissioners' Association concerning rules to assess the 911 fee on prepaid wireless services.

Legislative information received from the Association of Counties.

Copies of newspaper articles of interest received from the Association of Counties.

Harpers Ferry National Historical Park Community Bulletin received.

West Virginia Ethics Reporter received for January 2006.

Meeting minutes received from the Jefferson County Public Service District.

Weekly settlements 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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PRESIDENT PRO TEM