

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, March 2, 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 Manuel conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Morgan, second by Surkamp to dispense with the reading of the Minutes for the meeting held on Thursday, February 23, 2006, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by Morgan to approve the following Purchase Orders for the Week of February 27th, 2006, totaling \$39,934,042: 42089, 42280, 41537, 41543, 40953, 42279, 42282, 42283, 42284, 42285, 42329, 42333, 42199, 42200, 42201, 42202, 42203, 42205, 42206, 42207, 42209, and 42210. Motion carried.

In re: HB 3072 - MANDATORY SEWER HOOKUP BILL

SB708/HB 4684 - ALLOW HOME-SCHOOLED CHILDREN TO ENGAGE IN SCHOOL ATHLETICS

HB 4818 - FARMLAND PROTECTION PROGRAM GUTTING

HB 4511 - LIBRARIES FUNDING

HB 4512 - ADEQUATE FACILITIES BILL

Commissioner Manuel discussed the above agenda items and informed the Commission that these are dead and that no action will be taken on these bills this session. After discussion, motion by Manuel, second by Morgan to remove these items from the agenda. Motion carried.

In re: LEGISLATIVE ISSUES

Commissioner Manuel reported on the following:

SB613

Road bond issues

Proposed meeting with the Governor regarding State Police

Transportation Authority

In re: BONDING AND ACTIVITY REPORT

Sherry Kelley appeared before the Commission to give the Planning, Zoning and Engineering activity report for the week of February 27th, 2006.

In re: PUBLIC COMMENT

Toni Milbourn reported on the needs survey for the Parks and Recreation and that there will be a public meeting at a later date to discuss the results of the needs survey.

George Holland commented on constricting and venomous snakes and reptiles in his subdivision Canvass Back Ridge and asked that the Commission review this matter.

In re: JEFFERSON COUNTY PUBLIC LIBRARIES BUDGET HEARING

Linda Shay appeared before the Commission for budget requests.

Halli Taylor was present and gave a presentation to the Commission regarding funding for the Public Libraries.

Nancy Manuel was present and made comments.

The Commission agreed to consider the request during budget deliberations.

In re: EASTLAND HOMEOWNERS ASSOCIATION ALL TERRAIN VEHICLE (ATV) ORDINANCE

Motion by Morgan, second by Manuel to approve the Eastland Home Owners Association All Terrain Vehicle (ATV) Petition for Enactment of All-Terrain Vehicle Ordinance which meets the statutory requirements of West Virginia Code § 17F-1-3(2). Motion carried.

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

No action was taken on this agenda item. The Commission directed that the County Administrator schedule interviews for these applicants.

In re: APPOINTMENT TO THE WATER ADVISORY COMMITTEE

No action was taken on this agenda item.

In re: REQUEST FULL-TIME EMPLOYMENT - MR. OLIN "GENE" CARPER - ADDRESSING SPECIALIST

Motion by Surkamp, second by Tabb to approve the full-time employment of Olin "Gene" Carper as an Addressing Specialist.

**In re: PLANNING COMMISSION GUIDANCE
INSTRUCTION TO ASSISTANT PROSECUTING ATTORNEY
"INSTRUCTIONS TO PA"**

Motion by Surkamp to view the following governing bodies as experts in their field and can and submit to the Prosecuting Attorney for review and to discuss at the next meeting.

Motion by Morgan, second by Tabb to table these items indefinitely. Motion passed by a 3-2 vote. Commissioners Surkamp and Corliss voted no.

In re: PANTRAN BUDGET HEARING

Lynn Weiger, Director and Fred Blackmer, President of the Eastern Panhandle Transit Authority appeared before the Commission to give a presentation regarding financial support for the Eastern Panhandle Transit Authority.

The Commission agreed to consider the request for funding during their budget deliberation.

In re: BOARD OF ZONING APPEALS ALTERNATE INTERVIEW

J. Tyler Quynn appeared before the Commission for an interview for the Board of Zoning Appeals Alternate opening.

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

Motion by Morgan, second by Corliss to appoint Tyler Quynn as an Alternate Member to the Board of Zoning Appeals. Amended motion by Surkamp to add the appointment of Gerald Macfarlane as an Alternate Member to the Board of Zoning Appeals. Amended motion died due to the lack of a second. Original motion carried.

After further discussion, motion by Surkamp, second by Corliss to appoint Gerald Macfarlane as an Alternate Member to the Board of Zoning Appeals. Motion failed by a 1-4 vote. Commissioners Tabb, Corliss, Morgan and Manuel voted no.

In re: WATER INCREASE ON THE MOUNTAIN

The Commission discussed this matter. After discussion, motion by Manuel, second by Surkamp that the remarks be taken directly from the transcript and posted on the Shannondale.org website that Commissioner Manuel spoke of so that they can hear the whole story. Motion carried.

In re: JEFFERSON COUNTY FIRE AND RESCUE ASSOCIATION - ONE TIME ALLOCATION REQUEST

Motion by Morgan, second by Manuel to approve the request from the Jefferson County Fire and Rescue Association for a one time allocation in the amount of \$1,500 for the upcoming 2006 West Virginia State Firemen's Association Convention being hosted by the JCF&RA. Motion carried.

In re: BUDGET REQUEST FOR FUNDING OF THE LAST BUDGET LAST YEAR CONSIDERED GREEN INFRASTRUCTURE (ENVIRONMENTAL) STUDY AT \$50,000

Commissioner Corliss discussed the Green Infrastructure Study. After discussion, motion by Manuel, second by Corliss to approve \$45,000 from this year's budget for the Green Infrastructure (Environmental) Study. Motion carried.

In re: LETTER TO OUR DELEGATION OPPOSING SB

The Commission agreed to remove this item from the agenda. No action was taken on this matter.

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

Jennifer S. Maghan appeared before the Commission to give the County Clerk's Report.

Ms. Maghan reported on the precinct changes and an update on the new voting device. Ms. Maghan discussed the upcoming training in Flatwoods, WV and that training would be available to Commissioners in April.

In re: HEARING ON KEEPING CONSTRICTING AND VENOMOUS REPTILES AND SNAKES

The Commission discussed the request received from George Holland regarding holding a hearing on keeping constricting and venomous reptiles and snakes. After discussion, motion by Surkamp, second by Morgan to refer this matter to the Prosecuting Attorney for review regarding a hearing on keeping exotic constricting and venomous reptiles and snakes. Motion carried.

In re: CITY OF RANSON - ANNEXATION REQUEST

Upon recommendation from Brandon Sims, Assistant Prosecuting Attorney, the Commission agreed to hold over this agenda item for further review.

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

Brandon Sims, Prosecuting Attorney appeared before the Commission to give updates and report on the following:

She is working on the HSMM Public Safety Building Contract.

Letter to the Attorney General regarding TDR and was also faxed to Peter Chakmakian.

She has done research regarding Attorney General precedence.

In re: EXECUTIVE SESSION

Motion by Manuel, second by Tabb to enter into Executive Session to discuss pending litigation with Assistant Prosecuting Attorney Brandon Sims and Stephanie Grove as per West Virginia Code §6-9A-4. Motion carried

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

In re: APPOINT A JEFFERSON COUNTY TRANSFERABLE DEVELOPMENT RIGHTS (TDR) COMMITTEE

Commissioner Corliss discussed appointing a Jefferson County Transferable Development Rights (TDR) Committee. After discussion, motion by Corliss, second by Morgan to appoint a Jefferson County Transferable Development Rights (TDR) Committee to study, evaluate and make recommendations to the County Commission regarding a TDR Ordinance and the TDR Committee to consist of Jane Tabb, Chairperson, County Commission Representative, County/Local Developer, County/Local Lawyer, Farm Bureau Representative, Planning, Engineering and Zoning Representative, Planning Commission Representative, Water Advisory Committee Representative, Development Authority Representative, one Representative from the Municipalities, and a Representative from the PSD. Motion carried.

Motion by Manuel, second by Morgan to advertise the appointments for three weeks and to appoint on March 30, 2006 for the County/Local Lawyer and the County/Local Developer. Motion carried.

The Commission took a 5 minute break at 11:48 a.m..

Commissioner Manuel gave an update on SB 706. That bill did not move.

In re: COUNTY COMMISSION REPORTS

Commissioner Morgan reported on the Health Care meeting he attended in Romney.

Commissioner Morgan reported on the Libraries meeting he attended.

Commissioner Morgan reported on the Water Advisory Committee meeting he attended.

Commissioner Morgan reported on the Affordable Housing meeting he attended.

Commissioner Manuel discussed the Library funding.

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

Commissioner Tabb reported on the Region 9 Council meeting she attended.

Commissioner Manuel discussed the proposed meeting with the Governor and will inform the Commission of the date of the meeting.

Commissioner Corliss reported on the Planning Commission meeting he attended.

In re: EXECUTIVE SESSION

Motion by Morgan, second by Manuel to enter into Executive Session to discuss land purchase as per West Virginia Code §6-9A-4. Motion carried.

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

In re: COUNTY COMMISSION WORKSHOP - MATTHEW GROVE JAIL ARCHITECT

The Commission held a work session with Matthew Grove, Architect to discuss the Jail renovations. No action was taken in this work session.

In re: BUDGET HEARINGS

The Commission held a work session to hold budget hearings. No action was taken during the budget hearings.

The Commission received the following information:

Reminder of Impact Fee Public Hearing on March 9, 2006 at 7:00 p.m.

Budget Work Sessions March 3rd, 6th, 8th and 10th beginning at 9:00 a.m.

Assessed Values For Fiscal Year 2007.

Correspondence received from the Public Service Commission regarding Case No: 06-0093-W-42T - Jefferson Utilities, Inc.

Correspondence received from Kodak Graphics Solutions and Services regarding Worker Adjustment and Retraining Notification (WARN) Act.

Draft Ordinance No. 2003-3 - An Ordinance Providing for the Imposition of a Public School Impact Fee on all New Residential Development; Proposed Ordinance Amendments.

Invitation received from Page Jackson Elementary School to celebrate the Week of March 6-10, 2006 by having breakfast at their school.

Correspondence received from the Eastern Panhandle Home Builders Association, Inc. regarding an article on the impact of permit delays.

Correspondence received from Anthony Hall regarding an assembling on public property in front of Charles Town 7th Day Adventist Church on Summit Point Road.

Correspondence received from the Department of Planning, Zoning and Engineering regarding Subdivision Works Sessions on Friday, March 3, 2006 at 10:00 a.m.

Correspondence received from Robert R. Baronner, Jr., President and CEO of Potomac Bancshares regarding announcement of unaudited financial results for 2005 - The company's total was \$0.34 per share for 2005 as compared to \$0.30 per share for 2004.

Harpers Ferry National Historical Park Community Bulletin received for March 2006.

Weekly Settlement for Charles Town Races received from the West Virginia Lottery.

Legislative Information received from the Association of Counties.

Legislative Information received from the County Commissioners' Association.

Correspondence received from Joe Manchin, II, Governor regarding House Bill 4037.

Correspondence received from the City of Martinsburg, West Virginia regarding a Letter on Intent - Formation of HOME Consortium.

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

PRESIDENT