

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 Jefferson County Courthouse thereof on Thursday, April 6, 2006 beginning at 9:30 o'clock a.m.

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

IN RE: PLEDGE OF ALLEGIANCE

Commissioner Corliss conducted the Pledge of Allegiance.

IN RE: DISPENSE WITH THE READING OF MINUTES

Motion by Manuel, second by Morgan to dispense with the reading of the minutes for the meeting held on Thursday, March 30, 2006 and to approve the minutes as amended. Motion carried.

Motion by Tabb, second by Manuel to dispense with the reading of the Minutes for the Special Meeting held on Thursday, March 30, 2006 and to approve the minutes as presented. Motion carried.

Motion by Tabb, second by Manuel to dispense with the reading of the Minutes for the Special Meeting held on Saturday, April 1, 2006 and to approve the minutes as presented. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS

Motion by Morgan, second by Tabb to approve the following Purchase Orders for the week of April 6, 2006 totaling \$8,873.94: 42394, 42379, 42382, 42518, 42521, 42230, 42231, 42519, 42520, 42348, 42349, 42351, 42352, 42353 and 42354. Motion carried.

IN RE: PARTIAL BOND RELEASE – AMERICAN ACREAGE, LLC

Motion by Manuel, second by Tabb to approve the partial release of an Escrow Account for American Acreage, LLC in the amount of \$71,160.00 with the County to retain \$352,940.00. Motion carried.

IN RE: BONDING AND ACTIVITY REPORT

Paul Raco, Planning, Zoning and Engineering Director appeared before the Commission to give the Planning Commission activity report for the week of April 6, 2006. Mr. Raco discussed the agenda for the staff review meeting and the Planning Commission agenda for Tuesday, April 11, 2006.

Commissioners discussed their concerns with regulations to State Code 8-A and flood plain regulations with regard to variance requests.

IN RE: PUBLIC COMMENT

Mr. John Wykoski appeared before the Commission to request that the Prosecuting Attorney's Office open an investigation into a fraudulent act committed against him.

IN RE: MIKE THOMPSON – CHILDREN'S HOME SOCIETY OF WEST VIRGINIA – BUDGET REQUEST

Mike Thompson, Prosecuting Attorney appeared before the Commission to request funding on behalf of the Children's Home Society of West Virginia.

Mr. Thompson reported on the services available from the Children's Society of West Virginia and reiterated the need for funding for the agency.

Mr. Rusty Holland, Executive Director of the Children's Home Society was present for comments.

In support of services from the Children's Home Society, Mr. Thompson requested that the Commission pre-authorize a Purchase Order in the amount of \$2,500.00 from the Prosecuting Attorney's Office budget.

The Commission agreed by consensus to pre-authorize a Purchase Order from the Prosecuting Attorney's budget in the amount of \$2,500.00 for professional services by the Children's Home Society.

Debbie Young, Victim's Advocate was present to invite the Commission to the Children's Home Society of West Virginia open house scheduled for April 24, 2006 from Noon-6:00 p.m.

IN RE: DARRELL PENWELL – NIMS UPDATE AND STATEWIDE MUTUAL AID AGREEMENT

Darrell Penwell, Office of Emergency Management Director appeared before the Commission with a presentation and report on the Office of Emergency Management's Basic Plan and Appendix.

Mr. Penwell reported on NIMS guidelines, the NIMS incident command system and self study courses available.

Mr. Penwell reported on the importance of acquiring Mutual Aid agreements with neighboring jurisdictions and requested Commission support.

IN RE: JAMES B. CRAWFORD, III – CITY OF CHARLES TOWN ANNEXATION REQUEST

Mr. James B. Crawford, III appeared before the Commission for an annexation request for the City of Charles Town and Ranson municipality.

Mr. Crawford reported that the annexation request for Charles Town is 17 acres of the Davenport property. The annexation request for Ranson is behind Charles Town Plaza.

Motion by Surkamp, second by Morgan to await formal review from Brandon Sims, Assistant Prosecuting Attorney before granting approval of Mr. Crawford's annexation request for the City of Charles Town and Ranson. Motion carried.

IN RE: CAMILLE CAMPBELL – SHANNONDALE GYPSY MOTH COMMITTEE

Mr. Neal Nilsen appeared before the Commission to report on the goals and strategies of the Shannondale Gypsy Moth Committee.

Mr. Nilsen reported on the Gypsy Moth threat in West Virginia and requested Commission support and asked that they contact federal and state officials to apprise them of the problem to avoid suppressed budget cuts for the spraying of moth insecticide.

Commissioner Manuel reported on his discussion with Department of Agriculture officials.

Motion by Tabb, second by Manuel to draft a letter to federal and state officials requesting support to maintain spraying to decrease the spread of Gypsy Moths. Motion carried.

IN RE: JENNIFER S. MAGHAN – COUNTY CLERK’S REPORT

Jennifer S. Maghan, County Clerk appeared before the Commission for the County Clerk’s report. Ms. Maghan reported on early voting testing to be held on April 11, 2006 and the County Commission training session scheduled for April 13, 2006 at 1:30 p.m.

IN RE: DOUG PERKS – HARPERS FERRY NATIONAL HISTORICAL PARK LEARN PROJECT – RESOLUTION OF SUPPORT

Doug Perks appeared before the Commission to report on the history and strategies for the Harpers Ferry National Historical Park Learn Project.

Mr. Perks requested a resolution of support from the Commission on behalf of the Harpers Ferry National Historical Park Learn Project and requested a County Commission representative for their Steering Committee.

Motion by Tabb, second by Morgan authorizing the County Commission President to affix his signature upon a Resolution of Support for the Harpers Ferry National Historical Park Learn Project. Motion carried.

The Commission took a 5-minute break at 11:30 a.m.

IN RE: BRANDON SIMS – ASSISTANT PROSECUTING ATTORNEY – LEGAL COUNSEL UPDATE AND REPORT

Brandon Sims and Stephanie Grove, Assistant Prosecuting Attorneys appeared before the Commission for a legal counsel update and report.

Ms. Sims expressed concerns with the April 1, 2006 article in the Martinsburg Journal regarding Impact Fees. Ms. Sims discussed requisition procedures for the Impact Fee Office.

IN RE: EXECUTIVE SESSION – LITIGATION DISCUSSIONS

Motion by Tabb, second by Manuel to enter into Executive Session to discuss litigation as per West Virginia Code 6-9A-4; Peters vs. Wood County Commission and property negotiations. Motion carried.

Motion by Tabb, second by Manuel to return to Regular Session. Motion carried.

No action was taken.

IN RE: DAVID HAMMER – LEGAL COUNSEL UPDATE AND REPORT

David Hammer gave his legal counsel update and report during Executive Session. No action was taken.

IN RE: APPOINTMENT TO THE JEFFERSON COUNTY AMBULANCE AUTHORITY

No action was taken on this agenda item.

IN RE: APPOINTMENT OF ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS

No action was taken on this agenda item.

IN RE: LEGISLATIVE ISSUES

Commissioner Manuel reported that there were no new legislative issues to discuss at this time.

IN RE: PROPERTY PURCHASE DISCUSSION

This matter was discussing during Executive Session with Assistant Prosecuting Attorneys, Brandon Sims and Stephanie Grove.

IN RE: GYPSY MOTH BUDGET CUTS

This matter was discussed under agenda item: “Camille Campbell – Shannondale Gypsy Moth Committee.

IN RE: FIXING TYPEO IN ORDINANCE

No action was taken on this agenda item.

IN RE: CORRECTION IN DUPLEX SETBACK REQUIREMENT

No action was taken on this agenda item.

IN RE: BZA ALTERNATE'S RESIDENCY REQUIREMENT

Commissioner Surkamp expressed his concerns with Alternate Board of Zoning Appeals Board member J. Tyler Quynn maintaining residency in Jefferson County.

The Commission agreed to schedule a meeting with Mr. Quynn to discuss residency requirements.

IN RE: REFER R. HAGGERTY'S DRAINAGE ISSUES TO PLANNING COMMISSION

No action was taken on this agenda item.

IN RE: SET TIME FOR QUARTERLY FIDUCIARY REVIEW FOR APRIL 13, 2006

Motion by Tabb, second by Morgan to set the time for Quarterly Fiduciary Review for Thursday, April 13, 2006 at 11:15 a.m. Motion carried.

IN RE: APPOINTMENTS TO THE DEVELOPMENT AUTHORITY

The Commission agreed by consensus to authorize Leslie D. Smith, County Administrator to schedule interviews with interested applicants to the Development Authority for the week of April 13, 2006.

IN RE: APPOINTMENTS TO THE PLANNING COMMISSION

The Commission agreed by consensus to authorize Leslie D. Smith, County Administrator to schedule interviews with interested applicants to the Planning Commission for the week of April 13, 2006.

IN RE: ESTATE OF LILLIAN F. HOUSDEN – REQUEST BY CARROLL W. HOUSDEN, ADMINISTRATOR FOR AN EXTENSION

Motion by Tabb, second by Manuel to approve the extension request By Carroll W. Housden, Administrator for the Estate of Lillian F. Housden until May 1, 2007. Motion carried.

IN RE: OLD JAIL CITIZEN ADVISORY COMMITTEE AND MISSION STATEMENT

Commissioner Corliss reported on the Public Hearings that were held Thursday, March 30, 2006 and Saturday, April 1, 2006.

Commissioner Corliss nominated the following individuals to serve on the Old Jail Citizen Advisory Committee: Randy Hilton, Bill Drennen, Doug Estep, Pam Parziale, Evelyn Taylor, Walter Washington, Carol Gallant, Jim Whipple, Clissy Funkhouser and Richard Raymond.

Motion by Corliss, second by Surkamp to designate the list nominees to serve on the Citizen Advisory Committee for the Jail Restoration project. Motion carried.

Motion by Surkamp, second by Morgan to approve the following Mission Statement for the Citizen Advisory Committee. Motion carried.

MISSION STATEMENT

The mission of the Old Jail Citizen's Advisory Committee will be to assist the Project Architect and the County Commission in the interpretive design and historic application/decoration of those public spaces within the jailhouse by assembling specific items to include: photographs, artifacts and information for display that reflect the county history, the jailhouse building history, and the cultural character of Jefferson County. Work reports from the Citizen's Advisory Committee would be presented to the County Commission in conjunction with the update reports from the architect. Final decisions on the public areas and displays would remain with the County Commission.

IN RE: FUTURE JUDICIAL SPACE REQUIREMENTS

Commissioner Corliss reported on his discussions with Judge Wilkes regarding Judicial Space requirements. Commissioners discussed Magistrate Court, Family Law Court and Circuit Court space requirements.

The Commission agreed to schedule a work session to discuss this matter further.

IN RE: PARKING LOT PROBLEMS AND SOLUTIONS

Commissioner Morgan expressed concerns with parking lot problems for Jefferson County employees and officials.

Commission suggestions included installation of a gate system, negotiating with City of Charles Town officials for use of side street parking without meter restrictions, negotiating with Sheriff Boober to eliminate vehicles currently parked in the lot that are not utilized.

The Commission agreed that Commissioners Manuel and Morgan would speak with Sheriff Boober and Commissioner Corliss would speak with City of Charles Town officials.

IN RE: MAP CORRECTION ALONG COUNTY WESTERN BOUNDARY

Commissioner Surkamp agreed to defer this agenda item until a later date.

IN RE: INVITE DR. CANNARELLA TO DISCUSS FLU RESPONSE PLAN

Commissioner Surkamp agreed to defer this agenda item until a later date.

IN RE: NIMS COMPLIANCE DEADLINE FOR RESPONSE PLAN – DARRELL PENWELL

This matter was discussed under agenda item: “Darrell Penwell – NIMS Update and Statewide Mutual Aid Agreement”.

IN RE: MEET TO DEVELOP AREAS OF INTER-LIBRARY COOPERATION

Commissioner Surkamp agreed to defer this agenda item until a later date.

IN RE: LETTER TO CONGRESSIONAL DELEGATION VS. SENATE BILL 1439 ET AL

Commissioner Surkamp agreed to defer this agenda item until a later date.

IN RE: \$500 FOR EVENT WITH GOVERNOR MANCHIN, HARPERS FERRY AUGUST 17, 2006

Commissioner Surkamp agreed to defer this agenda item until a later date.

IN RE: NO ADDITIONAL BUILDING PROJECTS UNLESS BOND IS VOTED

Commissioner Surkamp agreed to defer this agenda item until a later date.

IN RE: PUBLIC COMMENT

Toni Milbourne appeared before the Commission with a presentation and report of the Parks and Recreation study that includes a youth survey.

IN RE: COUNTY COMMISSION REPORTS

Commissioner Tabb reported on the TDR Committee meeting.

Commissioner Tabb reported on the event at Ritts Farm she attended.

Commissioner Tabb reported on the event she attended from Frontier Communications.

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

Commissioner Surkamp reported on the event he attended from Frontier Communications.

Commissioner Morgan reported on the Affordable Housing Committee meeting he attended.

Leslie D. Smith, County Administrator reported that the County Commission meetings would be held at the Old Charles Town Library starting April 13, 2006.

Leslie D. Smith, County Administrator reported on Bill Lewandoski’s request to meet with management consultant, Sheila Birnbach.

The Commission received the following information:

Acceptance of Bond for Pleasant Hill Subdivision and Rattlesnake Run Subdivision.

Jefferson County Audit Report received for the fiscal year ended June 30, 2004.

1st quarter permit activity report received from the Department of Planning, Zoning and Engineering.

Correspondence received from the City of Charles Town concerning a Public Input Meeting and Public Hearings regarding the revision of the Charles Town Comprehensive Plan.

Notice received from the Development Authority of a Job Fair at the Moose Lodge in Ranson on April 27, 2006.

Notice received from Loudoun County of a public hearing for a comprehensive plan amendment on April 17, 2006.

Progress Report received on the Jefferson County Green Infrastructure Assessment.

Correspondence received from the State Tax Department concerning the Appraisal Ratio Results.

Notice received from the Association of Counties of the death of David Jolliffe, Executive Director of the Courthouse Facilities Improvement Authority.

Copy of a newspaper article of interest received from the County Commissioners’ Association.

Notice received from the Potomac Headwaters RC &D of an Executive Committee Meeting on Tuesday, April 11, 2006.

Notices received of Walkable Communities Workshops for Jefferson and Berkeley Counties.

Notice of Adjournment of Section 341 Meeting of Creditors received for Adelphia Communications Corporation.

Ethics Reporter received for March 2006.

Notice received from the Offices of the Insurance Commissioner of meetings concerning the National Council of Compensation Insurance.

Board of Health meeting minutes received.

Jefferson County Public Service District meeting minutes received.

Notice received of Final Plat Public Hearings.

Notice received of a Subdivision Work Session on April 7, 2006.

Oath of Office received from John T. Quynn as an alternate member of the Board of Zoning Appeals.

Oath of Office received from W.D. Kip Stowell as a member of the Historic Landmarks Commission.

Weekly settlement received from the West Virginia Lottery for Charles Town.

Community Bulletin received from the Harpers Ferry National Historical Park.

Copy of EMPG Grant Application received from Darrell G. Penwell.

Correspondence received from Bill Drennen.

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

GREGORY A. CORLISS, COMMISSION PRESIDENT