

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, April 13, 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 Corliss conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Manuel, second by Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, April 6, 2006, and to approve the Minutes as amended. Motion carried.

The Commission acknowledged the corrections of the Minutes for the meeting held on Thursday, March 30, 2006.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Manuel to approve the following Purchase Orders for the Week of April 10, 2006, totaling \$11,890.25: 42396, 41815, 42502, 42525, 42526, 42527, 42528, 42529, 42378, 42213 and 42232. Motion carried.

In re: APPOINTMENT TO THE JEFFERSON COUNTY AMBULANCE AUTHORITY

No action was taken on this agenda item.

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

No action was taken on this agenda item.

In re: LEGISLATIVE ISSUES

Commissioner Manuel reported on the Study Assignments by Legislative Committees.

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.

In re: FIXING TYPO IN ORDINANCE

The Commission discussed the typo in the Ordinance. Paul Raco, Planning Zoning and Engineering Director was present and made recommendations. After discussion, motion by Surkamp, second by Manuel to support the following changes as recommended by Paul Raco and refer the changes to the Planning Commission for consideration. Motion carried.

Article 5, Section 5.4(b)

- 1) 6,000 sq. ft. should be 'MLA' instead of 'ADU'
- 2) 10,000 sq. ft. should be 'ADU' instead of 'MLA'
- 3) Duplex required setbacks should be clarified to read 25 ft. front, 15 ft. side and 20 ft. rear

In re: PUBLIC COMMENTS

Frances Morgan appeared before the Commission to discuss her concerns of the Lane Kendig steering committee appointments.

Fred Blackmer made comment on the allocation to PanTran and thanked the Commission for their contribution and support.

Beverly Belcheck commented on the drainage at Colonial Hills Subdivision.

Denise Vaschelkie commented on the drainage at Colonial Hills Subdivision.

Mr. Belcheck commented on the drainage at Colonial Hills Subdivision.

In re: REFER R. HAGGERTY'S DRAINAGE ISSUE TO PLANNING COMMISSION

Motion by Surkamp, to send a letter to the developer of Colonial Hills regarding the drainage concerns of Colonial Hills Subdivision. Motion died due to the lack of a second.

After discussion, motion by Manuel, second by Morgan to contact the DEP and ask for a reevaluation on the drainage at Colonial Hills Subdivision and to ask the Engineer to look at the pond again. Motion carried.

In re: R. GOODWIN UPDATE ON HAGGERTY STORMWATER POND

This agenda item was discussed under the New Business Agenda Item - REFER R. HAGGERTY'S DRAINAGE ISSUE TO PLANNING COMMISSION

In re: GOODWIN ADVISE ON LETTER TO COLONIAL HOMES BUILDER RE VOLUNTARY IMPROVEMENTS

This agenda item was discussed under the New Business Agenda Item - REFER R. HAGGERTY'S DRAINAGE ISSUE TO PLANNING COMMISSION

In re: CHRIS SMITH - HARTZELL GARDENS, LLC - BONDING

Chris Smith, Hartzell Gardens, LLC appeared before the Commission to discuss bonding issues. After discussion, motion by Manuel, second by Tabb upon recommendation of Paul Raco, Director of the Department of Planning, Zoning and Engineering to allow Hartzell Gardens, LLC the new owner to bond the project with the \$300 fees and to show proof of ownership/rights of the project. Motion carried.

In re: MIRIAM CONROY - PREVENTION RESOURCES OFFICER AT JEFFERSON HIGH SCHOOL

Miriam Conroy appeared before the Commission to discuss the prevention resources officer at Jefferson High School. No action was taken on this agenda item.

In re: CITY OF CHARLES TOWN ANNEXATION - DAVENPORT PROPERTY

Motion by Morgan, second by Corliss to accept the City of Charles Town Annexation - Davenport Property. Motion passed by a 4-1 vote. Commissioner Surkamp voted no.

In re: RANSON ANNEXATION - AREA BEHIND CHARLES TOWN PLAZA

The Commission agreed to place this item on next week's agenda.

In re: DEVELOPMENT AUTHORITY INTERVIEWS

Leonard Shedloski was present for the interviews for the Development Authority appointments.

In re: SET TIME TO LAY LEVY ON TUESDAY, APRIL 18, 2006

Motion by Corliss, second by Morgan to set the time to Lay Levy on Tuesday, April 18, 2006 at 10:00 a.m. Motion carried.

In re: MAINTENANCE BUILDING PROPOSAL

Motion by Morgan, second by Manuel to approve the bid in the amount of \$299,000.00 - 3,200sf for the Maintenance Building. Motion carried.

In re: \$500 FOR EVENT WITH GOVERNOR MANCHIN, HARPERS FERRY AUGUST 17TH

Commissioner Surkamp asked the Commission to remove this item from the agenda. The Commission agreed.

In re: MAP CORRECTION ALONG COUNTY WESTERN BOUNDARY

The Commission agreed to invite the Assessor to next week's meeting to discuss the map correction along county western boundary.

In re: PLANNING COMMISSION INTERVIEWS

Steve Stolipher and Lynn Deming were present for the Planning Commission interviews.

In re: APPOINTMENTS TO THE DEVELOPMENT AUTHORITY

The Commission agreed to place this item on next week's agenda.

In re: APPOINTMENTS TO THE PLANNING COMMISSION

The Commission agreed to place this item on next week's agenda.

In re: HEALTH DEPARTMENT FEES FOR PERMITS INCREASE

The Commission discussed the Health Department fees for permits increase. The Legislature passed the Fees for Permits Rule which increases environmental permit fees. They amended it by allowing an increase of only 25% per year. No action was taken.

In re: GOVERNOR'S COMMUNITY PARTNERSHIP GRANT PROGRAM - RESOLUTION AND CONTRACT - GOOD SHEPHERD INTERFAITH VOLUNTEER CAREGIVERS

Motion by Manuel, second by Corliss to approve the Resolution and Contract for the Good Shepherd Interfaith Volunteer Caregivers in the amount of \$8,000.00. Motion carried.

In re: GOVERNOR'S COMMUNITY PARTNERSHIP GRANT PROGRAM - RESOLUTION AND CONTRACT - BLUE RIDGE ACRES COMMUNITY CLUBHOUSE

Motion by Tabb, second by Manuel to table the approval of the Resolution and Contract for the Blue

Ridge Acres Community Clubhouse until next week for further review. Motion carried.

In re: SHERIFF BOOBER - HEALTH INSURANCE PREMIUM PAYMENTS
No action was taken on this agenda item.

In re: SHERIFF BOOBER - BANK DEPOSITORY BONDS
The Commission took no action in this agenda item.

In re: SHERIFF'S LAW ENFORCEMENT DEPARTMENT - APPROVAL OF EMPLOYMENT - JOSEPH PAUL-BENJAMIN WINDLE
Motion by Morgan, second by Manuel to approve the employment of Joseph Paul-Benjamin Windle in the Sheriff's Law Enforcement Department. Motion carried.

In re: LETTER TO THE ATTORNEY GENERAL - INTERPRETATION OF THE TDR STATUTE
The Commission agreed to send a letter to the Attorney General regarding the interpretation of the TDR Statute at the end of the week.

In re: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT
Jennifer S. Maghan, County Clerk appeared before the Commission for the County Clerk's report. Motion by Tabb, second by Manuel to approve the Depository Bond between the Jefferson County Commission and United Bank. Motion carried.
Commissioner Manuel discussed the newspaper article he read regarding the AutoMarks may not be available for the Primary Election. Jennifer Maghan, County Clerk reported that definitions were not ready but they would be here in time for the Primary Election.

In re: APPROVAL OF EMPLOYMENT - LEE JONES III - APPRAISER - ASSESSOR'S OFFICE
Motion by Manuel, second by Tabb to approve the employment of Lee Jones, III as an Appraiser for the Assessor's Office. Motion carried.

In re: QUARTERLY FIDUCIARY REVIEW
The time of the Commission was taken up this day with examination of sundry fiduciary accounts. Motion by Morgan, second by Tabb to accept all fiduciary accounts presented. Motion carried.

In re: BZA ALTERNATE RESIDENCY REQUIREMENT
Commissioner Corliss discussed the residency of J. Tyler Quynn that was appointed as an Alternate to the Board of Zoning Appeals. Motion by Surkamp to request that the Commission withdraw the appointment of J. Tyler Quynn as an Alternate to the Board of Zoning Appeals. Motion failed due to the lack of a second.
The Commission discussed Mr. Quynn's residency and agreed to have the County Administrator contact Mr. Quynn and to place the item on next week's agenda.

In re: INVITE DR. CANNARELLA TO DISCUSS FLU RESPONSE PLAN
Commissioner Surkamp discussed the flu response plan and an exercise that is planned for the end of June, 2006.
The Commission agreed to hold a work session after the exercise in June, 2006.

In re: MEET TO DEVELOP AREAS OF INTER-LIBRARY COOPERATION/ENCOURAGING SHARED SERVICES AMONG ALL LIBRARIES
Commissioner Surkamp discussed the cooperation/encouraging of shared services among all libraries. Commissioner Morgan reported on the meeting that was held January, 2006 and that there are still territorial issues and that J. D. Waggoner is still working with the libraries to resolve these issues.
No action was taken on this agenda item.

In re: LETTER TO CONGRESSIONAL DELEGATION VS. SENATE BILL 1439 ET AL.
Commissioner Surkamp discussed Senate Bill 1439 et al. No action was taken on this agenda item.

In re: JANE PETERS - LOCAL ECONOMIC DEVELOPMENT GRANT RESOLUTION
Jane Peters appeared before the Commission to present the Local Economic Development Grant Resolution and request a signature and approval. Motion by Tabb, second by Manuel to authorize the President of the Commission to affix his signature to the Local Economic Development Grant Resolution. Motion carried.

In re: NO ADDITIONAL BUILDING PROJECTS UNLESS A BOND IS VOTED
Commissioner Surkamp discussed County Commission Building Projects. The Commission reported that the public is well informed of projects. There have been many public hearings and progress reports during Commission meetings.
No action was taken on this agenda item.

The Commission took a 5 minute break at 11:40 a.m.

In re: JACOB E. RABATIN - REQUEST FOR FLOOD PLAIN VARIANCE

Jacob Rabatin appeared before the Commission to request a flood plain variance. After discussion, motion by Tabb, second by Corliss to deny the request for a flood plain variance. Motion passed by a 3-2 vote. Commissioners Surkamp and Morgan voted no.

For the record, Paul Raco, Director of the Department of the Planning, Zoning and Engineering was present and made comments. The Commission asked Mr. Raco to have someone from FEMA explain the flood insurance to the Commission at a later date.

In re: EXECUTIVE SESSION

Motion by Tabb, second by Manuel to enter into Executive Session to discuss property negotiations as per West Virginia Code 6-9A-4. Motion carried.

Motion by Manuel, second by Morgan to return to Regular Session. Motion carried. For the record, no action was taken during Executive Session.

In re: PROPERTY PURCHASE DISCUSSION

The Commission discussed the interest and intent to purchase a building at the Bardane Industrial Park to relocate the Sheriff's Department and possibly the Communications Center.

After discussion, motion by Morgan, second by Tabb to approve the contract for the purchase of the building at 28 Industrial Boulevard in the amount of \$1,300,000.00 pending mechanical inspections. Motion carried.

In re: PUBLIC COMMENT

Fred Blackmer asked about the location of the property to be purchased by the County Commission.

Toni Milbourn commented on the inter-library cooperation/encouragement shared services among all libraries.

In re: COUNTY COMMISSION REPORTS

Commissioner Tabb reported on the Farmland Protection Board meeting.

Commissioner Tabb reported on the TDR Committee meeting.

Commissioner Manuel reported on the Transportation Authority meeting.

Commissioner Manuel reported on the Science and Technology meeting he attended at the Board of Education.

Commissioner Surkamp reported on the Health Board meeting.

Commissioner Surkamp reported on the Jefferson County LEPC meeting.

Commissioner Surkamp reported on the Berkeley County LEPC meeting.

Commissioner Morgan reported on the Library meeting.

Commissioner Corliss reported on the Planning Commission meeting.

In re: ELECTION TRAINING

The Commission held a work shop with Jennifer S. Maghan, County Clerk. Canvass and Election training was given to the Commission.

The Commission received the following information:

Correspondence received from Brandon Sims, Assistant Prosecuting Attorney, concerning the use of Impact Fees to balance the Jefferson County Board of Education Budget.

Copies of minutes concerning the Community Center received from Kirk Davis.

Impact Fee Status Report received for March 2006.

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

Correspondence received from Jeremy Camp, from the City of Charles Town, concerning the draft of the revised Charles Town Comprehensive Plan.

Correspondence received from Senator Robert C. Byrd concerning the F.O. Day property.

Correspondence received from Bill Drennen concerning comments made by Walter Washington concerning the Comprehensive Plan.

Information received from the Jefferson County Chamber of Commerce concerning the Leadership Jefferson Program.

Correspondence received from the Fish and Wildlife Service concerning the Partners for Fish and Wildlife program's fence construction crew.

Correspondence received from Camille Campbell concerning gypsy moth suppression.

Correspondence received from Hali Taylor concerning the budget allocations to the public libraries.

Correspondence received from the Division of Highways concerning SB 673.

Invitation received to attend the 3rd annual Children's Memorial Flag Day Breakfast on Friday, April 28th, at 7:30 a.m.

Notice received of a meeting of the Jefferson County Emergency Food & Shelter Local Board on Wednesday, April 26th, at 3:00 p.m.

Correspondence received from the Division of Highways concerning Highways and National Scenic Byway projects.

Correspondence received from the Secretary of State concerning security of election equipment.

Brochure received from the Board of Risk and Insurance Management.

Correspondence received from the Division of Culture and History concerning the 2007 Development Grant Application.

Copy of newspaper article concerning elected officials pay raises received from the County Commissioners' Association.

Notice received of deadline requiring filing of proofs of claim from the United States Bankruptcy Court concerning Adelphia Communication Corporation et al.

Notice received from Loudoun County of a comprehensive plan public hearing on April 11, 2006.

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

E-911 fees received from the Public Service Commission.

Grant application information received for the Homeland Security Grant Program.

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

Upon rising, the Commission recessed until Tuesday morning next beginning at 10:00 o'clock a.m.

GREGORY A. CORLISS, PRESIDENT