

**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 20, 2006, beginning at 9:30 o'clock a.m.

**PRESENT:** Gregory 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 Morgan to approve the amended minutes from April 6, 2006. Motion carried.  
Motion by Morgan, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, April 13, 2006, and to approve the Minutes as prepared. Motion carried.  
Motion by Tabb, second by Manuel to dispense with the reading of the Minutes for the Special Session held on Tuesday, April 18, 2006, an to approve the Minutes as prepared. Motion carried.

**In re: APPROVAL OF PURCHASE ORDERS**  
Motion by Tabb, second by Manuel to approve the following Purchase Orders for the Week of April 17, 2006, totaling \$94,795.01: 42531, 42534, 42540, 42395, 42397, 42398, 42399, 42400, 42612, 42467, 42530, 42000, 42471, 42376, 42466, 42533, 42465, 42356, 42357, 42358, 42359, 42362, and 42363. Motion carried.

**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: APPOINTMENTS TO THE PLANNING COMMISSION**  
Nomination by Manuel to appoint Arnold Dailey, Jr. and Lynne Deming to the Planning Commission for 3 year terms ending March 31, 2009.  
Nomination by Surkamp to appoint Barbara Humes to the Planning Commission for a 3 year term ending March 31, 2009.

The vote was as follows:

	Tabb	Manuel	Corliss	Morgan	Surkamp
Dailey	✓	✓	✓	✓	✓
Deming	✓	✓	✓	✓	
Humes					✓

Arnold Dailey, Jr. and Lynne Deming were appointed to the Planning Commission for 3 year terms ending March 31, 2009.

**In re: LEGISLATIVE ISSUES**

Commissioner Manuel informed the Commission that there was no update on legislative issues at this time.

**In re: BONDING**

Paul Raco, Executive Director of Planning, Zoning and Engineering, requested that the Commission include on their agenda in two weeks two bond expirations for Rose Hill Subdivision and Cedar Meadow Air Park. The Commission agreed to place the bond expirations on the agenda in two weeks.

**In re: PLANNING COMMISSION ACTIVITY REPORT**

Paul Raco, Executive Director of Planning, Zoning and Engineering, appeared before the Commission to give the Planning Commission Activity Report.

**In re: PUBLIC COMMENT**

No public comment was made at this time.

**In re: RANSON ANNEXATION - AREA BEHIND CHARLES TOWN PLAZA**

After discussion, motion by Tabb, second by Manuel to acknowledge the Ranson Annexation for the area behind Charles Town Plaza. Motion carried.

**In re: MARK SCHIAVONE - DRAFT POLICY ON DISBURSEMENT OF IMPACT FEES**

Mark Schiavone, Impact Fee Coordinator, appeared before the Commission to present a draft policy on the Disbursement of Impact Fees. After discussion, motion by Manuel, second by Tabb to make the draft policy on the Disbursement of Impact Fees available for public review via the internet and to place the matter back on the agenda for next week. Motion carried.

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

The County Administrator informed the Commission that Mr. Kincaid, from Blue Ridge Acres Community Clubhouse, had been contacted and stated that the pavilions would be available for use by civic organizations. After discussion, motion by Surkamp, second by Manuel to approve the President's signature on the resolution and contract for the Governor's Community Partnership Grant Program for the Blue Ridge Acres Community Clubhouse. Motion carried.

**In re: J. TYLER QUYNN - BOARD OF ZONING APPEALS ALTERNATE MEMBER**

J. Tyler Quynn, alternate member of the Board of Zoning Appeals, appeared before the Commission to discuss his residency. After discussion, motion by Surkamp, second by Morgan to withdraw J. Tyler Quynn as a member of the Board of Zoning appeals. Motion failed by a 1-4 vote. Commissioners Tabb, Manuel, Corliss and Morgan voted no. Tom Trumble, member of the Board of Zoning Appeals, was present and commented when questioned about meeting a quorum for that afternoon's Zoning Board meeting. After further discussion, the Commission agreed to seek legal counsel's opinion on the matter.

**In re: DEVELOPMENT AUTHORITY INTERVIEW**

Wally Boston appeared before the Commission to interview for appointment to the Development Authority.

**In re: APPOINTMENTS TO THE DEVELOPMENT AUTHORITY**

Nomination by Morgan to appoint Terry Marcus, Peggy Smith, Wally Boston, and Gary Dungan to the Development Authority for 3 year terms ending April 5, 2009.

Nomination by Tabb to appoint Eric Lewis to the Development Authority for a 3 year term ending

April 5, 2009.

The vote was as follows:

	Tabb	Manuel	Corliss	Morgan	Surkamp
Marcus	✓	✓	✓	✓	✓
Smith	✓	✓	✓	✓	✓
Boston			✓	✓	✓
Dungan	✓	✓	✓	✓	✓
Lewis	✓	✓			

Terry Marcus, Peggy Smith, Wally Boston and Gary Dungan were appointed to the Development Authority for 3 year terms ending April 5, 2009.

**In re: MAP CORRECTION ALONG COUNTY WESTERN BOUNDARY**

No action was taken on this and the matter was removed from the agenda.

**In re: VENDING COMPANY RECOMMENDATIONS**

The Commission agreed to sign the contract for a vending company as recommended by staff.

**In re: ANNUAL AUDIT PROPOSAL**

After discussion, motion by Morgan, second by Manuel to accept the proposal received from Cox Hollida for the annual audit. Motion carried.

**In re: NORFOLK & SOUTHERN TOWER AGREEMENT**

After discussion, motion by Surkamp, second by Manuel to approve the Norfolk & Southern Tower Agreement as presented and reviewed by legal counsel. Motion carried.

**In re: COURTROOM SPACE NEAR TERM SOLUTIONS**

The Commission discussed near term solutions for courtroom space. Commissioners Morgan and Manuel informed the Commission that they had reviewed the matter and had already offered some near term solutions to the magistrates.

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

Jennifer S. Maghan, County Clerk, informed the Commission that she had no report for this week. The Commission asked Ms. Maghan questions concerning the upcoming election.

**In re: PUBLIC COMMENT**

No public comment was made at this time.

**In re: COUNTY COMMISSION REPORTS**

Commissioner Manuel reported on the Parks and Recreation Meeting.

The County Administrator reminded the Commission of the Council of Governments meeting next Wednesday.

The County Administrator informed the Commission of various correspondence received.

Commissioner Surkamp commented on the franchise agreement with Comcast.

Commissioner Surkamp reported on a LEPC meeting.

Commissioner Surkamp reported on a visit with GIS staff in Loudoun County.

Commissioner Morgan reported on a Free Clinic meeting.  
Commissioner Morgan reported on a Water Advisory Committee meeting.  
Commissioner Morgan reported on a REGP meeting in Romney.  
Commissioner Morgan reported on a NEREMs meeting.  
Commissioner Corliss reported on a Water Advisory Committee meeting.

**In re: EXECUTIVE SESSION**

**BRANDON SIMS - ASSISTANT PROSECUTING ATTORNEY LEGAL COUNSEL  
UPDATE AND REPORT & PROPERTY PURCHASE DISCUSSION**

Motion by Morgan, second by Tabb to enter into Executive Session as per West Virginia Code §6-9A-4 in order to receive a legal counsel update and to also discuss property purchase. Motion carried.

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

For the record, no action was taken during Executive Session.

**The Commission received the following information:**

Reminder of Council of Governments Meeting on Wednesday, April 26, 2006 at 5:00 p.m. at the Charles Town Visitors Center.

Correspondence received from Matthew D. Grove summarizing meetings with the County Clerk and the Director of Planning, Zoning and Engineering concerning space needs.

Correspondence received from Dr. Steven Nichols concerning public utilities.

Correspondence received from the Fish and Wildlife Service concerning the fence construction crew for the West Virginia Field Office's Partners for Fish and Wildlife Program.

Correspondence received from Senator Byrd concerning the fence construction crew for the West Virginia Field Office's Partners for Fish and Wildlife Program.

Notice received from the City of Martinsburg of the second meeting of the Proposed HOME Consortium for the Eastern Panhandle on April 21, 2006, at 9:00 a.m.

Meeting agenda received for the Hagerstown/Eastern Panhandle Metropolitan Planning Organization meeting on April 19, 2006.

Correspondence received from the Niagara Committee concerning their budget allocation.

Correspondence received from Brickstreet concerning workers' compensation.

Correspondence received from the Secretary of State concerning the State Levy 2006-2007.

Canvassing Manual and Recount Manual received from the Office of the Secretary of State.

Correspondence received acknowledging receipt of request for funds from the Enforcing the Underage Drinking Laws Grant.

Commission Order received from the Public Service Commission concerning Enhanced 911 Fee for Prepaid Service.

Notice received from the City of Ranson of First Aid/CPR classes at Ranson City Hall on June 13, 2006 and on June 14, 2006.

Correspondence received from Americast concerning their impending relocation.

West Virginia Ethics Reporter received for April 2006.

Information received from the County Commissioners' Association of the Spring Board and Legislative Committee meeting on May 21-23, 2006.

2006 Interim Study Assignments adopted by the Legislature received from the County Commissioners' Association.

Meeting minutes received from the Harpers Ferry/Bolivar Public Service District.

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

Correspondence received from Perry & Associates concerning the audit RFP.

Correspondence received from the Board of Risk and Insurance Management concerning civil action 3:06CV-33.

Weekly settlement for the Charles Town Races 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