

**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, May 4, 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 Manuel 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 27, 2006, and to approve the Minutes as prepared. Motion carried.

**In re: APPROVAL OF PURCHASE ORDERS**

Motion by Morgan, second by Tabb to approve the following Purchase Orders for the Week of May 1, 2006, totaling \$52,162.25: 41276, 41277, 41282, 42402, 42472, 42681, 42682, 42684, 42685, 42686, 42461, 42582, 42543, 42545, 42546, 42364, 42366, 42367, 42369, 42370, 42371, 42372, and 42373. Motion carried.

Motion by Tabb, second by Manuel to approve Purchase Order #42721 in the amount of \$1062.67. 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: LEGISLATIVE ISSUES**

Commissioner Manuel informed the Commission that no date had been set for the special tax session. The Commission discussed meeting with the legislative delegation to discuss annexation issues. Motion by Morgan, second by Manuel to direct the County Administrator to contact the County Commissioners' Association and ask them to employ their network to get feedback from other counties concerning problems with annexation. Motion carried.

Commissioner Surkamp commented on House Bill 4084.

**In re: DISCUSS: WV CODE §8A-3-14 JURISDICTION OF MUNICIPAL PLANNING COMMISSION**

Motion by Surkamp, second by Morgan to send an information letter to the Charles Town Council and to the Charles Town Planning Commission with a copy of West Virginia Code §8A-3-14. The Commission agreed to hold off on a vote on this motion until hearing input from legal counsel.

**In re: BONDING AND PLANNING COMMISSION ACTIVITY REPORT**

Paul Raco, Executive Director of Planning, Zoning and Engineering, appeared before the Commission to give the Planning Commission Activity Report. Mr. Raco informed the Commission that there was no bonding this week. Mr. Raco informed the Commission of the agenda for the Staff Review meeting and of a Special Meeting of the Planning Commission on May 8, 2006.

**In re: PUBLIC COMMENT**

Nancy Lutz commented on the City of Charles Town's proposed Urban Growth Boundary.

Randy Funkhouser commented on the City of Charles Town's proposed Urban Growth Boundary and annexation issues.

Ward Zigler commented on the City of Charles Town's proposed Urban Growth Boundary and on the Huyett Road and Augustine Avenue area.

**In re: BOND EXPIRATIONS**

► **Cedar Meadows Airpark - DPZE File #02-18**

Paul Raco, Executive Director of Planning, Zoning and Engineering, appeared before the Commission concerning the bond expiration for Cedar Meadows Airpark. J. Michael Cassell, counsel for Haynes-Foltz, L.C., commented on the matter. After discussion, motion by Manuel, second Tabb to extend the bond for Cedar Meadow Airpark - DPZE File #02-18 until September 30, 2006 pursuant to the Jefferson County Bonding Policy. After the motion and second, the Commission allowed comment from homeowners of Cedar Meadows Airpark. Homeowners Robert Bageant and Kristine Kessner spoke at this time. After the comments from the homeowners, the Commission voted on the motion. Motion carried.

► **Rose Hill Estates - DPZA File #02-09**

Paul Raco, Executive Director of Planning, Zoning and Engineering, appeared before the Commission concerning the bond expiration for Rose Hill Estates. Upon recommendation from Mr. Raco, motion by Surkamp, second by Morgan to extend the bond for 18 months as of February, 2005 pursuant to the Jefferson County Bonding Policy. Motion carried.

**In re: JOLENE STANTON - JEFFERSON COUNTY COMMUNITY OUTREACH SERVICE CLUBS - CEOS WEEK**

Jolene Stanton, from Jefferson County Community Outreach Service Clubs, appeared before the Commission to request the Commission proclaim the week of May 14-20, 2006, as CEOS Week in Jefferson County. Motion by Tabb, second by Manuel to proclaim the week of May 14-20, 2006 as CEOS Week in Jefferson County. Motion carried.

**In re: MICHAEL D. THOMPSON - CHILD ADVOCACY CENTER - FUNDING REQUEST**

Michael D. Thompson, Prosecuting Attorney, appeared before the Commission to request funding for the Child Advocacy Center. Sheriff Boober, Sgt. Hanson, Rusty Holland, Debbie Young, and Chief Buracker were also present. Mr. Thompson presented the Commission with a Purchase Order from his budget in the amount of \$4,000 for the Child Advocacy Center. Motion by Morgan, second by Surkamp to approve the Purchase Order from the Prosecuting Attorney in the amount of \$4,000 for the Child Advocacy Center. Motion by Manuel, second by Surkamp to amend the motion to add up to an additional \$4,000 from Jefferson County and to also send out a challenge to the other counties to commit to funding. Amendment passed by a 4-1 vote. Commissioner Morgan voted no. The Commission then voted on the motion as amended to approve the Prosecuting Attorney's Purchase Order in the amount of \$4,000 and to include another \$4,000 from Jefferson County with the challenge to the other counties to commit to funding for the Child Advocacy Center. Motion carried.

**In re: SET HEARING DATE - MAY 18<sup>TH</sup>, 2006 - ESTATE OF JAMES ALLEN SMITH, DECEASED**

The Commission agreed to set the hearing date for the Estate of James Allen Smith to May 18<sup>th</sup>, 2006, at 11:30 a.m.

**In re: REQUEST TO USE MEETING ROOM - ROCK SPRINGS CHURCH**

After discussion, motion by Corliss, second by Manuel to approve the request from Rock Spring Church for use of the meeting room in the Old Charles Town Library. Motion carried.

**In re: RESOLUTION TO THE STATE HEALTH DEPARTMENT TO NOT CLOSE LANDFILL AT THE END OF MAY**

Motion by Morgan, second by Tabb to send a letter to the State Health Department to request an extension on the tonnage cap at the landfill at the end of May due to the closure of the transfer station at the end of the month for construction. Motion carried.

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

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the weekly County Clerk's report. Ms. Maghan informed the Commission that the public testing of the election equipment would be tomorrow at 1:00 p.m.

Ms. Maghan requested software in the amount of \$10,000 for the Probate Department. After discussion, motion by Surkamp, second by Morgan to approve the request for probate software in the amount of \$10,000. Motion carried.

Ms. Maghan also re-requested Capital Outlay funds in the amount of \$125,000 for the fiscal year 2007 for Records Management. No action was taken at this time on this request.

**In re: DISCUSS: WV CODE §8A-3-14 JURISDICTION OF MUNICIPAL PLANNING COMMISSION**

Motion by Manuel, second by Tabb to table the motion previously made on this matter until after the 1:30 workshop. Motion carried.

The Commission took a break at 11:30. The Commission reconvened at 11:35.

**In re: INVITE CHARLES TOWN COUNCIL, CHARLES TOWN PLANNING COMMISSION TO MEET WITH COUNTY COMMISSION AND COUNTY PLANNING COMMISSION TO DISCUSS COMPREHENSIVE PLANS AND JURISDICTION IN UPPER COURTROOM OF COURTHOUSE**

Motion by Surkamp, second by Morgan to invite the Charles Town Council and Charles Town Planning Commission to meet with the County Commission and the County Planning Commission to discuss the comprehensive plans and jurisdiction in the upper courtroom of the Courthouse. Motion by Manuel, second by Morgan to amend the motion to remove the Charles Town Planning Commission the County Planning Commission from the invitation. Motion to amend carried. The Commission then voted on the amended motion. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

**In re: PUBLIC COMMENT**

Don Orser commented on needing approval from the Department of Planning, Zoning and Engineering on a merger deed.

**In re: APPROVAL OF PART-TIME EMPLOYMENT - ASSESSOR'S OFFICE**

Motion by Tabb, second by Manuel to approve the part-time employment of Linda Anders and Virginia Keeney in the Assessor's office. Motion passed by a 4-1 vote. Commissioner Surkamp voted no.

**In re: COUNTY COMMISSION REPORTS**

Commissioner Surkamp informed the Commission of a table top exercise on June 9, 2006 on flu pandemic.

Commissioner Morgan reported on an Affordable Housing meeting.

Commissioner Tabb reported on a Farmland Protection Board meeting.

Commissioner Tabb reported on a Region 9 meeting.

Commissioner Manuel reported on a meeting with Donnie Dillow, the Superintendent of Highways.

Commissioner Manuel reported on a site visit to Sam Michaels Park to view the progress of the Community Center.

Commissioner Manuel informed the Commission that an Affordable Housing presentation would be made next week.

Commissioner Morgan commented on a letter in the information section of the agenda from DEP concerning nutrient offsets.

Commissioner Morgan commented on the progress report in the information section of the agenda of the green infrastructure study. The Commission agreed to have the County Administrator send a letter requesting a time line for the project.

Commissioner Corliss reported on a Public Service District meeting.

Commissioner Tabb reported that Jane Peters was working with Americast on their relocation.

**In re: PROPERTY PURCHASE DISCUSSION**

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

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

The Commission recessed until 1:30 p.m. The Commission reconvened at 2:20 p.m.

**In re: PROPERTY PURCHASE DISCUSSION**

Motion by Morgan, second by Manuel to approve the purchase of property from Peter Chakmakian and McCleary in the amount of \$1,275,000. Motion carried.

**In re: COUNTY COMMISSION WORKSHOP - ANNEXATION URBAN GROWTH BOUNDARY**

The County Commission conducted a workshop with Brandon Sims, Assistant Prosecuting Attorney, to discuss Charles Town's proposed Urban Growth Boundary and Annexation. After discussion, the Commission recessed for 10 minutes in order to allow time for Ms. Sims to draft a letter to the Charles Town Council inviting them to meet with the Commission.

Motion by Surkamp, second by Manuel to approve the letter drafted by Ms. Sims and with the corrections added by the Commission to be sent to the Charles Town Council inviting them to meet with the Commission concerning the Urban Growth Boundary. Motion carried. The Commission agreed that this motion took care of Old Business item #5 (Discuss: WV Code §8A-3-14 Jurisdiction of Municipal Planning Commission) and New Business #3 (Invite Charles Town Council, Charles Town Planning Commission to Meet with County Commission and County Planning Commission to Discuss Comprehensive Plans and Jurisdictions in Upper Courtroom of Courthouse).

**In re: EXECUTIVE SESSION**

Motion by Morgan, second by Tabb to enter into Executive Session as per West Virginia Code §6-9A-4 in order to discuss legal matters with Brandon Sims. Motion carried.

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

**The Commission received the following information:**

Reminder Courthouse is closed Tuesday, May 9, 2006 for the Primary Election.

Notice of Resignation of Sarah Fowler in the Probate Office.

Correspondence received from Jefferson County Board of Health concerning their budget allocation for Fiscal Year 2007.

Correspondence received from Senator Robert C. Byrd concerning Fish and Wildlife Service's fence construction project.

Correspondence received from the Department of Environmental Protection concerning nutrient offsets.

Correspondence received from Waste Management concerning the transfer of the residential waste hauling business in Jefferson and Berkeley Counties to Apple Valley Waste Services.

Correspondence received from the Secretary of State's office concerning receipt of payment for the voting machine equipment.

Correction of invitation date to Tuesday, May 16, 2006 received from Quad State.

Copy of final order received concerning State ex rel West Virginia Regional Jail and Correctional Facility Authority v. County Commission of Cabell County.

Full transcript of the public statement made by Charles Town Mayor Peggy Smith at the Monday, May 1, 2006 hearing on the Town's proposed urban growth boundary received from Commissioner Surkamp.

Notices received from the Secretary of State, the Association of Counties, and the County Commissioners' Association concerning the extension of deadlines for voting machine testing.

Correspondence received from Senator Robert C. Byrd concerning funding for the control of gypsy moth.

Freedom of Information Act request received from J. Michael Cassell.

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

Monthly Progress Report received for The Conservation Fund's green infrastructure assessment in Jefferson County.

Correspondence received from Brickstreet concerning independent insurance agents.

Letter of resignation received from Paul A. Bayles Jr. in the maintenance department.

Correspondence received from FEMA concerning the National Flood Insurance Program.

Notice of a Ribbon Cutting at Applebee's on Monday, May 8, 2006, at 10:00 a.m.

Notice received from the West Virginia Division of Culture and History of listings in the National Register of Historic Places.

Correspondence received from the County Commission of Wood County concerning Project Lifesaver.

Correspondence received from the County Commissioners' Association concerning voting equipment and testing deadlines.

Legislative information received from the County Commissioners' Association.

Information received from the Association of Counties concerning workers compensation insurance.

Notice received from the Association of Counties of Regional Wrap-Up meetings for an overview of the 2006 Legislative Session.

Community Bulletin received from the Harpers Ferry National Historical Park.

Notice received from the Department of Planning, Zoning and Engineering of Subdivision Work Sessions on Friday, May 5, 2006.

Notice received from Loudoun County of a comprehensive plan public hearing on Monday, May 15, 2006.

Oaths of Office received from Peggy A. Smith and Gary L. Dungan as members of the Jefferson County Development Authority.

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

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