

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 Old Charles Town Library meeting room thereof on Thursday, May 18, 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 Tabb 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, May 11, 2006 and to approve the minutes as presented. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Manuel to approve the following Purchase Orders for the week of May 18, 2006 totaling \$94,803.14: 42621, 42177, 41281, 42694, 42318, 42624, 42468, 42469, 42697, 41554, 41556, 42474, 42692, 42696, 42585, 42547, 42549 and 42244. 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 reported on the following legislative issues:

- ❑ The discussion with Governor Manchin on Monday, May 15, 2006 regarding county wide law enforcement issues.
- ❑ The tax special session scheduled for November 2006.

IN RE: LITTER CONTROL GRANT PROGRAM APPLICATION

Motion by Morgan, second by Tabb to approve the Litter Control Grant Program Application in the amount of \$3,000.00 for the Department of Environmental Protection as presented by Terry Courtwright. Motion carried.

IN RE: SUGGESTED AGENDA ITEMS FOR A POSSIBLE CHARLES TOWN MEETING

Commissioner Corliss recommended meeting with Charles Town Council and City Planning Commission officials to discuss the following matters:

Motion by Morgan, second by Manuel to authorize Leslie D. Smith, County Administrator to request an agenda appointment with Charles Town Council at their next scheduled Charles Town City Council meeting to discuss the following matters: rural character preservation, past history highlights, tourism promotion strategies, to promote agricultural cattle, corn and bean farming, horse farming, niche farming promotion strategies, residential land use, commercial growth strategies, golden rule emphasis, review of County and Municipal Comprehensive Plan and joint planning efforts with Lane Kendig officials. Motion carried.

IN RE: INVITED PARTICIPATION OF JANE TABB AND GREGORY CORLISS IN CHARLES TOWN ADVISORY COMMITTEE

Commissioner Manuel expressed concerns with acquiring a Mission Statement from members of the Charles Town Citizen's Advisory Committee.

Motion by Morgan, second by Corliss authorizing Commissioners Tabb and Corliss to attend the Charles Town Citizen's Advisory Committee meeting on May 18, 2006 with a follow up report to the Commission on the committee's goals and objectives. Motion carried by a 4-1 vote; Commissioner Surkamp voted no.

IN RE: CHARLES TOWN CITIZEN'S ADVISORY COMMITTEE

This matter was discussed under agenda item: "Invited Participation of Jane Tabb and Greg Corliss in Charles Town Advisory Committee.

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 May 18, 2006. Mr. Raco reported on the agenda for the staff review meeting and the Planning Commission meeting.

Mr. Raco also reported on the status of the Long Rang Planner vacancy and application process.

IN RE: DEWBERRY – REQUEST FOR WRITTEN AUTHORIZATION TO PROVIDE A DIGITAL COPY OF JEFFERSON COUNTY'S ZONING MAP FOR PUBLICATION ON COMMISSIONER SURKAMP'S WEBSITE

Paul Raco reported on his discussion with Mike Shepp with regard to Commissioner Surkamp's request to provide him a digital copy of the Jefferson County Zoning map for publication on his web site.

Motion by Manuel, second by Morgan to place the Jefferson County Digital Zoning map on the Jefferson County web site with the appropriate disclaimer. Motion carried.

IN RE: PUBLIC COMMENT

Nancy Lutz appeared before the Commission to report on the formation of a new committee: "CROC" – Citizen's Reclaiming Our Community. Ms. Lutz reported on the goals, strategies and objectives of CROC.

IN RE: DISCUSS LEGALITY OF URBAN GROWTH BOUNDARY ISSUE

No action was taken on this agenda matter.

IN RE: DISCUSSION OF EMPLOYEE PHOTOGRAPHS

Commissioner Morgan expressed an interest in creating a picture board with employee's photographs to better familiarize the public with County employees.

Motion by Morgan, second by Surkamp to initiate a policy governing the creation of an employee picture board for public display within County offices and buildings subject to legal review and employee opt out policy. Motion carried.

IN RE: GOVERNOR'S LOCAL ECONOMIC DEVELOPMENT ASSISTANCE PROGRAM GRANT – APPROVAL OF RESOLUTION AND CONTRACT – BLUE RIDGE FIRE COMPANY - \$8,000.00

Motion by Manuel, second by Morgan to approve the Governor's Local Economic Development Assistance Program Grant in the amount of \$8,000.00 for the Blue Ridge Fire Company. Motion carried.

IN RE: ETHELENE CLINTON – PROPERTY SAFETY ENFORCEMENT CASE NO: 01-018

Ms. Ethlene Clinton appeared before the Commission to report on the progress made to the Washington Estate Property, Map 3C – Parcel 9 and to request a time extension to bring the property within compliance with the Jefferson County Property Safety Ordinance.

Paul Raco was present for comments. Mr. Raco reported on the status of the case in the Jefferson County Circuit Court.

Motion by Surkamp, second by Tabb to grant Ms. Ethlene Clinton's request for a time extension to complete property improvements until June 2006. Motion carried.

IN RE: BRANDON SIMS & JEFF POLCZYNSKI – INPUT TO PUBLIC SERVICE COMMISSION – VERIZON 911 SERVICES

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission for a presentation and report on the briefing she prepared for the Public Service Commission regarding Verizon 911 Services.

Jeff Polczynski was present for comments.

After discussion, motion by Surkamp, second by Manuel to approve the legal brief as presented by Brandon Sims to be filed with the Public Service Commission. Motion carried.

IN RE: ESTATE OF NANNIE B. ALIFF – WAIVER OF FINAL SETTLEMENT

Motion by Surkamp, second by Tabb to approve the waiver of final settlement for the Estate of Nannie B. Aliff. Motion carried.

IN RE: ED SMITH – EMS WEEK PRESENTATION

Ed Smith appeared before the Commission for a presentation and report on EMS services and EMS activities in observance of EMS Week.

Mr. Smith reported on the countywide statistics and demands of EMS personnel and volunteers as well as budgetary restraints.

Mr. Smith reported on contributions and donations received from area municipalities.

Commissioner Tabb discussed implementing Jefferson County Ambulance fees to accommodate budgetary concerns. Commissioner Corliss recommended scheduling a workshop with Ed Smith and Ambulance Authority personnel to discuss implementing ambulance fees to increase revenue.

After discussion, motion by Surkamp to grant \$230,000.00 from Video Lottery funds to the Ambulance Authority. Motion failed due to the lack of a second.

IN RE: GARY CAMMORATO – CREO MANUFACTURING LLC PRESENTATION

Gary Cammorato and John Skoglin appeared before the Commission for a slide-show presentation and report on the assets and capabilities of the CREO Manufacturing Plant in Middleway, West Virginia.

Mr. Skoglin reported on the projected sale of the facility.

Jane Peters, Development Authority Executive Director was present for comments regarding the sale of the CREO Manufacturing Plant.

The Commission took a 5-minute break at 11:10 a.m. The Commission reconvened at 11:15 a.m.

IN RE: PETER CARLINO – CHARLES TOWN RACES & SLOTS UPDATES

Roger Ramey, Vice President of Public Affairs; Al Britton, General Manager; John Finnamore, Senior Vice President of Regional Operations and Peter Carlino, Chairman/CEO of Penn National Gaming appeared before the Commission for an update and report of Charles Town Races and Slots.

Mr. Carlino reported on Charles Town Races and Slots commitment to Jefferson County with regard to economic development, growth and employment services.

Mr. Carlino discussed the goals, objectives and economic benefits of slot revenue and proposed table games, Charles Town Races and Slots relationship with the HBPA and Charles Town Races and Slots commitment to horse racing. Mr. Carlino reported on the construction of new barns and other services to the horsemen at Charles Town Races and Slots.

Commissioner Morgan expressed concerns with communications between Charles Town Races and Slots officials and the HBPA.

Commissioner Manuel inquired about the execution of a reverse referendum with regard to table games. John Finnamore reported on the legislative issues of table games and the feasibility of a reverse referendum.

Commissioner Surkamp expressed his concerns with the implementation of a reverse referendum.

Mr. Carlino, Mr. Fynamore and the Commission discussed strategies to increase affordable housing. The Commission agreed to conduct a future workshop with Charles Town Races and Slots officials.

IN RE: BRANDON SIMS – LEGAL COUNSEL UPDATE & REPORT

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission for a legal counsel update and report. Ms. Sims reported on the status of the Public Service Commission complaint, the Board of Health complaint and the status of the Board of Education in regard to the County Commission Impact Fee lawsuit with Ranson.

IN RE: ESTATE OF JAMES ALLEN SMITH – CLAIM BY MCKEE FUNERAL HOME

James R. Pyles from McKee Funeral Home appeared before the Commission to respectfully request that \$8,760.48 be claimed from the Estate of James Allen Smith to McKee Funeral Home for funeral expenses.

Motion by Surkamp, second by Manuel to affirm the claim of James R. Pyles, dba McKee Funeral Home, Incorporated in the amount of \$8,760.48. Motion carried.

IN RE: STAKEHOLDER COMMITTEE

Commissioner Surkamp reported on the formation of the Stakeholders Committee with a report on the committee's goals and objectives.

Motion by Surkamp to accept all individuals from the first Stakeholder Committee meeting as well as Fred Blackmer and Scot Faulkner as Stakeholder Committee members and to advertise for additional members. Motion failed due to the lack of a second.

IN RE: REVIEW POSSIBLE MODIFY FORMALLY APPROVE

This matter was discussed under agenda item: "Stakeholder Committee".

IN RE: APPROVE EMERGENCY PREPAREDNESS PLAN

Motion by Surkamp, second by Tabb to approve the 2004 Jefferson County Emergency Operations Plan as presented by Darrell Penwell, Office of Emergency Services Director.

Leslie Smith, County Administrator reported on NIMS compliancy and projected amendments to the current Emergency Operations Plan.

Motion by Tabb, second by Manuel to table Commissioner Surkamp's motion pending a briefing from Darrell Penwell. Motion carried.

IN RE: CITY OF CHARLES TOWN – REQUEST TO USE COURTHOUSE COURTROOM

Motion by Morgan, second by Surkamp to approve the request for use of the Jefferson County Courthouse Courtroom by the City of Charles Town with Leslie D. Smith, County Administrator to act as liaison. Motion carried.

IN RE: JENNIFER S. MAGHAN – COUNTY CLERK'S REPORT – REQUEST TO SEND COUNTY FINANCE TEAM TO TRAINING ON MAY 25, 2006

Jennifer S. Maghan, County Clerk provided no County Clerk's report for the week of May 18, 2006.

Motion by Surkamp to approve funding and support for three members of the County Clerk's finance team to attend the West Virginia Compliance Issues for Properly Compensating Employees Under Federal and State Law including Multi-state Issues training seminar in Charleston, West Virginia on May 25, 2006. Motion failed due to the lack of a second.

Motion by Morgan, second by Manuel to approve funding and support for one (1) County Clerk's Finance Office employee to attend the West Virginia Compliance Issues for Properly Compensating Employee's Under Federal and State Law including Multi-state Issues training seminar in Charleston, West Virginia on May 25, 2006. Motion carried.

IN RE: COUNTY COMMISSION REPORTS

Commissioner Tabb reported on the TDR Committee meeting she attended.

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

Commissioner Morgan reported on the Parks and Recreation Commission meeting he attended.

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

Commissioner Corliss expressed in interest in attending the Gateway New Economic Council meeting scheduled for Monday, May 22, 2006.

IN RE: GATEWAY NEW ECONOMIC COUNCIL MEETING AUTHORIZATION

Motion by Manuel, second by Tabb to allocate the registration fee necessary for Commission attendance at the Gateway New Economic Council meeting. Motion carried.

IN RE: TWILA CARR – DEPARTMENT OF NATURAL RESOURCES PRESENTATION

Twila Carr from the Department of Natural Resources appeared before the Commission in the Hunter House meeting room for discussion and presentation.

No action was taken.

The Commission received the following information:

Commission Meetings will return to Courthouse on May 25, 2006.

Notice of County Commission meeting cancellation for the week of July 3, 2006.

Correspondence received from John D. Rockefeller IV concerning Gypsy Moths.

Invitation received from The Honorable Joe Manchin, III, Governor to attend the dedication ceremonies for Vicki V. Douglas Juvenile Center & S.T.A.R.S. on May 25, 2006 at 1:00 p.m. at 900 Emmett Rousch Drive, Martinsburg, WV.

Correspondence received from the West Virginia Small Business Development Center concerning their 20th anniversary.

Correspondence received from the City of Charles Town declining the Commission invitation to a joint meeting.

Correspondence received from Ellen May concerning the Thorn Hill sewage treatment plant.

Notice of seminars “Workers’ Compensation Changes Explained” received.

Invitation received from the Potomac Headwaters RC&D of the 2006 Annual Meeting on Wednesday, June 28, 2006.

Notice received of a Ribbon Cutting Ceremony and Reception for Potomac Marketplace on Thursday, June 15th, 2006.

Copy of correspondence sent to the City of Charles Town from the Historic Landmarks Commission received concerning the proposed Charles Town Comprehensive Plan.

Correspondence received from Jeffrey Polczynski concerning EMD Re-Accreditation.

Copy of Correspondence sent to the Chief County Engineer from the West Virginia DEP received concerning Construction Storm Water NPDES Permit Regulations.

Copy of correspondence sent to Alpha Associates, Inc. from the Chief County Engineer received concerning Colonial Hills Subdivision.

Correspondence received from Brickstreet concerning insurance.

E-911 fees received from Citizens Communications.

Notice of a Comprehensive Plan Amendment Public Hearing on Monday, May 15, 2006 received from Loudoun County.

Copy of a newspaper article concerning the postponement of a special session of the Legislature received from the County Commissioners’ Association.

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

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

Notice of Subdivision Work Session on Friday, May 19, 2006 at 10:00 a.m.

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

GREGORY A. CORLISS, COMMISSION PRESIDENT