

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 Court House thereof on Thursday, June 1, 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 READING OF MINUTES

Motion by Morgan, second by Tabb to dispense with the reading of the minutes for the meeting held on Thursday, May 25, 2006 and to approve the minutes as presented. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by Tabb to approve the following Purchase Orders for the week of June 1, 2006 totaling \$9,400.57: 42626, 40959, 42480, 42495, 42578, 42706, 42707 and 42246. 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 status of the Sexual Predator Bill.

IN RE: HARPERS FERRY JOB CUTS

Commissioner Surkamp reported on the memorandum distributed to the employees of the Harpers Ferry Center with regard to the job cuts.

IN RE: NIMS COMPLIANT TRAINING FOR PUBLIC HEALTH EMERGENCY FOR COMMISSION

Commissioner Surkamp discussed the upcoming Pandemic Flu tabletop exercise on Friday, June 9, 2006 from 8:00-3:00 p.m. at Independent Bible Church in Martinsburg, West Virginia as hosted by the Berkeley County LEPC.

INRE: GENERAL FUND BUDGET REVISION

Motion by Manuel, second by Morgan to approve the general fund budget revision as presented. Motion carried.

RESOLUTION

At a regular session of the Jefferson County Commission, held on the 1st day of June 2006, the following Order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered.

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby direct that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, as shown on budget revision number 3, a copy of which is entered as part of this record.

The adoption of the foregoing Resolution having been moved by Manuel and duly seconded by Morgan the vote was as follows:

Gregory A. Corliss	<u>Yes</u>
Jane Tabb	<u>Yes</u>
Dale Manuel	<u>Yes</u>
A.M.S. Morgan, III	<u>Yes</u>
James Surkamp	<u>Yes</u>

Whereupon, Commission Corliss declared said Resolution duly adopted and it is therefore ADJUDGED and ORDERED that said Resolution be, and the same is, hereby adopted as so stated above, and Gregory A. Corliss, President of the Jefferson County Commission, is authorized to affix his signature to the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

/s/

GREGORY A. CORLISS, PRESIDENT
JEFFERSON COUNTY COMMISSION

IN RE: PARTIAL BOND RELEASE – IRREVOCABLE LETTER OF CREDIT – RAI PROPERTIES LLC

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Morgan, second by Tabb to approve the partial release of an irrevocable letter of credit in the amount of \$109,431.36 for RAI Properties with the County to retain \$195,167.37. Motion carried.

IN RE: COMPLETE BOND RELEASE – IRREVOCABLE LETTER OF CREDIT – RANSON/CHILDS ROAD CHURCH OF GOD

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Morgan to approve the complete release of an irrevocable letter of credit in the amount of \$25,627.00 for Ranson/Childs Road Church of God. Motion carried.

IN RE: COMPLETE BOND RELEASE OF ESCROW ACCOUNT – P.F.K, LLC

Upon recommended from the Executive Director of Planning, Zoning and Engineering, motion by Surkamp, second by Manuel to approve the complete release of an escrow account in the amount of \$37,727.00 for P.F.K, LLC. Motion carried.

IN RE: PARTIAL BOND RELEASE – IRREVOCABLE LETTER OF CREDIT – ORCHARD KNOLLS, LLC

Upon recommended from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Manuel to approve the partial release of an irrevocable letter of credit in the amount of \$506,312.20 for Orchard Knolls, LLC with the County to retain \$354,458.95. Motion carried.

IN RE: PARTIAL BOND RELEASE – LETTER OF CREDIT – WINDMILL CROSSING/NEW VISION PROPERTIES, III, INC.

Upon recommended from the Executive Director of Planning, Zoning and Engineering, motion by Morgan, second by Tabb to approve the partial release of a letter of credit in the amount of \$726,887.00 for Windmill Crossing/New Vision Properties, III, Inc. with the County to retain \$1,114,328.00. Motion carried.

IN RE: BONDING AND ACTIVITY REPORT

Paul Raco, Executive Director of Planning, Zoning and Engineering appeared before the Commission to give the Planning Commission activity report for the week of June 1, 2006.

IN RE: PRE-BLASTING SURVEY DISCUSSION

Mr. Paul Raco, Executive Director of Planning, Zoning and Engineering appeared before the Commission for discussion regarding pre-blasting surveys. Mr. Raco discussed pre-blast survey requirements for permit holders and developers and land use regulations.

After discussion, the Commission agreed by consensus to submit the Pre-Blasting Survey to Planning Commission members and legal counsel for review.

IN RE: PUBLIC COMMENT

Nancy Lutz, Randy Funkhouser and Linda Case appeared before the Commission to express their concerns with the City of Charles Town's comprehensive plan.

IN RE: MARK SCHIAVONE – IMPACT FEE BANKING PROPOSALS

Motion by Morgan, second by Surkamp to accept the Impact Fee Banking Proposal from the Bank of Charles Town, Option A, which also includes the option for using CDARS for long term investments, as presented. Motion carried.

IN RE: CITY OF RANSON – ANNEXATION POLICY

Commissioner Corliss recommended Assistant Prosecuting Attorney, Brandon Sims draft a letter to City of Ranson officials expressing concerns with their Annexation Policy with regard to County policy, Urban Growth Boundaries and WV State Code § 8A-3-14.

Commissioner Tabb suggested scheduling a work session with Ranson officials to discuss Annexation Policies.

IN RE: JAMES B. CRAWFORD, III – CITY OF RANSON – GILLEY ANNEXATION

James B. Crawford, III appeared before the Commission on behalf of the City of Ranson for an Annexation request. Mr. Crawford presented the Commission with an Annexation Petition for the Gilley property consisting of 2 parcels on the East Side of Route 9.

Motion by Surkamp, second by Manuel to accept the Annexation Order for the Gilley property as presented by Mr. James B. Crawford. Motion carried.

IN RE: COUNTY COMMISSION OF BERKELEY COUNTY – JOINT MEETING ON HOMELAND SECURITY ISSUES

The Commission agreed to schedule a worksession with the County Commission of Berkeley County on Wednesday, June 7, 2006 at 3:00 p.m. at the Berkeley County Commission meeting room in Martinsburg, West Virginia to discuss joint Homeland Security issues.

IN RE: REQUEST TO THE JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION FOR MAP TO IDENTIFY HISTORIC AREAS IN THE COUNTY

Commissioner Morgan reported on his discussions with Walter Washington with regard to obtaining mapping to better identify historical areas within Jefferson County.

Motion by Morgan, second by Tabb requesting the members of the Historic Landmarks Commission provide the County historic land use maps within 30 days. Motion carried.

IN RE: THOMPSON DISTRIBUTION, INC. – EXCLUSIVE FRANCHISE FOR DISTRIBUTION OF LIQUEFIED PETROLEUM OR ARTIFICIAL GAS IN JEFFERSON COUNTY

J. Randall Thompson, President and CEO of Thompson Gas appeared before the Commission requesting approval of a Franchise agreement for distribution of liquefied petroleum or artificial gas in Jefferson County.

Mr. Thompson provided the Commission with a draft of the proposed Franchise agreement.

Brandon Sims, Assistant Prosecuting Attorney, was present for comments.

The Commission agreed by consensus to defer this matter for two weeks allowing time for Development Authority and legal counsel review.

IN RE: CLARIFICATION MINOR ADJUSTMENT BOUNDARY DISCRETION POWERS OF COUNTY COMMISSION

Commissioner Surkamp reported on the definitions of Minor Boundary Adjustments.

IN RE: BACKGROUND CHECK ON POSSIBLE PARTY IN TRANSACTION WITH THE COUNTY

The Commission agreed by consensus to withdraw this agenda item.

IN RE: JEFFERSON COUNTY ARES REQUEST FOR COMMISSION LETTER TO OBTAIN FREQUENCY COORDINATION FOR REPEATER

Commissioner Surkamp withdrew this agenda item.

IN RE: BLUE RIDGE MOUNTAIN REPRESENTATION ON THE STAKEHOLDER COMMITTEE

No action was taken on this agenda item.

IN RE: CONFIRM RECEIPT OF LETTER FROM CHARLES TOWN PLANNER SAID TO BE MAILED APRIL 2, 2006

Leslie D. Smith, County Administrator reported on the letter received from City of Charles Town Planning Commission that was placed in the County Commission agenda packet and reflected in the minutes of April 6, 2006.

**IN RE: JENNIFER S. MAGHAN – COUNTY CLERK’S REPORT
COUNTY CLERKS AND DEPUTIES TRAINING – JUNE 11-14TH
PROBATE PROCESS FROM START TO FINISH – JUNE 26TH
FINAL PRIMARY ELECTION REPORT**

Motion by Surkamp, second by Tabb to allocate \$2,331.00 from the fiscal year 2006 budget for expenses for the 2006 Annual County Clerk’s and Deputies training meeting. Motion carried.

Motion by Surkamp, second by Tabb to approve an expense of \$960.00 allowing County Clerk, Jennifer S. Maghan and Karen Olden, Probate Deputy to attend Probate Deputy training in Charleston scheduled for June 26, 2006. Motion carried.

Ms. Maghan provided the Commission with historical artwork recently restored that will be displayed in the County Courthouse to accent walking tours offered to the public. Ms. Maghan reported on the tour offered to Jefferson County School students on Wednesday, May 31, 2006. Ms. Maghan provided a final primary election report.

The Commission took a break at 11:20. The Commission reconvened at 11:25.

IN RE: COUNTY COMMISSION REPORTS

Leslie D. Smith, County Administrator reported on agenda policy.

Commissioner Corliss expressed concerns with the clarity of items placed on the agenda.

Commissioner Tabb reported on the Clean Air Task Force meeting she attended.

Commissioner Tabb reported on the Citizen Advisory Committee meeting she will be attending on June 1, 2006.

Commissioner Tabb reported on the Charles Town Council meeting the Commission will be attending on Monday, June 5, 2006.

Commissioner Manuel reported on the Council of Governments meeting he attended.

Commissioner Manuel reported on his participation at the Affordable Housing Presentation.

Commissioner Morgan reported on budget appropriations.

Commissioner Corliss reported on the Gateway Regional Conference he attended.

IN RE: DAVID HAMMER & 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 Jefferson County School Board’s Motion to Intervene in regard to the County Commission Impact Fee lawsuit with Ranson.

David Hammer, Esquire was unable to attend today’s Commission meeting.

The Commission received the following information:

Reminder of Meeting with Charles Town City Council on Monday, June 5, 2006.

Copy of correspondence received from Roger Goodwin to David Washington concerning action on a property safety complaint.

Copy of correspondence received from the Department of Health and Human Resources to Stephanie R. Timmermeyer received concerning the tonnage limit for the LCS North Mountain Landfill.

Correspondence received from Randy Hilton concerning the Jail Citizen’s Advisory Committee.

Correspondence received from the City of Charles Town concerning the Developer Contribution Agreement.

Correspondence received from John R. Roberts concerning Cedar Meadows Airpark Subdivision.

Correspondence received from Richard C. Jentsch, President of the Friends of the Shepherdstown Riverfront concerning Pre Blast Surveys.

Correspondence received from John Barrat, President of Falling Springs Homeowners Association concerning Pre Blast Surveys.

Correspondence received from the Historic Landmarks Commission concerning Pre Blast Surveys.

Correspondence received from the Division of Culture and History concerning Pre Blast Surveys.

Correspondence received from Ellen Corbin and Philip Pfalzgraf concerning annexation.

Correspondence received from Curt Mason concerning reappointment to the Summit Point Library Committee.

Notice of a public hearing on a comprehensive plan amendment on June 14, 2006 received from Loudoun County.

Correspondence received from Work Force West Virginia concerning late payment charges.

Notices received from the Department of Planning, Zoning and Engineering of Subdivision Work Sessions.

Date change to Friday, June 16, 2006 at 10:00 a.m. for the Ribbon Cutting for Jefferson Security Bank in Shepherdstown.

Notice of the Groundbreaking for the new High School on Saturday, June 17, 2006 at 10:00 a.m.

West Virginia Ethics Reporter received for May 2006.

Community Bulletin received for Harpers Ferry National Historical Park.

E-911 fees received from AT&T Communications and IDT Corporation.

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

Miscellaneous

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

GREGORY A. CORLISS, COMMISSION PRESIDENT