

**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, June 8, 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 Morgan, second by Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, June 1, 2006, and to approve the Minutes as amended. Motion carried.

**In re: APPROVAL OF PURCHASE ORDERS**

Motion by Tabb, second by Manuel to approve the following Purchase Orders for the Week of June 5, 2006, totaling \$33,782.85: 42328, 42687, 42639, 42482, 42641, 42709, 42710, 42711, 42712, 42713, 42714, 42715, 42234, 42654, 42655, 42656, 42657, 42658, 42660, 42661, 42662, 42663, 42665, 42666, and 42667. 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: federal Homeland Security funds, the Abuse Bill is ready for a vote, the gas tax decision and table games legislation.

**In re: BONDING AND ACTIVITY REPORT**

Upon recommendation from the Executive Director of Planning Zoning and Engineering, the Commission made the following motions for approval of bond releases:

Motion by Tabb, second by Manuel to approve the partial release of a letter of credit for Wolverine Investments for Fieldstone Estates Subdivision in the amount of \$45,949.10 with the County to retain \$8,358.62. Motion carried.

Motion by Manuel, second by Tabb to approve the partial release of a letter of credit for Orchard Knolls, LLC for the Chapel View Subdivision in the amount of \$128,820.90 with the County to retain \$225,638.05. Motion carried.

Motion by Morgan, second by Tabb to approve the partial release of a letter of credit for Maddex Farm Subdivision Phase II in the amount of \$42,630 with the County to retain \$84,866. Motion carried.

Motion by Tabb, second by Manuel to approve the partial release of a letter of credit for Wilmoth Construction, Inc. for Deerfield Village Subdivision in the amount of \$1,216,090 with the County to retain \$76,423. Motion carried.

Motion by Morgan, second by Manuel to approve the partial release of a letter of credit for Maddex Farm Subdivision Phase III in the amount of \$411,806.27. Motion carried.

Paul Raco, Executive Director of Planning, Zoning and Engineering gave the weekly Planning Commission Activity Report.

**In re: PUBLIC COMMENT**

No public comment was made at this time.

**In re: CITY OF RANSON - ANNEXATION POLICY - REPLY LETTER**

Motion by Tabb, second by Manuel to approve the reply letter to the City of Ranson concerning the Annexation Policy. Motion carried.

**In re: MEETING/WORKSHOP DATE WITH REPRESENTATIVES FROM CHARLES TOWN RACES**

Motion by Manuel, second by Morgan to set a meeting/workshop date with representatives from the Charles Town Races for Monday, June 19, 2006 at 10:00 a.m. in the Hunter House Conference room to discuss future building programs and table games with the meeting possibly moving to the library meeting room if more space is needed. Motion carried.

**In re: DOUGLAS & BERNADETTE MELLOW - ADDRESSING/READDRESSING ISSUE**

Douglas and Bernadette Mellow appeared before the Commission to discuss the readdressing of their residence. After discussion and comment from Jeff Polczynski, motion by Corliss, second by Manuel to have Mr. Polczynski send a letter to the post master requesting that the post office work with the Mellows to have their mailbox moved to the end of their driveway. Motion carried.

**In re: BARBARA MILLER - FIRE RISK ASSESSMENT & MITIGATION PLAN**

Barbara Miller, Jefferson County Homeland Security Coordinator, appeared before the Commission with Paul Zande and Doug Bitner, to present the Fire Risk Assessment & Mitigation Plan. After discussion, motion by Manuel, second by Tabb to approve the Fire Risk Assessment and Mitigation Plan as presented. Motion carried.

**In re: COUNTY BUILDING PROGRAM DISCUSSION AND DECISION**

The Commission agreed to continue the discussion on this matter at 1:30 today. The Commission also agreed to take up New Business #5 "Advertise for an Architect to Plan and Design a New Judicial Facility Behind Old Jail" at that time also.

**In re: DISCUSS JEFFERSON COUNTY COMMISSION ACCEPTING OR REJECTING THE CHARLES TOWN MONDAY NIGHT PROPOSAL TO REFER THE PROPOSED ESTABLISHMENT OF A JOINT CHARLES TOWN JEFFERSON COUNTY PLANNING COMMISSION TO THE COUNCIL OF GOVERNMENT**

After discussion, motion by Morgan, second by Corliss ask the County Administrator to rework the letter drafted by Commissioner Corliss, for approval next week, to invite the municipalities to attend the next Council of Governments meeting to discuss a joint planning. Motion carried. The Commission also agreed to have legal counsel review the matter.

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

Upon request from the County Clerk, motion by Morgan, second by Manuel to approve the rehiring of Susan Marshall. Motion carried.

The County Clerk requested the front door of the Courthouse be painted and for the Courthouse windows to be cleaned.

**The Commission took at break at 11:20 a.m. The Commission reconvened at 11:26 a.m.**

**In re: SELECTION OF POINT OF CONTACT OR OTHER REPRESENTATIVES TO FURTHER DISCUSS THE FORMATION OF A CHARLES TOWN - JEFFERSON COUNTY JOINT PLANNING COMMISSION WITH CHARLES TOWN REPRESENTATIVES**

The Commission deferred this matter until next week.

**In re: STATUS OF CITIZENS ADVISORY COMMITTEE TO LANE KENDIG - A DISCUSSION OF MISSION, LEADERSHIP, INFORMATION FLOW, WEBSITE, COMMUNICATIONS, AND MEETING SCHEDULE**

The Commission discussed the status of the Citizens Advisory Committee to Lane Kendig. The Commission agreed to make any formal information received from Lane Kendig available to the Committee and to encourage the Committee to self-organize.

**In re: JEFFERSON COUNTY COMMISSIONERS DEFEND OUR JEFFERSON COUNTY LAND**

Commissioner Morgan put this matter on the agenda concerning stickers passed out and worn by the public with this message on them.

**In re: JEFFERSON COUNTY ASSESSOR - REQUEST TO PURCHASE A COPIER**

The Commission agreed to the Assessor's request for a new copier from this year's budget. The Assessor agreed to have a purchase order ready for approval at next week's meeting.

**In re: CITY OF MARTINSBURG FIRE DEPARTMENT - MUTUAL AID AGREEMENT**

Motion by Tabb, second by Morgan to approve the Mutual Aid Agreement from the City of Martinsburg. Motion carried.

**In re: VICTIM'S OF CRIME ACT ASSISTANCE GRANT - APPROVAL OF CONTRACT DOCUMENTS**

Motion by Morgan, second by Manuel to approve the contract documents for the Victim's of Crime Act Assistance Grant. Motion carried.

**In re: AMERICAN RED CROSS - REQUEST FOR ADDITIONAL OFFICE SPACE**

The Commission agreed to put any request for the 911 office space in a file and to respond to such request at a later date.

**In re: DEPARTMENT OF IMPACT FEES - DEPARTMENTAL BUDGET REVISION**

Motion by Manuel, second by Tabb to approve the departmental budget revision as requested by the Department of Impact Fees. Motion carried.

**In re: GUARDIAN INSURANCE - RENEWAL RATES EFFECTIVE JULY 1, 2006**

The County Administrator informed the Commission of the renewal rates for Guardian Insurance effective July 1, 2006.

**In re: BONDING - CONTINUED**

Paul Raco, Executive Director of Planning, Zoning and Engineering, reminded the Commission that the 2 week extension on the bond closures for Cedar Meadows Air Park and Rose Hill Subdivision was up. After discussion, motion by Tabb, second by Surkamp to send letters informing the parties that the bonds will be in default as of June 29, 2006 and to recommend that they make an appointment on the Commission's agenda. Motion carried.

**In re: DEPARTMENT OF PLANNING, ZONING AND ENGINEERING - BK OFFICE SUPPLIES PURCHASE ORDER**

The Commission agreed to authorize the ordering of office supplies for the Department of Planning, Zoning and Engineering from BK Office Supplies for approximately \$3,500 out of this year's budget, with the purchase order to be presented for approval next week. Motion carried.

**In re: COUNTY ADMINISTRATOR REPORTS**

The County Administrator informed the Commission of the Development Authority meeting with Frontier on June 13, 2006 to discuss a wireless network.

The County Administrator informed the Commission of a donation received from the Giant Schnauzer Club of America, Inc. for the care given by Animal Control of 20 Giant Schnauzers.

**In re: COUNTY COMMISSION REPORTS**

Commissioner Tabb reported on a Special Development Authority meeting.

Commissioner Tabb commented on the State Addressing Project.

Commissioner Tabb commented on the report on the Green Infrastructure Assessment.

Commissioner Manuel reported on an Affordable Housing meeting he attended with Commissioner Morgan.

Commissioner Surkamp reported on a meeting with the Fire Chiefs and Jeff Polczynski.

Commissioner Surkamp reported on a Homeland Security meeting.

Commissioner Tabb reported on a Region 9 Executive Council meeting.

**The Commission recessed at 12:12 p.m. The Commission reconvened at 1:30 p.m.**

**In re: COUNTY BUILDING PROGRAM DISCUSSION AND DECISION (NEW BUSINESS #1) AND ADVERTISE FOR AN ARCHITECT TO PLAN AND DESIGN A NEW JUDICIAL FACILITY BEHIND OLD JAIL (NEW BUSINESS #5)**

The Commission discussed the County Building Program. After discussion, motion by Surkamp, second by Manuel to include in the uses for the Old Jail Building, Family Court and the County Clerk as per the architects drawings A1 and A2. Motion carried.

Motion by Corliss, second by Manuel to hire an architect to plan and design a new courthouse annex of approximately 40,000 square feet and for also consideration of the plans for the rest of the block. Motion carried.

The Commission also agreed to ask Kirk Davis to provide information on cost estimates for various buildings.

**The Commission recessed at 2:15 p.m. The Commission reconvened at 7:00 p.m.**

**In re: JEFFERSON COUNTY AMBULANCE AUTHORITY - AMBULANCE FEE DISCUSSION**

Paul Rosa, Jeffrey Good, Pete Kelley, Ed Smith, Debra Hunsucker, and Tyree Kable, from the Jefferson County Ambulance Authority met with the County Commission. Discussion was on Ambulance Fees and the Ambulance Authority's budget. The Commission suggested contacting the municipalities for budget support. The Commission agreed to put the matter back on the Commission's June 22, 2006 agenda.

**The Commission received the following information:**

Acceptance of Bond for Dodson's Septic Service in the amount of \$16,758.16.

Acceptance of Bond for RAI Group 40 LLC in the amount of \$124,202.

Order Granting Defendant's Motion to Dismiss received concerning Civil Action No. 06-C-90 Huntfield L.C. and K. Hovnanian's Four Seasons at Huntfield LLC v. County Commission of Jefferson County, F. Mark Schiavone, Impact Fee Coordinator of Jefferson County, and Jefferson County Board of Education..

Order Finding Time for Exemption Application at Time of Building Permit Application and Denying

Petitioners' Writ of Certiorari received concerning Civil Action No. 06-C-24 - Huntfield L.C. and K. Hovnanian's Four Seasons at Huntfield LLC v. County Commission of Jefferson County and Jefferson County Board of Education.

Impact Fee Status Report received for May 2006.

Memorandums received from the Department of Impact Fees concerning Transfers of Funds.

Correspondence received from William H. Chesley, President of the Jefferson County Development Authority Board of Directors, concerning a legal matter relating to Paul Burke.

Notice of 2006 Flag Day Activities received from the Jefferson County Office of Homeland Security.

Monthly Progress Report received for the Jefferson County Green Infrastructure Assessment.

Invitation received from Chuck Ellison, Operations Manager for Frontier, to attend a meeting at the Jefferson County Development Authority on June 13, 2006, at 1:30 concerning a Wireless Mesh Data Network.

Correspondence received from Governor Joe Manchin concerning the approval of the Victims of Crime Assistance Grant.

Correspondence received Jefferson High School Principal, Sheri L. Hoff, concerning the mock automobile accident held at Cougar Field.

Donation received from the Giant Schnauzer Club of America, Inc. for the care given by Animal Control of 20 Giant Schnauzers.

Correspondence received from Dick Childs declining to be considered for reappointment to the Parks and Recreation Commission.

Correspondence received from Robert J. Hardy declining to be considered for reappointment to the Harpers Ferry/Bolivar Public Service District.

Invitation to participate in the EMS System Improvement Forum received from the Department of Health and Human Resources.

Correspondence received from the Office of the Secretary of State concerning West Virginia Election Law.

Notice received of the 12<sup>th</sup> Annual LEPC/SERC Conference beginning on September 25, 2006.

Copies of newspaper articles received from the County Commissioners' Association and the Association of Counties concerning 911 mapping and addressing.

Notice received from Loudoun County of public hearings on a proposed comprehensive plan amendment on June 7<sup>th</sup> and June 10<sup>th</sup>.

Meeting agenda received from the Jefferson County Public Service District.

Notice of sale of substantially all of the debtor's assets to Time Warner NY Cable LLC and Comcast Corporation received from the United States Bankruptcy Court concerning Adelphia.

Weekly settlement received for the Charles Town Races 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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GREGORY A. CORLISS, COMMISSION PRESIDENT