

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 Courthouse thereof on Thursday, July 20, 2006 beginning at 9:30 o'clock a.m.

PRESENT: Gregory A. Corliss, President;
James Surkamp; A.M.S. (Rusty) Morgan, III;
Dale Manual; Jane Tabb; Commissioners

IN RE: PLEDGE OF ALLEGIANCE

Commissioner Corliss conducted the Pledge of Allegiance.

IN RE: DISPENSE WITH READING OF MINUTES

Motion by Manual, second by Tabb to dispense with the reading of the minutes for the Special Session held on Tuesday, July 11, 2006 and to approve the minutes as presented. Motion carried.

Motion by Manual, second by Tabb to dispense with the reading of the minutes for the Special Session held on Wednesday, July 12, 2006 and to approve the minutes as presented. Motion carried.

Motion by Tabb, second by Manual to dispense with the reading of the minutes for the meeting held on Thursday, July 13, 2006 and to approve the minutes as presented. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Manual to approve the following Purchase Orders for the week of July 20, 2006 totaling \$14,787.07: 42507, 42954, 42958, 42829, 42902, 42905, 42407, 42409, 42826, 42828 and 42253. Motion carried.

IN RE: PARTIAL BOND RELEASE –LETTER OF CREDIT – MARK ALEXANDER SMITH HOMES, INC.

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Surkamp, second by Manuel to approve the partial release of a letter of credit in the amount of \$20,073.77 for Mark Alexander Smith Homes, Incorporated with the County to retain \$12,767.73. Motion carried.

IN RE: PARTIAL BOND RELEASE –LETTER OF CREDIT – WAYNE T. LYNCH AND MATTHEW P. RIDGEWAY

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Manuel to approve the partial release of a letter of credit in the amount of \$125,000.00 for Wayne T. Lynch and Matthew P. Ridgeway with the County to retain \$74,030.38. Motion carried.

IN RE: BONDING AND ACTIVITY REPORT

Paul Raco, Executive Director of Planning, Zoning and Engineering appeared before the Commission for a Planning, Zoning and Engineering activity report.

Mr. Raco gave a status report on the Long Range Planner vacancy.

Commissioner Corliss reported on the Planning Commission Special Session he attended regarding proposed bylaws.

IN RE: EXONERATIONS

Ginger Bordier, Assessor appeared before the Commission for an exoneration request. Motion by Tabb, second by Manual to approve the exoneration for Donald L. Smoot in the amount of \$240.72. Motion carried.

<u>NAME</u>	<u>DISTRICT</u>	<u>TYPE</u>	<u>TICKET NO:</u>
Donald L. Smoot	Ranson	Personal Property	314047

Ginger Bordier, Assessor appeared before the Commission for an exoneration request. Motion by Manual, second by Tabb to approve the exoneration for Jeannine Gruber Garber in the amount of \$243.90. Motion carried.

<u>NAME</u>	<u>DISTRICT</u>	<u>TYPE</u>	<u>TICKET NO:</u>
Jeannine Gruber Garber	Charles Town	Personal Property	305544

Ginger Bordier, Assessor appeared before the Commission for an exoneration request. Motion by Tabb, second by Manual to approve the exoneration for Larry E. and Sandra M. Stewart in the amount of \$214.67. Motion carried.

<u>NAME</u>	<u>DISTRICT</u>	<u>TYPE</u>	<u>TICKET NO:</u>
Larry E. and Sandra M. Stewart.	Middleway	Personal Property	312803

Ginger Bordier, Assessor appeared before the Commission for an exoneration request. Motion by Morgan, second by Corliss to approve the exoneration for Carl B. Wagner in the amount of \$511.34. Motion carried.

<u>NAME</u>	<u>DISTRICT</u>	<u>TYPE</u>	<u>TICKET NO:</u>
Carl B. Wagner	Charles Town	Personal Property	304782

Ginger Bordier, Assessor appeared before the Commission for an exoneration request. Motion by Manual, second by Tabb to approve the exoneration for Salvatore Fratangeli in the amount of \$546.32. Motion carried.

<u>NAME</u>	<u>DISTRICT</u>	<u>TYPE</u>	<u>TICKET NO:</u>
Salvatore Fratangeli	Kabletown	Real Estate	16557

Ginger Bordier, Assessor appeared before the Commission for an exoneration request. Motion by Morgan, second by Tabb to approve the exoneration for Elfreda B. Slack in the amount of \$174.86. Motion carried.

<u>NAME</u>	<u>DISTRICT</u>	<u>TYPE</u>	<u>TICKET NO:</u>
Elfreda B. Slack	Charles Town	Real Estate	6106

IN RE: PUBLIC COMMENT

Nancy Lutz appeared before the Commission to express her concerns with Lane Kendig's Special Session that was held on July 12, 2006.

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 Legislative Rules for Regional Jail Per Diem calculations.

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 agreed to table this matter until next week.

IN RE: UPDATE ON JOINT MUNICIPAL/COUNTY PLANNING COMMISSION PROPOSALS

The Commission agreed to table this matter until next week.

IN RE: MUNICIPAL PLANNING AUTHORITY

No action was taken on this agenda item.

IN RE; SELECT COUNTY COMMISSION MEMBERS TO JOINT CHARLES TOWN, RANSON, JEFFERSON COUNTY JOINT PLANNING COMMISSION

The Commission agreed by consensus to appoint Commissioners Morgan and Manual to the Joint Charles Town, Ranson, and Jefferson County Joint Planning Commission. The Commission authorized Commissioners Morgan and Manual to draft a Mission Statement for the Joint Charles Town, Ranson, and Jefferson County Joint Planning Commission for review and approval by the Commission and Council of Government officials.

IN RE: DOUG HORROCKS – REAFFIRM COMPOSITION OF WATER SYSTEM ENGINEERING RFP COMMITTEE

Doug Horrocks appeared before the Commission to express appreciation and recognition for the implementation of the Water System Engineering RFP Committee.

Mr. Horrocks discussed the strategies and objectives of the Committee and reported on the July 17, 2006 meeting and proposed agenda of the July 21, 2006 scheduled meeting.

Brandy Sims, Assistant Prosecuting Attorney was present for comments. Ms. Sims reported on the Open Governmental Proceedings Act.

IN RE: WILLIAM & ROBIN WERZYN – BUILDING PERMIT DENIAL

William & Robin Werzyn appeared before the Commission to appeal the denial of their Building Permit. Mr. and Mrs. Werzyn presented the Commission with various photographs and reports relating to mapping, flood elevation certification and neighboring zoning specifications.

Paul Raco, Executive Director of Planning, Zoning and Engineering was present for comments.

Roger Goodwin, Chief County Engineer reported on elevation requirements.

Motion by Surkamp to support the Werzyn appeal and grant the Building Permit as originally submitted. Motion failed due to the lack of a second.

Motion by Manual, second by Corliss to table this matter to allow for further review and consideration. Motion carried.

IN RE: PETER CHAKMAKIAN – PROPOSED TEXT AMENDMENT – JEFFERSON COUNTY ZONING ORDINANCE

Peter Chakmakian appeared before the Commission to request an Amendment to the Jefferson County Zoning Ordinance to include language for Principle Permitted Use.

Mr. Chakmakian referenced WV Code 8A-7-8 with regard to the Planning Commission to ensure consistency with Jefferson County's Comprehensive Plan.

Motion by Surkamp to approve the amendment to the Jefferson County Zoning Ordinance upon review and approval from the Planning Commission subject to legal review by Brandon Sims, Assistant Prosecuting Attorney. Motion failed due to the lack of a second.

Motion by Tabb, second by Manual to submit the proposed amendment to legal counsel to meet with Mr. Chakmakian to agree upon proper language for the amendment then submit amendment back to the County Commission for consideration. Motion carried.

IN RE: JENNIFER S. MAGHAN – COUNTY CLERK’S REPORT

Jennifer S. Maghan, County Clerk appeared before the Commission for the weekly County Clerk’s report.

Ms. Maghan reported on the status of the Bond Levy on the ballot by School Board officials and the Parks and Recreation Commission.

The Commission took a 5-minute break at 11:00 a.m. The Commission reconvened at 11:05 a.m.

IN RE: BRANDY SIMS – LEGAL COUNSEL UPDATE & REPORT

Motion by Morgan, second by Manual to enter into Executive Session with legal counsel in order to discuss current and pending litigation. Motion carried.

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

Motion by Tabb, second by Manual authorizing Leslie D. Smith, County Administrator to contact Jefferson County Legal Counsel to schedule a conference to discuss the Henry case. Motion carried.

IN RE: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION & DIRECTION

Commissioner Surkamp expressed interest in a unified ordinance. Brandon Sims, Assistant Prosecuting Attorney cited WV Code 8A-1-2-8 regarding the permissiveness of unified ordinances.

Commissioners discussed Kendig Keast’s ordinance revision process with respect to departmental authority and responsibility.

Paul Raco reported on the Stakeholders Committee meeting with state legislators.

Commissioner Corliss expressed an interest in acquiring a specific schedule from Kendig Keast regarding the Subdivision and Zoning ordinance rewrite procedures.

Motion by Tabb, second by Corliss to reaffirm the previous action by Kendig Keast officials and authorize them to proceed with two separate ordinances. Motion carried.

Motion by Morgan, second by Manual to approve the annotated outlines of the separate subdivision and zoning ordinances as submitted. Motion carried.

IN RE: ADVANCED SCHEDULE PLANNING FOR LANE KENDIG

This matter was discussed under agenda item, “Kendig Keast Update/Ordinance rewrite discussion and direction”.

IN RE: DIRK STANSBURY – ROSE HILL BOND

Dirk Stansbury appeared before the Commission to request a reconsideration of a bond extension for Rose Hill Subdivision.

Paul Raco Planning, Zoning and Engineering Executive Director and Roger Goodwin, Chief County Engineer were present for comments regarding extension requirements.

Motion by Tabb, second by Surkamp authorizing Roger Goodwin to do a site assessment of Rose Hill Subdivision and acquire a legal opinion concerning bond foreclosure and forfeiture and place this matter on the agenda for further consideration on July 27, 2006. Motion carried.

IN RE: BERKELEY COUNTY HEALTH DEPARTMENT – TRAINING CLASS – ROLES & RESPONSIBILITIES FOR BOARD OF HEALTH MEMBERS

Commissioners Surkamp, Corliss and Morgan agreed by consensus to attend the meeting scheduled with Berkeley County Health Department.

IN RE: COUNCIL OF GOVERNMENTS MEETING AGENDA

Leslie D. Smith, County Administrator reported on the Council of Governments meeting scheduled for July 26, 2006 at 5:00 p.m.

IN RE: APPOINTMENT TO THE HARPERS FERRY/BOLIVAR PUBLIC SERVICE DISTRICT

No action was taken on this agenda item.

IN RE: APPOINTMENT TO THE JEFFERSON COUNTY BOARD OF HEALTH

No action was taken on this agenda item.

IN RE: PARKS & RECREATION LAND ACQUISITION PROCESS

The Commission authorized the Parks and Recreation Commission to proceed with the land acquisition process as deemed appropriate subject to review and approval by the County Commission.

IN RE: HAZARD MITIGATION PLAN – POINT OF CONTACT

The Commission agreed by consensus to appoint Jefferson County Office of Homeland Security Coordinator, Barbara Miller as point of contact for Hazard Mitigation Planning.

INRE: IMPROVING COMMUNITY COMMUNICATIONS

The Commission agreed to defer this matter.

IN RE: COMMISSION WORK SESSION ON OUTSTANDING & PENDING BUDGET ISSUES

Upon the conclusion of budget procedures, Commissioner Corliss requested that the Commission schedule a work session to discuss outstanding and pending budget issues.

Leslie D. Smith, County Administrator reported on budget revision procedures and previous budget allocations by the County Commission.

Motion by Manual, second by Tabb to authorize a budget revision as outlined by the County Administrator.

IN RE: PUBLIC COMMENT

Toni Milbourne expressed her concerns with the County Commission authorization for the Parks and Recreation Land Acquisition process.

IN RE: COUNTY COMMISSION REPORTS

No County Commission reports were given for the week of July 20, 2006.

The Commission received the following information:

Notice of Pre Proposal Meeting for Interested Firms (Courthouse Annex) on Wednesday, July 26, 2006 at 2:00 p.m. - Hunter House.

Acceptance of bond for Samuel Station Subdivision in the amount of \$500,276.51.

Acceptance of bond for Commercial Building Expansion, Bittinger Lot 44 in the amount of \$10,381.62.

Memorandum received from the Department of Impact Fees concerning modification to County Impact fee Fundable Projects - Jefferson County Capital Improvement Plan for Fiscal Year 2007.

Letter of Resignation received from James M. Davis as a member of the Jefferson County Building Commission.

Letter of Resignation received from Gene Capriotti as a member of the Subdivision and Zoning Ordinance Steering Committee.

Information received from the Mountain Water Systems Fair Water Rate Committee concerning a meeting agenda and the Mountain Fair Water Rate Assessment District Feasibility Study RFP Committee.

Revised annotated outline received from Lane Kendig.

Comments on Kendig Keast Draft Ordinance Critique and Recommendations received from Eric Lewis.

Correspondence received from BSR concerning Accident Avoidance Driver Training.

Correspondence received from the Fire and Rescue Association concerning the allotment of VLT funds.

Correspondence received from the National Park Service concerning the Harpers Ferry Center.

Correspondence received from Brickstreet concerning premium payments.

Worker Adjustment and Retraining Notification received from Kodak Graphics Solutions and Services.

Correspondence received from the West Virginia Regional Jail and Correctional Facility Authority concerning Proposed Rule 94-CSR-3.

Correspondence received from Farzad Mahootian concerning Tollhouse Woods Subdivision.

Correspondence received from the County Commissioners' Association concerning the annual meeting door prize.

Information received from the County Commissioners' Association concerning Emergency Rules filed by the Regional Jail Authority.

Correspondence received from the Association of Counties concerning Regional Jail Per Diem.

Notice received from the Department of Planning, Zoning and Engineering of a Subdivision Work Session on Friday, July 21, 2006.

E-911 fees received from Citizens Communications.

Annual budget received from the Harpers Ferry/Bolivar PSD.

Meeting minutes received from the Harpers Ferry/Bolivar PSD.

Meeting minutes received from the Jefferson County PSD.

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.

GREGORY A. CORLISS, COMMISSION PRESIDENT