

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, September 7, 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 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 regular meeting held on Thursday, August 31, 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 September 7, 2006 totaling \$35,787.72: 43141, 403048, 43005, 43105, 43140, 43146, 43143, 43047, 43144, 43147, 43149, 42608, 42918, 42994, 42995, 42996, 42997, 42998, 42999, 43000, 43151, 43152, 43153, 43154 and 43156. Motion carried.

IN RE: APPOINTMENT OF ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS

No action was taken on this agenda item.

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: APPOINTMENT TO THE JEFFERSON COUNTY BUILDING COMMISSION

No action was taken on this agenda item.

IN RE: LEGISLATIVE ISSUES

Commissioner Manuel reported on the status of legislation regarding procedures for removal of appointed members of Boards and Commissions.

In re: NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES

Upon presentation by the Assessor, motion by Morgan, second by Manuel to approve the Notice of Apportionment of Jointly Owned Motor Vehicles filed by a certified copy of a final divorce order entered under provisions of section fifteen, article two, chapter forty-eight of the West Virginia Code, in the amount of \$506.52 for the following: Motion carried.

NAME:	ASSESSED VALUE:	TAXES DUE:
Matthew L. Russell (husband)	\$13,400.00 (Ford F250)	\$323.20
Debra K. Russell (wife)	\$7,600.00 (Jeep Liberty)	\$183.32
	TOTAL:	\$506.52

IN RE: COMPLETE BOND RELEASE – BRIDGEFORTH RC COLA/WES SCOTT LLC

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Morgan, second by Tabb to approve the complete release of an Irrevocable Letter of Credit in the amount of \$50,000.00 for Bridgeforth RC Cola/WesScott, LLC. Motion carried.

IN RE: BONDING AND ACTIVITY REPORT

Paul Raco, Director of Planning, Zoning and Engineering appeared before the Commission for a Bonding and Activity report for the week of September 7, 2006.

Mr. Raco reported on the upcoming Planning Commission meeting scheduled for September 12, 2006.

IN RE: KENDING KEAST UPDATE/ORDINANCE REWRITE DISCUSSION AND DIRECTION

Leslie D. Smith, County Administrator presented the Commission with a detailed schedule outlining the meetings with Kendig Keast. Ms. Smith reported on the format of the scheduled meetings.

The Commission discussed the specifications for the discussion groups and the question and answer phase of the public meetings.

Ms. Smith reported that she will be issuing public notices of the Kendig Keast meeting format and dates to area newspapers and on the Jefferson County web site.

IN RE: SCHEDULING COUNTY STAFF REVIEW OF KENDING KEAST WORK TO DATE

This matter was discussed under agenda item: “Kendig Keast Update/Ordinance Rewrite Discussion and Direction”.

IN RE: RESOLUTION – EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA

Motion by Manuel, second by Tabb authorizing Commission President Gregory Corliss to affix his signature upon the Eastern Panhandle Home Consortium of West Virginia Resolution as amended. Motion carried.

RESOLUTION

A RESOLUTION OF THE COUNTY COMMISSION OF THE JEFFERSON COUNTY AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA FOR THE PERIOD OF JULY 1, 2007 TO JUNE 30, 2008.

WHEREAS, TITLE II of the National Affordable Housing Act of 1990 provides for the creation of the HOME Investment Partnership Program (hereinafter referred to as HOME); and

WHEREAS, the HOME regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) under 24 CFR Part 92 authorizes units of general local government to enter into Housing Consortium Cooperation Agreements; and

WHEREAS, there is a need throughout the Eastern Panhandle of West Virginia to provide affordable housing for the low and moderate income residents; and

WHEREAS, the City of Martinsburg, County of Berkeley, Town of Hedgesville, County of Jefferson, City of Charles Town, City of Ranson, City of Shepherdstown, County of Morgan, Town of Paw Paw, West Virginia, have formed a Consortium that has been designated as a Participating Jurisdiction under the HOME Program, thereby entitling the Consortium to seek annual funding; and

WHEREAS, the County Commission of Jefferson County entered into a three (3) year Housing Consortium Cooperation Agreement with an annual renewal clause for participation in the HOME Consortium for the Eastern Panhandle; and

WHEREAS, the U.S. Department of Housing and Urban Development is expected to award the HOME Consortium of the Eastern Panhandle a HOME grant upon request and consideration for Fiscal Year 2007-2008; and

WHEREAS, the County Commission of Jefferson County recognizes the need to obtain funding for affordable housing and has identified the HOME Program as a source of funds to meet this need.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY THAT:

1. The County Commission of Jefferson County will cooperate with the City of Martinsburg, County of Berkeley, Town of Hedgesville, County of Jefferson, City of Charles Town, , City of Ranson, City of Shepherdstown, County of Morgan, Town of Paw Paw, West Virginia, in a Consortium for participation in the HOME Program; and
2. The President of the County Commission of Jefferson County is hereby authorized to enter into a one-year Cooperation Agreement for the period of July 1, 2007 to June 30, 2008. renewable in one year increments through June 30, 2010, with the other members which form the Eastern Panhandle HOME Consortium of West Virginia; and
3. A copy of this resolution is to be submitted in the request to US. Department of Housing and Urban Development to approve funding of the Eastern Panhandle HOME Consortium of West Virginia for the above Fiscal Year 2007 HOME Investment Partnership Program.

Adopted this 7th day of September 2006.

BY:

/s/ _____
Gregory A. Corliss, President
County Commission of Jefferson County

ATTEST:

/s/ _____
Jennifer S. Maghan, County Clerk

IN RE: DETAILED REVIEW OF MAY PAY TRANSACTIONS AS CONTRIBUTING TO MISSING MONIES NOW LARGELY FOUND

Commissioner Corliss requested that Leslie D. Smith, County Administrator acquire a written report from Cox Hollida regarding the status of county funds and schedule a public meeting with the auditors that are currently conducting the Jefferson County audit to discuss county accounts, budgeting procedures and funding distribution.

The Commission agreed to schedule a workshop with Cox Hollida to discuss this matter.

IN RE: WORK SESSION WITH COX HOLLIDA

This matter was discussed under agenda item: "Detailed review of May pay transaction as contributing to missing monies now largely found".

IN RE: MARK DYCK – REVIEW OF PROPOSED ZONING ORDINANCE REWRITE

Mark Dyck appeared before the Commission to address his concerns with the proposed Zoning Ordinance rewrite.

Mr. Dyck presented the Commission with a summary of his concerns regarding land and agricultural use restrictions and regulations outlined in the proposed Zoning Ordinance rewrite.

Commissioner Corliss recommended Mr. Dyck attend the public hearings with Kendig Keast officials September 19-20, 2006.

The Commission agreed to forward Mr. Dyck's summary of concerns to Kendig Keast for review and consideration.

IN RE: JOHN & WENDY WASSON – STORM WATER DRAINAGE ISSUE

Mr. and Mrs. Wasson appeared before the Commission to express their concerns with storm water drainage problems at their residence as a result of development construction at Sheridan Estates.

Mrs. Wasson reported on her discussion with officials from the Department of Planning, Zoning and Engineering with the intent to rectify the storm water drainage problems.

Paul Raco, Planning, Zoning and Engineering Director and Brandon Sims, Assistant Prosecuting Attorney were present for comments.

The Commission agreed to consult with the Department of Planning, Zoning and Engineering to review storm water management designs at Sheridan Estates.

IN RE: PAUL HOBBS – DISCUSSION OF STORM WATER DESIGN OF SHERIDAN ESTATES

Mr. Hobbs appeared before the Commission for presentations and discussions regarding the lack of storm water management with regard to the development of Sheridan Estates.

Paul Raco, Department of Planning, Zoning and Engineering Director appeared before the Commission to report on Sheridan Estate's storm water management design requirements and regulations.

The Commission agreed to consult with the Department of Planning, Zoning and Engineering to review storm water management designs at Sheridan Estates.

IN RE: LEGAL OVERVIEW FOR NEW AND OLD PLANNING COMMISSION AND BOARD OF ZONING APPEALS APPOINTEES AS TO LEGAL RESPONSIBILITIES

Commissioner Corliss requested that Assistant Prosecuting Attorney Brandon Sims draft a general outline specifying the legal responsibilities and authority of Planning Commission and Board of Zoning Appeals appointees.

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission to express her concerns with drafting a general outline of legal responsibilities and rights.

The Commission discussed the possibility of conducting legal workshops for Planning Commission and Board of Zoning Appeals appointees to further enhance their knowledge of legal procedures and responsibilities.

Lynn Deming, Planning Commission member and Paul Raco, Director of Planning, Zoning and Engineering were present for comments.

IN RE: DIRECT LIAISON AUTHORIZATION BETWEEN FIRE/EMS LAWYER AND PROSECUTING ATTORNEY'S OFFICE REGARDING AN INTEGRATED FIRE AND EMS BOARD

No action was taken on this agenda item.

IN RE: UPDATE BY SHEILA BIRNBACH – MANAGEMENT STUDY

The Commission agreed to schedule an agenda appointment for Sheila Birnbach for September 14, 2006 so Ms. Birnbach can provide the Commission with an up to date Management Study report.

IN RE: DISCUSSION OF INSURANCE ON COURTHOUSE

Commissioner Morgan inquired about the amount of coverage provided for the Jefferson County Courthouse.

Leslie D. Smith, County Administrator reported on specifications of insurance coverage provided for the Courthouse and property therein.

The Commission agreed by consensus to schedule a workshop to discuss insurance issues further.

IN RE: J. MICHAEL CASSELL, ESQUIRE – AMENDMENT TO DEFINITION OF AGRICULTURAL USE

J. Michael Cassell, Esquire advised that he wished to withdraw this agenda item.

The Commission took a 5-minute break at 10:55 a.m.

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

Jennifer S. Maghan, County Clerk reported that all monies that were unaccounted for from May 18, 2006 payroll has been accounted for and rectified as a result of an audit conducted by Mr. Paul Shroyer.

Ms. Maghan presented the Commission with an audit report by Paul Shroyer with a detailed explanation of audit procedures conducted by Mr. Shroyer.

IN RE: ESTABLISH A DAYBOOK POLICY

Commissioner Surkamp requested that Leslie D. Smith, County Administrator incorporate a daybook policy to include organization of all incoming and outgoing correspondence authorized by the Commission into one file for Commissioner’s availability and review.

Leslie D. Smith, County Administrator reported on document management and organization procedures implemented at the County Commission administrative offices.

The Commission agreed by consensus to discuss this matter further next week.

IN RE: PLANNING COMMISSION INTERVIEWS

Jeff Haymaker appeared before the Commission for a Planning Commission interview.

Terry Wade appeared before the Commission for a Planning Commission interview.

IN RE: APPOINTMENT TO THE PLANNING COMMISSION

The Commission agreed to defer this matter until next week.

IN RE: COMPETITIVE BIDDING

Commissioner Surkamp reported on the State of West Virginia’s Competitive Bidding Policy.

In RE: BRANDON SIMS – LEGAL UPDATE & REPORT

There was no legal update and report given for the week of September 7, 2006.

IN RE: PLANNING DIRECTOR’S COMMENTS RE: KENDING KEAST DRAFT

Paul Raco, Director of Planning, Zoning and Engineering appeared before the comment on the effects of the Kendig Keast Zoning and Subdivision Ordinance amendments.

Mr. Raco discussed the effects the land and agricultural use restrictions and regulations outlined in the Zoning and Subdivision rewrite may have on Jefferson County with regard to growth and economic development.

IN RE: PUBLIC COMMENT

Lynn Deming appeared before the Commission to discuss her concerns with clarity of the Zoning and Subdivision Ordinance rewrite and training for Planning Commission members.

J. Michael Cassell advised the Commission of the Zoning and Land Use Law Seminar being held on Wednesday, September 13, 2006 in Martinsburg.

IN RE: COUNTY COMMISSION REPORTS

Leslie Smith, County Administrator reported on the 9-11 memorial services being held at Independent Fire Company on September 11th at 9:58 a.m.

Leslie Smith, County Administrator reported on the WV State Fire and Rescue Association’s Convention being held in Jefferson County September 8-10, 2006.

The Commission discussed document-safeguarding strategies.

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

Commissioner Manuel reported on the Affordable Housing Committee meeting he attended.
Commissioner Tabb reported on the Region 9 Executive Committee meeting she attended.

The Commission received the following information:

Reminder of meeting with the Board of Education on Wednesday, September 13, 2006, at 10:00 a.m., at the Board of Education Office to discuss procedures for the release of Impact Fees.

Acceptance of bond in the amount of \$3,410,199.77 for Tollhouse Woods LLC.

Impact Fee Status Report received for August 2006.

Correspondence received from Judge Thomas W. Steptoe, Jr. concerning document safeguarding.

Correspondence received from Assistant Prosecuting Attorney, Brandon Sims concerning document safeguarding.

Progress report for the Green Infrastructure Assessment received.

Information received concerning the Water Resources Strategic Plan.

Copy of correspondence sent to Stephanie Timmermeyer from the Bureau for Public Health received concerning the LCS North Mountain Landfill.

Correspondence received from Stephanie Boylan concerning increase noise on Route 340 near the Harpers Ferry National Historical Park.

Correspondence received from the Division of Highways concerning the grant award for Shepherdstown Civil War Battlefield.

Invitation received from the Jefferson County Youth Football League to attend opening day ceremonies on September 9, 2006, at Charles Town Middle School.

Invitation received to attend the Senior Picnic on September 12, 2006, beginning at 10:30 a.m. at the Moose Club in Ranson.

Copy of a newspaper article concerning state jails received from the County Commissioners' Association and the Association of Counties.

Information received from the County Commissioners' Association concerning county records grant application.

Correspondence received from the County Commissioners' Association concerning the Subcommittee on Property Taxes and Local Finance.

Legislative Interim meeting schedule received from the County Commissioners' Association.

Grant Information and Application received from the West Virginia County Records Management and Preservation Grant Program.

Correspondence received from Martin T. Standel concerning Adelphia billing.

Harpers Ferry National Historical Park Community Bulletin received.

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

Notice of a Ribbon Cutting at Keller & Williams on Thursday, September 14, 2006, at 11:00 a.m.

Miscellaneous

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

GREGORY A. CORLISS, COMMISSION PRESIDENT