

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, September 21, 2006, beginning at 9:30 o'clock a.m.

**PRESENT: Dale Manuel, President Pro Tem;
James Surkamp; A.M.S. (Rusty) Morgan, III;
Jane M. Tabb; Commissioners**

Commissioner Corliss was absent.

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, September 14, 2006, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Morgan to approve the following Purchase Orders for the Week of September 18, 2006, totaling \$53,391.18: 42977, 43044, 42411, 43195, 43196, 43197, 42198, 42610, 43201, 43157, 43158, 43159, 43160, 43163, 43164, 43165, and 43166. Motion carried.

In re: APPOINTMENT OF ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS

No action was taken on this matter.

In re: APPOINTMENT TO THE HARPERS FERRY/BOLIVAR PUBLIC SERVICE DISTRICT

No action was taken on this matter.

In re: APPOINTMENT TO THE JEFFERSON COUNTY BOARD OF HEALTH

No action was taken on this matter.

In re: APPOINTMENT TO THE JEFFERSON COUNTY BUILDING COMMISSION

No action was taken on this matter.

In re: LEGISLATIVE ISSUES

Commissioner Morgan informed the Commission that he would be going to Canaan, WV on Sunday for the West Virginia County Commissioners' Association Legislative Meeting.

In re: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION AND DIRECTION

Commissioner Morgan discussed the change of direction regarding subdivision process, and to work on an interim process change that is compliant with 8A and is user friendly. After further discussion, motion by Morgan, second by Tabb to request that Kendig Keast follow through discussion of the Subdivision Ordinance and bring to compliance with 8A and to put this matter on a fast track for possible public hearing within the next several months. Motion carried.

Motion by Surkamp, second by Tabb that the County Commission reaffirm that Kendig Keast focus on 4 priorities but not limited to the 4 priorities for the rewrite which are greater flexibility in the agricultural district, maintain water quality and quantity, affordable housing and user friendly documents. Motion carried.

The Commission agreed to send a thank you letter to Kendig Keast Collaborative thanking them for their patience and professionalism.

In re: EXONERATION

Motion by Tabb, second by Morgan to approve the following Exoneration due to erroneous assessment. Motion carried.

<i>Name</i>	<i>District</i>	<i>Type</i>	<i>Ticket #</i>	<i>Tax</i>
Phillip McAllister	Middleway	Personal	312203	\$7.24

In re: EXONERATION

Motion by Morgan, second by Tabb to approve the following Exoneration due to erroneous assessment. Motion carried.

<i>Name</i>	<i>District</i>	<i>Type</i>	<i>Ticket #</i>	<i>Tax</i>
ICT Group	Charles Town	Personal	302449	\$14,168.08

In re: BONDING

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Morgan to approve the complete bond release of a letter of credit for Uniwest Construction, Inc. - Jefferson Crossing II Subdivision, Lots 1-8 in the amount of \$836,007.05. Motion carried.

In re: BONDING

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Morgan to approve the complete bond release of a letter of credit for Uniwest Construction, Inc. - Jefferson Crossing II Subdivision, Lot 3 in the amount of \$45,128.81. Motion carried.

In re: BONDING

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Morgan second by Tabb to approve the complete bond release of a letter of credit for Uniwest Construction, Inc. - Jefferson Crossing II Subdivision, Lot 4 in the amount of \$30,207.37. Motion carried.

In re: BONDING

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Morgan to approve the complete bond release of an escrow account in the name of Gene Perkins/Anderson & Perkins LLC in the amount of \$948.75. Motion carried.

In re: PAUL J. RACO - ACTIVITY REPORT

Paul Raco, Executive Director of Planning, Zoning and Engineering, appeared before the Commission to give the Planning Commission Activity Report.

In re: PROPOSED ZONING MAP AMENDMENT (INDUSTRIAL/COMMERCIAL TO RURAL ZONE) - KABLETOWN TAX DISTRICT, MAP 19, PARCEL 18.1

Paul Raco, Executive Director of Planning, Zoning and Engineering, appeared before the Commission and reported that the Planning Commission found that the proposed Zoning Map Amendment (Industrial/Commercial to rural zone) - Kabletown Tax District, Map 19, Parcel 18.1 is consistent with the Comprehensive Plan.

Motion by Surkamp, second by Tabb to approve the Zoning Map Amendment (Industrial/Commercial to Rural Zone) - Kabletown Tax District, Map 19, Parcel 18.1. Motion carried.

In re: REPORT ON EXPANDED USES IN THE RURAL ZONE

Paul Raco, Executive Director of Planning, Zoning and Engineering, appeared before the Commission and reported on expanded uses in the Rural Zone. Mr. Raco also reported on the Zoning text amendment for Recreational Facilities and informed the County Commission that the Planning Commission deemed the request consistent with the Comprehensive Plan with three conditions: 10 acres minimum, 20 students per acre without zoning ordinance amendment 5.8b.

Peter Chakmakian was present and asked the Commission if he could examine the draft.

After discussion, motion by Surkamp, second by Tabb to go back to the original language that the issues at question can be amended at a later date. After further discussion, motion by Tabb, second by Manuel to move this agenda item to the bottom of the agenda for further review. Motion carried.

Mike Cassell was present and commented on the definitions in the amendment. He stated that his request is not an amendment change on the permitted uses. Motion by Tabb, second by Manuel to have the Staff and Mike Cassell work together on the change of definitions and come up with a solution and place this matter on next week's agenda. Motion carried.

Motion by Morgan, second by Tabb to table the decision on the Expanded Uses in the Rural Zone. Motion carried.

In re: PUBLIC COMMENT

Toni Milbourne was present and made comment regarding the Parks and Recreation and the RFP for an Architect for a proposed pool at the Community Center.

In re: ESTABLISH A DAYBOOK POLICY

Commissioner Surkamp discussed the daybook policy. The Commission agreed to have correspondence on Commission letterhead be copied and placed in the notebooks of each Commissioner.

In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD

Motion by Tabb, second by Morgan to reappoint Phil Cox to the Farmland Protection Board for a four year term ending September 7, 2010. Motion carried.

In re: APPROVAL OF SALARY INCREASE - WORTHLESS CHECK DEPUTY CLERK

Motion by Tabb, second by Morgan to approve the salary increase for Pam Conley as Worthless Check Clerk. Motion carried.

In re: APPROVAL OF GRANT AWARD DOCUMENTS - HOMELAND SECURITY SUB-GRANT IN THE AMOUNT OF \$205,000

The County Administrator informed the Commission that the Grant documents received from the Homeland Security in the amount of \$205,000 for radios cannot be signed at this time. The County Commission needs to be NIMS compliant before the documents can be signed.

In re: SCHOOL IMPACT FEE DISBURSEMENT - INTERGOVERNMENTAL AGREEMENT WITH BOARD OF EDUCATION

Motion by Tabb, second by Surkamp to direct staff to work on communications with the Board of Education to prepare an agreement regarding School Impact Fee Disbursements. Motion carried.

In re: PUBLIC COMMENT

Mike Cassell informed the Commission that Commissioner Morgan and he would be Co-Chairs for Supporting the School Levy and will be conducting meetings and campaigning for the upcoming General Election. The Commission agreed to place this matter on next week's agenda.

In re: REQUEST FOR WORK SESSION ON OCTOBER 5, 2006 - PRELIMINARY GREEN INFRASTRUCTURE NETWORK

The Commission agreed to hold a work session on October 5, 2006 to discuss the Preliminary Green Infrastructure Network.

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

Jennifer S. Maghan, County Clerk appeared before the Commission. Ms. Maghan informed the Commission that she did not have anything to report at this time.

Commissioner Manuel informed the Commission that the questions for Secretary of State, Betty Ireland had been collected and are ready to be sent to her.

The County Administrator informed the Commission that the comments for the Draft Audit Ending June 30, 2005 are due Friday, September 22, 2006.

In re: COUNTY COMMISSION REPORTS

Commissioner Tabb reported on the TDR Committee she attended.
Commissioner Tabb commented on the meetings with Kendig Keast.
Commissioner Surkamp commented on the meetings with Kendig Keast.
Commissioner Morgan reported on the NEREMS meeting he attended.
Commissioner Manuel commented on the Kendig Keast meetings.
Commissioner Manuel reported on the meeting he attended regarding annexations.

In re: COUNTY COMMISSION WORKSHOP - MATTHEW GROVE JAIL ARCHITECT

The Commission held a workshop with Matthew Grove, Architect to discuss the Jail Project.

The Commission received the following information:

Copy of impact fee payment expenditure report received.

Copies of correspondence received from the Department of Planning, Zoning and Engineering concerning upcoming bond expirations.

Correspondence received from Eric Lewis concerning the Kendig Keast draft ordinance.

Correspondence received from Lyn Widmyer concerning the Kendig Keast draft ordinance.

Information received concerning a Balanced Growth Counties Conference on October 19, 2006 in Front Royal, Virginia.

Information received from Joseph Hankins concerning Catoctin Power LLC.

Correspondence received from the West Virginia Division of Homeland Security and Emergency Management concerning Roger Goodwin's accomplishment of passing the exam to become a Certified Floodplain Manager.

Correspondence received from Patricia E McMillan concerning the Eastern Panhandle HOME Consortium upcoming meeting.

Correspondence received from the Jefferson County Fire and Rescue Association thanking the Commission for their support for the 78th Annual State Firemen's Association Convention.

Information received concerning the West Virginia County Records Management and Preservation Grants.

Information received from the Association of Counties concerning a grant application for the Wireless Tower Access Assistance Fund.

Copy of a newspaper article concerning insurance on public buildings received from the Association of Counties.

Notice received from the Association of Counties concerning the passing of former Barbour County Assessor, Loran Phillips.

Correspondence received from the United Way concerning a fund raising campaign.

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

Meeting minutes received from the Jefferson County Public Service District.

Conference agenda received for an All Hazards Forum on October 10-12, 2006 at the Baltimore Convention Center.

Invitation received from the Hagerstown-Eastern Panhandle Metropolitan Planning Organization to attend a meeting on Wednesday, September 27th, at 7:30 a.m.

Pan Tran Board Meeting minutes received.

E-911 fees received from CTC of West Virginia.

Notice received from Loudoun County, VA of a Comprehensive Plan Amendment Public Hearing.

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.

PRESIDENT