

**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 28, 2006 beginning at 9:30 o'clock a.m.

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

Commissioner Gregory A. Corliss, President was absent

**IN RE: PLEDGE OF ALLEGIANCE**

Commissioner Morgan conducted the Pledge of Allegiance.

**IN RE: DISPENSE WITH READING OF MINUTES**

Motion by Surkamp, second by Tabb to dispense with the reading of the minutes for the regular meeting held on Thursday, September 21, 2006 and to approve the minutes as amended. Motion carried.

Motion by Tabb, second by Morgan to dispense with the reading of the minutes for the Special Session held on Wednesday, September 20, 2006 and to approve the minutes as prepared. Motion carried.

Motion by Tabb, second by Morgan to dispense with the reading of the minutes for the Special Session held on Tuesday, September 19, 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 28, 2006 totaling \$21,779.92: 43283, 43006, 43107, 43108, 43112, 42913, 42914, 42915, 43282, 43284, 43285, 43286, 43079, 43081, 42843, 43167, 43168, 43170, 43171, 43172, 43173 and 43174. 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 Morgan reported on the WV County Commission Association Legislative meeting he attended in Canaan Valley.

Commissioner Manual reported on the status of the table game referendum.

**IN RE: REPORT ON EXPANDED USES IN RURAL ZONE**

Paul Raco, Executive Director of the Department of Planning, Zoning and Engineering appeared before the Commission to report on expanded uses in rural zones to include principle permitted use and amendments to the present section 5.7 Zoning and Land Development Ordinance.

Mike Cassell, Esquire appeared before the Commission for presentation and comments. Mr. Cassell distributed copies of requested proposed amendments to Section 5.7 of the Zoning and Land Development Ordinance.

The Commission agreed to defer this matter for later in the agenda.

**IN RE: DELEGATE BOB TABB – DISCUSS UPCOMING GENERAL ELECTION**

Delegate Bob Tabb appeared before the Commission to express his concerns with the current election process. Delegate Tabb distributed copies of the letter he sent to the Secretary of State’s Office requesting an elections official from her office be present in Jefferson County for the November 7, 2006 general election to ensure proper procedure.

Commissioner Manuel reported on the email sent to the Secretary of State’s offices addressing various concerns and inquiries on behalf of the County Commission.

Delegate Locke Wysong was present for comments.

**IN RE: JEFFERSON COUNTY MAGISTRATES – COURTROOM AVAILABILITY**

Magistrate Gail Boober appeared before the Commission on behalf of all Jefferson County Magistrates to express concerns with lack of Magistrate Judicial space. Magistrate Boober reported that more space needs to be made available due to the two Magistrate Courtrooms being in high demand and due to an increase in case load and other Judicial hearings to include Circuit Court and Juvenile Court proceedings.

Commissioner Dale Manuel reported that construction for a new judicial facility is being coordinated to facilitate magistrate court, family court and circuit court judges.

The Commission agreed by consensus to work on a short-term solution with county magistrates to include seeking out additional rental space or use of the Court Commission meeting room to accommodate judicial proceedings.

**IN RE: BOND EXTENSION REQUEST: SHERIDAN SUBDIVISION**

This matter was discussed under agenda item: “Wendy Wasson/Paul Hobbs – Storm Water Issues at Carriage Park.

**IN RE: SUMMIT POINT – ZONING TEXT AMENDMENT FOR EDUCATIONAL FACILITIES**

Upon recommendation from Paul Raco, Executive Director of Planning, Zoning and Engineering, motion by Surkamp, second by Tabb to add the following language to the end of section 5.7(a)(2) of the existing Jefferson County Zoning and Development Review Ordinance effective immediately: “...and specialized or accredited educational and training facilities for adults in a campus setting, including classroom buildings, dormitories, cafeterias, gymnasiums (whose use is limited to the students, participants and instructors at said school or training facility) and administrative buildings.” Motion carried.

**IN RE: BOND EXTENSION REQUEST: CEDAR MEADOWS AIRPARK SUBDIVISION**

Paul Raco, Executive Director of the Department of Planning, Zoning and Engineering appeared before the Commission to report on the bonding history for Cedar Meadows Airpark Subdivision. Roger Goodwin appeared before the Commission to report on the development status of Cedar Meadows Airpark Subdivision as a result of a recent site inspection.

Cedar Meadows Home Owner’s Association President was present for comments.

Upon recommendation from Paul Raco, Executive Director of Planning, Zoning and Engineering, motion by Surkamp, second by Morgan to grant the Bond Extension request for Cedar Meadows Airpark Subdivision until December 14, 2006. Motion carried.

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

**IN RE: JANE PETERS, DEVELOPMENT AUTHORITY – APPROVAL OF DOCUMENTS FOR HUD GRANT**

Jane Peters, Executive Director of the Development Authority appeared before the Commission to request approval of documents for the HUD grant. Ms. Peters reported on HUD requirements.

Motion by Manuel, second by Tabb authorizing Jane Peters, Development Authority Executive Director to schedule a public hearing for citizen consideration and comment. Motion carried.

The Commission discussed deferring approval of the HUD grant pending Commission review of relevant documents for one week.

Motion by Tabb, second by Manuel to table this matter. Motion carried.

**IN RE: WENDY WASSON/PAUL HOBBS – STORM WATER ISSUES AT CARRIAGE PARK**

Wendy Wasson and Paul Hobbs, residents of Carriage Park Estates appeared before the Commission to report on the flooding to their property and to express their concerns with storm water management issues as a result of development at Sheridan Subdivision.

Ms. Wasson and Mr. Hobbs requested a detailed report from the Department of Planning, Zoning and Engineering regarding storm water management and development standards for Sheridan Subdivision.

Paul Raco, Planning, Zoning and Engineering Executive Director appeared before the Commission to report on the development at Sheridan Subdivision and to report on the bond extension request. Mr. Raco recommended the Commission grant a bond extension on the condition that Developers conduct an As Built Survey with a full report within 45 days.

Brandon Sims, Assistant Prosecuting Attorney was present for comments.

Motion by Morgan, second by Tabb to approve the Bond Extension request for Sheridan Subdivision until April 1, 2007 with the requirement that a detailed As Built Survey be completed within 45 days. Motion carried.

Amended Motion by Surkamp that the As Built Survey include a report rectifying the problem with flooding at Carriage Park Estates as a result of Sheridan Subdivision development. Motion died due to the lack of a second.

**IN RE: JENNIFER S. MAGHAN – COUNTY CLERK'S REPORT**

Jennifer S. Maghan, County Clerk appeared before the Commission to report on the status of registered voters being placed in the proper precincts and to discuss the clarity of precinct assignments. The Commission discussed the implementation of GIS districting for Jefferson County voters.

Ms. Maghan reported on the elections training classes for county employees scheduled for November 1, 2006.

**IN RE: BRANDY SIMS – LEGAL ISSUES UPDATE AND REPORT**

Motion by Tabb, second by Morgan to enter into Executive Session with Brandy Sims, Assistant Prosecuting Attorney to discuss current litigation. Motion carried.

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

Motion by Tabb, second by Morgan authorizing County Commission President Pro Tem to affix his signature upon the interrogatories presented to the Commission in Executive Session by Brandy Sims, Assistant Prosecuting Attorney. Motion carried.

**IN RE: KENDIG KEAST/ORDINANCE REWRITE DISCUSSION AND DIRECTION**

The Commission authorized Leslie D. Smith, County Administrator to forward all Kendig Keast correspondence to FOCUS Committee members for review.

**IN RE: APPROVAL OF GRANT AWARD DOCUMENTS – HOMELAND SECURITY SUB-GRANT IN THE AMOUNT OF \$205,000.00**

The Commission agreed upon consensus to table this matter.

**IN RE: COMMUNITY RATING SYSTEM ANNUAL RECERTIFICATION**

Motion by Tabb, second by Morgan authorizing President Pro Tem to affix his signature upon the Community Rating System Annual Recertification document for approval. Motion carried.

**IN RE: REQUEST FOR APPROVAL OF CHANGE ORDER # 2 – JEFFERSON COUNTY COMMUNITY CENTER**

Motion by Morgan, second by Tabb to approve the request for approval of Change Order # 2 for the Jefferson County Community Center as presented. Motion carried.

**IN RE: RESOLUTION OF SUPPORT FOR JEFFERSON COUNTY SCHOOLS EXCESS LEVY**

Motion by Morgan, second by Tabb to create a resolution of support for Jefferson County Schools Excess Levy. Motion carried.

**IN RE: MANAGEMENT REPRESENTATION LETTER – FY 2005 AUDIT – COX HOLLIDA LLP**

Motion by Morgan, second by Tabb to authorize County Commission President Pro Tem to affix his signature upon the Management Representation letter of engagement by Cox Hollida, LLP. Motion carried by a 3-1 vote, Commissioner Surkamp voted no.

**IN RE: COUNTY ADMINISTRATOR REPORTS**

Leslie D. Smith, County Administrator advised the Commission of the meeting location change for the week of October 5, 2006.

**IN RE: COUNTY COMMISSION REPORTS**

Commissioner Tabb reported on the Farmland Protection Board meeting she attended.

Commissioner Morgan reported on the WV County Commission Association meeting he attended.

Commissioner Manuel reported on the 911 Center Building Site Review meeting he attended.

Commissioner Manuel reported on the Parks and Recreation proposed land acquisition.

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

**IN RE: REPORT ON EXPANDED USES IN RURAL ZONE – CONTINUED**

Paul Raco appeared before the Commission to address the Commission's concerns with amendments to the current Zoning and Land Development Ordinance with specific information and instructions on expanded uses in rural zones.

Mike Cassell, Esquire was present for comments regarding an amended definition component of section 5.7 of the Zoning and Land Development Ordinance permitting hunting, shooting, archery and fishing clubs within a rural zone.

Motion by Surkamp, second by Tabb to adopt the amendments of section 5.7 Rural District of the Zoning and Land Development Ordinance with changes to be made by Mike Cassell, Esquire subject to Commission review and approval.

Amended motion by Morgan, second by Tabb to adopt the following amendments of Section 5.7 Zoning and Land Development Ordinance effective immediately. Motion carried:

**AMENDMENT OF SECTION 5.7 ZONING AND LAND DEVELOPMENT ORDINANCE**

Section 5.7 Rural District

(a) Principal Permitted Uses

15 (a) Accessory Uses for Hunting, Shooting and Fishing Clubs

1. Private restaurant that seats no more than 80 patrons that are members and guest of members.
2. Conference and banquet facilities to serve no more than 250 people in which a member rents the facility. Events, which are accessory uses other than hunting, shooting, archery and fishing, cannot exceed more than 16 per year.
3. Private lodge facilities of up to 50 units that serve members and guests.

24. Hunting, Shooting, Archery and Fishing Clubs, public or private as defined by American Planning Association Definitions including shooting ranges.

5.7(e) Standards for Hunting, Shooting and Fishing Clubs

1. 75 foot setback requirement for all structures and parking.
2. 150 yards setback for all shooting facilities.
3. Height
  - (a) As is for conversion or reconstruction that does not exceed 135 percent of the original footprint of existing structures
  - (b) 35 feet for new structures
4. Landscaping requirements to meet standard found in this Ordinance with the following exception:
  - (a) Perimeter landscaping shall be as approved by staff in order to preserve existing vegetation.
5. Minimum 150 acres under common ownership.

5.7(f) Special exceptions for Hunting, Shooting and Fishing Clubs.

1. Limits exceeding requirements outlined above can be increased with BZA approval provided that the BZA find that the increase is compatible with the neighborhood after taking into consideration neighborhood character, traffic and buffering. Such decision shall be rendered after a public hearing as outlined in the BZA Rules and Procedures.

**The Commission received the following information:**

Correspondence received from Barbara Miller concerning document safeguarding.

Comments concerning the proposed subdivision and zoning ordinance rewrite received from Nancy Lutz.

Comments concerning the proposed subdivision and zoning ordinance rewrite received from Patricia M. Sanderson.

Correspondence received from John C. Allen, Jr., from the Historic Landmarks Commission, concerning uses in the agricultural zone.

Copy of correspondence sent to the Department of Planning, Zoning and Engineering from James P. Campbell, Esq. received concerning Spruce Hill Towns.

Fact Sheet received from Jennifer S. Maghan, Jefferson County Clerk regarding voters need to be placed in their correct precincts prior to 2006 General Election.

Invitation received from the Jefferson County Board of Education to attend a “Sneak Peek Preview” of the renovation/construction project at Jefferson High School, on Sunday, October 29, 2006, at 1:00 p.m.

Invitation received from the City of Ranson to attend a dinner to commemorate their 96<sup>th</sup> birthday on October 27, 2006.

Correspondence received from the Office of the Secretary of State regarding an administrative error that has placed voters in a precinct that is not in the appropriate delegate district for their place of residency.

Notice received from Potomac Headwaters RC&D of a Goat and Sheep Information meeting on October 13, 2006, in Winchester.

Information received on designing solar electric systems.

Training Quarterly newsletter received concerning training opportunities for state and county employees.

Notice received of the Spring 2007 Local Government Leadership Academy beginning on April 15, 2007.

Notice received from the Extension Office of a women’s retreat “A New You - Living in a Healthy Body” beginning on October 13, 2006.

Correspondence and a copy of a newspaper article received concerning Morgan County’s Courthouse.

Correspondence received from Michael Schwartz regarding Second Opportunity for Public Input to Jefferson County’s Green Infrastructure Assessment Process on Tuesday, October 10, 1006 7pm at the Clarion Hotel in Shepherdstown.

Notice received of a Broadband Workshop on October 2, 2006 in Charleston.

Notice received from Loudoun County of a public hearing on a comprehensive plan amendment on October 10, 2006.

E-911 fees received from CTC of West Virginia, IDT Corporation and AT&T Communications of West Virginia.

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.

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DALE MANUEL, PRESIDENT PRO TEM