

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 Old Charles Town Library meeting room thereof on Thursday, October 19, 2006 beginning at 9:30 o'clock a.m.

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

IN RE: PLEDGE OF ALLEGIANCE

Commissioner Surkamp conducted the Pledge of Allegiance.

IN RE: DISPENSE WITH READING OF MINUTES

Motion by Tabb, second by Manuel to dispense with the reading of the minutes for the regular meeting held on Thursday, October 12, 2006 and to approve the minutes as amended. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS

Motion by Morgan, second by Manuel to approve the following Purchase Orders for the week of October 19, 2006 totaling \$18,038.72: 43305, 43007, 43011, 43118, 43119, 43124, 43125, 43127, 42761, 42919, 43335, 43302, 43303, 43304, 43086, 43087, 43240, 43241, 43242, 43308 and 43243. 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 BUILDING COMMISSION

No action was taken on this agenda item.

IN RE: LEGISLATIVE ISSUES

Commissioner Manuel reported on the status of Department of Highways funding.

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

The Commission agreed to table this matter.

IN RE: COMPLETE BOND RELEASE –LETTER OF CREDIT – WILLIAM C. SNELSON, JR.

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Morgan, second by Manuel to approve the complete release of a letter of credit in the amount of \$3,561.00 to Mr. William C. Snelson, Jr. Motion carried.

IN RE: PARTIAL BOND RELEASE – CASH IN ESCROW ACCOUNT – AMERICAN ACREAGE, LLC

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Morgan to approve the partial release of an escrow account in the amount of \$68,400.00 for American Acreage, LLC with the County to retain \$57,600.00. Motion carried.

IN RE: COMPLETE BOND RELEASE –CASH IN ESCROW ACCOUNT – POTOMAC FARMS, INC.

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Morgan, second by Tabb to approve the complete release of an escrow account in the amount of \$345.00 for Potomac Farms, Inc. Motion carried.

IN RE: COMPLETE BOND RELEASE – CASH IN ESCROW ACCOUNTS – WILLIAM H. SCOTT, SUMMIT POINT RACEWAY

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Manuel to approve the complete release of an escrow account in the amount of \$477.00 for William H. Scott. Motion carried.

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Morgan, second by Manuel to approve the complete release of an escrow account in the amount of \$1,337.00 for William H. Scott. Motion carried.

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Morgan to approve the complete release of an escrow account in the amount of \$1,100.00 for William H. Scott. Motion carried.

IN RE: BOND AND ACTIVITY REPORT

Paul Raco, Executive Director of Planning, Zoning and Engineering appeared before the Commission with a presentation and report on Bond Expirations for: Meadow Brook Farm - Section I, Colonial Hills, Gap View Village, Clear Field Subdivision, Haywood Acres Subdivision, H & W Office Building, Quail Ridge – Section II, Maddex Farm – Phase I, Smith Mountain Estates, Mark Kramer Subdivision, Locust Hills – Lots 366-390, Summit View Estates, Country Day School, Ruby Tuesday, Incorporated, Charles Town Self Storage and Bradstone Casting Plant. Mr. Raco reported that the securities for each of the outstanding bonds listed are current.

After discussion, motion by Manuel, second by Tabb authorizing the Department of Planning, Zoning and Engineering to conduct site inspections for all outstanding construction bonds and to report their findings to the Commission in two weeks for the possibility of bond extensions. Motion carried.

Mr. Raco reported on the upcoming Planning Commission meeting and Zoning Board meeting. Mr. Raco also reported on building permit activity for the Department of Planning, Zoning and Engineering.

IN RE: KAREN HOFF – TELAMON CORPORATION – AFFORDABLE HOUSING DISCUSSION

Karen Hoff from the Telamon Corporation appeared before the Commission for discussion regarding WV Affordable Housing and the WV Housing Development Fund. Ms. Hoff also reported on a new HOME consortium program being implemented for Jefferson County.

Robin Keyes from the Telamon Corporation was present for comments and reported on Affordable Housing Programs and services available on behalf of Telamon Corporation to assist with housing needs for area residents.

IN RE: MICHELLE BLACK – ZONING FOR CHILDCARE FACILITIES

Michelle Black appeared before the Commission to express her concerns with regard to the proposed Zoning Ordinance with regard to in home businesses.

Ms. Black reported on the demands for childcare services and facilities within Jefferson County. Ms. Black also reported on childcare provider regulations as implemented by the WV Department of Health and Human Services.

Ms. Kathrina Hagedorn, Case Manager with Mountain Heart Childcare Services was present for comments.

Motion by Morgan, second by Tabb authorizing Leslie D. Smith, County Administrator to email Ms. Black's concerns and comments to Lane Kendig with a request for a Zoning Amendment to the current Zoning and Subdivision Ordinance to include home childcare services for up to 12 children. Motion carried.

IN RE: BETTY GRAHAM – PROPERTY SAFETY CASE 06-001A & 001B – REQUEST FOR ADDITIONAL EXTENSION

Betty Graham appeared before the Commission to request an extension for Property Safety Case 06-001A and 06-001B.

Leslie D. Smith, County Administrator reported on her discussions with Roger Goodwin with regard to Property Safety Case 06-001A & 001B.

Motion by Corliss, second by Morgan to grant an additional six (6) month extension for Property Safety Case 06-001A & 06-001B from October 31, 2006. Motion carried.

IN RE: MOUNTAIN WATER COMMITTEE RECOMMENDATION OF ENGINEERING FIRM

Kaye Moore and Lee Snyder, Mountain Water Committee members appeared before the Commission to report on the Committee's Engineering Firm recommendation.

Ms. Moore reported on the Mountain Water System Study RFQ and interview process.

Ms. Moore reported that the Mountain Water Committee recommends Dunn Engineering by consensus after conducting all interviews with various Engineering firms that submitted RFQ's.

After discussions, motion by Manuel, second by Tabb authorizing Leslie D. Smith, County Administrator to enter into negotiations with Dunn Engineering to conduct the Mountain Water System study. Motion carried by a 4-1 vote. Commissioner Morgan voted no.

Commissioner Corliss requested that the Mountain Water Committee compile a cost analysis report for the completion of the Mountain Water System study for Commission review.

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 appeared before the Commission for the County Clerk's report.

Ms. Maghan reported on the meetings with the State Auditor's office and reported on the report currently in draft form by the Auditor's Office. As a result of the meeting, Ms. Maghan requested a workshop with the County Commission to discuss County financial matters further.

After discussions, the Commission agreed by consensus to schedule a workshop on Wednesday, October 25, 2006 at 9:30 a.m. with County Clerk Jennifer S. Maghan to discuss County Finances.

Jennifer S. Maghan, County Clerk provided the Commission with an update on the upcoming General Election.

Ms. Maghan expressed concerns with Court Security with regard to early voting procedures and requested that a Bailiff be available on Saturdays during early elections. The Commission advised Clerk Maghan to consult with Sheriff Ed Boober to acquire additional security.

IN RE: CIRCUIT CLERK PASTY NOLAND – RECORDS MANAGEMENT GRANT APPLICATION

Pasty Noland, Circuit Clerk appeared before the Commission to request approval of a Records Management Grant Application with an additional 10% of matching funds from the 2007 County Commission budget.

Ms. Noland reported on the current status of record management at the Circuit Clerks office and expressed concerns with inadequate space for record management and storage.

After discussions, motion by Morgan, second by Manuel to approve the Records Management Grant Application as submitted by Pasty Noland, Circuit Clerk with the County Commission to meet 10% of the funding requirement as set forth in the grant application. Motion carried.

IN RE: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION AND DIRECTION – ORDINANCE REWRITES AND PLANNING, ZONING AND ENGINEERING STAFF INTERACTION.

Paul Raco, Planning, Zoning and Engineering Executive Director appeared before the Commission to report on his discussions with Kendig Keast officials.

After discussions, motion by Tabb, second by Surkamp that Planning, Zoning and Engineering staff interact with Kendig Keast as they draft the ordinance rewrites. Once the initial draft of any ordinance is submitted to the County Commission, Planning, Zoning and Engineering staff will review and submit comments to the County Commission. Motion carried.

IN RE: EMPLOYMENT APPROVAL FOR BUILDING INSPECTOR – HAINES KIMBLE

Motion by Surkamp, second by Morgan to approve the employment of Haines Kimble as a full-time Building Inspector for the Department of Planning, Zoning and Engineering. Motion carried.

IN RE: SHERIFF BOOBER AND BILL POLK – BLUE RIDGE RESOURCE CENTER

Sheriff Boober and Maintenance Director Bill Polk appeared before the Commission to report on their meeting with Jefferson County School Superintendent Dr. Steven Nichols with regard to placement and implementation of the Blue Ridge Resource Center.

Mr. Polk presented the Commission with a cost estimate detailing the financial analysis for placement and implementation of the Blue Ridge Resource Center. Sheriff Boober reported on the placement and location of the Blue Ridge Resource Center.

Motion by Surkamp, second by Manuel to approve \$15,100.00 from the fiscal year budget for the placement of the Blue Ridge Resource Center at Blue Ridge Elementary School's site. Motion carried.

IN RE: COUNTY COMMISSION ASSOCIATION REGIONAL MEETING – OCTOBER 26, 2006

Due to a scheduling conflict, the Commission discussed alternatives for the Bed & Breakfast Workshop scheduled for October 26, 2006 to ensure Commission attendance at the County Commission Association Regional Meeting.

The Commission agreed by consensus to conduct the Bed & Breakfast workshop for one hour so they may attend the County Commission Association Regional meeting scheduled at 3:30 p.m.

IN RE: APPROVAL OF GRANT RESOLUTION AND CONTRACT – GOVERNOR'S COMMUNITY PARTNERSHIP GRANT PROGRAM – JEFFERSON COUNTY COMMUNITY MINISTRIES

Motion by Morgan, second by Tabb to approve the County Commission President's signature on the grant resolution and contract for the Governor's Community Partnership Grant Program for the Jefferson County Community Ministries. Motion carried.

IN RE: 201 NORTH GEORGE STREET, LLC – OFFER FOR COUNTY TO RENT AVAILABLE SPACE

The Commission agreed by consensus to look at the rental property at 201 North George Street on Monday, October 23, 2006 at 11:00 a.m. for possible lease options.

IN RE: REQUEST FOR REZONING – LAST CHANCE USED CARS

Brandy Sims, Assistant Prosecuting Attorney appeared before the Commission to report on non-conforming use requirements and zoning statutes.

The Commission agreed by consensus to submit the Rezoning Request to Brandy Sims, Assistant Prosecuting Attorney for further review and to authorize Ms. Sims to consult with the Department of Planning, Zoning and Engineering and report back to the Commission in one week with regard to the Request for Rezoning.

IN RE: BRANDY SIMS – LEGAL UPDATE AND REPORT

Brandy Sims, Assistant Prosecuting Attorney appeared before the Commission to report on the status of Annexation requests currently under review by the Assistant Prosecuting Attorney's office. Ms. Sims presented a map detailing specific areas subject to annexation with a report on statute requirements. Ms. Sims discussed contiguous land use regulations as they apply to Annexations.

Motion by Morgan, second by Tabb to Enter into Executive Session to discuss legal matters currently in litigation. Motion carried.

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

IN RE: PROPOSED PLANNING COMMISSIONER REMOVAL ORDINANCE

Brandy Sims, Assistant Prosecuting Attorney appeared before the Commission to discuss legalities to the proposed Planning Commissioner Removal Ordinance.

Ms. Sims reported that proposed definitions within the Ordinance need further expansion and recommended several amendments that should be made.

Ms. Sims reported on WV State Code 6-6-7 and 8A-2-4K with regard to removal of Planning Commission members.

After discussions motion by Morgan, second by Corliss to forward the proposed Planning Commissioner Removal Ordinance to the Assistant Prosecuting Attorney for further review and amendments subject to Commission review and approval next week. Motion carried.

IN RE: MAYOR PEGGY SMITH – REQUEST FOR USE OF LIBRARY MEETING ROOM TO HOLD CITY COUNCIL MEETINGS

Leslie D. Smith, County Administrator reported that Mayor Smith's request conflicts with the Library meeting room schedule due to the Public Service District meetings that are held there on the first Monday of every month.

The Commission agreed by consensus to authorize the County Administrator to coordinate with Mayor Smith's office in attempts to accommodate them available space to conduct City Council meetings.

IN RE: APPOINTMENT OF FIRE CHIEF TO THE PROPERTY SAFETY ENFORCEMENT AGENCY – CHIEF MICHAEL POND, BAKERTON FIRE COMPANY

Motion by Surkamp, second by Tabb to appoint Bakerton Fire Company Chief Michael Pond to the Property Safety Enforcement Agency. Motion carried.

IN RE: COURTHOUSE ANNEX ENGINEER/ARCHITECT REVIEW RECOMMENDATION

The Commission agreed by consensus to table this matter.

IN RE: MANAGEMENT STUDY REPORT DISTRIBUTION

Motion by Manuel, second by Tabb to submit the draft Management Study Report as compiled by Sheila Birnbach to legal counsel for review and consideration prior to distribution. Motion carried.

IN RE: COUNTY COMMISSION CALENDER – SUBSCRIBE BY EMAIL – RECEIVE EMAIL NOTICE OF COUNTY COMMISSION EVENTS – DISCUSSION AND POSSIBLE ACTION

Commissioner Morgan withdrew this agenda item until next week.

IN RE: COUNTY COMMISSION REPORTS

Commissioner Tabb reported on the Development Authority meeting she attended.

Commissioner Tabb reported on the Mountain Water System Committee meeting she attended.

Commissioner Tabb reported on the Region 9 meeting she attended.

Commissioner Manuel reported on the Parks and Recreation meeting he attended.

Commissioner Surkamp reported on the LEPC meeting he attended.

Commissioner Morgan reported on the WAC meeting he attended.

Commissioner Morgan reported on the Health Care Board meeting he attended.

IN RE: COUNTY COMMISSION WORKSHOP – EMERGENCY SERVICES

The Commission met with Sheriff Ed Boober, Office of Emergency Services Director Darrell Penwell, Jefferson County Office of Homeland Security Coordinator Barbara Miller, E-911 Communications Director Jeff Polczynski and Maintenance Director William Polk to discussion Emergency Services issues within Jefferson County.

No action was taken in the County Commission Emergency Services workshop.

IN RE: COUNTY COMMISSION WORKSHOP – BUILDING PROGRAM

The Commission met with County Clerk Jennifer S. Maghan and Jail Architect Matthew Grove to discuss the Jail Design.

No action was taken in the County Commission workshop.

The Commission received the following information:

Reminder of Council of Governments Meeting on Wednesday, October 25, 2006, at 5:00 p.m.

Notice of County Commission meeting cancellation on Thursday, November 23, 2006.

Acceptance of bond in the amount of \$272,886 for Ryans Glen Subdivision.

Information received from Cox Hollida concerning file retention.

Copy of correspondence sent to the Prosecuting Attorney received from the State Auditor's office concerning the audit report for the fiscal year ended June 30, 2005.

Correspondence received from Cox Hollida LLP concerning payroll accounts.

Correspondence received from the Friends of Happy Retreat concerning receipt of funds from the County Commission.

Copy of correspondence sent to David Berg from the West Virginia Division of Culture and History received concerning Blackford Village, LLC.

Notice received from the West Virginia Infrastructure and Jobs Development Council of a Consolidation Committee Meeting on October 20, 2006, at 9:00 a.m.

Notice received from the Offices of the Insurance Commissioner concerning flood insurance.

Invitation received to attend a retirement dinner for Chief Jesse Jones and Lt. Bobby Shirley on November 18, 2006.

Correspondence received from the Sounds of the Shenandoah concerning holiday performances.

Meeting minutes received from the Jefferson County Public Service District.

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

Correspondence received from the Association of Counties concerning Deferred Compensation.

Copy of a newspaper article received from the Association of Counties concerning Farmland Protection.

Copy of a newspaper article received from the Association of Counties concerning property taxes.

Correspondence received from the Board of Risk and Insurance Management concerning adequate insurance coverage.

National Parks Conservation Association newsletter received.

E-911 fees received from Citizens Communications.

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.

GREGORY A. CORLISS, COMMISSION PRESIDENT

