

Minutes
Jefferson County Commission
Thursday, June 30, 2011

A meeting of the Jefferson County Commission was held on Thursday, June 30, 2011 in the County Commission meeting room at the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patricia Noland, Dale Manuel, Frances Morgan, Lyn Widmyer and Walt Pellish; Sandra McDonald, Deputy County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddy, Bailiff. County Administrator Tim Boyde was absent with notification. (An audio tape of this June 30, 2011 meeting is available through the Jefferson County Commission Office.)

The meeting was called to order at 9:30 a.m. by Commissioner Noland.

PLEDGE OF ALLEGIANCE

Commissioner Pellish led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Morgan to approve the Minutes of the June 23, 2011 regular meeting as amended. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$13,137.47, being purchase order numbers 53152, 52898, 53028, 53022, 49559, 48389, 53027, 53026, 53025, 53024, 52957, 52956, 52959, 52958, 53019 and 49525. Motion seconded by Ms. Morgan and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the accounts payable in the amount of \$161,192.21. Motion seconded by Mr. Pellish and unanimously approved.

PUBLIC COMMENT

Comments were made by Eleanor Finn, Paul Rosa and Laura Rattenni.

PRESENTATIONS:

- 1. Ralph Lorenzetti** - request approval to hire Cynthia Danner as Legal Assistant/Paralegal effective July 1, 2011.

Motion by Ms. Morgan to approve the hiring by the Prosecutor's Office of Cynthia Danner as a Legal Assistant/Paralegal, effective July 1, 2011. Motion seconded by Mr. Manuel and unanimously approved.

Ralph Lorenzetti advised of the working space needs of the Prosecutor's Office. Magistrate Boober commented on the working space needed by the Magistrates, including the need for more courtrooms.

- 2. Roger Goodwin, Chief County Engineer** - request to allow staff to call on any Letters of Credit that have not been renewed by Monday, July 11, 2011.

Motion by Ms. Morgan to authorize staff to call on any Letters of Credit that have not been renewed by Monday, July 11, 2011. Motion seconded by Mr. Manuel and unanimously approved.

Mr. Goodwin also reported on the Westridge Hills Test Wells Project, the Water Budget Studies Report and the Windmill Crossing Subdivision.

- 3. Mike Mood, Chief, Middleway Volunteer Fire Department** – request for endorsement for the Middleway Volunteer Fire Department to start an EMS Ambulance Transport Service.

Motion by Mr. Manuel to endorse the Middleway Volunteer Fire Department in its endeavor to start an EMS Ambulance Transport Service, which project was previously endorsed by the Fire and Rescue Association, Jefferson County Emergency Services Agency and the fire companies. Motion seconded by Ms. Morgan and unanimously approved.

- 4. Jennifer Maghan, County Clerk** – presented Federal Reserve Bank Joint Custody form to be updated since the President and Vice President of the Commission have changed. Ms. Noland, President of the Commission and Mr. Manuel, Vice President, executed the document.



Federal Reserve Bank Joint Custody Service via FedMail® Request Form

Internal FR
(Upon receipt by the Federal Reserve Bank)

FRBservices.org

PLEASE TYPE FORM, PRINT, & SUBMIT (handwritten forms may delay processing)

Federal Reserve Bank Use Only	
Due Diligence Verified:	_____
Initials:	_____
Date:	_____

Use of the FedMail® access solution is governed by Federal Reserve Bank Operating Circular 5, Electronic Access ("OC 5"). Depending on the services you choose to access using FedMail, additional Operating Circulars (available at FRBservices.org) may govern. Submission of this form constitutes acceptance of the terms and conditions of OC 5 and other applicable Operating Circulars and agreements. The Federal Reserve Banks have no obligation to verify the accuracy of the information you provide below and have the right to rely on such information in connection with the provision of FedMail access to the services you are requesting. Except to the extent prohibited by law or regulation, you agree to indemnify, hold harmless and defend the Federal Reserve Banks against any claim, loss, liability, or expense made against or incurred by the Federal Reserve Banks in connection with their reliance on the information provided below.

Section 1 – General

* Required Fields

State or Local Government Institution Name *	Jefferson County Commission	
Telephone *	Phone 304-728-3284	Extension 0
Joint Custody Account Number(s) *	Provide the 4-digit alpha-numeric account number(s) below that are listed as "institution ID" on your statement. This form may be used for multiple account numbers being delivered to the same addresses, with a maximum of four account numbers.	
Account #1	Patricia De Vries	
Account #2	Dale Marshall	
Account #3		
Account #4	ATTESTED: <i>D. Murphy S. Magahan, Clerk of the County Commission of Jefferson</i>	

Section 2 – Service Profile

Instructions

1. Use this section to "Add" or "Delete" services or delivery addresses.
2. For email delivery, please provide more than one email address.
3. Complete an additional form to sign up more than three delivery addresses for a service.
4. To change a delivery address, "Delete" the current delivery address and "Add" the new delivery address.
5. Delete all recipients by marking "All" in the delete column.
6. If updates are required to your current Joint Custody pledgee agreement, please call 800-327-0147 and select option 4.

Joint Custody Service (JCCR)

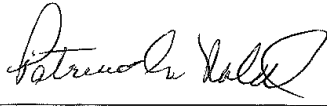
Add	Delete	Email	Fax	Email Address or Fax Number
	<input type="checkbox"/> All			
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Federal Reserve Bank Joint Custody Service via FedMail® Request Form

Section 3 – Service Description

Service	Description
Joint Custody Service (JCCR)	Provides the ability to receive Joint Custody Daily Activity Statements and monthly Securities Holdings Reports electronically. The email is sent in text format; the statements and reports are sent as attachments, which may be viewed with a text editor, spreadsheet or word processing software.

Section 4 – Authorized Approval

Name *	First PATRICIA	Middle Initial	Last NOZANI
Signature * <small>The person signing this form must be listed on your <u>current</u> pledge agreement on file with the Federal Reserve Bank as authorized to act for your account.</small>			
Date *	30 JUNE President, County Commission		
Telephone *	Phone 304-728-3284	Extension	

Please submit this form to the Customer Contact Center at:

Email: ccc coordinators@kc.frb.org

Fax: 800-660-7856

Mail:
Customer Contact Center
Federal Reserve Bank of Kansas City
P.O. Box 219416
Kansas City, MO 64121-9416

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Last Updated: 09/10

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Pledgee Agreement Form

To: Federal Reserve Bank of Boston
PO Box 55882
Boston, MA 02205
Attn: Joint Custody

Tel: 800-327-0147, #1
Fax: 877-973-8972

Date: 30 June 2011

We, the Jefferson County Commission agree to the terms of **Appendix C** of your *Operating Circular 7*, dated August 19, 2005, as it may be amended from time to time with respect to the account on your books designated NEW (4 digit alpha-numeric account number)

We further agree that you may accept par for par substitutions: securities from the Pledgor as a replacement of, or in substitution for, those securities presently held (please check one):

NO (Instructions required for each withdrawal) YES (Standing approval)

provided that the replacement or substitution does not reduce the aggregate par amount of securities held in custody for us. (See *Operating Circular 7, Appendix C, Section 4.3.*)

We authorize you to use the following call-back procedure for securities transactions pertaining to this account (please check one):

Three-party call-back Four-party call-back

We certify that the individuals listed below may take authoritative action on our behalf with respect to the account, including a direction to release collateral from the account. You may rely on the authority of these individuals with respect to the account until we otherwise notify you.

Telephone: 304-728-3284

Fax: 304-725-7916

Print Name: Colvin Dale Manuel Title: Vice - President

Signature: Dale Manuel Date: 30 June 2011

Telephone: 304-728-3284

Fax: 304-725-7916

Print Name: PATRICIA NOLAN Title: President

Signature: Patricia L. Nolan Date: 30 June 2011

Telephone: _____

Fax: _____

Print Name: _____ Title: _____

Signature: _____ Date: _____

Pledgee Agreement
(page 2 of 2)

Telephone: _____

Print Name: _____ Title: _____

Fax: _____

Signature: _____ Date: _____

The Undersigned hereby certifies that he/she is the present lawful incumbent of the designated public office.

Pledgee

Jefferson County Commission

Name of governmental unit

PO Box 250

Street Address or P.O Box Number

Charles Town WV 25414

City, State, Zip Code

Jennifer S. Maghan
Official Signature/ Date

JENNIFER MAGHAN, COUNTY CLERK

Printed Name and Title

Notary

State of West Virginia

County of Jefferson

On this 30th day of June, 2011 before me personally appeared

Jennifer S. Maghan, to me personally known or satisfactorily proven, who by me duly sworn, did depose and say that he/she resides at 100 East Washington St, in the City of Charles Town, in the State of West Virginia, that he/she is the County Clerk [Title] of Jefferson County and that he/she executed this document on behalf of Jefferson County Commission before me.

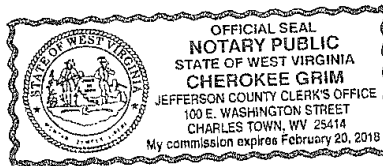
Cherokee Grim

(Signature of Notary)

Cherokee Grim

(Print name of Notary)

My commission expires on 2/20/2018 [Date]



The Commission took a 10-minute break at 10:20 a.m.

The Commission reconvened the meeting at 10:30 a.m.

5. Request to approve renewal of Mutual Aid Agreement between City of Martinsburg and Jefferson County.

Motion by Mr. Manuel to approve renewal of Mutual Aid Agreement between City of Martinsburg and Jefferson County. Motion seconded by Ms. Morgan and unanimously approved.

6. Approval of acquisition of property to address the needs of the Prosecuting Attorney, the Courts and the County Commission. (PN)

Discussion among the Commissioners. No action taken.

7. Review and discussion of draft of Commission policy to require public improvement projects in excess of \$100,000.00 to be consistent with an adopted Capital Improvements Plan (LW).

8. Motion by Ms. Widmyer that all expenditures in excess of \$100,000.00 be consistent with an adopted capital improvement plan. Ms. Morgan seconded the motion but would prefer that the motion be amended to say that the County Commission intends to develop and adopt a capital improvement plan and outlays would be consistent with the Capital Improvement Plan, except for emergencies.

Mr. Manuel requested the motion in writing and Ms. Noland suggested drafting the motion over lunch and revisiting the issue in the afternoon. There was unanimous agreement among the Commissioners.

9. Barbara Miller, Director of Homeland Security and Emergency Management:

- **Community Rating System of the National Flood Insurance Program**
- **Contract with CERVIS**
- **Memorandum of Understanding (MOU) between Jefferson County Dept. of Health and Jefferson County Homeland Security and Emergency Management/Jefferson County Commission**

Motion by Mr. Manuel to approve the CERVIS contract and authorize the Commission President to execute same on behalf of the Commission. Motion seconded by Ms. Noland and unanimously approved.

Motion by Ms. Widmyer to approve the Memorandum of Understanding (MOU) between the Jefferson County Dept. of Health and Jefferson County Homeland Security and Emergency Management/Jefferson County Commission. and authorize the Commission President to execute same on behalf of the Commission Motion seconded by Mr. Manuel and unanimously approved.

10. Patricia Sanderson, Shenandoah Professional Center, LLC request to allow the zoning map amendment request for Shenandoah Professional Center, LLC to Residential-Light Industrial-Commercial (RLC) with no further public hearings.

Motion by Ms. Morgan to postpone any ruling until a public hearing is held by the Commission. Motion seconded by Ms. Widmyer but failed. Mr. Manuel, Ms. Noland and Mr. Pellish voted “against” the motion.

Motion by Mr. Pellish to approve the zoning map amendment for Shenandoah Professional Ctr., LLC, TM 9, Par 37 & 37.2 from the current zoning of Residential Growth (RG) to Residential-Light Industrial-Commercial (RLC), with no further public hearings as it is not a requirement of the West Virginia Code. Motion seconded by Ms. Noland and carried 3 to 2. Ms. Widmyer and Ms. Morgan voted “against” the motion.

BEFORE THE JEFFERSON COUNTY COMMISSION OF JEFFERSON COUNTY

IN RE: ZONING MAP AMENDMENT REQUEST FOR POTOMAC PROFESSIONAL SERVICES, LLC
ON BEHALF OF SHENANDOAH PROFESSIONAL
CENTER, LLC

ORDER GRANTING MAP AMENDMENT REQUEST

On the 30th day of June, 2011, the County Commission of Jefferson County convened during their regular session to consider the Zoning Map Amendment requested by Potomac Professional Services on behalf of Shenandoah Professional Center to rezone the property located at 36 Bakerton Road, consisting of about 9.676 acres from residential growth to residential/light industrial/commercial. The Applicant was represented by Patricia Sanderson. Steve Barney was present on behalf of the Planning Commission staff to answer questions regarding the staff report which was prepared by Planner, Seth Rivard.

When the agenda item was presented in the meeting, Commissioner Widmyer inquired whether the Commission could act upon the request today considering that the Commission only received the recommendation of the Planning Commission less than twenty four hours before the meeting. Legal Counsel for the Commission informed the Commission that they could vote on the request at their will, either today or some date in the future. Commissioner Morgan also objected to the Commission’s considering the request, arguing that the law requires the Planning Commission to make a finding that any zoning change is consistent with the Comprehensive Plan and that the only finding by the Planning Commission is that the request was inconsistent with the Plan. Commissioner Morgan stated that the County Commission should not move forward without a Planning Commission recommendation and finding of consistency. Commissioner Widmyer also requested that the County Commission hold its own public hearing on the request. At the regularly scheduled County

Commission meeting on July 14, 2011, Commissioner Widmyer clarified her objections to the process as it occurred on June 23, 2011. Those objections relate to the provisions of state code and are as follows: 1) that the item was on the agenda at the request of the applicant, not the Planning Commission, which requested this item be considered on July 7, 2011 2) that the information needed to make this decision with the advice of the Planning Commission was not in the packet and only forwarded to individual members of the County Commission on Wednesday evening, June 29, 2011, and 3) the only scheduled notice of the presentation of this issue was by the applicant. After the Commission's initial discussion on the matter, Ms. Sanderson presented the request to the Commission.

After Ms. Sanderson's presentation, Mr. Barney commented on the request and received questions from Commissioners. The Commission then deliberated on the request. Commissioners Pellish, Manuel, and Noland stated various reasons why they believed the request was consistent with the Comprehensive Plan. Commissioner Widmyer indicated that the applicants could get the requested use by applying for a conditional use permit, without changing the zoning classification on the property. Commissioner Widmyer stated that the owners of the property could sell the property after the Commission grants the rezoning request to an out-of town developer, who could develop the property with all those uses permitted in the commercial/industrial zone. Finally, Commissioner Widmyer further stated that when the Commission received a request from the Planning Commission to rezone the federal lands along the 340 corridor, the County Commission decided to wait for the 340 master plan study before acting upon that request. Commissioner Widmyer urged the Commission to employ that same policy in this instance and wait for the completion of the 340 study before granting any request. Commissioner Widmyer ended her comments by stating that this was the wrong use at the wrong place at the wrong time.

Commissioner Morgan also opposed the rezoning request arguing that the Commissioners in favor of the request were focusing on an individual landowner's rights and the Commission must balance the

interests of both the property owner and public's interests. Commissioner Morgan also stated that the request was a dangerous arena because the request constituted spot zoning that is not being carried out as part of a larger development plan, and if granted, the Commission would be issuing a blank check to not only the current land owner but any subsequent owner of the property. Finally, Commissioner Morgan argued that the Commission was in danger legally of rejecting the considered opinion of the Planning Commission, which has voted twice that the project is not consistent with the Comprehensive Plan.

At the conclusion of her comments, Commissioner Morgan moved to postpone a decision on the request until a public hearing is held, which motion was seconded by Commissioner Widmyer. During the discussion, Ms. Widmyer expressed concerns about setting a precedent for voting on zoning changes without the Commission holding its own public hearing. Additionally, Commissioner Manuel suggested that the Commission direct its counsel to prepare an order for approval of the Commission at its next regularly scheduled meeting. Commissioner Morgan disagreed with Commissioner Manuel's suggestion that counsel draft the order, but stated she would agree to a week's delay under those conditions given the public's interest in the matter. The Commission voted on the motion to postpone the public hearing, which motion failed by a vote of 3-2, in which Commissioners Manuel, Pellish, and Noland voted in the negative.

Commissioner Pellish then moved that the Commission approve the requested rezoning map based upon a finding that it is consistent with the 2004 Jefferson County Comprehensive Plan. Commissioner Noland seconded the motion. After Commissioner Pellish made the motion, Commissioner Morgan questioned whether Commissioner Pellish was disqualified from voting on the matter as a County Commissioner because he voted on the request in his capacity as the County Commission's liaison to the Planning Commission. Commissioner Widmyer also expressed a similar concern regarding Commissioner Pellish's ability to vote on the matter. Commissioner Pellish indicated that he was not disqualified from voting and would not excuse himself from voting on the matter.

In consideration of the applicant's presentation, the Planning Commission's recommendation, the Planning Commission's Staff Report, the Comprehensive Plan, and all documents and testimony in the record, the County Commission makes the following findings of fact:

1. The Jefferson County Planning Commission held a public hearing on the request on June 14, 2011. At the conclusion of the public hearing, the Planning Commission by a vote of 5 to 3 found that the rezoning request was not consistent with the Comprehensive Plan because of the many different uses permitted in the Residential/Light Industrial/Commercial Zone.
2. The County Commission disagrees with the Planning Commission's finding on consistency with the Comprehensive Plan.
3. The Jefferson County Comprehensive Plan as amended in 2004 adopts the following goals for land use in the County: 1) Encourage growth and development in areas where sewer, water, schools and other public facilities are available or can be provided without unreasonable cost; 2) promote growth and development that are both economically and environmentally sound; 3) encourage and support commercial, industrial, and agricultural activities to provide a diversified and sound local economy; 4) promote the conservation of natural, cultural, and historical resources and the preservation of its scenic beauty.
4. The property is located along 340 which already contains several commercial establishments and is one of the few corridors appropriate for commercial development.
5. The property is already being utilized for commercial purposes. In 2004, the owners of the subject property received a conditional use permit from the Board of Zoning Appeals, which permit was issued for the commercial use of office space.
6. The Comprehensive Plan focuses on the problems associated with the fact that the County attracts more residential developments than commercial developments. The Comprehensive Plan recognizes the need

to encourage commercial development in Jefferson County in order to provide job opportunities to the County's residents so that they may live and work in the County.

7. The current zoning classification of the subject property is residential growth, which zoning permits high density residential developments as well as many other uses including public facilities building, fire houses, and retirement homes.
8. Both the staff report and comments made during the public hearing focus on the need to protect the viewshed of the park as well as the scenic vistas along 340 and encouraged commercial development outside of the 340 corridor.

In consideration of the findings above described, the Commission makes the following

Conclusions of Law:

1. Commissioner Pellish is not disqualified from voting on this matter because of his role as the appointed liaison to the Planning Commission and in fact is statutorily required to vote on the matter. West Virginia Code § 7-1-5a provides "[e]ach county commissioner present during any county commission meeting when any question is put **shall vote** unless he is immediately and particularly interested therein. Before such question is put, any member having a direct or pecuniary interest therein should announce this fact, and request to be excused from voting. The disqualifying interest must be such as affects the member directly, and not as one of a class." (emphasis added).
2. After the enactment of the zoning ordinance, the planning commission or the owners of fifty percent or more of the real property in the area to which the petition relates may petition to amend the zoning ordinance. The petition must be signed and presented to the planning commission or the clerk of the governing body. W.Va. Code § 8A-7-9(a).
3. The planning commission or the governing body must hold a public hearing within sixty days of receiving the petition. W.Va. Code § 8A-7-9. The Planning Commission held this required hearing on June 14, 2011, complying with all requirements of W.Va. § Code 8A-7-9.

4. If the petition to amend the zoning ordinance is from the owners of fifty percent or more of the real property in the area, then before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. If the amendment is inconsistent, then the governing body with the advice of the planning commission must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristic of the area. W.Va. Code § 8A-7-9(c).
5. There is no statutory requirement that the Planning Commission place a rezone request on the County Commission's agenda, and any party may place an item on the County Commission's agenda. Additionally, the County Commission, with the advice of the Planning Commission, may act upon a petition for rezoning any time after the statutory requirements have been met, which requirement is a public hearing. The Planning Commission held the requisite public hearing. Furthermore, the County Commission received the Planning Commission's staff report containing the Planning Commission's advice both from the Planning Commission on Wednesday evening, June 29, 2011, and a week in advance from the applicant who placed the staff report with the agenda request.
6. The Planning Commission serves as an advisory capacity to the County Commission. "The planning commission shall serve in an advisory capacity to the governing body or governing bodies that created it." W.Va. Code § 8A-2-1
7. The action of a governing body in enacting an ordinance is, ordinarily, legislative. Syl. Pt. 2, *Garrison v. City of Fairmont*, 150 W.Va. 498, 147 S.E.2d 397 (1966).
8. Furthermore, the Courts have described the Planning Commission's role in the amendment process as administrative. "These provisions [of W.Va. Code 8-24-1 *et seq.*]¹ collectively describe an administrative

¹The Planning and Zoning Provisions of W.Va. Code § 8-24-1 *et seq.* were repealed in 2004 and replaced by W.Va. Code § 8A-1-1 *et seq.*

process, preceding legislative action. . ." *Lower Donnally Association v. Charleston Municipal Planning Commission*, 212 W.Va. 623 at 630, 575 S.E.2d 233 at 240 (2002).

9. Accordingly, as the legislative body of the County, it is clearly the county commission that must ultimately find that the requested zoning change is consistent with the comprehensive plan. Requiring the county commission to follow the planning commission's advice removes the legislative and policy making role from the county commission and places it with the planning commission, elevating the planning commission to a legislative body.
10. The County Commission disagrees with the Planning Commission's advice and finds that the requested rezoning is consistent with the Jefferson County Comprehensive Plan.
11. Portions of the staff report of the Planning Commission as well as many of the public comments identify the need to protect the view-shed of the National Park as well as the scenic vistas into the county along 340. However, because the property is already zoned residential growth, which district permits high density housing, schools, hospitals, fire, ambulance and rescue service buildings as well as several other uses that would have an impact on the existing view-shed, changing the zoning classification to residential/light industrial/commercial will not have any more impact on the scenic vistas than the property's current residential growth classification.
12. Furthermore, the requested rezone meets all of the Comprehensive Plan's stated goals. The subject property is located in an area that is already served by sewer, water, schools and other public facilities. In addition, the property is located along US 340, a controlled access highway, that contains many other commercial properties including the Quality Inn, Comfort Inn, River Riders, Homeland Security, Sheetz, and Aldies. The US 340 corridor is one of two major highways in Jefferson County and is appropriately situated to attract commercial development. Rezoning the property will encourage further economic development, and will not negatively impact the scenic vistas or historical resources any more than the current residential growth zoning classification.

13. In addition, changing the zoning classification from residential growth to residential/light industrial/commercial will facilitate a balance between residential and commercial development. Achieving this balance is addressed by the Comprehensive Plan, which identifies the current imbalanced ratio of available housing to available job opportunities as problematic and encourages the County to develop policies that foster economic and commercial growth.
14. For example, the Comprehensive Plan highlights the need for economic growth throughout the county, recognizing that if the county is saturated with housing, Jefferson County is in danger of becoming a bedroom community of the Washington DC metropolitan area offering very little economic opportunities to its citizens. “With houses coming at a far faster pace than jobs, Jefferson County is facing a future as just another bedroom community in the larger metropolitan area.”
15. The Comprehensive Plan goes on to identify balancing residential and economic development as the most difficult problem that Jefferson County’s land use policies and ordinances must solve, stating that “[p]erhaps the biggest challenge of all is to provide an economic base that provides enough job opportunities to allow people to both live and work here.”
16. If the request for rezoning is granted, the owners can develop the property commercially, which will create jobs within the county, resulting in the crucial economic growth identified by the Comprehensive Plan. This rezone, which will allow for economic development is consistent with recommendation 3.18 of the Comprehensive Plan, which recommendation provides that “[t]he County should continue to pursue new industrial and commercial development in order to diversify its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities to its workforce.” *Jefferson County Comprehensive Plan*, pg. 64.
17. Consistent with the Jefferson County Comprehensive Plan’s stated goals and recommendations, changing the zoning classification from residential growth to residential/light industrial/commercial potentially eliminates another high density subdivision in favor of economic development which

development can only occur in the residential/light industrial/commercial zone under the County's current land use ordinances and is appropriate for the area in which the property is located.

Accordingly, the County Commission approves Shenandoah Professional Services map amendment request for rezone to the residential/light industrial/commercial zone, and hereby finds that the request is consistent with the Comprehensive Plan. Commissioners Pellish, Noland, and Manuel voted in favor of the request. Commissioners Widmyer and Morgan voted to deny the request.

County Commission of Jefferson County

By: _____
Patsy Noland, President

ENTERED: _____

Item No. 7 on the agenda Interviews and Appointments to certain Agencies, Boards, Commissions or Committees. By unanimous consent of the Commissioners, this item was removed from this agenda and will be rescheduled for June 14, 2011. Applications will be accepted until July 8, 2011.

The Commission took a 5-minute break at 12:34 p.m.

The Commission reconvened the meeting at 12:38 p.m.

Ms. Morgan absent with notice.

- 11. Joe Sacchet, Director, Berkeley Jefferson Day Report Center presented his request for \$36,940.00 in matching funds from the Commission for fiscal year 2011/2012 in connection with the WV Community Corrections Grant Program.**

Motion by Ms. Morgan to release the matching funds in the amount of \$36,940.00 to the Berkeley Jefferson Day Report Center for fiscal year 2011/2012 in connection with the WV Community Corrections Grant Program. Motion seconded by Mr. Manuel and unanimously approved.

The Commission broke for lunch at 12:45 p.m.

The Commission reconvened the meeting at 1:30 p.m.

- 12. Request for approval of Resolution Changing the Scope of Work for the Governor's Community Participation Grant Program for Camp Frame.**

Motion by Ms. Widmyer to approve the Resolution Changing the Scope of Work for the Governor's Community Participation Grant Program for Camp Frame. Motion seconded by Mr. Manuel and unanimously approved.

JEFFERSON COUNTY COMMISSION

CHARLES TOWN, WV

RESOLUTION

The County Commission of Jefferson County met on June 30, 2011 with a quorum present and passed the following Resolution:

WHEREAS, The Jefferson County Commission has agreed to assist the Camp Frame 4-H Association to purchase plastic mattresses, supplies, improvements to the swimming pool, upgrade of the dining hall and installation of new metal doors in the living quarters/cabins as funds permit with funds made available through the Governor's Community Participation Grant program in the amount of \$5,000.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission hereby authorizes Patricia Noland, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

Patricia Noland, President
Jefferson County Commission

08LEDA0665NH

Ms. Morgan absent with notice.

13. Request to approve the Memorandum of Understanding between the Department of Homeland Security, Mount Weather Emergency Operations Center and Jefferson County Fire and Rescue Association regarding Mutual Aid Assistance.

Motion by Mr. Pellish to approve the Memorandum of Understanding between the Department of Homeland Security, Mount Weather Emergency Operations Center and Jefferson County Fire and Rescue Association regarding Mutual Aid Assistance. Motion seconded by Mr. Manuel and unanimously approved.

14. Request to approve the Contract for Lease between the Jefferson County Commission and the State of West Virginia on behalf of the Bardane Public Health Center at Bardane.

Motion by Mr. Manuel to approve the Contract for Lease between the Jefferson County Commission and the State of West Virginia on behalf of the Bardane Public Health Center at Bardane. Motion seconded by Mr. Pellish and unanimously approved.

- 15. Mark Schiavone, Director, Capital Planning and Management** submitted an accounting by the Parks and Recreation Department.

By unanimous consent the Commissioners decided to postpone any discussion or action of Mr. Schiavone's FY 2012 Impact Fee Fundable Projects List. This item will be placed on the July 7, 2012 agenda.

Ms. Morgan returned at 1:45 p.m.

- 16. Motion by Mr. Manuel to move the unencumbered balance remaining at the end of the current budget year (ending June 30, 2011) and allocate same in the following manner: the first 1.6 million dollars be allocated to meet encumbrances existing in the next year's budget, 75 percent of the remaining balance by placed in the Capital Fund and the final 25 percent be placed in the County Commission Fund.** Mr. Pellish seconded the motion and it was carried 4 to 1 with Ms. Morgan voting "against" the motion.

- 17. Review and discussion of draft Commission policy to require public improvement projects in excess of \$100,000.00 to be consistent with an adopted Capital Improvement Plan. (LW)** This item was taken off the table until sometime in July, 2011.

Ms. Widmyer left at 2:00 p.m.

- 18. Senator John Unger addressed the Commission and presented an overview of the discussions that took place in the morning with the Jefferson County Board of Health and the WV Board of Health regarding rules of preparation and selling of food by non-profit organizations.**

COUNTY ADMINISTRATOR REPORTS:

Sandra McDonald, Deputy County Administrator:

- Reminder that Monday, July 4, 2011 is a holiday.
- Reported on the many different ways in which Facebook is being used and inquired if the Commission wanted a facebook account.
- Submitted a draft job description for the proposed Chief Financial Officer and requested that she receive the Commissioners' responses within two (2) weeks.
- Reported that Bob Tabb, Deputy Commissioner with the West Virginia Agriculture Office, will not be able to address the Commission in July, 2011 due to a busy schedule. He will contact us when he is able to attend a meeting.
- Reported that steps will be taken to correct the problems with the webcast of the weekly Commission meetings.

Commissioner Morgan:

- Attended a Farmland Protection Board Meeting.
- Attended a Jefferson County Emergency Services Agency meeting.

- Attended a meeting at the Sheriff's Office with the Governor regarding Drug Abuse Prevention Initiatives.

Commissioner Pellish:

- Attended the Jefferson County Development Authority Retreat.
- Attended a Planning Commission meeting.

Commissioner Manuel:

- Attended a meeting with the Jefferson County Emergency Services Agency, County Commissioners and Fire Departments.
- Attended the Drug Summit with the Governor.

Commissioner Noland:

- Attended a meeting with the Governor regarding Drug Abuse Prevention Initiatives.

There being no further business, motion by Mr. Manuel to adjourn. Motion seconded by Ms. Noland and the meeting was adjourned at 2:50 p.m.

Upon rising the meeting was adjourned until Thursday, July 7, 2011.

PATRICIA A. NOLAND, PRESIDENT