

SPECIAL SESSION:

State of West Virginia, County of Jefferson, to-wit:

At a Special Session of the County Commission of said County and State continued and held at The Blue Ridge Elementary School, 18666 Charles Town Road, Harpers Ferry, WV 25425 thereof on Thursday, May 2, 2013, beginning at 7:00 o'clock p.m.

PRESENT: Dale Manuel, President,
Walt Pellish, Vice President
Patsy Noland and Jane Tabb; Commissioners.
Debbie Keyser, County Administrator, Stephanie Grove, Assistant Prosecuting Attorney and Cynthia Schott, Administrative Assistant.

RE: **PUBLIC HEARING - TO HEAR EVIDENCE FOR AND AGAINST THE PROPOSED INCORPORATION OF MANNINGS, WEST VIRGINIA AS A CLASS IV TOWN AND TO DETERMINE WHETHER THE REQUIREMENTS OF WEST VIRGINIA CODE SECTIONS 8-2-1 AND 8-2-2 HAVE BEEN MET. THE PETITION FOR INCORPORATION IS FILED UNDER WEST VIRGINIA COAD 8-2-1 ET SEQ.**

A sign in sheet was provided for anyone wishing to address the Commission.

Commissioner Manuel called the meeting to order at 7:05 p.m.

Stephanie Grove, Jefferson County Commission legal counsel, addressed concerns voiced to the Commission prior to the Public Hearing. Ms. Grove stated the purpose of the Public Hearing is for the Commission to hear evidence on the sections of the State Code 8-2-1- and 8-2-2, to determine if the petition is valid.

- 8-2-1 concerns the requirements that the petition must address including but not limited to issues as to how the proposed town is going to provide certain services, and is the incorporation in the best interest of the County.
- 8-2-2 addresses the issue of the validity of the petition. Has it been signed by 30% of the freeholders of the purposed territory to be incorporated? Does it have a map that has been signed off on by a certified engineer that shows the boundaries of the area to be incorporated?

By holding a Public Hearing, it does not mean the Commission has deemed the petition valid. The validity of a petition is determined once the Commission has heard evidence from those opposing the petition. Once a petition is submitted to the Commission, it is considered to be on its face a valid petition, it then becomes the burden of those opposing the petition to prove the petition is not valid.

Burden of proof – without evidence the County Commission must move the petition to a vote. The County Commission acts in a fact-finding, ministerial role.

Ms. Grove explained the reason for the delay in holding the Public Hearing within thirty days. Due to the school holiday and the procedure for renting the school facility, the Commission requested of the Petitioner to waive the 30 day timeframe for the Public Hearing.

Commissioner Manuel introduced Delegate Stephen Skinner.

Ms. Keyser read a statement submitted by Commissioner Lyn Widmyer explaining her absences at the Public Hearing.

Ms. Keyser explained anyone wishing to make a public statement will be given three (3) minutes and has the ability to submit as many written comments as desired.

The following citizens addressed the Commission and were opposed to moving forward with the Mannings Petition:

1. Scott Tatina, Harper Ferry -
2. Rachel Douglas, Shenandoah North
3. Allen Douglas, Shenandoah North
4. Terri Van Doren, Shenandoah North –
5. Jeff Lloyd, Shenandoah North
6. Hal Van Doren , Shenandoah North
7. Kathy Lloyd, Harpers Ferry
8. Gary Cogle, Harpers Ferry
9. John Maxey, represented the Board of Directors of St. Andrews Mountain Community Center.
10. Mason Carter, Harpers Ferry
11. Doug Marshall, Harpers Ferry
12. Joyce Woodward, Harpers Ferry
13. Tony Reaker, Shenandoah North
14. Joe Thompson, Shannondale

The following citizens addressed the Commission and were in favor of moving forward with the Mannings Petition:

15. Fred Blackmer, non-resident be submitted. Mr. Blackmer stated the best way to come to a conclusion with this petition is to let it go to a vote of the public.

With there being no further citizens to address the Commission, Commissioner Manuel called the Public Hearing closed.

Upon rising, the Commission recessed at 8:04 p.m. until Thursday morning next beginning at 9:30 o'clock a.m.

DALE MANUEL, COMMISSION PRESIDENT

Respectively submitted
Cynthia C. Schott
Administrative Assistant