

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, October 5, 2006, beginning at 9:30 o'clock a.m.

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

In re: PLEDGE OF ALLEGIANCE

Commissioner Manuel conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Morgan, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, September 28, 2006, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by Tabb to approve the following Purchase Orders for the Week of October 2, 2006, totaling \$52,959.22: 43183, 43291, 43010, 43109, 43113, 43114, 43115, 43116, 43117, 43288, 43292, 43336, 42729, 42731, 43289, 43290, 43293, 43294, 43203, 43204, 43205, 43206, 43175, 43176, 43231, 43232, 43233, 43234, 43236, and 43239. Motion carried.

In re: EXONERATION

Upon recommendation from the Assessor's office, motion by Tabb, second by Manuel to approve the following exoneration for 2006. Motion carried.

<i>Name</i>	<i>District</i>	<i>Type</i>	<i>Ticket #</i>	<i>Tax</i>
Frank & Jane Wayne	Charles Town	Real Estate	9402	\$2,272.71

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

Motion by Surkamp, second by Tabb appoint Patrice Flynn to the Jefferson County Board of Health for a 5 year term ending June 30, 2011. Motion carried.

In re: APPOINTMENT TO THE JEFFERSON COUNTY BUILDING COMMISSION

No action was taken on this agenda item.

In re: LEGISLATIVE ISSUES

Commissioner Manuel informed the Commission that the Special Legislative Session would not be ready in November.

In re: PAUL RACO - BONDING AND ACTIVITY REPORT

The Commission approved the following bond releases as recommended by the Executive Director of Planning, Zoning and Engineering:

Motion by Tabb, second by Manuel to approve the Complete Release of a Letter of Credit for Amber Knolls Subdivision in the amount of \$207,736. Motion carried

Motion by Morgan, second by Tabb to approve the partial release of an Escrow Account for Lake Forrest Estates in the amount of \$49,400. Motion carried.

Motion by Morgan, second by Tabb to approve the partial release of a letter of credit for Quail Ridge with the County to retain \$317,051. Motion carried.

Paul Racó, Executive Director of Planning, Zoning and Engineering gave the Planning Commission Activity Report.

AMENDMENT TO PROPERTY SAFETY ORDINANCE

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, the Commission agreed to authorize a change in the language of the Property Safety Ordinance to change the meetings of the Property Safety Enforcement Agency to bi-monthly with a guarantee of at least one meeting per quarter.

Motion by Manuel, second by Tabb to authorize Mr. Racó to request again a change in legislation to allow the Fire Chief position on the Property Safety Enforcement Agency to be either a Fire Chief or the Fire Chief's designee. Motion carried.

APPROVAL OF CLERICAL EMPLOYMENT

Motion by Tabb, second by Manuel to approve the employment of Christine Chalmers in a clerical position for the Department of Planning, Zoning and Engineering. Motion carried.

In re: REPORT FROM DPZE AND LEGAL STAFF ON CLARKE COUNTY BLASTING SURVEY ORDINANCE

Commissioner Surkamp removed this agenda item until next week.

In re: APPROVAL OF DOCUMENT FOR HUD GRANT

After discussion and comments from Jane Peters, motion by Morgan, second by Tabb to approve the application for the HUD Grant as presented in the sample from Ms. Peters. Motion passed by a 4-1 vote. Commissioner Surkamp voted no.

In re: PUBLIC COMMENT

No public comment was received.

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

After discussion, the Commission agreed to request that Kendig Keast work with the Prosecuting Attorney's office and the Department of Planning, Zoning and Engineering when completing drafts.

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

The Commission discussed the requirement to be NIMS compliant in order to receive the funds for this grant. The Commission agreed to complete what was required in order to become NIMS compliant.

In re: NIMS COMPLIANCE TESTING PROGRESS REPORT

This agenda item was discussed with the previous item.

**In re: MANAGEMENT CONSULTANT RIGHT TO SEE PUBLIC HUMAN RESOURCE
DOCUMENTS**

No action was taken on this agenda item.

In re: CIRCUIT COURTROOM SPACE FOR THE NEAR-TERM

The Commission discussed need for near-term courtroom space. No action was taken on this matter.

The Commission took a five minute break at 10:40 a.m.

**In re: REQUEST FROM PATRICIA M. SANDERSON TO PARTICIPATE IN THE AG TASK
FORCE IN ORDER TO PROVIDE INPUT FROM THE HORSE INDUSTRY**

Motion by Morgan, second by Manuel to approve the participation of Patricia M. Sanderson on the Ag Task Force in order to provide input from the horse industry. Motion carried.

In re: REAPPOINTMENT OF JANE PETERS TO THE FARMLAND PROTECTION BOARD

Motion by Tabb, second by Manuel to reappoint Jane Peters to the Farmland Protection Board. Motion carried.

**In re: APPROVAL OF RESOLUTION AND CONTRACT - LOCAL ECONOMIC ASSISTANCE
GRANT PROGRAM - SHERIFF'S LAW ENFORCEMENT DEPARTMENT**

Motion by Manuel, second by Tabb to approve the resolution and contract for the Local Economic Assistance Grant Program for the purchase of three in-car video cameras for the Sheriff's Law Enforcement Department. Motion carried.

**In re: CLEANING BIDS FOR JUDICIAL CENTER, MASON BUILDING AND JEFFERSON
COUNTY PUBLIC SERVICES CENTER**

Motion by Morgan, second by Manuel to approve the bid from ABH Services in the amount of \$6,797 per month for cleaning of the Judicial Center, Mason Building and Jefferson County Public Services Center. Motion carried.

In re: COUNTY COMMISSION APPOINTMENT TO THE HOME CONSORTIUM

After discussion, motion by Tabb, second by Corliss to appoint Commissioner Manuel to the Home Consortium. Motion carried.

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

There was no report from the County Clerk this week.

In re: COUNTY COMMISSION REPORTS

Commissioner Surkamp commented on item #6 and #21 in the information section of the agenda.

Commissioner Surkamp reported on a Public Service District meeting.

Commissioner Morgan reported on a meeting of the Library Task Force.

Commissioner Morgan reported on a meeting on the school levy.

Commissioner Morgan reported on the Claws and Paws fundraiser.

Commissioner Tabb reported on the Federal Reserve Board meeting.

Commissioner Tabb reported on Region 9.

Commissioner Surkamp informed the Commission of a alternate energy conference at Sheperd University.

Commissioner Manuel reported on the Home Consortium.

Commissioner Corliss discussed the proposed water treatment plants.

In re: BRANDY SIMS - LEGAL UPDATE AND REPORT

Brandy Sims, Assistant Prosecuting Attorney, appeared before the Commission to give a legal update and report. Ms. Sims reported that the three judge panel for the petition to remove Todd Baldau from the Planning Commission had dismissed the issue without prejudice. David Hammer, counsel for Mr. Baldau, also appeared to update the Commission on the decision by the three judge panel.

Ms. Sims updated the Commission on the process to remove the injunction on the jail.

Motion by Tabb, second by Manuel to enter into Executive Session with Brandy Sims

to discuss legal matters. Motion carried.

Motion by Tabb, second by Manuel to return to Regular Session. Motion carried. No action was taken during Executive Session.

In re: EXECUTIVE SESSION OF POSSIBLE PROPERTY PURCHASE AND CONTRACT

Motion by Morgan, second by Manuel to enter into Executive Session to discuss possible property purchase and contract. Motion carried.

Motion by Tabb, second by Manuel to return to Regular Session. Motion carried. No action was taken during Executive Session.

In re: GREEN INFRASTRUCTURE STUDY PRESENTATION

The Commission conducted a workshop for a presentation on the Green Infrastructure Study.

The Commission received the following information:

Reminder Courthouse is Closed on Monday, October 9, 2006 - Columbus Day.

Notice of a Special Meeting of the County Commission on Saturday, October 7, 2006, at 9:30 a.m. to receive public input and discussion concerning issues and topics in Jefferson County.

Appointment to be made on November 2, 2006 to the Ambulance Authority and the North Eastern Regional EMS, Inc.

Assessor's Certificate of Compliance received from the Department of Agriculture.

Correspondence received from David Hammer concerning the expiration of the deadline to appeal the Huntfield Declaratory Judgment Action.

Memorandum received from Sheriff Boober concerning bonds of depository.

Memorandum received from Sheriff Boober concerning County Bank Accounts.

Impact Fee Status Report for September 2006 received.

Audit report for the year ended June 30, 2005 received from Cox Hollida LLP.

Correspondence received from the Division of Culture and History concerning Tackley Mill North.

Notice received from the Potomac Headwaters RC&D of the next Executive

Committee Meeting on October 10, 2006.

Correspondence received from the Office of the State Auditor concerning Board of Treasury Investments.

Copy of Correspondence sent to the Bureau for Public Health from the Berkeley County Commission received concerning the LCS Landfill.

Copy of Correspondence sent to the West Virginia Department of Environmental Protection from the Bureau of Public Health concerning the LCS Landfill.

Notice received of the Potomac Arts Festival on Friday, November 3, 2006.

Notice received from the Chamber of Commerce of the 6th Annual Banquet to recognize police, fire and emergency medical service providers in Jefferson County.

Copy of correspondence sent to the County Clerk from the Secretary of State received concerning voter precincts and delegate districts.

Correspondence received from Congresswoman Shelley Moore Capito concerning a proposal to increase the toll on the Dulles Greenway.

Correspondence received from Sabrina W. Adams concerning Tollhouse Woods.

Copy of a newspaper article received from the Association of Counties concerning inmate costs.

Correspondence received from the Corporation of Shepherdstown concerning the Shepherdstown Sanitary Board.

Notice received of a Forum on Increasing Resources for Affordable Housing on October 21, 2006.

Notice received of the Alternate Energy Odyssey Conference on October 12, 2006, beginning at 8:30 a.m. at Shepherd University.

Community Bulletin received from the Harpers Ferry National Historical Park.

Notice received from the Department of Planning, Zoning and Engineering of a Subdivision Work Session on October 6, 2006.

Ethics Reporter received for September 2006.

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