

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, June 16, 2005, beginning at 9:30 o'clock a.m.

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

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 meeting held on Thursday, June 9, 2005, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by Tabb to approve the following Purchase Orders for the Week of June 13, 2005, totaling \$102,053.22: 41177, 41238, 41407, 41408, 41409, 41375, 41386, 41387, 41389, 41390, 40690, 41388, 41393, 41098, 41099, 41246, and 41247. Motion carried.

In re: PUBLIC COMMENT

No public comment was given.

In re: NOISE ORDINANCE

Motion by Corliss, second by Manuel to approve the June 16, 2005 Draft of the Jefferson County Noise Ordinance. After discussion, Commissioner Corliss withdrew the motion. The Commission agreed to have Assistant Prosecuting Attorney, Brandon Sims, review the suggested changes received from Magistrate Boober before making a decision.

In re: PLANNING COMMISSION ACTIVITY REPORT

Paul Raco, Executive Director of Planning, Zoning and Engineering, appeared before the Commission to give the Planning Commission Activity Report.

In re: PARKS AND RECREATION OFFICE TRAILER

The Commission discussed a quote received from Rankin Mobile Homes on a double wide trailer in the amount of \$35,000, for space for the Parks and Recreation office. After discussion, motion by Manuel, second by Surkamp to approve the purchase of a double wide trailer from Rankin Mobile Homes in the amount of \$35,000. Motion passed by a 4-1 vote. Commissioner Morgan voted no.

In re: JOHN DEGURSE - ADOPT A HIGHWAY PRESENTATION

John DeGurse, from Keep Jefferson Beautiful, appeared before the Commission to present an award to Ren and Pam Parziale of Sycamore Pottery for their years of participation in the Adopt A Highway Program. Andy Vecchio, District Coordinator for the West Virginia Department of Natural Resources, was present and commented on the presentation of the award.

In re: PATTI MULKEEN-CORLEY - VIDEO PRESENTATION FOR LOCAL SCHOOL IMPROVEMENT COUNCIL

Patti Mulkeen-Corley, from Charles Town Middle School, appeared before the Commission to present a video presentation, prepared by Charles Town Middle School Students, for the Local School Improvement Council. After the video presentation, Ms. Mulkeen-Corley discussed the current overcrowded conditions at Charles Town Middle School.

In re: GUS FIACKOS - STATE ROAD ISSUES

Gus Fiackos appeared before the Commission to discuss issues concerning the Mission Road area. Toni Milbourne, from the Parks and Recreation Commission, was present and commented on the possibility of Law Enforcement/Fire & EMS obtaining land from the Parks and Recreation Commission for a satellite office on Mission Road. Ms. Milbourne informed the Commission that no representatives from Law Enforcement or Fire and EMS have ever come to a Parks and Recreation Commission meeting to discuss the matter.

In re: FARMLAND PROTECTION BOARD - REVISED CRITERIA SHEET TO EVALUATE PROPERTIES

Kellie Boles appeared before the Commission on behalf of the Farmland Protection Board in order to request the Commission's approval of a revised criteria sheet to evaluate properties. After discussion, motion by Tabb, second by Manuel to approve the revised criteria sheet to evaluate properties for the Farmland Protection Board. Motion carried.

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

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the County Clerk's report. Ms. Maghan reported on the status of Early Voting and an update on obtaining poll workers for the Special Elections. Ms. Maghan informed the Commission of an Employee's Benefit Survey that she sent out to all county employees. Upon request from Ms. Maghan, motion by Tabb, second by Manuel to approve the employment of Alice Nicole Painter in the County Clerk's Voter Registration Office. Motion carried.

In re: MANAGEMENT STUDY RFP

The Commission agreed to have the County Administrator arrange an appointment with the individual who submitted a proposal for the Management Study.

In re: JULY 2005 COUNTY COMMISSION MEETING DATES

Motion by Corliss, second by Morgan to cancel the County Commission meeting on July 7, 2005. Motion carried.

In re: COUNTY COMMISSIONERS' ASSOCIATION - INVOICE FOR LEGAL FEES FOR FILING AN AMICUS BRIEF

Motion by Tabb, second by Manuel to approve the payment to the County Commissioners' Association in the amount of \$101 for the reimbursement of legal fees incurred in filing an amicus brief. Motion carried.

In re: JOE HANKINS - GREEN INFRASTRUCTURE STUDY PRESENTATION

Joe Hankins appeared before the Commission to make a presentation concerning the proposed Green Infrastructure Study for Jefferson County. After discussion, motion by Surkamp, second by Corliss to approve funding from the County Commission in the amount of \$37,800 to the Conservation Fund for the purpose of conducting a Green Infrastructure Study for Jefferson County. Motion by Manuel, second by Tabb to table the motion until the end of the month for more comprehensive budget deliberations. Motion to table passed by a 3-2 vote. Commissioners Surkamp and Corliss voted no.

In re: FIRE COMPANY CONTRACTS

Motion by Tabb, second by Manuel to approve the Fire Company Contracts for the five county fire companies for Fiscal Year 2006. Motion carried.

In re: LEGAL COUNSEL - RULING ON LEGAL STATUS OF LOCATION IMPROVEMENT ORDINANCE

The Commission discussed request legal counsel to provide an opinion on whether or not the Location Improvement Ordinance should be part of the Subdivision Ordinance or if it should stand alone. After discussion and comment from Paul Raco, motion by Surkamp, second by Corliss to have Mr. Raco to request from legal counsel an opinion on whether the Location Improvement Ordinance can be amended under 8-24 as opposed to updating it without affecting the Subdivison Ordinance under 8A. Motion carried.

In re: TRAIN DERAILMENTS

The Commission discussed the recent train derailments in the County and whether to invite a spokesman from the Railroads to meet with the Commission. After discussion, motion by Manuel, second by Tabb to contact the appropriate state and federal agencies and request written information from those agencies concerning the derailments. Motion by Surkamp, second by Morgan to amend the motion to also commit to a meeting with officials from the Railroads. Motion to amend passed by a 3-2 vote. Commissioners Manuel and Tabb voted no. The Commission voted on the original motion. Motion carried.

In re: SMITH NADENBOUSCH - TERRORISM RISK INSURANCE ACT NOTICE

The Commission decided to decline participation in the Terrorism Risk Insurance offered from Smith Nadenbousch.

In re: GOVERNOR'S COMMUNITY PARTNERSHIP GRANT PROGRAM RESOLUTION AND AGREEMENT - BLUE RIDGE ACRES COMMUNITY CLUB

Motion by Tabb, second by Corliss to approve the Governor's Community Partnership Grant Program resolution and grant agreement for Blue Ridge Acres Community Club. Motion carried.

In re: SHERIFF BOOBER - REQUEST FOR APPROVAL OF SPECIAL DEPUTY STATUS

Motion by Tabb, second by Manuel to approve Special Deputy Status for Glenna Hosby-Brown, Coby Myers, Anthony J. Mancine, and Sam Smith. Motion carried.

In re: ENFORCING THE UNDERAGE DRINKING LAWS GRANT PROGRAM - APPROVAL OF SIGNATURE ON GRANT AWARD DOCUMENTS

Motion by Manuel, second by Tabb to approve the President's signature on the Grant Award Documents for the Enforcing the Underage Drinking Laws Grant Program. Motion carried.

In re: COURT SECURITY FUND GRANT - APPROVAL OF SIGNATURE ON GRANT AWARD DOCUMENTS

Motion by Manuel, second by Tabb to approve the President's signature on the Grant Award Documents for the County Security Fund Grant. Motion carried.

In re: COUNTY COMMISSION REPORTS

Commissioner Surkamp reported on a LEPC meeting.
Commissioner Surkamp reported on a meeting with the Fire & Rescue Association and the Fire Chiefs.

Commissioner Surkamp reported on a joint meeting of the Utility Boards.
Commissioner Corliss reported on a Planning Commission meeting.
Commissioner Corliss reported on a Public Service District meeting.
Commissioner Manuel reported on a Parks and Recreation meeting.
Commissioner Manuel discussed an upcoming meeting on June 23, 2005 with the Eastern Panhandle Transportation Authority and representatives from the Division of Highways.
Commissioner Tabb reported on a Farmland Protection Board meeting.
Commissioner Tabb reported on an Air Quality Task Force meeting.
Commissioner Tabb reminded the Commission of Farm Day.
Commissioner Morgan recognized the maintenance staff for their work completed on the Courthouse floors.

In re: EXECUTIVE SESSION - PERSONNEL MATTERS

Upon request from Paul Raco, Executive Director of Planning, Zoning and Engineering, motion

by Tabb, second by Manuel to enter into Executive Session to discuss personnel matters. Motion carried.
Motion by Corliss, second by Tabb to close Executive Session and return to Regular Session.
Motion carried. No decisions were made during Executive Session.

The County Administrator reminded the Commission of the appointments to be made next week for alternate members of the Zoning Board of Appeals.

The County Administrator clarified information reported by the County Clerk concerning the Employee Benefits Survey by referring to the County Commission minutes from April 21, 2005, which reflected that the Commission had not directed staff to complete a survey of County employees.

The County Administrator informed the Commission that she was contacted by the Berkeley County Commission concerning setting up a joint meeting. The Commission agreed to put the matter on the agenda next week.

The Commission received the following information:

Reminder Courthouse is Closed on Monday, June 20, 2005 for West Virginia Day.

Appointment of alternate members to the Board of Zoning Appeals to be made on Thursday, June 23, 2005.

Acceptance of Bond for Avalanche Services in the amount of \$17,000.

Impact Fee Status Report received for May 2005.

Memorandum received from the Department of Impact Fees concerning a transfer of funds to the Law Enforcement Impact Fee Account.

Memorandum received from the Department of Impact Fees concerning a transfer of funds to the School Impact Fee Account.

Correspondence received from Shelley Moore Capito concerning RC&D Councils.

Correspondence received from HR Solutions, Inc. concerning the Management Study RFP.

Correspondence received from Compensation Resources, Inc. concerning the Management Study RFP.

Notice received from Joe Hankins of a Sinkholes and Karst Engineering Meeting on September 24-28, 2005, in San Antonio, Texas.

Correspondence received from James V. Kelsh concerning denied access lines.

Correspondence received from James V. Kelsh concerning Senate Bill 700.

Notices received from Loudoun County of public hearings on Comprehensive Plan Amendments on Thursday, June 16, 2005, at 6:30 p.m.

Correspondence received from the Secretary of State concerning qualified newspapers to publish legal ads.

Notice received from the Jefferson County Extension Office of an Estate Planning Learning Opportunity on June 28, 2005.

Correspondence received from the Office of the State Treasurer concerning Regional Jail Costs.

Correspondence received from the Secretary of State concerning Certification of Special Election Results.

Correspondence received from the Supreme Court of Appeals concerning the approval of a Court Security Fund Grant.

Newspaper article received from the County Commissioners' Association concerning talking ballot devices.

Newspaper article received from the County Commissioners' Association concerning the June 25, 2005, special election.

E-911 fees remittance received from Fibernet, LLC.

Notice of PEIA's Quarterly Benefit Coordinator Workshop on July 26, 2005.

Notice received from the Department of Planning, Zoning and Engineering of a Subdivision Work Session on Friday, June 17, 2005.

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

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