

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, August 11, 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 Corliss conducted the Pledge of Allegiance.

IN RE: APPROVAL OF MINUTES
Motion by Manuel, second Tabb by to dispense with the reading of the Minutes for the meeting held on Thursday, August 4, 2005, and to approve the Minutes as presented. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS
Motion by Corliss, second by Manuel to approve the following Purchase Orders for the Week of August 8, 2005, totaling \$107,613.17: 41186, 41198, 41417, 41627, 41629, 41313, 40702, 41625, 41628, 41711, 41475, 41638, 41644, 41645, 41646, 41647, 41648, 41649 and 41650. Motion carried.

IN RE: BONDING AND ACTIVITY REPORT
Sherry Kelly appeared to give the Planning, Zoning and Engineering activity report for the week of August 8, 2005.
Ms. Kelly reported on Community Impact Statements, the Morgantown Planning Workshop and Storm Water Management strategies.

IN RE: PARTIAL BOND RELEASE - DIOCESE OF WHEELING-CHARLESTON
Motion by Tabb, second by Manuel to approve the partial bond release of an Escrow Account in the amount of \$37,474.82 for Diocese of Wheeling-Charleston with the County to retain \$42,066.00. Motion carried.

IN RE: PUBLIC COMMENT
Alice Chakmakian appeared before the Commission to express her comments regarding the letter submitted to the Public Service Commission regarding the Burr-Bardane Water System.
Fred Blackmer appeared before the Commission for comments regarding Public Services in Jefferson County.

IN RE: SENATOR JOHN YODER - LEGISLATIVE REPORT
Senator John Yoder appeared before the Commission to give a legislative report. Senator Yoder discussed the 2005 Legislative Budget Digest, Senate Finance Committee procedures, Economic Preservation for Jefferson County, HUD Services available and affordable housing programs to include a \$40,000.00 grant that may be available to Jefferson County and the proposed increases to homestead exemption.

IN RE: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT
Jennifer S. Maghan, County Clerk, appeared before the Commission to give the County Clerk's weekly report.

The Commission took a 5 minute recess
The Commission reconvened at 11:15 a.m.

IN RE: APPOINTMENT OF ALTERNATE MEMBERS TO THE BOARD OF ZONING APPEALS
No action was taken on this agenda item.

IN RE: RANSON ANNEXATION
Motion by Corliss, second by Tabb to approve the Ranson Annexation with appropriate changes as recommended by Brandon Sims, Assistant Prosecuting Attorney and agreed upon by Ranson officials. Motion carried.

IN RE: APPOINTMENT OF MUNICIPAL MEMBER TO THE MPO INTERSTATE COUNCIL
No action was taken on this agenda item.

IN RE: LEELAND MEADOW HOMEOWNERS ASSOCIATION - MAINTENANCE OF STATE PROPERTY ALONG ROUTE 45 BIKE PATH

Commissioner Tabb reported on her discussion with Mr. Dillow of the Department of Highways.

After discussion the Commission authorized Leslie D. Smith, County Administrator to draft a letter to Leeland Meadows Homeowners Association acknowledging receipt of their letter and advising them that the Department of Highways has been contacted on their behalf.

IN RE: MANAGEMENT CONSULTANT HIRE

Motion by Surkamp, second by Manuel that the commission enter into negotiations to complete a contract with Management Consultant, Sheila Birnbach of GB Associates Incorporated to conduct the management study for Jefferson County Commission. Motion carried.

IN RE: DRAFT LETTER TO PUBLIC SERVICE COMMISSION COUNSEL RE RESERVED CAPACITY

Commissioner Surkamp distributed and read aloud a draft copy of the letter he has requested the Commission send to the Public Service Commission for legal review with respect to the correct Public Service Commission policies and procedures for reserved capacity.

After discussion, motion by Surkamp, second by Corliss to send Commissioner Surkamp's letter to the Public Service Commission for legal opinion on reserved capacity. Motion carried by a 4 to 1 vote; Commissioner Tabb voted no.

After further consideration, Commissioner Manuel requested that the earlier motion be reconsidered. Motion by Manuel, second by Tabb to reconsider the earlier motion by Commissioner Surkamp. Motion failed by a 2 to 3 vote. Commissioners Morgan, Corliss and Surkamp voted no.

IN RE: LITIGATION DISCUSSION - PROSECUTING ATTORNEY'S OFFICE - EXECUTIVE SESSION

Motion by Corliss, second by Manuel to enter into executive session to discuss litigation matters with Brandon Sims, Assistant Prosecuting Attorney. Motion carried.

Motion by Tabb, second by Manuel to resume regular session. Motion carried.

IN RE: PROPOSALS FOR SUBDIVISION ORDINANCE AND ZONING ORDINANCE RECEIVED

Leslie Smith, County Administrator reported on the proposals received and that they will be distributed to a committee as designated by the commission for review and consideration.

Motion by Corliss, second by Manuel to form a committee comprised of all county commissioners and three planning commission members as determined by the Commission President. Motion carried.

IN RE: LAW OFFICES OF HOY SHINGLETON, L.C. - CITY OF CHARLES TOWN - PROFFER AGREEMENTS WITH HUNTFIELD, L.C.

After review and consideration of the correspondence received from Mr. Shingleton, Esquire, the Commission authorized Leslie D. Smith, County Administrator to forward all correspondence to Michael D. Thompson, Prosecuting Attorney for legal review.

IN RE: DANIEL P. LUTZ - FREEDOM OF INFORMATION ACT

The Commission authorized Leslie D. Smith, County Administrator to draft a letter to Mr. Lutz providing an explanation that all information pertinent to this matter has been provided to him by the Jefferson County Commission as previously requested under the guidelines of the Freedom of Information Act.

IN RE: SHERIFF ED BOOBER - COMPUTATION OF THE FISCAL YEAR 2005 SHERIFF'S COMMISSION

Motion by Tabb, Second by Manuel to approve the Computation of the fiscal year 2005 Sheriff's Commission. Motion carried.

IN RE: MAINTENANCE BUILDING BIDS

Commissioner Morgan reported on his meeting with Bill Polk, Maintenance Director. The commission discussed the probability of maintenance department personnel performing the necessary tasks for construction of the new maintenance building to comply with the budget allowance of \$150,000.00 as previously allocated.

After discussion, motion by Tabb, second by Manuel to reject all Maintenance Building bids and to authorize Leslie D. Smith, County Administrator to draft a courtesy letter to bidders. Motion carried.

IN RE: WEST VIRGINIA HOUSING DEVELOPMENT FUND - LOW INCOME HOUSING TAX CREDIT PROGRAM - NOTIFICATION OF THE LOCAL JURISDICTION - WILLOW SPRING FARM APARTMENTS VI

No action was taken on this agenda item.

IN RE: JEFFERSON COUNTY FAIR BOOTH - JEFFERSON COUNTY COMMISSION

No action was taken on this agenda item.

IN RE: APPROVE PRINCIPAL PERMITTED USES IN A RURAL ZONE

Commissioner Surkamp withdrew this agenda item.

IN RE: SEEK LEGAL OPINION ON COMPETITIVE BIDDING PROCEDURES

Motion by Surkamp, second by Corliss to submit the following two questions to the Attorney General's Office and the Jefferson County Prosecuting Attorney for opinion with regard to State Codes 7-5-18, 7-12-11, 7-3-3 et. al.:

1. Does state law allow a development authority to sell county equipment using competitive bidding?
2. Does state law require development authority to accept the highest bid?

After discussion, Commissioner Surkamp revised his motion as follows: Submit the following two questions to the Jefferson County Prosecuting Attorney for opinion with regard to State Codes 7-5-18, 7-12-11, 7-3-3 et. al.:

1. Does state law allow a development authority to sell equipment using competitive bidding?
2. Does state law require development authority to accept the highest bid?

Motion carried.

IN RE: COUNTY COMMISSION REPORTS

Commissioner Surkamp reported on the Fire meeting he attended.

Commissioner Surkamp reported on the Planning Commission meeting he attended.

Commissioner Corliss commented on Fire and Rescue Association procedures.

Commissioner Corliss reported on the Planning Commission meeting he attended.

Commissioner Morgan reported on the Solid Waste Authority meeting he attended.

Commissioner Manuel reported on his meeting with Bill Polk, Maintenance Director with regard to the status of the Parks and Recreation trailer.

Commissioner Tabb reported on the Region 9 Executive Council meeting she attended.

The Commission received the following information:

Copy of correspondence sent to Jeffrey Polczynski received from Braun A. Hamstead concerning Citizens Fire Company.

Workshop on Thursday, August 18th, 2005 at 1:30 p.m. to meet with the Building Commission.

Impact Fee Status Report received for July 2005.

Memos received from the Department of Impact Fees concerning transfers of funds from the Impact Fees General Account.

Copy of correspondence sent to Lew Brewer at the West Virginia Ethics Commission concerning conflicts of interest.

Correspondence received from Gabriele M. Rainey, Election Commissioner, concerning election precincts 35A and 35B.

Correspondence received from the Charles Town Chaplaincy Services concerning their allocation of funds.

Correspondence received from Governor Manchin concerning the Resolution in support of a DMV office in Jefferson County.

Correspondence received from F. Douglas Stump, Commissioner Division of Motor Vehicles concerning the Resolution in support of a DMV office in Jefferson County.

Correspondence received from the West Virginia Ethics Commission concerning a request for an advisory opinion.

Correspondence received from Richard F. Strader concerning the Department of Planning, Zoning and Engineering.

Invitation received from the Shepherdstown Fire Department to attend a Public Policymakers Fire and EMS Academy on October 8, 2005, at 9:00 a.m.

Notice received from the Division of Highways of a redesignation of highway.

Weekly settlement for the Charles Town Races received from the West Virginia Lottery.

Harpers Ferry National Historical Park Community Bulletin received.

Approved Minutes from July 11, 2005 received from the Public Service District.

Correspondence received from the Public Service Commission regarding water conservation measures enacted by the City of Charles Town.

Commissioners' Corner Newsletter received from the County Commissioners' Association of West Virginia.

Planning Commission Permit Activity Report 1st Quarter for 2005 received.

Correspondence received from the WV Association of Counties regarding an Article of interest from the Charleston Gazette.

Correspondence received from the WV Association of Counties regarding 9-1-1 Fees; additional money to Counties.

Miscellaneous

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

A.M.S. MORGAN, III, COMMISSION PRESIDENT