

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 Jefferson County Courthouse thereof on Thursday, August 25, 2005, beginning at 9:30 o'clock a.m.

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

IN RE: PLEDGE OF ALLEGIANCE

Commissioner Manual conducted the Pledge of Allegiance.

IN RE: DISPENSE WITH THE READING OF MINUTES

Motion by Manual second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, August 18, 2005, and to approve the Minutes as amended. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS

Motion by Corliss, second by Surkamp to approve the following Purchase Orders for the Week of August 22, 2005, totaling \$29,677.11: 41726, 41723, 41721, 41722, 41502, 41459, 41460, 41719, 41720, 41724, 41727, 41728, 41471, 41346, 41630, 41651, 41652, 41656 and 41657. Motion carried.

IN RE: EXONERATIONS

Upon recommendation from the Assessor, Motion by Tabb, second by Manual to approve the following exoneration because of erroneous assessment for the year 2005. Motion carried

NAME:	DISTRICT:	TYPE:	AMOUNT:	TICKET:
Robert C. Kroner	Ranson	Personal Property	\$156.34	314152

IN RE: EXONERATIONS

Upon the recommendation from the Assessor, Motion by Corliss, second by Tabb to approve the following exoneration because of erroneous assessment for the year 2005. Motion carried.

NAME:	DISTRICT:	TYPE:	AMOUNT:	TICKET:
Federal Group, Inc.	Shepherdstown	Real Estate	\$5,031.16	24884

IN RE: NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES

Upon presentation by the Assessor, motion by Manual, second by Corliss to approve the Notice of Apportionment of Jointly Owned Motor Vehicles filed by a certified copy of a final divorce order entered under provisions of section fifteen, article two, chapter forty-eight of the West Virginia Code, in the amount of \$117.82 for the following.

NAME:	HUSBAND/WIFE:	ASSESSED VALUE:	TAXES DUE:
Joseph Plotner	Husband	\$1,800.00	\$45.12

Joseph Plotner	Husband	\$700.00	\$17.55
Joseph Plotner	Husband	\$300.00	\$7.52
Monimia Plotner	Wife	\$1,900.00	\$47.63

IN RE: BONDING AND ACTIVITY REPORT

Paul Raco appeared before the Commission to give a Planning, Zoning and Engineering Activity report for the week of August 22, 2005. Mr. Raco discussed the Planning Commission meeting, Community Impact Statements, the three Planning Commission members chosen for the RFP review committee, principle permitted uses and Mr. Raco addressed Commissioner Surkamp's previous utilities questions.

IN RE: BARBARA MILLER - FIRE RISK ASSESSMENT PROPOSALS

Barbara Miller appeared before the Commission to give an update on the Risk Assessment and Mitigation Plan and to request approval for R. D. Zande, Incorporated to conduct the Jefferson County Fire Risk Assessment and Mitigation Study. Ms. Miller discussed components of the Risk Assessment and Mitigation project to be implemented upon completion of the study.

After discussion, motion by Corliss, second by Manuel to approve the contract for R.D. Zande, Incorporated to conduct the Jefferson County Fire Risk Assessment and Mitigation Study. Motion carried.

IN RE: SCOTT HOEKSEMA - PUBLIC SAFETY DISCUSSION

Mr. Scott Hoeksema appeared before the Commission to discuss his concerns with Public Safety and traffic control on roads in Jefferson County. Mr. Hoeksema reported on his discussions with Jefferson County Sheriff's Office officials, West Virginia State Police officials and Department of Highway Safety officials and his previous visits to the County Commission in 2004. Mr. Hoeksema formally requested that the Commission enact a plan to increase public safety and traffic control on Jefferson County roads.

Commissioners discussed the efforts made by County officials and their commitment to public safety, the increases to the Sheriff's Department budget for increased patrol, safety implementation and the increase in county growth. Commissioners reported on the recent work session held with Sheriff Boober to address the concerns and problems within Jefferson County and measures being taken to ensure public safety.

IN RE: FARMLAND PROTECTION BOARD - FARMLAND CONSERVATION EASEMENT - THE LEWIS PROPERTY

This item was postponed at the request of the Farmland Protection Board.

IN RE: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT

Jennifer S. Maghan, County Clerk appeared before the commission to confirm the 1:30 p.m. work session scheduled. No report was given by Ms. Maghan.

The Commission recessed for a 5-minute break.

IN RE: APPOINTMENT OF ALTERNATE MEMBERS TO THE BOARD OF ZONING APPEALS

No action was taken on this agenda item.

IN RE: APPOINTMENT OF MUNICIPAL MEMBER TO THE MPO INTERSTATE COUNCIL

No action was taken on this agenda item.

IN RE: IT COMMITTEE - APPOINTING MEMBER FROM COUNTY COMMISSION

Motion by Corliss, second by Manuel to appoint Jeff Polczynski as a voting member to the IT Committee and Commissioner Surkamp as a non-voting member of the IT Committee and to authorize Pasty Noland to contact Carl Moore to discuss his rejoining the IT Committee. Motion carried.

IN RE: FUTURE OF IT COMMITTEE AND ROLE IN PURCHASE AND INSTALLATION OF NEW AS-400 COMPUTER

The Commission agreed to schedule a work session to ascertain the future of the IT committee.

IN RE: MEMO PAUL RACO - LAND USE POLICY AND UTILITIES

The Commission agreed to conduct a workshop with Paul Raco to discuss Land Use Policies and Utilities.

IN RE: AS-400 COMPETITIVE BIDS

Leslie D. Smith, County Administrator presented the Commission with the RFP for the AS-400 and requested the Commissioners recommendations. The Commission directed that the RFP be advertised.

Ms. Smith reported on the County's current computer capabilities and components.

The Commission discussed concerns with the future of information technology and IT Committee strategies and objectives. Patsy Noland, IT Committee member was present for comments.

IN RE: APPOINTMENT TO THE JEFFERSON COUNTY BUILDING COMMISSION

Motion by Morgan, second by Manual to appoint Judith Moore to the Jefferson County Building Commission for one 5-year term ending July 27, 2010. Motion carried.

IN RE: APPOINTMENT TO THE EASTERN PANHANDLE REGIONAL PLANNING AND DEVELOPMENT COUNCIL

Motion by Tabb, second by Manual to appoint Neal D. Carpenter to the Eastern Panhandle Regional Planning and Development Council for one 1-year term ending June 30, 2006. Motion carried.

IN RE: AMENDMENTS TO THE ZONING ORDINANCE - PRINCIPAL PERMITTED USES IN RURAL ZONE

Motion by Morgan, second by Manuel to approve the Amendments to the Zoning Ordinance - Principal Permitted Uses in Rural Zone effective Monday, October 3, 2005. Motion carried.

IN RE: CITIZENS FIRE COMPANY, INC. - REQUEST TO IMPLEMENT BILLING FOR SERVICES

Motion by Corliss, second by Tabb to approve Citizens Fire Company's request to implement billing for services. Motion carried.

IN RE: FUNDING FOR THE EASTERN PANHANDLE TRANSPORTATION COMMITTEE - FUNDING LEVEL REQUESTED: \$1,000 FROM EACH OF THE THREE COUNTIES

Commissioner Manual discussed the Eastern Panhandle Transportation Committee meeting strategies. The Commission requested a report on the strategies and goals of the Eastern Panhandle Transportation Committee.

After discussion, motion by Manuel, second by Corliss to appropriate \$1,000.00 to the Eastern Panhandle Transportation Committee for administrative expenses contingent on Berkeley and Morgan County contributing funding. Motion carried.

IN RE: DISCUSSION OF DRAFTING AN ORDINANCE USING PARAMETERS IN THE CODE REGARDING REGULATING PUBLIC SAFETY AND NUISANCE CONTROL (COUNTY ENABLING) TO ADDRESS THE PROBLEM OF SOLICITATIONS AT BUSY INTERSECTIONS ON ROUTE 340

The Commission discussed concerns with panhandlers and solicitors on county roads with regard to safety and liability issues to the County. Commissioner Manuel reported on his discussions with Legislators and Brandy Sims, Assistant Prosecuting Attorney, with regard to enacting a Nuisance Ordinance to control panhandling and solicitations in Jefferson County.

After discussion, motion by Manual, second by Corliss requesting that legal counsel examine legalities of drafting a Nuisance Ordinance to control panhandling and solicitations at intersections. Motion

carried.

IN RE: ADDITIONAL QUESTION FOR THE PUBLIC SERVICE COMMISSION REGARDING WATER UTILITY AT BURR INDUSTRIAL PARK - DRAFT LETTER TO BE PRESENTED

Commissioner Manual presented copies of his letter asking Mr. Richard E. Hitt of the Public Service Commission if the Jefferson County Development Authority retains ownership of the water utility can they reserve capacity for future park expansion by denying requests for service from adjacent property owners?

After review and consideration of the letter, motion by Manual, second by Tabb to send the correspondence to Mr. Hitt of the Public Service Commission as well as to Mr. William Hagy of the USDA for proper review and consideration. Motion carried.

Motion by Surkamp, second by Corliss that Commissioner Surkamp's letter of August 11, 2005 accompany Commissioner Manual's letter being sent to Mr. Hagy of the USDA for review and consideration. Motion carried.

IN RE: EXECUTIVE ORDER - DESIGNATION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN JEFFERSON COUNTY

Motion by Morgan, second by Tabb approving the designation of the National Incident Management System (NIMS) as the basis for all incident management in Jefferson County. Motion carried.

IN RE: RESOLUTION TO CHANGE THE NAME OF THE OFFICE OF EMERGENCY SERVICES TO THE OFFICE OF EMERGENCY MANAGEMENT

Motion by Corliss, second by Tabb to approve and authorize the Commission President to affix his signature on the resolution changing the name of the Office of Emergency Services to the Office of Emergency Management. Motion carried.

IN RE: REQUEST FOR APPROVAL OF JEFFERSON COUNTY DEPUTY SHERIFF RESERVES - GARY LEO CAPRIOTTI

Motion by Corliss, second by Tabb to approve Gary Leo Capriotti as a Jefferson County Deputy Sheriff Reserve Officer. Motion carried.

IN RE: REQUEST FOR APPROVAL OF TRIP/TRANSPORT AND COURT SECURITY SPECIAL DEPUTY - STEPHEN ENGLEBRIGHT

Motion by Tabb, second by Manual to approve Stephen Englebright as a trip/transport and Court Security Special Deputy. Motion carried.

IN RE: WORKSHOP - ELECTION PRESENTATION

Jennifer Maghan, County Clerk appeared before the Commission for discussion and presentation. Ms. Maghan presented the commission with a detailed report on the events of the June 25, 2005 special election. Ms. Maghan's report included canvassing procedures, poll worker's pay, Courthouse staffing, redistricting and election protocol. Ms. Maghan also discussed strategies being implemented for upcoming elections and HAVA compliancy standards.

Matthew Barney, Deputy Clerk, and Nikki Painter, Assistant Clerk were present for comment.

Ms. Maghan expressed her gratitude to County Clerk employees, the community and all the poll workers for the hard work and dedication for the June 25, 2005 special election.

The Commission requested that Ms. Maghan provide a summarized report to the Commission detailing all the strategies being implemented.

IN RE: WORKSHOP - DARRELL PENWELL - CURRENT OES OPERATIONAL CAPABILITIES AND SHORTFALLS

Darrell Penwell, Office of Emergency Management Director and Barbara Miller, Director, Jefferson County Office of Homeland Security appeared before the Commission to discuss current Office of Emergency Management capabilities and shortfalls.

Discussion included the Office of Emergency Management expenses, training modules, communications strategies, Quad County and Federal agency emergency plans in conjunction to Jefferson County's Emergency Management strategies and disaster readiness, volunteer availability, governmental support and public education strategies.

IN RE: COUNTY COMMISSION REPORTS

Leslie D. Smith, County Administrator advised the Commission of the Ethics and Open Meetings Procedures Workshop scheduled for September 26-28, 2005.

Leslie D. Smith, County Administrator reported on the Management Study contract being executed with Sheila Birnbach of GB Associates Incorporated.

Leslie D. Smith, County Administrator reported on the letter received from the City of Charles Town regarding Impact Fees.

Leslie D. Smith reported on the status of the legal opinions sought by Brandy Sims, Assistant Prosecuting Attorney.

Commissioner Manual reported on Legislative activities.

Commissioner Tabb reported on the letter she received from Fred Durham of the Air Quality Task Force regarding EPA strategies and achievements.

Commissioner Tabb reported on the State Fair she attended.

Commissioner Corliss requested a copy of the letters being sent to the USDA regarding the Burr-Bardane Water System sale.

The Commission received the following information:

Jefferson County Development Authority Financial Statements received for the year ended June 30, 2004.

Phone message received from Rob Steptoe concerning the list of questions received in his office and the length of time needed to answer the questions.

Notice received of a IS-700 National Incident Management System (NIMS) Introduction Study Group on Wednesday, September 7, 2005.

Instructions received for taking the National Incident Management System Online Course.

Correspondence received from the Association of Counties concerning court opinions.

Correspondence received from Marianne A. Perry concerning her resignation from NEREMS, Inc. and a copy of the NEREMS September 1, 2005 agenda received.

Copy of correspondence received from Independent Fire Company concerning Ryans Glen Subdivision.

Copy of correspondence received from the Public Service District concerning a "Pump and Haul" permit.

Copy received of a newspaper article concerning County Commission expansion in Hampshire County.

Correspondence received from the Senate Committee on Finance concerning the approval of funding for the Affordable Housing Authority from the 2006 Budget Digest.

Notice of a ribbon cutting at 84 Lumber on August 30, 2005.

Notice of a ribbon cutting at Coldwell Banker on September 9, 2005.

E-911 fees received from Excel and Vartec.

Notice received from the Department of Planning, Zoning and Engineering of Final Plat Public Hearings.

Oath of Office received from William R. Hoak as a member of the Parks and Recreation Commission.

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

West Virginia Ethics Reporter received for July, 2005.

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

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