

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, September 15, 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.

Commissioner Morgan discussed the 1:30 p.m. appointment with John Norman and Ron Walters - Role of Construction Managers. The Commission agreed that appointments for the Agenda will be scheduled through the County Administrator and the Commission President.

In re: DISPENSE WITH READING OF MINUTES

Motion by Tabb, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, September 8, 2005, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Manuel to approve the following Purchase Orders for the Week of September 12, 2005, totaling \$88,524.74: 41815, 41189, 41763, 41762, 41420, 41811, 41808, 41812, 41813, 41814, 41478, 41480, 41484, 41677, 41679, 41680, 41347, 41655, 41643, 41739, 41742, 41745, 41747, 41749, 41751 and 41752. Motion carried.

Commissioner Surkamp asked for clarification of the expenditures and purchase orders. The County Administrator explained that the purchase orders over \$100 are included on the list for Commission approval. Purchase orders under \$100 are approved and signed by the County Administrator.

In re: BONDING

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Corliss to approve the partial release in the amount of \$103,722.00 for PFK, LLC with the County to retain \$145,348.00. Motion carried.

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. The Commission inquired about the status of the DMV project. SB700 was also discussed.

Commissioner Surkamp discussed the request for the PSD to submit all SB 700 applications for review by County's Governing Body. Mr. Raco reported that he has not received any applications from the PSD and that when he does he will work with the Development Authority to review them.

In re: BOARD OF ZONING APPEALS - ALTERNATE INTERVIEWS

Frances Morgan appeared before the Commission for an interview for the appointment as an alternate member to the Board of Zoning Appeals.

In re: APPOINTMENT OF ALTERNATE MEMBERS TO THE BOARD OF ZONING APPEALS

Motion by Corliss, second by Tabb to appoint Frances Morgan to the Board of Zoning Appeals as an alternate member. Motion carried.

In re: MAYOR PEGGY SMITH & COUNCILWOMAN GERALDINE WILLINGHAM - CITY OF CHARLES TOWN - COURTHOUSE TOURS

Mayor Peggy Smith and Councilwoman Geraldine Willingham, City of Charles Town appeared before the Commission to request that the County Commission allow Courthouse Tours with Jim Whipple as the Tour Guide to promote history in Charles Town and to boost tourism. The Commission agreed to look into the matter and to make arrangements and to inform the Mayor when arrangements had been made with the County Maintenance Staff. The Commission also agreed to inform the Circuit Judge of the upcoming tours. Mayor Smith told the Commission that after arrangements have been made, a schedule would be turned in so the Commission would know when the Courthouse would be open for these tours.

Mayor Smith presented an application for employment for Robert O'Connor to work at the Charles Town Visitor's Center. The request would be that the Commission would pay \$13,000 annually and the City of Charles Town would pay \$13,000 annually. After discussion, the Commission agreed to review this matter and place on next week's agenda.

In re: DR. LORI STILLEY & DR. STEVEN NICHOLS - JEFFERSON COUNTY BOARD OF EDUCATION - APPLICABILITY OF SCHOOL IMPACT FEES TO AGE-RESTRICTED DEVELOPMENT

Dr. Lori Stilley & Dr. Steven Nichols, Jefferson County Board of Education appeared before the Commission to request that the Commission take no action for at least 60 days regarding the decision on School Impact Fees for Age-Restricted Development. The Commission took no action on this matter.

In re: NEEDS REQUEST TO PERFORM FINALIZATION OF DOCUMENTS FROM 1901-1998
The matter will be discussed with the County Clerk's Report.

In re: WORKSHOP AGENDA TO INCLUDE TIME FOR PUBLIC COMMENT

Motion by Manuel, second by Tabb to allow public comment at the end of County Commission Workshops and have a policy stating that. After discussion, the motion failed by a 1-4 vote. Commissioners Tabb, Morgan, Corliss and Surkamp voted no.

In re: MIKE THOMPSON - AGE-RESTRICTED DEVELOPMENT

Michael Thompson, Prosecuting Attorney appeared before the Commission to discuss the age-restricted development. No action was taken. For the record, Mark Schiavone, Impact Fee Coordinator was present and made comment.

The Commission took a 5 minute break at 11:00 a.m.

The Commission returned at 11:05 a.m.

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

Jennifer Maghan, County Clerk appeared before the Commission to request approval of employment of Aljenny Molima as a Part-Time Assistant Clerk. Motion by Corliss, second by Manuel to approve the part-time employment of Aljenny Molima. Motion carried.

Ms. Maghan also reported on the back scanning issues with UITI. Ms. Maghan reported that documents from 1801-1989 were scanned but not indexed at this time. There is no access to these documents and that they are in cyberspace. She informed the Commission that she was reviewing the contract with UITI at this time and she will give an update.

Ms. Maghan also reported on the Mapdistricting Meeting that would be on Wednesday, September 28, 2005 at 7:00 p.m. The Commission informed Ms. Maghan that they had a prior Intergovernmental Meeting at the same time. Ms. Maghan and the Commission agreed to change the time for 5:00 p.m. which would allow them to attend both important meetings.

In re: MIKE THOMPSON - AGE-RESTRICTED DEVELOPMENT

Michael Thompson, Prosecuting Attorney was present to continue the discussion on the age-restricted development. The Commission discussed Proffer Agreements that the City of Charles Town already had for Huntfield. Motion by Corliss, second by Tabb to ask Robin Kramer, Esquire to review School Impact Fees for age-restricted development. Motion passed by a 3-2 vote. Commissioners Manuel and Morgan voted no.

Motion by Morgan, second by Manuel to hire National Legal Research Group, Charlottesville, VA to review School Impact Fee for age-restricted development. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

In re: MIKE THOMPSON - CIVIL PROSECUTING ATTORNEY POSITIONS

Mike Thompson, Prosecuting Attorney appeared before the Commission to discuss Civil Prosecuting Attorney positions. He informed the Commission that he would review the applications and give the Commission an update in 2 week's. Mr. Thompson commented on the salary and that it needs to be raised.

In re: MAGISTRATES BOOBER, RISSLER AND SENSENEY AND CLERK BONNIE SEAL - STORAGE ROOM

Magistrate Boober and Magistrate Rissler appeared before the Commission to discuss storage space in the Judicial Building - Magistrate offices. Magistrate Boober requested that the County Clerk and the Sheriff find alternate storage space for the current storage they occupy at the Judicial Building basement to allow more space for the Magistrates. After discussion, the Commission and Magistrate Rissler and Magistrate Boober agreed to work together to find an answer for the storage issue. For the record, the County Clerk was present and made comment.

Magistrate Boober also informed the Commission that there are issues with the use of the Courtroom and that in the near future it will be a major problem. No action was taken at this time and the Magistrates will keep the Commission updated on the conflicts of the Courtroom uses.

The Commission recessed at 12:05 p.m.

The Commission reconvened at 1:00 p.m.

Commissioner Surkamp was not present at this time.

In re: MEETING SCHEDULE FOR WEEK OF THANKSGIVING

Motion by Corliss, second by Manuel to cancel the County Commission meeting for the week of Thanksgiving. Motion carried.

In re: PROSECUTING ATTORNEY OPINION - COMPETITIVE BIDDING

No action was taken on this matter.

In re: BEGIN PRELIMINARY WORK MAPDISTRICTING

The Commission agreed to take no action until after the September 28, 2005 meeting regarding redistricting.

In re: COMPUTER BIDS RECEIVED

The Commission received one bid for the AS/400. The bid was opened and read. The bid was received from Software Systems, Inc. After discussion, motion by Corliss, second by Tabb to accept Software Systems, Inc. bid in the amount of \$326,663.66. Motion carried.

Commissioner Surkamp was now present.

In re: POLL WORKER COMPENSATION

The Commission asked that the County Clerk give her recommendation on the poll worker compensation. Jennifer Maghan, County Clerk appeared before the Commission and recommended the maximum compensation in the amount of \$300. Motion by Manuel, second by Tabb to pay poll workers \$125 for the training class and \$175 for Election Day working at the polls. Motion carried. For the record, the County Clerk informed the Commission that she would include the new rates in her advertisements and correspondence.

In re: JOHN NORMAN AND RON WALTERS - ROLE OF CONSTRUCTION OF MANAGERS

John Norman, Jefferson County Schools and Ron Walters appeared before the Commission to discuss the role of construction managers. The Commission asked questions and Mr. Norman and Mr. Walters offered help to the Commission in the future for major construction projects.

In re: SET OCTOBER HEARING FOR FULL-COST SCHOOL IMPACT FEES

The Commission discussed the full-cost school impact fee and agreed to place this matter on next week's agenda.

In re: MANAGEMENT STUDY CONTRACT APPROVAL

The Commission agreed to place this item on next week's agenda since the Contract was still being reviewed by legal counsel.

In re: PARKS AND RECREATION CONTRACT APPROVAL

The Commission agreed to place this item on next week's agenda.

In re: PROSECUTING ATTORNEY OPINION - REQUIRING SITE PLANS FOR PUBLIC OR PRIVATE UTILITIES

No action was taken on this matter.

In re: SHERIFF BOOBER - REQUEST FOR BUDGET MODIFICATION

Sheriff Boober and Teresa Hendricks, Deputy Tax Clerk appeared before the Commission to request a budget modification to hire a new full time Clerk for the Tax Office. After discussion, motion by Corliss, second by Morgan to approve a budget revision to employ additional help in the Sheriff's Tax Office. Motion carried.

In re: DISCUSSION ON SETTING UP A WORK SESSION WITH MIKE CARYL CONCERNING STATE TAX ISSUES

Commissioner Corliss reported that he spoke with Mike Caryl regarding tax issues and would like to have a workshop with Mr. Caryl to discuss these tax issues. Motion by Corliss, second by Morgan to hold a workshop next week with Mike Caryl to discuss tax issues.

In re: PARKS AND RECREATION DISCUSSION - CONTRACTS CONCERNING SITE WORK AND DESIGN BUILD

The Commission discussed the Parks and Recreation Design Build. Commissioner Morgan explained the difference in cost of \$900,000 vs \$500,000 and that some items should have not been included. Motion by Corliss, second by Manuel to authorize the President of the Jefferson County Commission to sign the Contract for the site work for the Community Center. The Commission discussed the motion and was reminded that the Contract was with Brandy Sims, Assistant Prosecuting Attorney and still under review. Commissioner Manuel withdrew his second to the motion. For the record, Toni Milbourne was present and made comment.

In re: LETTER TO SHPO AND DEP HEADS RE POOR COMMUNICATION APPROVAL PROCESS

Commissioner Surkamp presented draft letters to the County Commission for review and the Commission agreed to place this matter on next week's agenda.

In re: LETTER REGARDING SHPO INPUT ON DEP PERMITS

Commissioner Surkamp presented draft letters to the County Commission for review and the Commission agreed to place this matter on next week's agenda.

In re: LETTER TO BYRD, ROCKEFELLER, AND CAPITO RE PROPOSED CUTS IN INVESTMENT CREDITS FOR HISTORIC PRESERVATION

Commissioner Surkamp presented draft letters to the County Commission for review and the Commission agreed to place this matter on next week's agenda.

In re: REQUIRE OTHER BIDS OR PROFESSIONAL REVIEW OF PROPOSED WATER SYSTEM AT SAM MICHAELS FARM

Commissioner Surkamp discussed the review of other bids or professional review of proposed water system at Sam Michaels Farm. The Commission informed Commissioner Surkamp that this matter had been taken care of a long time ago. Commissioner Surkamp withdrew this matter from the agenda. For the record, Toni Milbourne was present and made comment.

In re: MIKE THOMPSON - STUDY IMPACT FEE ISSUES

Mike Thompson appeared before the Commission to inform the Commission that he spoke with the National Legal Research Group from Charlottesville, Virginia and he informed the Commission that he would recommend that the Commission spend up to \$7,500 for legal research for the study of Impact Fees and age-restricted communities. Motion by Manuel, second by Surkamp to hire the National Legal Research Group from Charlottesville, Virginia to study Impact Fees and age-restricted communities. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

Motion by Corliss, second by Manuel to not ask Robin Kramer to study Impact Fees and age-restricted communities as motioned earlier. Motion passed by a 3-2 vote.

In re: PUBLIC COMMENT

Georgiana Pardo, Legal Counsel for Huntfield appeared before the Commission to discuss the age-restricted development for Huntfield and Impact Fees.

The County Administrator informed the Commission that the School Board is requesting a meeting with the Jefferson County Commission and to meet during the day at the Jefferson County Board of Education.

The County Administrator reported on the A/C at Bardane.

The Commission discussed the meeting to be held in Flatwoods, WV on Monday, September 19, 2005 regarding Public Safety. The Commission agreed to send Commissioner Surkamp to Flatwoods, WV. For the record, Commissioner Surkamp was not present for the discussion.

Commissioner Surkamp requested that Ms. Birnbach, Management Study Consultant attend the Ethics Committee Seminar. The Commission agreed to invite her to the Ethics Committee Seminar but leave it up to her whether or not she wants to attend.

Commissioner Surkamp discussed the IT Committee and an email he sent out regarding the 3 bids for the AS/400 and asked that the IT Committee give advice on the bids. The Commission informed Commissioner Surkamp that only 1 bid had been received for the AS/400 and that the bid had already been approved by the County Commission. Commissioner Corliss commented and said that he thought the IT Committee was not involved with the purchase of the AS/400. Commissioner Surkamp said he would withdraw his email.

In re: COUNTY COMMISSION REPORTS

Commissioner Surkamp reported on the KARST meeting he attended.

Commissioner Surkamp reported on the Historic Preservation meeting he attended.

Commissioner Corliss reported on the Planning Commission meeting he attended.
Commissioner Morgan reported on the Historic Preservation meeting he attended.
Commissioner Morgan reported on the Youth Football Season Opening.
Commissioner Manuel reported on the Washington Heritage Trail grand opening.
Commissioner Tabb reported on the Infrastructure Council meeting she attended.
Commissioner Tabb reported on the Region 9 meeting that she attended.
Commissioner Tabb reported on the Air Quality Task Force meeting she attended.
Commissioner Tabb reported on the Tourism Reception she attended.

The Commission received the following information:

Ethics Seminar Schedules.

Reminder of Jail Architect Interviews on Monday, September 19, 2005, at 10:00 a.m. and 1:00 p.m.

Reminder that the meeting next week begins at 9:00 a.m. with Secretary of State Betty Ireland.

Reminder of Public Service District tour on Tuesday, September 20, 2005, meet at the Public Service District office at 9:00 a.m.

Resolution received from the Board of Education concerning 100% Impact Fees.

Invitation received of the Senior Annual Picnic on September 15, 2005.

Notice received from Friends in Action of a fundraiser on Sunday, October 2, 2005.

Correspondence received from Patricia A. Noland, Circuit Clerk, concerning help for victims of Hurricane Katrina.

Newsletter received from Keep Jefferson Beautiful.

Information received concerning donations to the American Red Cross for victims of Hurricane Katrina.

Correspondence received from the Division of Highways concerning the proposed Statewide Transportation Improvement Program.

Correspondence received from Scott Hoeksema concerning increased law enforcement on the roads in Jefferson County.

Correspondence received from the Division of Highways concerning Scenic Byway and modified Division of Highways projects.

Correspondence received from Insurance Services Office, Inc. concerning National Flood Insurance Program Community Rating System classification.

Correspondence received from the Division of Culture and History concerning Highland Farms, LLC.

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

West Virginia County Records Management and Preservation Grant Program information and application received.

Copy of newspaper article concerning video lottery received from the Association of Counties.

Copy of newspaper article concerning pay raises received from the County Commissioners' Association.

Information received from the Association of Counties concerning Public Health Emergency Law Courses.

Notice received from the Department of Planning, Zoning and Engineering of a Subdivision Work Session on Friday, September 16, 2005.

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

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

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