

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 13, 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 Manuel, second by Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, October 6, 2005, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Manuel to approve the following Purchase Orders for the Week of October 10, 2005, totaling \$86,712.10: 40128, 41930, 41526, 41527, 41528, 41529, 41837, 41901, 41902, 41903, 41904, 41761, 41842, 41843, 41844, 41845, 41846, 41849, and 41850. Motion carried.

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

No action was taken on this agenda item.

In re: PARTIAL BOND RELEASE - MADDEX FARM SUBDIVISION PHASE II

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Morgan, second by Corliss to approve the partial release of a letter of credit in the amount of \$102,264 for Maddex Farm Subdivision Phase II, with the County to retain \$127,496. Motion carried.

In re: PLANNING COMMISSION ACTIVITY REPORT

Paul Raco, Executive Director of Planning, Zoning and Engineering, appeared before the Commission to give the weekly Planning Commission Activity Report. The Commission also discussed the intersection of Route 340 and Chestnut Hill Road with Mr. Raco. After discussion, motion by Morgan, second by Corliss to ask the Division of Highways for a traffic study of the intersection of Route 340 and Chestnut Hill Road. Motion carried. The Commission also requested a report from Sherry Kelly on the school that she attended. Mr.

Raco agreed to have Ms. Kelly schedule an agenda appointment with the County Administrator.

In re: SELECTION OF SUBDIVISION AND ZONING REWRITE CONSULTANT

Motion by Morgan, second by Manuel to take the motion from last week off the table. Motion carried. Paul Raco, Executive Director of Planning, Zoning and Engineering, was present and informed the Commission that the reference check on Lane Kendig, inc. had been completed. The Commission then voted on the following motion that was made last week: Motion by Surkamp, second by Tabb to approve Lane Kendig, inc. for the subdivision and zoning rewrite. Motion carried.

In re: PROSECUTING ATTORNEY ON DEFINITION OF "MINISTERIAL ACT" AND DEFINING ACCOUNTABILITY OF PLANNING DIRECTOR TO PLANNING COMMISSION

Motion by Surkamp to ask the Prosecuting Attorney to provide a legal definition of "Ministerial Act" within the context of the West Virginia Code. Motion failed due to a lack of a second.

Motion by Surkamp to ask the Prosecuting Attorney to clarify the relationship between the Planning Director, the Planning Commission, and the County Commission within the context of the West Virginia Code. Motion failed due to a lack of a second.

In re: DENTAL AND VISION COVERAGE

The Commission discussed various dental and vision coverage plans. Motion by Corliss, second by Tabb to table this matter for one week in order to review the information. Motion carried.

In re: SET TIME AND DATE FOR COUNTY COMMISSION HEARING TO DETERMINE PUBLIC SUPPORT FOR ESTABLISHMENT OF BATTLEFIELD SITE/PARK AT FARAWAY FARMS

The Commission discussed setting a public hearing to determine support for the establishment of a battlefield park at Faraway Farms. The Commission also discussed requesting the National Park Service to include the battlefield site in their management plan. After discussion, motion by Corliss, second by Morgan to set a public hearing after the 27th of October for the purpose of receiving public comment on the establishment of a battlefield park in Shepherdstown and to also receive public comment on requesting the National Park Service to include the battlefield site in their Management Plan. Motion passed by a 4-1 vote. Commissioner Tabb voted no. After further discussion, the Commission agreed to set the hearing date for Wednesday, November 9, 2005, at 7:00 p.m. in the Old Charles Town Library meeting room.

In re: OFFICE OF EMERGENCY MANAGEMENT UPDATE

Motion by Manuel, second by Tabb to enter into Executive Session to discuss Personnel Matters. Motion carried.

Motion by Corliss, second by Manuel to close Executive Session and return to Regular Session. Motion carried.

Motion by Morgan, second by Manuel to appoint the County Administrator as acting Director of the Office of Emergency Management in the event of the absence or unavailability of the current Director of the Office of Emergency Management and to have the County Administrator provide this relationship in writing to the Commission at next week's meeting. Motion carried.

In re: JENNIFER S. MAGHAN - VOTING SYSTEM RECOMMENDATION

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the Election Advisory Committee's recommendation for the new voting system. Ms. Maghan informed the Commission that the Election Advisory Commission recommended the Automark System and the additional purchase of the M100 machines. John Maxey and Paul Burke from the Election Advisory Committee were present and commented on the matter. After discussion, motion by Morgan, second by Corliss to approve the Automark voting system. Motion carried. No decision was made on the purchase of the M100 machines.

In re: APPROVAL OF EMPLOYMENT - MICHAEL SCHWEITZER - PUBLIC SAFETY DISPATCHER I

Motion by Tabb, second by Manuel to approve the employment of Michael Schweitzer as a Public Safety Dispatcher I. Motion carried.

In re: CITY OF CHARLES TOWN - CHRISTMAS DECORATIONS

The Commission discussed correspondence received from the City of Charles Town requesting the Commission to donate \$229 for Christmas decorations. After discussion and comments from the County Administrator, motion by Tabb, second by Morgan to have the County Administrator send a letter to the City of Charles Town documenting the expense incurred already for electrical upgrades in order to accommodate the Christmas lighting and to reaffirm the previous request to place a 20 pound repeater on Charles Town's water tower. Motion carried.

In re: LETTER TO USDA FORWARDING PUBLIC SERVICE COMMISSION LEGAL COUNSEL'S OPINION ON RESERVING CAPACITY

Motion by Surkamp, second by Corliss to send a copy of the letter from the Public Service Commission's Legal Counsel concerning reserving capacity to the USDA. Motion carried.

In re: GENERAL FUND BUDGET REVISION

Motion by Corliss, second by Surkamp to approve the following Resolution approving a General Fund Budget Revision. Motion carried.

RESOLUTION

At a regular session of the Jefferson County Commission, held on the 13th day of October, 2005, the following Order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered.

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby direct that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, as shown on budget revision number 2, a copy of which is entered as part of this record.

The adoption of the foregoing Resolution having been moved by Corliss, and duly seconded by Surkamp, the vote was as follows:

A.M.S. Morgan, III	<u>yes</u>
Jane Tabb	<u>yes</u>
Gregory Corliss	<u>yes</u>
Dale Manuel	<u>yes</u>
James Surkamp	<u>yes</u>

Whereupon, Commissioner Morgan declared said Resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said Resolution be, and the same is, hereby adopted as so stated above, and A.M.S. Morgan, III, President of the Jefferson County Commission, is authorized to affix his signature to the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

/s/

A.M.S. Morgan, III, President
Jefferson County Commission

In re: COUNTY COMMISSION REPORTS

Commissioner Morgan informed the Commission of a request received from Roger Ramey for him to speak at a meeting at the Clarion concerning additional video lottery machines at the Charles Town Races.

Commissioner Tabb reported on a Farmland Protection Board meeting.

Commissioner Manuel reported on an Eastern Panhandle Transportation Authority meeting.

Commissioner Morgan commented on the correspondence received from the Extension Office concerning the proposed closing of the Jefferson County Farm Service Agency Office. The Commission agreed to put the matter on the agenda next week.

Commissioner Corliss reported on the Planning Commission meeting.

Commissioner Surkamp reported on a Fire Association meeting and a LEPC breakfast meeting.

Commissioner Surkamp informed the Commission of a GIS Presentation at NCTC on October 26, 2005, at 4:00 p.m.

The County Administrator reminded the Commission of the Focus Group Workshop next Thursday with the Parks and Recreation Commission and of the Impact Fee Public Hearing on Monday, October 17, 2005.

In re: QUARTERLY FIDUCIARY REVIEW

The time of the Commission was taken up this day with examination of sundry fiduciary accounts which were signed by the President after review.

The Commission received the following information:

Reminder of Public Hearing on Monday, October 17, 2005 at 7:00 p.m. -
Amendment to School Impact Fee Ordinance.

Reminder of Parks and Recreation Focus Group Session on Thursday, October 20, 2005, at 1:30 p.m.

Acceptance of Bond for the Blue Ridge Mountain Country Club in the amount of \$7,582.20.

Appointments to be made on November 10, 2005 to the North Eastern Regional Ems, Inc., Jefferson County Ambulance Authority and the Planning Commission.

Notice received from Senator Byrd's office of a mobile office at the Apple Harvest Festival on Saturday, October 16, 2005.

Draft West Virginia Homeland Security Strategy Goals received.

Memorandum received from the Department of Impact Fees concerning proposed changes to the School Impact Fee Ordinance.

Impact Fee Status Report received for September 2005.

Memorandum received from the Department of Impact Fees concerning a transfer of funds.

Information received concerning Lane Kendig, Inc.

Correspondence received from the Extension Office concerning the proposed closing of the Jefferson County Farm Service Agency Office.

Correspondence received from the County Commissioners' Association concerning the voting machine system decision.

Newsletter received from the Old Opera House for October 2005.

Correspondence received from the Division of Homeland Security and Emergency Management concerning the 2006 HMEP Planning Grant.

Correspondence received from the Berkeley County Commission concerning a Solid Waste Issues Work Session on Thursday, November 17, 2005, at 2:00 p.m.

Invitation received from Independent Fire Company to attend the dedication of their museum on Sunday, October 16, 2005, at 2:00 p.m.

Notice received of the Charles Town/Ranson Business and Professional Association Christmas Parade on December 3, 2005.

FY2006 Unified Planning Work Program for the Hagerstown/Eastern Panhandle MPO received.

Meeting minutes received from the Jefferson County Public Service District.

Copy of newspaper article received concerning Metro Government.

Copy of newspaper article received concerning a tobacco ban in Roane County.

Ethics Reporter received for September 2005.

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

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

PRESIDENT