

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 27, 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 to amend the Minutes for the meeting held on Thursday, October 20, 2005 reflecting that the Executive Session was not posted on the Agenda with the date, place, time and the purpose of said Executive Session. Motion failed due to a lack of a second. Motion by Manuel, second by Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, October 20, 2005, and to approve the Minutes as amended. Motion passed by a 4-1 vote. Commissioner Surkamp voted no.

Motion by Manuel, second by Tabb to dispense with the reading of the Minutes for the meeting held on Monday, October 17, 2005, and to approve the Minutes as prepared.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Corliss, second by Tabb to approve the following Purchase Orders for the Week of October 24, 2005, totaling \$12,473.18: 41580, 41530, 41701, 41706, 41912, 41793, 41799, 41906, 41911, 41915, 41916, 41487, 41489, 41259 and 41260.

Motion carried.

In re: BONDING AND ACTIVITY REPORT

Paul Raco, Executive Director, Planning, Zoning and Engineering appeared before the Commission to give the activity report.

In re: PUBLIC COMMENT

Bill Lewandowski appeared before the Commission to discuss the Lane Kendig, inc. contract and the process. He also commented on contaminated wells.

In re: VOTING SYSTEM SELECTION RESOLUTION

This matter was discussed under the 11:00 a.m. appointment with the County Clerk's Report.

In re: APPOINTMENT OF ALTERNATE/MEMBERS TO THE BOARD OF ZONING APPEALS
No action was taken on this matter. No applications were received.

**In re: WV ETHICS COMMISSION, ADVISORY OPINION 005-14 ADOPTION OF POLICY
LETTER TO ALL DEPARTMENTS AND BOARDS EXPLAINING COUNTY'S NEW
CONFLICT OF INTEREST DISCLOSURE POLICY**

Both agenda items were discussed at the same time. The Commission agreed to send a memo and a copy of the new adopted policy regarding the Conflict of Interest Policy to all departments and boards.

In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD

No action was taken on this matter. No applications were received.

In re: LONG RANGE PLANNER - NEW APPLICANT

Commissioner Surkamp informed the Commission that he sent out an email regarding the new applicant for the Long Range Planner. The Commission agreed that this matter should not be discussed until the deadline of November 18, 2005. Paul Raco agreed to send copies of the resume/applications to the Planning Commission and County Commission after the deadline.

**In re: PAUL RACO & ROGER GOODWIN - QUALITY OF INSPECTIONS OF STORM WATER
PROJECTS**

Roger Goodwin, Chief County Engineer and Paul Raco, Executive Director of the Department of Planning, Zoning and Engineering appeared before the Commission to discuss the quality of inspections of storm water projects. Roger Goodwin passed out packets for the Commission to review. The Memo of Understanding WVDEP and PZE: clarification from Director on nature and status was also discussed. Paul Raco made comments regarding the MOU.

**In re: ENGINEERING TECHNICIAN/CONSTRUCTION MANAGER ADVERTISEMENT
CONSTRUCTION MANAGER RFP: DISCUSSION OF SHORTCOMING**

The Commission discussed the matter regarding the engineering technician and construction manager positions. The Commission discussed combining the 2 positions with Paul Raco, Executive Director of the Department of the Planning, Zoning and Engineering. Motion by Corliss, second by Morgan to combine the two positions, Construction Manager and Engineering Technician. Motion passed by a 4-1 vote. Commissioner Surkamp voted no.

In re: PROPERTY SAFETY ENFORCEMENT AGENCY CASE 01-021 (ROSS)

Roger Goodwin, Chief County Engineer appeared before the Commission to give status on the Property Safety Enforcement Agency Case 01-021 (Ross). He informed the Commission that an agreement had been reached with the property owner to allow the county to complete the work to bring this property into compliance with the Property Safety Ordinance, and then place a lien on the property for the costs. The case is continued in Circuit Court until January 12, 2006, to allow time to complete the work. He informed the Commission that Brandon Sims, Assistant Prosecuting Attorney had reviewed the contractor's proposal and said to proceed with having the contractor complete the work. Motion by Tabb, second by Manuel to accept the proposal issued by United Wreckers & Excavators, Inc. in the amount of \$4,935.00. Motion carried.

In re: EMERGENCY GENERATOR CAPABILITY

The Commission discussed the desire to have an emergency generator for the Parks and Recreation Community Center. An approximate cost of \$15,000 to add a 600 Amp transfer switch and plug for backup power at the Community Center was given. After discussion, the Commission agreed to look into the matter further and to research the cost of a 200 Amp.

In re: PARKS AND RECREATION COMMUNITY CENTER BUILDING CONTRACT

The County Administrator informed the Commission that the contract would be ready for a signature today with Palmer Construction.

In re: RESOLUTION - LOCAL ECONOMIC DEVELOPMENT ASSISTANCE GRANT - SOLID WASTE AUTHORITY

Motion by Manuel, second by Tabb to approve the following Resolution for a Local Economic Development Assistance Grant for the Solid Waste Authority and to authorize the President to affix his signature to the Contract. Motion carried.

RESOLUTION

WHEREAS, The Jefferson County Commission has agreed to assist in the upgrade of the collection facilities at the Jefferson County Solid Waste Authority. The project will include ramp stabilization, trash compactor relocation, drainage system improvements, and facility upgrades with funds partially through and made available through the Local Economic Development Assistance Grant and the West Virginia Development Office.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission does hereby accept the conditions of the contract between the West Virginia Development Office and the Jefferson County Commission and does hereby authorize the signatures of the President of the Commission.

Dated: 10/27/2005

/s/ A.M.S. Morgan, III
President

In re: CITY OF CHARLES TOWN - PRESERVE AMERICA DESIGNATION - REQUEST FOR A LETTER OF ENDORSEMENT

Motion by Corliss, second by Surkamp to send a letter of endorsement as requested by the City of Charles Town to include in their application for the designation of a Preserve America Community from the Advisory Council on Historic Preservation and the U.S. Department of the Interior. Motion carried.

In re: HAZARDOUS PLACEMENT OF POWER POLE ON SUMMIT POINT ROAD

The Commission received correspondence from Curt Mason regarding hazardous placement of a power pole on Summit Point Road. The Commission agreed to correspond with Allegheny Power regarding this matter and to send copies of that correspondence to Mr. Mason.

In re: BUILDING COMMISSION AND WATER SYSTEM SALE

Commissioner Surkamp passed out paperwork regarding the water system sale. Motion by Surkamp send the following statement to the Building Commission that the County Commission in exercising its authority of fiscal oversight to county government, believes it is fiscally responsible and in the interest of the public that the water system at the Burr/Bardane Industrial Park and not to be sold in order to preserve guarantee supply of water to the industrial park customers in what is originally intended. Commissioner Surkamp added to his motion to include the 4 (4) concerns of the County Commission. Commissioner Corliss seconded the motion for discussion.

Motion by Manuel, second by Tabb to postpone the action indefinitely. Motion failed by a 2-3 vote. Commissioners Morgan, Corliss and Surkamp voted no.

Original motion by Surkamp, second by Corliss to send the following statement to the Building Commission that the County Commission in exercising its authority of fiscal oversight to county government, believes it is fiscally responsible and in the interest of the public that the water system at the Burr/Bardane Industrial Park and not to be sold in order to preserve guarantee supply of water to the industrial park customers in what is originally intended. Commissioner Surkamp added to his motion to include the 4 (4) concerns of the

County Commission.

Commissioner Surkamp withdrew his motion.

Motion by Surkamp, second by Corliss to send the statement to the Building Commission and a copy to the Development Authority and to only include concerns #3 and #4. Motion passed by a 3-2 vote. Commissioners Tabb and Manuel voted no.

The Commission agreed to include the recorded vote of the motion in the statement that will be sent to the Building Commission and copy to the Development Authority.

In re: MANAGEMENT STUDY: SET DATE FOR SETTING OUT WORK PLAN

The Commission discussed the Management Study. The County Administrator informed the Commission that she has a meeting scheduled next Wednesday with Sheila Birnbach. After the meeting, the County Administrator will advise the Commission of the outcome.

In re: COUNTY CLERK'S REPORT

Matt Barney, Deputy County Clerk appeared before the Commission and presented a revised Resolution recommended by the Elections Advisory Commission and an ad to be published regarding the punch card voting systems upgrading to an optical scan system. The Commission discussed the ad and resolution. The Commission agreed to *revise* the advertisement and to make sure it was published 90 days prior to the Primary Election.

Motion by Corliss, second by Tabb to approve the purchase of 33 ADA compliant AUTOMARK voting terminals. Motion carried. The Commission discussed climate storage for the new voting equipment. They also discussed the ballot boxes. No action was taken on these issues.

In re: APPROVAL OF EMPLOYMENT - DUSTYN GILLILAND - PUBLIC SAFETY DISPATCHER

Motion by Corliss, second by Tabb to approve the employment of Dustyn Gilliland as a Public Safety Dispatcher. Motion carried.

In re: PUBLIC COMMENTS

Alice Chakmakian, Legal Counsel for Snyder Environmentals commented on the Burr/Bardane water system sale.

In re: COUNTY COMMISSION REPORTS

Leslie Smith, County Administrator reported on the upcoming meeting with Secretary Spears on Thursday, November 3, 2005 at 2pm at NCTC and she reported on the Homeland Security classes to be sponsored by APUS on November 7-9, 2005.

Commissioner Surkamp reported on the GIS Presentation he attended.

Commissioner Surkamp reported on the Men's Club meeting he attended.

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

Commissioner Corliss reported on the Governmental Council meeting he attended.

Commissioner Tabb reported on the Animals in Disaster meeting she attended.

Commissioner Manuel reported on the Governmental Council meeting he attended.

Commissioner Manuel reported on the GIS Presentation he attended.

Commissioner Morgan reported on the Affordable Housing meeting he attended.

Commissioner Morgan reported on the meeting he attended at the Bavarian Inn hosted by the Racing Commission regarding additional slot machines.

Commissioner Morgan reported on the Intra Governmental meeting he attended.

Commissioner Morgan discussed upcoming issues with gray machines.

Commissioner Surkamp discussed the possibility of consolidating or sharing of consultants with other municipalities.

Commissioner Surkamp discussed the Lane Kendig, inc. contract. The Commission directed the County Administrator when the contract is received, to make the contract available for review at the office only. No copies will be made and the contract will stay in the County Commission office.

- ◆ **WORKSHOP - SANITARIAN LISA DUNN - PUBLIC HEALTH ISSUES AND POLICIES**
The Commission held a workshop at 1:30 p.m. with Lisa Dunn, Jefferson County Health Department Sanitarian to discuss public health issues and policies. No action was taken during the workshop.

The Commission received the following information:

Invitation to attend meeting with Secretary Spears on Thursday, November 3, 2005 at 2:00 p.m. at NCTC.

Invitation received from the West Virginia Chamber of Commerce to attend a video conference that will focus on business technology on Friday, October 28, 2005 at 9:30 a.m. at American Public University System Office.

Correspondence received from The Trust for Public Land regarding a web-based survey at <http://www.tpl.org/survey> to help understand and respond to local priorities and to provide insight into the conservation services needs that are most pressing at the local government level.

Correspondence received from Robert L. Edwards regarding JCAA and HQ personnel.

Memorandum received from F. Mark Schiavone, Impact Fee Coordinator regarding FY 2007 Capital Improvement Plan.

Audit Report of the Jefferson County Board of Health for the fiscal year ended June 30, 2004.

Weekly settlement for Jefferson County received from the West Virginia Lottery.

Correspondence received from the Department of Revenue, State Tax Department regarding compliance with standards established by the Property Valuation Training and Procedures Commission.

Correspondence received from The American Battlefield Protection Program regarding 2006 Grant Program to Preserve America's Historic Battlegrounds.

3rd Quarter 2005 Permit Activity Report received from the Department of Planning, Zoning and Engineering.

Community Bulletin received from the Harpers Ferry National Historical Park.

West Virginia, Jefferson County E911 Reporting Period: September 1, 2005 to September 30, 2005.

Courthouse Facilities Improvement Authority Regional Funding Application Workshops received.

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

PRESIDENT