

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, November 10, 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 Corliss, second by Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, November 3, 2005, and to approve the Minutes as prepared. Motion by Surkamp to amend the minutes to include that the executive session held on liability issues was not advertised. Motion to amend failed due to lack of a second. Motion to approve the minutes as prepared passed by a 4-1 vote. Commissioner Surkamp voted no.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Manuel to approve the following Purchase Orders for the Week of November 7, 2005, totaling \$129,689.35: 41268, 41787, 41785, 41789, 41932, 41600, 41891, 41924, 41925, 41926, 41927, 41928, 41929, 41942, 41943, and 41873. Motion carried.

In re: EXONERATION

Upon 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 #
Dominique Williams	Kabletown	Personal Property	\$70.18	311191

In re: NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES

Upon presentation by the Assessor, motion by Corliss, second by Manuel 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 \$465.08 for the following: Motion carried.

NAME	HUSBAND/WIFE	ASSESSED VALUE	TAXES DUE
Charles F. Long	Husband	\$1,900 (Cadillac)	\$47.62
		\$31,200 (Hummer)	\$782.12
Barbara J. Long	Wife	\$1,200 (Grand Prix)	\$30.08
		\$5,800 (Van)	\$145.40

In re: PUBLIC COMMENT

Scott Hoeksema submitted, in writing, questions to the Commission and requested a formal response from the Commission.

In re: COMPLETE BOND RELEASE - HARDING'S SERVICE STATION

Motion by Tabb, second by Corliss to approve a complete release of an Escrow Account for Harding's Service Station in the amount of \$4,963. Motion carried.

In re: PARTIAL BOND RELEASE - JDM LOCUST HILL, LLC

Motion by Tabb, second by Corliss to approve the partial release of a letter of credit in the amount of \$114,811.48 for JDM Locust Hill, LLC. Motion carried.

In re: PLANNING COMMISSION ACTIVITY REPORT

Sherry Kelly appeared before the Commission and gave the weekly Planning Commission Activity Report.

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

No action was taken on this agenda item.

In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD

No action was taken on this agenda item.

In re: SHERIFF'S LAW ENFORCEMENT DEPARTMENT - SALARIES AND BENEFITS

The County Administrator informed the Commission that she had been working with Chief Deputy Jones on the matter and that the salary adjustments could be made from the Sheriff's budget without needing to do a budget revision.

In re: LANE KENDIG: POINT OF CONTACT PROBLEMS AND WORK PROCEDURE

The Commission agreed to keep this matter on the agenda on a weekly basis for updates.

In re: APPOINTMENT OF A COUNTY COMMISSIONER MEMBER/LIAISON TO THE BUILDING COMMISSION

The County Administrator informed the Commission that the State Code says that no elected official can be appointed to the Building Commission. The County Administrator also informed the Commission that the Prosecuting Attorney was still researching the matter of increasing the membership on the Building Commission from 3 to 5.

In re: GENERATOR COSTS FOR COMMUNITY CENTER

The Commission discussed the costs for a generator for the Community Center. After discussion, the Commission agreed to have Bill Polk gather more information on the matter.

In re: JAMES B. CRAWFORD, III, ESQ. - CHARLES TOWN ANNEXATION

James B. Crawford, III, Esq. appeared before the Commission to present an annexation order from the City of Charles Town. After discussion, motion by Tabb, second by Manuel to enter the annexation order presented from the City of Charles Town for the Michael and Kelly Austin property. Motion carried.

In re: BILL POLK - MAINTENANCE BUILDING AND STORAGE

Bill Polk appeared before the Commission to discuss the proposed maintenance building and storage space.

In re: APPOINTMENT OF LOCAL HOMELAND SECURITY CONTACT

Motion by Corliss, second by Manuel to appoint Barbara Miller as the Local Homeland Security Contact. Motion carried.

In re: APPOINTMENT TO THE PLANNING COMMISSION

The Commission agreed to conduct interviews for the Planning Commission appointment next week.

In re: APPOINTMENT TO THE AMBULANCE AUTHORITY

Motion by Surkamp, second by Tabb to reappoint Debra Hunsucker and to appoint Jeffrey Good to the Ambulance Authority for 3 year terms ending November 2, 2008. Motion carried.

In re: APPOINTMENT TO THE NORTH EASTERN REGIONAL EMS, INC.

Motion by Morgan, second by Surkamp to reappoint Pete Kelley to the North Eastern Regional EMS, Inc. for a 2 year term ending October 31, 2007. Motion carried.

In re: PROPERTY SAFETY ENFORCEMENT AGENCY CASE 01-006 (BONIFANT) AND CASE 01-016 (GOENS) - APPROVAL OF CONTRACTOR'S PROPOSAL

Motion by Corliss, second by Manuel to table this matter until next week in order to receive more information from Roger Goodwin. Motion carried. Fred Blackmer was present and commented on the matter.

In re: CONTRACT AND RESOLUTION - LOCAL ECONOMIC DEVELOPMENT ASSISTANCE PROGRAM GRANT - JEFFERSON COUNTY COMMUNITY MINISTRIES FACILITIES

Motion by Manuel, second by Tabb to approve the contract and resolution for the Local Economic Development Assistance Program Grant for Jefferson County Community Ministries Facilities. Motion carried.

In re: SET HEARING DATE - PETITION OF ANTHONY P. FURIOSO IN THE MATTER OF SAMUEL JOHN FURIOSO, JR., ASSUMED DECEASED

Motion by Tabb, second by Corliss to set the hearing date for the Petition of Anthony P. Furioso in the matter of Samuel John Furioso, Jr., assumed deceased to Thursday, January 12, 2006. Motion carried.

In re: SET HEARING DATE - ESTATE OF ELEANOR D. COATES - COMPLAINT TO REMOVE EXECUTRIX

Motion by Corliss, second by Manuel to have the County Administrator set the hearing date for the complaint to remove executrix in the Estate of Eleanor D. Coates after appropriate advertising. Motion carried.

In re: SET HEARING DATE - ESTATE OF DAVID F. RICKS - WAIVER OF FINAL SETTLEMENT

Motion by Corliss, second by Manuel to place the Waiver of final Settlement for the Estate of David F. Ricks on next week's agenda. Motion carried.

In re: APPROVAL OF DEPUTY SHERIFF RESERVE - AMY SYDNOR

Motion by Corliss, second by Manuel to approve Amy Sydnor as a Deputy Sheriff Reserve. Motion carried.

In re: NATIONAL LEGAL RESEARCH GROUP - LEGAL RESEARCH SERVICES INVOICE

The Commission agreed to put this matter on the agenda for next week in order to obtain more information.

In re: UPDATE FROM OES OR OEM/HLS ON JEFFERSON COUNTY EMERGENCY PREPAREDNESS FORUM AS TO RECOMMENDED AGENDA AND DATE

The Commission agreed put this matter on the agenda at a later date.

In re: UPDATE ON DPZE RECOMMENDATION REGARDING CHANGES TO LOCATION PERMIT ORDINANCE AS TO WELL WATER TESTING

The Commission agreed to keep this matter on the agenda because the Prosecuting Attorney's office is still reviewing the matter.

In re: LETTER TO DEPUTY STATE AUDITOR REQUESTING TWO AUDITS OF BUILDING COMMISSION AND ECONOMIC DEVELOPMENT AUTHORITY

After discussion, motion by Tabb, second by Manuel to have the County Administrator draft a letter to the Building Commission addressing the Commission's concerns about the requirements according to state code concerning annual reports and audits. Motion carried. The Commission agreed to put the matter of the audit for the Economic Development Authority on next week's agenda.

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

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the County Clerk's report. Ms. Maghan reported on quotes received from Rockwell's and Charles Town Self Storage for the storage of election equipment. The Commission agreed to check into the possibility of using the balcony area in the Courthouse for storage.

In re: LETTER TO CONGRESSIONAL DELEGATION ON REQUESTING LEGISLATION TO MAKE SHEPHERDSTOWN BATTLEFIELD PART OF NATIONAL PARK SYSTEM

Motion by Manuel, second by Surkamp to bring the resolution that was previously approved with the amendment to add the portion which would add the words provided however that this Commission recognizes and supports the property rights of individuals whose parcels are in the proposed site. Motion carried. Motion by Surkamp, second by Corliss to send the letter presented by Commissioner Surkamp requesting an allocation to fund the acquisition to make the Shepherdstown Battlefield part of the National Parks System. Motion carried.

In re: LETTER TO HARPERS FERRY HISTORICAL PARK SUPERINTENDENT RE GENERAL MANAGEMENT PLAN

Motion by Surkamp, second by Corliss to send a letter to Don Campbell, Superintendent of the Harpers Ferry National Historical Park, to request that the encouragement of partnerships with private and public entities to preserve important historic sites in either West Virginia or Maryland that are consistent with the themes of the Harpers Ferry National Historical Park be included in the General Management Plan. Motion carried.

In re: FORMALLY ESTABLISHING ROBERT'S RULES OF ORDER

The Commission agreed to request a training session on Robert's Rules of Order.

In re: LETTER TO SOLID WASTE AUTHORITY STIPULATING COMMISSION POSITION ON COMPETITIVE HAULING BE REFLECTED IN CONTRACTS
Commissioner Surkamp withdrew this agenda item.

In re: LETTER TO BOARD OF EDUCATION REQUESTING UTILIZATION OF \$5 MILLION IMPACT FEE FUND FOR CAPITAL IMPROVEMENT
Commissioner Surkamp reported on a conversation with Lori Stilley concerning this matter.

In re: PUBLIC COMMENT
Ron Rissler commented on the public meeting concerning Shepherdstown Battlefield.

In re: COUNTY COMMISSION REPORTS
Commissioners Surkamp and Corliss reported on a two day seminar they attended concerning emergency preparedness.
Commissioner Corliss reported on a Public Service District meeting.
Commissioner Corliss informed the Commission that it was the 230th anniversary of the Marine Corps.
Commissioner Manuel reported on the workshop for the managerial study.
Commissioner Manuel reminded the Commission of the groundbreaking ceremony for the Community Center.
Commissioner Tabb reported on a 4-H event.
Commissioner Tabb reported on a Region 9 council meeting.
Commissioner Tabb reported on an Air Quality meeting.
Commissioner Morgan discussed the Impact Fee Agreement with Ranson and the Commission agreed to talk with counsel in Executive Session next week concerning this matter.

The County Administrator informed the Commission of correspondence in their agenda packets concerning the intersection of Route 340 and Chestnut Hill Road.

The County Administrator informed the Commission that the contract for the County Jail Building would be on the agenda next week.

The Commission received the following information:

Reminder Courthouse is Closed Friday, November 11, 2005 - Veterans Day.

Official Groundbreaking for the Parks and Recreation Community Center will be on Monday, November 14, 2005, at 11:00 a.m.

Letter of Resignation received from Susanne O. Koenig as a member of the Bolivar-

Harpers Ferry Library Board.

Correspondence received from the Division of Highways concerning plans for the intersection of Route 340 and Chestnut Hill Road.

Correspondence received from the Jefferson County Public Service District concerning an upcoming appointment to the board.

Various memo received from the Department of Impact Fees concerning fund transfers.

Impact Fee Status Report received for October 2005.

Permit Activity received from the Department of Planning, Zoning and Engineering.

Correspondence received from Sgt. E.D. Anderson of the Charles Town Detachment of the West Virginia State Police concerning him replacing Sgt. D.D. Forman as the Charles Town Detachment Commander.

Notice received of a Workshop on “Federal Taxes on the Sale of Timber and Estate Planning for Forest Landowners” on Saturday, December 3, 2005.

Correspondence received from the West Virginia Division of Culture and History concerning the West Seventh Townhomes - Wildlife Populations DNR Endangered Species Check.

Notice received of the initial meeting of the Local Government Water Supply Planning Committee on November 15, 2005 at the Ramada Inn in Woodstock.

Copy of article received from the County Commissioners’ Association concerning voting system loans.

Information received from the County Commissioners’ Association concerning changes in the State Legal Holidays.

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