

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 17, 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 Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, November 10, 2005, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Corliss, second by Tabb to approve the following Purchase Orders for the Week of November 14, 2005, totaling \$16,177.06: 41585, 41588, 41791, 41709, 41958, 41532, 41535, 41890, 41896, 42003, 41940, 41945, 41948, 41689, 41690, 41692, 41693, 41694, 41695 and 41261. Motion carried.

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: APPOINTMENT TO THE AMBULANCE AUTHORITY

No action was taken on this agenda item.

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

No action was taken on this agenda item.

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

Motion by Tabb, second by Manuel to approve the contractor's proposal received from United Wreckers & Excavators, Inc. in the amount of \$4,125.00. Motion carried.

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

Motion by Corliss, second by Morgan to approve the contractor's proposal received from United Wreckers & Excavators, Inc. in the amount of \$9,685.00. Motion carried.

In re: PROPERTY SAFETY ENFORCEMENT AGENCY - APPROVED PROPOSALS

Motion by Tabb, second by Corliss to require that the funds spent for the Property Safety Enforcement Agency cases for expenses of demolitions be recovered by legal means.

In re: COMPLETE BOND RELEASE - DAVID M. PULMAN

Motion by Corliss, second by Manuel to approve the complete bond release in the amount of \$3,052.00 for David M. Pulman. Motion carried.

In re: COMPLETE BOND RELEASE - RAI GROUP

Motion by Tabb, second by Morgan to approve the complete bond release in the amount of \$65,401.00 for RAI Group. Motion carried.

In re: PLANNING COMMISSION ACTIVITY REPORT

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

Commissioner Surkamp suggested that Sherry Kelly be involved in the Subdivision and Zoning Ordinance rewrite process. The Commission discussed the matter and agreed that Sherry Kelly had already been involved in the rewrite.

In re: PUBLIC COMMENT

Scott Hoeksema was present and informed the Commission that he was present for the New Business item regarding request for response to questions concerning Law Enforcement and safety on county roads.

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

Motion by Surkamp, second by Manuel to deny the payment of the invoice received from the National Legal Research Group regarding legal research services. The Commission discussed the motion. Amended motion by Surkamp, second by Manuel to deny the payment of the invoice received from the National Research Group regarding legal services and to send a letter to the Board of Zoning Appeals and the National Legal Research Group regarding the denial of paying the invoice and to also send letters to outside agencies regarding non-payment of unauthorized expenses. Motion passed by a 3-2 vote. Commissioners Morgan and Corliss voted no.

In re: LANE KENDIG CONTRACT

Commissioner Surkamp discussed the Lane Kendig Contract. Motion by Surkamp, second by Corliss to accept changes submitted by Planning Commissioner William Lewandowski and replace the current page with Mr. Lewandowski's recommendations.

Amended motion by Manuel, seconded by Surkamp to send the recommendations that were received by Planning Commissioner William Lewandowski to those who are working on the contract and review the recommendations for consideration. Motion passed by a 4-1 vote. Commissioner Morgan voted no.

The Commission discussed having a work session to discuss the Lane Kendig contract.

In re: MARGARET RUTH - POTOMAC HIGHLANDS SUPPORT SERVICES

Margaret Ruth appeared before the Commission to discuss the Senior Community Service Employment Program (SCSEP). Ms. Ruth discussed the possibility of Jefferson County Commissioners becoming one those training/work sites.

The Commission agreed to review the matter and to pass the information to the other departments.

In re: SCOTT HOEKSEMA - REQUEST FOR RESPONSE TO QUESTIONS CONCERNING LAW ENFORCEMENT AND SAFETY ON COUNTY ROADS

The Commission discussed the correspondence received from Scott Hoeksema regarding a request for response to questions concerning Law Enforcement and safety on county roads. After discussion, the Commission agreed to have Commissioner Tabb and Leslie Smith, County Administrator work on drafting a letter to be sent to Mr. Hoeksema regarding his request. For the record, Scott Hoeksema was present and made comments.

**In re: ED DUNLEAVY - SHEPHERDSTOWN BATTLEFIELD PRESENTATION ASSOCIATION
GRANT REQUEST TO WEST VIRGINIA DEPARTMENT OF TRANSPORTATION**

Ed Dunleavy appeared before the Commission regarding the Shepherdstown Preservation Association Grant request to the West Virginia Department of Transportation. After discussion, motion by Morgan, second by Tabb to have the County Commission be the pass-through governmental unit for the Shepherdstown Battlefield Preservation Association's Intent to apply form for a West Virginia Department of Highways \$100,000 grant. Motion carried.

In re: MANAGEMENT CONSULTANT CONTRACT EXTENSION

Motion by Tabb, second by Manuel to modify the contract for the Management Consultant and to extend the time from 6 months to 1 year. Motion carried.

In re: PLANNING COMMISSION INTERVIEWS

The County Commission held interviews for the unexpired term on the Planning Commission. Paul Burke and Fred Blackmer were present and were interviewed.

**In re: LETTER TO DEPUTY STATE AUDITOR REQUESTING AUDIT OF ECONOMIC
DEVELOPMENT AUTHORITY**

Commissioner Surkamp discussed sending a letter to the Deputy State Auditor regarding the audit of the Economic Development Authority. Motion by Surkamp, second by Corliss to send a letter to the auditor with questions that were submitted by Commissioner Surkamp and ask the auditor to do an audit and answer the questions that were submitted. Motion by Corliss, second by Manuel to table this matter pending a meeting with the Economic Development Authority regarding the questions discussed. Motion passed by a 4-1 vote. Commissioner Surkamp voted no.

Motion by Morgan, second by Tabb to hold a Special Session on Wednesday, November 30, 2005 at 1:30 p.m. to review and discuss the Jefferson County Development Authority annual audit. Motion carried.

In re: DISCUSS DECEMBER 8, 2005 COUNTY COMMISSION MEETING

The Commission discussed the December 8, 2005 County Commission meeting. After discussion, the Commission agreed to not change the meeting date.

In re: JEFFERSON COUNTY JAIL RENOVATION/RESTORATION FEE PROPOSAL

The Commission discussed the Jefferson County Jail renovation/restoration fee proposal. Motion by Corliss, second by Morgan to approve the contract with Grove in the amount of \$30,000 for Phase I only. Motion passed by 4-1 vote. Commissioner Surkamp voted no.

In re: PARTICIPATION IN THE PLANNING FOR THE REGIONAL RESPONSE PROGRAM - MONDAY, NOVEMBER 21, 2005

The Commission discussed the participation in the Planning for the Regional Response Program scheduled for Monday, November 21, 2005. Leslie Smith, County Administrator will attend the meeting.

In re: NPDES PERMIT, PUBLIC NOTIFICATION OF IMPACT ON HISTORIC SITES

Commissioner Surkamp discussed and handed out a draft letter that he would like to send regarding NPDES permits. The Commission agreed to place this item on the next agenda.

The Commission took a 5 minute break at 10:59 a.m.

The Commission returned at 11:04 a.m.

In re: REVIEW GEOTECHNICAL REPORT FOR FOUNDATION DESIGN FOR THE COMMUNITY CENTER

Roger Goodwin, Chief Engineer appeared before the Commission to discuss the geotechnical report for the foundation design for the Community Center. The Commission agreed to review this matter and place this on the next 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 the security risk of the entrance of the Courthouse. She also discussed the ballot boxes and storage for the new election supplies. Camera security was also discussed for the election storage and process.

In re: ESTATE OF DANIEL F. RICKS - WAIVER OF FINAL SETTLEMENT

Motion by Morgan, second by Manuel to approve the waiver of the final settlement for the Estate of Daniel F. Ricks. Motion carried.

In re: HISTORIC LANDMARKS COMMISSION - PRESENTATION BY DAVID TAYLOR, OF TAYLOR & TAYLOR ASSOCIATES - SURVEY OF HISTORIC PROPERTIES IN JEFFERSON COUNTY

David Taylor and Walter Washington appeared before the Commission to give a presentation regarding the survey of historic properties in Jefferson County. Mr. Taylor reported that the first year of its survey has been completed. The first part of the survey identified 350 historic properties located in the southeast quadrant of the county. Work on the second year of the survey has begun. The survey was made possible through a matching grant from the State Historic Preservation Office and \$5,000 matching funds for each year of the survey allocated from the County Commission.

In re: **RANSON IMPACT FEE AGREEMENT - EXECUTIVE SESSION WITH LEGAL COUNSEL**
No action was taken on this agenda item.

In re: **PLANNING COMMISSION INTERVIEW RESCHEDULE**
The County Commission held a rescheduled interview for the unexpired term on the Planning Commission. Martin Burk appeared before the Commission for the interview.

In re: **APPOINTMENT TO THE PLANNING COMMISSION**
Nomination by Commissioner Manuel to appoint Fred Blackmer to the Planning Commission for the unexpired term ending March 31, 2007.
Nomination by Commissioner Corliss to appoint Paul Burke to the Planning Commission for the unexpired term ending March 31, 2007.
Nominations were closed.

Nominated	Tabb	Manuel	Morgan	Corliss	Surkamp
Blackmer	✓	✓			
Burke			✓	✓	✓

By a 3-2 vote, Paul Burke was appointed to the Planning Commission for an unexpired term ending March 31, 2007.

Commissioner Corliss discussed the workshop with the PSD.

Commissioner Tabb reported on the ground breaking ceremony for the Parks and Recreation Community Center.

Commissioner Tabb reported on the dinner at the Charles Town Races and Slots regarding the expansion plan and the closure of 5th Avenue.

Commissioner Tabb reported on the Teachers Banquet.

Commissioner Tabb reported on the Development Authority meeting she attended.

Commissioner Manuel reported on the Eastern Panhandle Transportation Authority meeting he attended.

Commissioner Manuel reported on the Parks and Recreation Commission meeting he attended.

Commissioner Morgan reported on the meeting at the Library regarding the Taskforce Library Committee.

Commissioner Surkamp reported on the meeting at the WVU Law School.

Commissioner Surkamp reported on the Board of Education meeting.

Commissioner Corliss reported on the City of Charles Town Utility Board meeting.

Commissioner Surkamp reported on the dinner at the Charles Town Races and Slots regarding the expansion plan.

Commissioner Surkamp reported on the Teachers Banquet.

◆ **WORKSHOP - BUILDING PROGRAM**

The Commission held a workshop at 1:30 p.m. to discuss the building program. No action was taken during the workshop.

The Commission received the following information:

Reminder that the Regular County Commission Meeting next week is cancelled.

Reminder Courthouse is Closed Thursday and Friday, November 24 and 25, 2005.

Appointments to be made to the Public Service District and Bolivar/Harpers Ferry Public Library on December 8, 2005.

Correspondence and Resolution received from the Public Service District concerning the open position on the Public Service District Board.

Copy of correspondence sent to William H. Gordon Associates, Inc. from the Jefferson County Ambulance Authority received concerning the un-named Brucetown Road Subdivision.

Acceptance of bond in the amount of \$703,561.78 for PNGI Charles Town Gaming LLC.

Correspondence received from Braun A. Hamstead concerning a proposed deed for the Solid Waste Authority.

Notice of a meeting with representative from HUD scheduled by Senator Yoder on Thursday, December 8, 2005, at 1:00 p.m. and possible evening workshop the same day.

Notice of Violation received from the Chief County Engineer.

Correspondence received from the Homeland Security Grant manager concerning an on-site visit.

Correspondence received from the City of Ranson concerning a request for annexation.

Correspondence received from the Boys and Girls Club concerning funding received.

Correspondence received from Sandra Osbourn concerning Shepherdstown Battlefield.

Copy of correspondence from the Homeowners Association of Glen Meadows, Inc. to the Jefferson County Board of Zoning Appeals received concerning Covenant Church in Shepherdstown.

Meeting minutes received from the Harpers Ferry/Bolivar Public Service District.

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

Upon rising, the Commission recessed until Wednesday afternoon next beginning at 1:30 o'clock p.m.

PRESIDENT