

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 Jefferson County Courthouse thereof on Thursday, December 1, 2005, beginning at 9:30 o'clock a.m.

PRESENT: A.M.S. (Rusty) Morgan, III, President;
James Surkamp; Greg Corliss;
Dale Manuel; Jane Tabb; Commissioners

IN RE: PLEDGE OF ALLEGIANCE

Commissioner Morgan conducted the Pledge of Allegiance.

IN RE: DISPENSE WITH THE READING OF MINUTES

Motion by Manuel, second by Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, November 17, 2005 and to approve the Minutes as amended. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS

Motion by Corliss, second by Tabb to approve the following Purchase Orders for the Week of December 1, 2005, totaling \$22,914.95: 41792, 42041, 42042, 42043, 42044, 42045, 42049, 42007, 41933, 42004, 42005, 42006, 42008, 41466, 41472, 41473, 41488, 41944, 41947, 41949, 41884, 41885, 41886, 41887, 41888, 41981, 41984 and 41985. Motion carried.

IN RE: BONDING AND ACTIVITY REPORT

Paul Raco, Director of Planning, Zoning and Engineering appeared before the Commission and gave the weekly Planning Commission activity report.

IN RE: EDWARD L. JOHNSON, JR. – BURR INDUSTRIAL PARK – CURBS AND GUTTERS

Mr. Edward L. Johnson, Jr. advised the County Administrator of his desire to withdraw this agenda item. It was agreed by Commission consensus to withdraw this agenda item.

IN RE: FARMLAND PROTECTION BOARD – DEED OF CONSERVATION EASEMENT – MOORE PROPERTY

Kellie S. Boles, Agriculture Development Officer appeared before the Commission to request approval on a Deed of Conservation Easement for the Moore property by and between Edward R. and Helen S. Moore. Motion by Tabb, second by Corliss to approve the Deed of Conversation Easement for 80 acres for the Moore Property by and between Edward R. and Helen S. Moore. Motion carried.

The Commission recessed at 10:30 a.m.; The Commission reconvened at 10:40 a.m.

IN RE: JENNIFER S. MAGHAN – COUNTY CLERK'S REPORT

No County Clerk's report was given for the week of December 1, 2005.

IN RE: RANSON IMPACT FEE AGREEMENT – EXECUTIVE SESSION WITH LEGAL COUNSEL

No action was taken on this agenda item.

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 LIASON TO THE BUILDING COMMISSION

The Commission agreed by consensus to remove this item from the agenda.

IN RE: REVIEW OF GEOTECHNICAL REPORT FOR FOUNDATION DESIGN FOR THE COMMUNITY CENTER

The Commission discussed their concerns with getting additional professional opinions for the Community Center Design.

After discussion the Commission agreed to table this matter to allow Tim Barr from Parks and Recreation to appear before the Commission for further discussion.

Tim Barr, Parks and Recreation Director and Roger Goodwin from Planning, Zoning and Engineering appeared before the Commission for discussion.

Mr. Goodwin discussed alternate solutions with regard to expenditures and reported on his discussions with TRIAD Associates. Mr. Barr reported on his discussions and recommendations.

After discussion, motion by Corliss, second by Morgan to acquire a second opinion for the design of the Community Center foundation from TRIAD at a cost of \$5,000.00. Motion carried.

IN RE: LETTER TO THE DEPUTY STATE AUDITOR REQUESTING AUDIT OF ECONOMIC DEVELOPMENT AUTHORITY

Motion by Surkamp, second by Corliss to send a modified letter as reiterated by Commissioner Surkamp to the Deputy State Auditor requesting an audit of the Economic Development Authority.

Motion by Manuel, second by Tabb to lay Commissioner Surkamp's motion on the table for further review and consideration. Motion carried by a 3-2 vote. Commissioners Corliss and Surkamp voted no.

IN RE: LETTER TO STATE AUDITOR REQUESTING AUDIT

This matter was handled under the Letter to the Deputy State Auditor requesting audit of the Economic Development Authority.

IN RE: NPDES PERMIT, PUBLIC NOTIFICATION OF IMPACT ON HISTORIC SITES

Motion by Surkamp, second by Corliss to send a modified letter previously drafted and discussed with the omission of paragraph two and six with enclosures to include the October 21, 2005 letter from the WV Department of Environmental Protection and a copy of WV NPDES Program Regulations, 47 CSR 10, Section 12.1.c.1.C. Motion carried.

IN RE: LETTER TO LISA MCCLUNG WV DEP REQUESTING LEGALLY SUPPORTED REQUEST TO RECEIVE HISTORICAL RESOURCES DOCUMENTS BEFORE NPDES APPROVAL

This matter was handled under NPDES permit, public notification of impact on historic sites.

IN RE: IMPROVEMENT LOCATION PERMIT STATUS CLARIFICATION

The County Administrator reported that a legal opinion was received from Stephanie Grove this morning. Additional time was requested to permit time for additional research. The Commission decided to table this matter.

IN RE: STATUS OF LONG RANGE PLANNER RESUMES – POST DEADLINE

Paul Raco, Executive Director of Planning, Zoning and Engineering reported that twenty (20) resumes were received for the position of Long Range Planner and they would be available for Commission review after noon today.

The Commission agreed by consensus to authorize Committee members to review the resumes and present a recommendation to the Commission in the near future.

IN RE: REQUEST FOR COURTHOUSE CLOSING TIME CHANGE ON FRIDAY, DECEMBER 23, 2005 AND FRIDAY, DECEMBER 30, 2005 – COURTHOUSE HOLIDAY SCHEDULE

Motion by Manuel, second by Corliss to approve the Courthouse Holiday schedule authorizing the Assessor's Office, the County Clerk's Office and the Tax Office to close at 5:00 p.m. on Friday, December 23rd and Friday, December 30th. Motion carried.

The Commission agreed that holiday schedules would also be dictated by any Order executed from the Governor.

IN RE: HAVA – COMPLANT VOTING EQUIPMENT – APPROVAL OF PRESIDENT'S SIGNATURE ON THE PURCHASING DIVISION RELEASE ORDER AND THE PROCUREMENT AND DELIVERY ACCEPTANCE AGREEMENT

Motion by Manuel, second by Tabb to authorize County Commission President, A.M.S. Morgan, III to affix his signature on the purchasing division release order and the procurement and delivery acceptance agreement for the purchase of the HAVA compliant voting equipment. Motion carried.

IN RE: APPROVAL OF EMPLOYMENT – JOSEPH CAMBARDELLA – PUBLIC SAFETY DISPATCHER

Motion by Tabb, second by Manuel to approve the employment of Joseph Cambardella as a full-time Public Safety Dispatcher at the Emergency Communications Center. Motion carried.

IN RE: RESOLUTION – LAND AND WATER CONSERVATION FUND APPLICATION – LEETOWN PARK

Motion by Manuel, second by Tabb to endorse the Land and Water Conservation Fund Application for Leetown Park Resolution as presented. Motion carried.

RESOLUTION

At a regular meeting of the Jefferson County Commission held on the 1st day of December 2005, the following order was made and entered:

SUBJ: Land and Water Conservation Fund Application

FOR: Repaving & sealing of tennis courts and replacement of fencing around the tennis courts at Leetown Park.

Whereby, the Jefferson County Commission authority Jennifer L. Myers to submit an application to the State of West Virginia requesting funding for the above-mentioned project out of the Land and Water Conservation Fund.

The Jefferson County Commission authorizes Jennifer L. Myers to sign any and all documents and papers which accompany or are part of the application, and any and all documents and papers necessary for the completion of the project should it receive National Park Service approval.

The Jefferson County Commission agrees to abide by all rules and regulations pertaining to the Land and Water Conservation Fund Program and to operate and maintain the proposed facility for public use under the requirements of the Land and Water Conservation Fund should this project receive Federal Assistance.

The adoption of the foregoing motion having been moved by Manuel and duly seconded by Tabb.

Whereupon the Jefferson County Commission declared said motion duly adopted and it is therefore adjudged and ordered that said motion be, and the same hereby adopted.

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

IN RE: FARMLAND PROTECTION BOARD – REQUEST TO BE INCLUDED IN THE JEFFERSON COUNTY AUDIT FOR THE FISCAL YEAR ENDING JUNE 30, 2005

The Commission discussed and concluded that an independent audit is required for the Farmland Protection Board. No action was taken on this agenda item.

IN RE: RESOLUTION – LOCAL ECONOMIC DEVELOPMENT ASSISTANCE GRANT AWARD – ELMWOOD CEMETERY ASSOCIATION, INCORPORATED

Motion by Tabb, second by Corliss to approve the Local Economic Development Assistance Grant Award for Elmwood Cemetery Association, Incorporated in the amount of \$5,000.00 and authorize the Commission President to affix his signature upon the resolution. Motion carried.

RESOLUTION

The Jefferson County Commission met on the 1st day of December 2005 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, hereby authorizes A.M.S. Morgan, III, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive and administer grant funds pursuant to provision of the Local Economic Development Assistance grant award. This project is to restore tombstones for Elmwood Cemetery Association, Incorporated.

Dated: December 1, 2005

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

IN RE: RESOLUTION – LOCAL ECONOMIC DEVELOPMENT ASSISTANCE GRANT AWARD – HISTORIC LOCKE HOUSE FOR STAR LODGE/PRINCE HALL

Motion by Morgan, second by Manuel to approve the Local Economic Development Assistance Grant Award for Historic Locke House for Star Lodge/Prince Hall in the amount of \$4,000.00 and authorize the Commission President to affix his signature upon the resolution. Motion carried.

RESOLUTION

The Jefferson County Commission met on the 1st day of December 2005 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, hereby authorizes A.M.S. Morgan, III, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive and administer grant funds pursuant to provision of the Local Economic Development Assistance grant award. This project is to rehab and stabilize the Historic Locke House for Star Lodge/Prince Hall.

Dated: December 1, 2005

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

IN RE: REQUEST TO ALSO SEND RECENT LETTER TO FEDERALLY ELECTED OFFICIALS BY FAX AS A MATTER OF POLICY DUE TO MULTI-WEEK DELAY IN SNAIL MAIL

The County Administrator explained that all correspondence to Congress is faxed and mailed.

IN RE: INVITATION TO ATTEND EVENT AT BAVARIAN INN ON DECEMBER 15, 2005 TO HEAR MR. RAY JOHNSTON SPEAK ON IMPACT FEES AND THE HISTORY OF THE LOCAL POWERS ACT TO THE JAMES RUMSEY TORCH CLUB

Commissioner Manuel agreed to attend the event at Bavarian Inn on December 15, 2005 to hear Mr. Ray Johnston speak on Impact Fees and the history of the local powers act to the James Rumsey Torch Club on behalf of the Jefferson County Commission.

IN RE: COUNTY COMMISSION REPORTS

The County Administrator reported on the Engineering Structural assessment being scheduled for the Courthouse Balcony area.

The County Administrator reported on the Public Service District appointment next week.

The County Administrator reported on the HUD meeting scheduled with the Affordable Housing Committee.

Commissioner Surkamp reported on the Impact Fee Committee meeting he attended.

Commissioner Corliss reported on the Public Service District meeting scheduled for Monday, December 5, 2005 that he would be attending.

Commissioner Tabb reported on the Farmland Protection Board meeting she attended.

Commissioner Tabb reported on County's preliminary review by Region 9 officials with the assistance of Sherry Kelly from Jefferson County Planning, Zoning and Engineering and Dave Mills from Ranson.

Commissioner Manuel reported on the Intergovernmental Council meeting he attended.

Commissioner Manuel reported on the Legislative Agenda and requested it be placed on the agenda for the week of December 8, 2005.

Commissioner Morgan reported on the status of the Transfer Station's construction.
Commissioner Morgan reported on the Shenandoah Valley meeting he attended and requested support from the County Commission to meet with a Shenandoah Valley representative to discuss KARST.
Commissioner Morgan reported on the Library Board meeting he attended.
Commissioner Manuel expressed gratitude to emergency service workers with regard to the Shannondale fire.

The Commission received the following information:

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

Meeting with representative from HUD scheduled by Senator Yoder on Thursday, December 8, 2005, at 7:00 p.m. - County Meeting Room at Library.

Memorandum received from Chief County Engineer, Roger Goodwin, concerning Project Manager/Land Development Inspector - Job Responsibilities.

Correspondence received from National Legal Research Group, Inc. concerning School Impact Fees Exemption.

Correspondence received from Senator Robert C. Byrd concerning the Farm Service Agency in Ranson.

Correspondence received from the State Tax Department certifying that Mary R. "Ginger" Bordier has substantially complied with the "assessor's additional duties."

Press Release received concerning Waste Management Plans to build a new transfer station in Jefferson County.

Acceptance of Bond for the Tetra Group One LLC in the amount of \$544,993.

Information received concerning IS-700 National Incident Management System (NIMS) and IS-800 National Response Plan (NRP).

Correspondence received from the Jefferson County Office of Homeland Security concerning an Emergency Preparedness Night planned for January 2006 and a meeting to plan the event on December 6, 2005, at 1:00 p.m.

Fiscal Year 2005 audit received from the Jefferson County Public Service District.

Financial Statements for the quarter ended March 31, 2005 received from the Jefferson County Development Authority.

Letter of Resignation received from Thomas W. Miller as a member of the Eastern Panhandle Transportation Authority.

Jefferson County Holiday party is scheduled for Wednesday, December 14, 2005, 12:00 - 2:00 at the Charles Town Library.

Ribbon Cutting for Advanced Auto on Friday, December 9, 2005, 9:00 a.m. at 1392 Edwin Mill Blvd in Martinsburg.

Notices received from Loudoun County of Comprehensive Plan Amendment Public Hearings on December 8, 2005 and December 12, 2005.

Copy of a newspaper article received concerning the Marion County, Oregon Courthouse.

Information and picture of the optical scan ballot boxes received.

Correspondence received from Shepherdstown Day Care, Inc. concerning their budget allocation.

New Release received from the Division of Culture and History concerning Certified Arts Community and Certified Historic Preservation Community Programs.

Announcement received from URS of the addition of Norman H. Roush, P.E., P.S., as a Regional Director of Transportation.

Harpers Ferry National Historical Park Community Bulletin received.

Stage Whispers received from the Old Opera House.

Notice received from the Department of Planning, Zoning and Engineering of a Subdivision Work Session on Friday, December 2, 2005.

Correspondence received from the Association of Counties concerning Eminent Domain.

Copy of Correspondence sent to Commissioner Surkamp from Cynthia Hale received concerning Animal Control.

Ethics Reporter received.

E-911 fees received from VarTec and Excel.

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

Miscellaneous

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

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