

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 8, 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 Tabb conducted the Pledge of Allegiance.

IN RE: DISPENSE WITH THE READING OF MINUTES

Motion by Corliss, second by Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, December 1, 2005 and to approve the Minutes as presented. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Manuel to approve the following Purchase Orders for the Week of December 1, 2005, totaling \$89,846.35: 41897, 42015, 42047, 42050, 42051, 42052, 41934, 41969, 40704, 41463, 41491, 41972, 42011, 42012, 42013, 42016, 41978, 41979, 41987, 42101, 42103 and 41263. Motion carried.

IN RE: EXONERATION

Upon recommendation from the Assessor, motion by Morgan, second by Tabb to approve the following Exoneration because of erroneous assessment for the year 2005. Motion carried.

NAME	DISTRICT	TYPE	AMOUNT	TICKET NO:
Allen M. & Amira Pavlovich	Harpers Ferry	Personal Property	\$441.20	308233

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.

Mr. Raco discussed the Planning Commission agenda for December 13, 2005. Mr. Raco also discussed the selection process and procedures for the long-range planner vacancy.

IN RE: PUBLIC COMMENT

Bill Lewandowski appeared before the Commission to request Commission support in forming a sub-committee to include County Commission and Planning Commission members with regard to joint participation for the Subdivision ordinance rewrites.

IN RE: CHARLES M. ERVIN – REQUEST FOR FLOODPLAIN VARIANCE

Mr. Charles M. Ervin appeared before the Commission to request a floodplain variance. Mr. Ervin presented the Commission with the Elevation Certificate and discussed the variance history of his property: Lot 233, Section 23D – Avon Bend, Kabletown District Tax Map 9H, Parcel 9.

Paul Raco, Executive Director of Planning, Zoning and Engineer was present with comments regarding base flood elevation standards and FEMA'S CRS standards.

Leslie D. Smith, County Administrator reported on FEMA recommendations and standards.

After discussion, motion by Tabb, second by Manuel to grant Charles M. Ervin's variance request at the same level as the current structure of 375.2 feet. Motion carried.

IN RE: FARMLAND PROTECTION BAORD – ASPEN POOL CONSERVATION EASEMENT

Kellie S. Boles, Agriculture Development Officer appeared before the Commission to request approval on a Deed of Conservation Easement for the Aspen Pool Farm, Incorporated. Motion by Tabb, second by Manuel to approve the Deed of Conversation Easement for 58 acres for the Aspen Pool Farm, Incorporated. Motion carried.

IN RE: E. D. SMITH – AMBULANCE AUTHORITY – FUNDING REQUEST FOR TWO PROJECTS

E.D. Smith, Operations Manager for the Jefferson County Ambulance Authority appeared before the Commission for a funding request.

Mr. Smith reported on Independent Fire Hall's contribution of an ambulance unit which will be used as a reserve Basic Life Support Unit at an expense of \$3,950.00 which includes insurance, equipment and maintenance. Mr. Smith also reported on a recent expenditure that includes specialized training and protective equipment as provided by FEMA with partial expense to the Ambulance Authority in the amount of \$3,117.00

After discussion, motion by Surkamp, second by Manuel to approve the funding request in the amount of \$7,067.00 as requested by E. D. Smith. Motion carried.

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

• **FINALIZATION OF STORAGE OF ELECTION EQUIPMENT**

Jennifer S. Maghan, County Clerk appeared before the Commission to report on storage options for the new voting systems. Ms. Maghan discussed the importance of accessibility and security for the new voting systems. Available options include the 2nd story storage area of the Courthouse or the Old Charles Town Library. Ms. Maghan reported she would contact library officials with regard to storage availability.

Ms. Maghan reported on the Elections Training she and other voter registration officials recently attended, Secretary of State's training seminar and the status of the Election Advisory Committee.

• **NEW HIRE SPANISH SPEAKING CLERK – MARIA PAGANO**

Motion by Corliss, second by Surkamp to approve the full-time employment of Maria Pagano at the County Clerk's office. Motion carried.

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

The County Commission authorized the County Administrator to schedule interviews for applicants to the Board of Zoning Appeals for the week of December 15, 2005.

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

Motion by Manuel, second by Tabb to remove this agenda item from the table as previously ordered the week of December 1, 2005. Motion carried.

Motion by Surkamp, second by Corliss requesting that a letter be sent to the Deputy State Auditor requesting an audit of the Jefferson County Economic Development Authority. Motion failed by a 2-3 vote. Commissioners Tabb, Manuel and Morgan voted no.

Commissioner Morgan reported on his meeting with Jane Peters, Development Authority Director with regard to the Economic Development Authority finances.

IN RE: IMPROVEMENT LOCATION PERMIT STATUS CLARIFICATION

Leslie Smith, County Administrator reported on the letter from Assistant Prosecuting Attorney, Stephanie Grove regarding conflicting opinions. Due to the need for additional research, no action was taken on this agenda item.

IN RE: LANE KENDING CONTRACT

The Commission agreed to schedule a workshop with Planning Commission members on December 15, 2005 at 1:30 p.m. to discuss the Lane Kending Contract.

IN RE: APPROVAL OF 2006 HOLIDAY SCHEDULE

Motion by Manuel, second by Tabb to approve the 2006 County Commission holiday schedule as presented. Motion carried.

IN RE: TRAFFIC SIGN DISCUSSION

Commissioner Morgan reported on the Sheriff's acquisition of renting or leasing speed limit signs to increase traffic safety throughout Jefferson County and requested Commission support during budget deliberations.

Commissioner Tabb recommending inquiring into potential grant funding for the purchase of necessary equipment to ensure traffic safety and control.

IN RE: BUILDING/OFFICE SPACE ACQUISTION DISCUSSION

Leslie D. Smith, County Administrator reported on the owner's of the Henry Morrow's property expressing an interest in entertaining offers for future sale. The County Commission authorized the County Administrator to acquire more information for future consideration.

IN RE: APPOINTMENT TO THE BOLIVAR/HARPERS FERRY PUBLIC LIBRARY

Motion by Manuel, second by Tabb to appoint Lisa Kay Reed Palmer to the Bolivar/Harpers Ferry Public Library Commission for an unexpired term. Motion carried.

IN RE: APPOINTMENT TO THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT

Leslie D. Smith, County Administrator reported on the two applicants to the Public Service District. The County Commission agreed to authorize the County Administrator to schedule interviews for all interested applicants to the Public Service District for the week of December 15, 2005.

Marty Kable was present for comments.

IN RE: CITY OF RANSON – REQUEST FOR OPINION OF POSSIBLE ANNEXATION

Motion by Corliss, second by Manuel authorizing the County Administrator to draft a letter for Commission approval to Ranson officials reiterating Commission concerns regarding annexation outside the established growth boundaries. Motion carried.

IN RE: COUNTY COMMISSION OF BERKELEY COUNTY – REQUEST FOR SUPPORT OF HOUSE BILL 2899

Commissioner Manuel expressed his support for House Bill 2899.

Commissioner Morgan expressed his concerns for House Bill 2899 with regard to potential affects to Charles Town Races and Slots.

Commissioner Tabb suggested investigating the legalities of House Bill 2899 further and recommended seeking a legal opinion.

The Commission agreed to table this matter to establish a legal opinion by Brandon Sims, Assistant Prosecuting Attorney.

IN RE: LRP SELECTION DISCUSSION

The matter was discussed under the Planning, Zoning and Engineering activity report.

IN RE: SCHEDULE DECEMBER 15TH WATER STUDY REPORT

The Commission authorized the County Administrator to schedule an appointment on next week's agenda with Kurt McCoy.

IN RE: GROVE & DALL'OLIO ARCHITECTS – JAIL RENOVATION/RESTORATION CONTRACT

Leslie D. Smith, County Administrator reported that a scope of services contract was sent to legal counsel for review and will be submitted to the County Commission for consideration upon legal counsel's recommendations.

IN RE: APPROVAL OF EMPLOYMENT – SHANNON FULTZ – PART TIME PUBLIC SAFETY DISPATCHER

Motion by Corliss, second by Tabb to approve the part-time employment of Shannon Fultz as a Public Safety Dispatcher. Motion carried.

IN RE: COUNTY COMMISSION REPORTS

Commissioner Tabb reported the closing of the Moore Conservation Easement she attended.

Commissioner Tabb reported on the West Virginia Association of Farmland Protection meeting she attended.

Commissioner Manuel reported on the Charles Town City Council meeting he attended.

Commissioner Manuel reported on the Affordable Housing Committee meeting he attended.

Commissioner Manuel reported on the Charles Town Middle School science fair he attended.

Commissioner Corliss reported on the Public Service District meeting he attended.

Commissioner Corliss reported on his attendance at the Emergency Preparedness meeting.

Commissioner Surkamp reported on the Christmas in Shepherdstown Program festivities he attended.

Commissioner Surkamp reported on the Public Service District meeting he attended.

Commissioner Surkamp reported on the Fire Chief's meeting he attended.

Commissioner Morgan reported on the Affordable Housing Committee meeting he attended.

The Commission received the following information:

Notice - Jefferson County Courthouse Offices will be closing at 5:00 p.m. on Friday, December 23rd, 2005 and on Friday, December 30th, 2005.

Appointment to be made to the Eastern Panhandle Transportation Authority on December 29th, 2005.

Appointments to be made to the Board of Zoning Appeals on January 5th, 2005.

Supreme Court of Appeals of West Virginia decision in the Kletter Case.

Press Release from the Jefferson County Planning and Zoning Commission concerning the Community Impact Statement Policy and Agenda Cut-Off Dates.

Impact Fee Status Report received for November 2005.

Various memorandums received from the Department of Impact Fees concerning transfers of funds.

Correspondence received from the Secretary of State concerning Polling Place Accessibility.

West Virginia Voting Systems by County received.

Copy of correspondence sent to Robert L. Edwards from the Jefferson County Ambulance Authority received concerning a call on September 10, 2005.

Correspondence received from Hampshire County Office of Emergency Management concerning a meeting in Hampshire County on December 14th, 2005.

Copy of correspondence sent by the Division of Highways to Edward E. Dunleavy received concerning the Shepherdstown Battlefield Preservation Project.

Notice received from Loudoun County of a public hearing on December 8, 2005 on a Comprehensive Plan Amendment.

Copy of a newspaper article sent from the Association of Counties concerning Homeland Security grant money.

Information received from the County Commissioners' Association concerning annexation.

Information received from the County Commissioners' Association concerning a Homeland Security Meeting.

Information received from the Association of Counties concerning the Coal Severance Tax Case.

Copy of a newspaper article received from the County Commissioners' Association concerning the Coal Severance Tax Case.

Correspondence received from Adelphia concerning adjustments to service and equipment prices.

Correspondence received from Uniwest Group, LLC concerning conditional use permits.

Notice of Adjournment of Section 341 Meeting of Creditors for Adelphia Communications received.

Notice received from the Department of Planning, Zoning and Engineering of Final Plat Public Hearings.

Permit Activity for the 4th quarter of 2005 received from the Department of Planning, Zoning and Engineering.

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

Miscellaneous

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