

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, December 15, 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 Manuel, second by Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, December 8, 2005, and to approve the Minutes as amended. Motion carried.

Motion by Morgan, second by Corliss to dispense with the reading of the Minutes for the Special Meeting held on Wednesday, November 30, 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 12, 2005, totaling \$14,658.79: 41798, 42023, 41582, 42053, 42017, 42018, 42020, 41999, 40704, 41492, 41494, 42169, 42168, 42167, 42019, 42021, 42022, 41696, 41697, 41699 and 41976. Motion carried.

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: IMPROVEMENT LOCATION PERMIT STATUS CLARIFICATION

The Commission agreed to remove this item from the agenda and no action was taken on this matter.

In re: LANE KENDIG CONTRACT

No action was taken on this agenda item. The Commission agreed to place this matter on next week's agenda.

In re: ACTIVITY REPORT

Sherry Kelly appeared before the Commission and gave the weekly Planning Commission activity report.

In re: PUBLIC COMMENTS

Peter Chakmakian appeared before the Commission to request approval of letter regarding no opposition to the proposed low-income housing tax credit program property for the proposed Willows Springs Farm Apartments VI. Mr. Chakmakian informed the Commission that he had just received the requirements on December 13, 2005 after the agenda had closed. After discussion, motion by Morgan, second by Corliss to approve the letter regarding the proposed low-income housing tax credit program property for the proposed Willows Springs Farm Apartments VI. Motion passed by a 4-1 vote. Commissioner Surkamp voted no.

In re: DR. LORI STILLEY & DR. STEPHEN NICHOLS - BOARD OF EDUCATION POSITION ON AGE RESTRICTED COMMUNITIES

Dr. Lori Stilley and Dr. Stephen Nichols appeared before the Commission and made a presentation on the Board of Education's position on the Age Restricted Housing Impact Fee. Their report was handed out to the Commission. No action was taken on this matter.

In re: DECISION ON AGE RESTRICTED COMMUNITIES

The Commission agreed to place this matter on next week's agenda.

In re: KURT MCCOY - USGS - REPORT ON FINAL RESULTS OF WELL PUMP TESTS

Kurt McCoy, Hydrologist, USGS-WV Water Science Center appeared before the Commission to present the final results of well pump test relative to geologic features such as faults, lineaments, fractures, and bedding surfaces to assess the transmission of groundwater.

In re: BOARD OF ZONING APPEALS ALTERNATE MEMBER INTERVIEW

Christy Huddle appeared before the Commission for the interviews for the Board of Zoning Appeals alternate member appointment.

In re: APPOINTMENT OF ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS

Motion by Tabb, second by Manuel to appoint Christy Huddle as an alternate member to the Board of Zoning appeals with a term ending January 1, 2006. Motion carried. The Commission agreed to place this item on the January 5, 2006 agenda to reappoint Christy Huddle as an Alternate to the Board of Zoning Appeals.

In re: JEFFERSON COUNTY PUBLIC SERVICE DISTRICT APPOINTMENT INTERVIEWS

Jim Cummins and Joe Hankins appeared before the Commission for the interviews for the Jefferson County Public Service District appointment.

In re: APPOINTMENT TO THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT

No action was taken on this agenda item. The Commission agreed to place this on next week's agenda for a decision.

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

Jennifer S. Maghan, County Clerk appeared before the Commission to request approval of employment of Steven Gibson, Chief Deputy of Finance. Motion by Manuel, second by Tabb to approve employment of Steven Gibson, Chief Deputy of Finance. Motion carried.

The County Clerk also discussed the election equipment storage space. The Commission is still reviewing the storage space options. No decision has been made.

In re: ESTATE OF ELEANOR D. COATES - PETITION TO REMOVE EXECUTRIX

David A. Camilletti, Attorney for the Petitioner and John W. Askintowicz, III, Attorney for Barbara Williams, Executrix for the Estate of Eleanor D. Coates, appeared before the Commission for a hearing in the matter of the Estate of Eleanor D. Coates/Petition to Remove Executrix of the Estate of Eleanor D. Coates.

After discussion, motion by Tabb, second by Manuel to reschedule the hearing for Thursday, December 22, 2005 at 1:30 p.m. and to Order that the Executrix must turn in any and all documents pertaining to the estate of Eleanor D. Coates and specifically, without limitation, any and all documents relied upon in determining the beneficiaries of the Estate by Tuesday, December 20, 2005 before Noon. Motion carried.

In re: APPROVAL OF EMPLOYMENT OF ALISA JENKINS - SEASONAL/PART-TIME

Motion by Manuel, second by Tabb to approve the seasonal/part-time employment of Alisa Jenkins. Motion carried.

In re: RESOLUTION - LOCAL ECONOMIC DEVELOPMENT ASSISTANCE GRANT - BLUE RIDGE ACRES COMMUNITY CLUBHOUSE

The Commission agreed to place this matter on next weeks agenda for approval after a clerical issue can be taken care of.

In re: COUNTY COMMISSION OF BERKELEY COUNTY - REQUEST FOR SUPPORT OF HOUSE BILL 2899

The Commission discussed House Bill 2899 with Brandon Sims, Assistant Prosecuting Attorney. After discussion, the Commission agreed to place this matter on next weeks agenda and Ms. Sims will contact the Charles Town Races and Slots regarding this matter for their input.

In re: CITY OF CHARLES TOWN - REQUEST FOR LETTER OF SUPPORT FOR REVITALIZATION PROJECT

Motion by Tabb, second by Manuel to send a Letter of Support to the City of Charles Town regarding the Gateway Revitalization Project. Motion carried.

In re: BOARD OF HEALTH - REQUEST FOR BOARD MEMBER APPOINTMENT

The Commission discussed the request received from the Board of Health to appoint a new member to replace Katrina Johnson. The Commission directed the staff to advertise for the position.

In re: INCLEMENT WEATHER UPDATE

Bill Polk and Barbara Miller appeared before the Commission to give them an update on the inclement weather. They informed the Commission of the current weather conditions and said that they would keep the Commission apprised of any changes in the adverse weather that may endanger the employees so that the Commission may close early.

In re: COUNTY WIDE POLICE FORCE, OFFER ASSISTANCE

Commissioner Surkamp discussed the offer of assistance for a county wide police force. No action was taken on this matter.

In re: PUBLIC COMMENTS

Georgiana Pardo, Counsel for Huntfield, LLC appeared before the Commission to discuss age restricted impact fees.

In re: DISCUSSION OF PSD PLANS FOR TWO MILLION GALLONS PER DAY WASTE WATER TREATMENT PLANTS (WWTP)

Commissioner Corliss discussed his concerns regarding the PSD. Sue Lawton and Marty Kable appeared before the Commission to discuss the PSD plans for two million gallons per day waste water treatment plans.

In re: RANSON IMPACT FEE AGREEMENT - EXECUTIVE SESSION WITH LEGAL COUNSEL

Motion by Corliss, second by Tabb to enter into Executive Session with Brandon Sims, Legal Counsel to discuss the Ranson Impact Fee Agreement. Motion carried.

Motion by Tabb, second by Corliss to close Executive Session and return to Regular Session. Motion carried. For the record, no action was taken on this matter.

In re: BILL STUBBLEFIELD - FUTURE AVAILABILITY OF GROUND WATER FOR BERKELEY COUNTY

The appointment was cancelled by Bill Stubblefield due to inclement weather.

◆ **WORKSHOP - LANE KENDIG CONTRACT**

The workshop for the Lane Kendig Contract was not held. The Commission agreed to discuss this matter later.

The Commission received the following information:

Courthouse offices will close at 5:00 p.m. on Friday, December 23rd, 2005 and Friday, December 30th, 2005.

Copy of receipt check to the Sheriff received from the Department of Planning, Zoning and Engineering.

Correspondence received from Shelley Moore Capito concerning the Farm Service Agency's FSA Tomorrow Plan.

Correspondence received from Senator Robert C. Byrd concerning Shepherdstown Battlefield.

Copies of correspondence sent to Edward Dunleavy from Senators Byrd and Rockefeller received concerning Shepherdstown Battlefield.

Correspondence received from the County Commissioners' Association of West Virginia concerning the Legislative Association Meeting/County Commissioners' Continuing Educational Training Program on January 16-17, 2005.

Notices received from the United States Bankruptcy Court concerning Adelpia Communications Corporation.

Notice received from the Department of Planning, Zoning and Engineering concerning a Subdivision Work Session on Friday, December 16, 2005.

Notice received of the Independent Fire Company Annual Membership Recognition Banquet on Saturday, January 7, 2006.

Invitation received from the Anvil Restaurant to attend their 20th Anniversary Open House on Monday, December 19, 2005, from 2:00 p.m. to 6:00 p.m.

Rate Notification Letter received from Brickstreet Mutual Insurance Company.

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

Meeting minutes received from the Jefferson County Public Service District.

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