

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, February 23, 2005, beginning at 9:30 o'clock a.m.

PRESENT: Gregory A. Corliss, President;
James Surkamp; A.M.S. Morgan, III; Dale Manuel; Commissioners

Commissioner Tabb was absent due a previous obligation.

IN RE: PLEDGE OF ALLEGIANCE

Commissioner Corliss conducted the Pledge of Allegiance.

IN RE: DISPENSE WITH THE READING OF MINUTES

Motion by Morgan, second by Manuel to dispense with the reading of the Minutes for the Board of Review and Equalization meeting held on Wednesday, February 15, 2006 and to approve the Minutes as prepared. Motion carried.

Motion by Manuel, second by Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, February 16, 2006, and to approve the Minutes as prepared. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS

Motion by Morgan, second by Manuel to approve the following Purchase Orders for the Week of February 23, 2006, totaling \$2,889.58: 42277, 42087, 40952, 41963 and 42219. Motion carried.

IN RE: BONDING AND ACTIVITY REPORT

Sherry Kelley appeared before the commission to give the Planning, Zoning and Engineering activity report for the week of February 23, 2006. Ms. Kelley reported on final plat public hearings scheduled and a variance request.

IN RE: PARTIAL BOND RELEASE - RAI PROPERITIES

Motion by Morgan, second by Manuel to approve the partial bond release Irrevocable Letter of Credit in the amount of \$18,893.42 with the County to retain \$304,598.73. Motion carried.

IN RE: PUBLIC COMMENT

Lee Synder appeared before the commission on behalf of Jefferson Utilities to discuss the water system rate increases. To lessen the financial burden of County residents, Mr. Snyder requested that the Commission consider assisting with improvement funding for the water system on the mountain.

IN RE: PAM PARIZALE – COUNTY CULTURAL PLAN DISCUSSION

Pam Parizale appeared before the Commission for discussion and gave a presentation regarding financial support for a Jefferson County Cultural Plan. Ms. Parizale reported on cultural activities and events held within Jefferson County and the Arts & Humanities Alliance of Jefferson County cultural plan to enhance services to youths in Jefferson County. Ms. Parizale discussed programs and services currently in demand for the Arts & Humanities Alliance of Jefferson County.

William Drennen, President of the Jefferson County Historic Society was present for comments. Mr. Drennen reported on historical research studies.

Motion by Surkamp, second by Morgan to allocate \$10,000.00 from the fiscal year 2007 budget to the Arts & Humanities Alliance of Jefferson County. Motion carried.

IN RE: CHRISTA SHIFFLET – FOCUS

Christa Shifflet appeared before the Commission for a budget request.

Ms. Shifflet reported on the decrease in underage drinking as a result of enforcement to the Underage Drinking Laws Grant. Ms. Shifflet discussed FOCUS' strategies and services available in Jefferson County.

The Commission agreed by consensus to consider FOCUS' request for funding during budget deliberations.

IN RE: TERRY COURTWRIGHT – KEEP JEFFERSON BEAUTIFUL BUDGET REQUEST

Terry Courtwright appeared before the Commission for a budget request.

Mr. Courtwright discussed the history of Keep Jefferson Beautiful and reported on the status of the bottle bill.

Betty Steamlick was present for comments. Ms. Steamlick reported on anti-littering and recycling strategies.

The Commission agreed by consensus to consider Keep Jefferson Beautiful's request for funding during budget deliberations.

IN RE: PETER CHAKMAKIAN & PAUL PRITCHARD – TRANSFER OF DEVELOPMENT RIGHTS

Peter Chakmakian & Paul Pritchard appeared before the Commission to discuss transfer of development rights.

Mr. Chakmakian requested the Commission consider provisions to the Subdivision and Zoning Ordinance to include a transfer of development rights referendum. Mr. Chakmakian expressed his concerns with the importance of public input and suggested the matter be placed on the ballot for the May election.

Motion by Corliss, second by Morgan to defer this matter until the Special Meeting scheduled for Monday, February 27, 2006 and work with the Assistant Prosecuting Attorney regarding the authoritative nature of a Transfer of Development Rights Ordinance. No action was taken on this motion.

Motion by Surkamp, second by Corliss to study Transfer Development Rights laws and rights as applicable to Jefferson County Government and place on the November ballot for public consideration as opposed to the May ballot. No action was taken on this motion.

Motion by Manuel, second by Surkamp to table this matter without prejudice until the special meeting scheduled for Monday, February 27, 2006. Motion carried by a 3-1 vote. Commissioner Morgan voted no.

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

Jennifer S. Maghan appeared before the Commission to give the County Clerk's Report.

Ms. Maghan reported on voter registration statistics and provided an elections update. Ms. Maghan discussed poll worker recruitment strategies, precinct changes and poll worker's training.

IN RE: BRANDON SIMS – PROSECUTING ATTORNEY – LEGAL COUNSEL UPDATE & REPORT

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission for discussion.

With regard to the Jefferson County Chamber of Commerce's request for consideration for a wine tasting and sales event at the Mountain Heritage Arts & Crafts Festival, Ms. Sims advised the Commission that wine tasting and sales events would be permissible without restrictions for the Commission to endorse subject to proper licensing for all interested vendors by the West Virginia Alcohol Beverage Control.

Motion by Manuel, second by Corliss authorizing the County Commission's endorsement for wine tasting and sales events at the Mountain Heritage Arts & Crafts Festival upon vendors acquiring the proper permits and licensing from the West Virginia Alcohol Beverage Control Administration. Commissioner Manuel withdrew his motion.

Motion by Morgan, second by Corliss to endorse the resolution for the Jefferson County Chamber of Commerce wine tasting and sales at the Mountain Heritage Arts & Crafts Festival as recommended by Brandon Sims, Assistant Prosecuting Attorney. Motion carried.

IN RE: EXECUTIVE SESSION

Motion by Morgan, second by Manuel to enter into Executive Session to discuss pending litigation with Assistant Prosecuting Attorney Brandon Sims. Motion carried.

Motion by Manuel, second by Morgan to convene into Regular Session. Motion carried.

IN RE: SHEILA BIRNBACH – MANAGEMENT STUDY CONSULTANT REPORT

Sheila Birnbach, Management Study Consultant appeared before the Commission to report the Management Study she is currently conducting for Jefferson County Employees.

Ms. Birnbach reported on her meetings with all department heads and managers.

IN RE: GARY CANDELARIA – DIRECTOR OF THE HARPERS FERRY CENTER

Gary Candelaria, Director of the Harpers Ferry Center appeared before the Commission for discussion.

Mr. Candelaria reported on the current status of the Harpers Ferry Center jobs. Harpers Ferry Center currently employs 173 employees with 50 of them scheduled to be eliminated due to budget restraints at the Center and budget cuts in the amount of \$400,000.00 for fiscal year 2007. Mr. Candelaria reported that the center will not be closing but a restructuring is underway.

Mr. Candelaria reported on the history of Harpers Ferry Center and services provided by the Harpers Ferry Center. Mr. Candelaria discussed strategies being implemented to prevent job loss to include job transfers and retirements for eligible employees.

Motion by Surkamp, second by Morgan to draft a letter to the Director of Park Service, Department of Interior and members of Congress requesting legislative support to the Harpers Ferry Center. Motion carried.

IN RE: LEGISLATIVE ISSUES

Commissioner Manuel reported on that status of the following House Bills:

- HB2141 which is currently on the judiciary agenda for consideration
- Senator Yoder's proposal for SB11
- SB613

Commissioner Manuel reported on the Budget Digest and the status of Metro Government.

IN RE: APPOINTMENT TO THE AMBULANCE AUTHORITY

No action was taken on this agenda item.

IN RE: APPOINTMENT TO THE WEST VIRGINIA EASTERN PANHANDLE TRANSPORTATION AUTHORITY

No action was taken on this agenda item.

IN RE: APPOINTMENT OF ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS

The Commission authorized Leslie D. Smith, County Administrator to schedule interviews with interested applicants for the week of March 2, 2006.

IN RE: APPOINTMENTS TO THE WATER ADVISORY COMMITTEE

Motion by Corliss, second by Manuel to appoint Lee Snyder to the Jefferson County Water Advisory Committee for one 2-year term ending January 31, 2008. Motion carried.

IN RE: HAMSTEAD & ASSOCIATES, L.C. – EASTLAND HOMEOWNERS ASSOCIATION ATV ORDINANCE

Brandon Sims, Assistant Prosecuting Attorney reported that this matter is currently under legal review.

IN RE: CITY OF RANSON – ANNEXATION REQUEST

Motion by Corliss, second by Morgan to table this matter for one week. Motion carried.

IN RE: JEFFERSON COUNTY CHAMBER OF COMMERCE – WINE TASTING AND SALES AT ARTS & CRAFTS

This matter was rectified under agenda item: "BRANDON SIMS – ASSISTANT PROSECUTING ATTORNEY – LEGAL COUNSEL UPDATE AND REPORT".

IN RE: HARPERS FERRY CENTER – 57 JOBS SCHEDULED FOR CUTTING IN THE NEXT NINE MONTHS – LETTER TO SENATOR, CONGRESS RE HARPERS FERRY CENTER JOBS

This matter was rectified under agenda item: "GARY CANDELARIA – DIRECTOR OF THE HARPERS FERRY CENTER".

IN RE: LETTER TO OUR DELEGATION, THE GOVERNOR AND BRIAN KASTIC OF GOVERNOR'S OFFICE RE COMPETITIVE WASTE HAULING

Motion by Surkamp, second by Manuel authorizing the Commission President to affix his signature of approval upon a resolution Supporting Solid Waste Competition to be sent to the delegation upon completion. Motion carried.

RESOLUTION

SUPPORTING SOLID WASTE HAULING COMPETITION

Whereas, the County Commission of Jefferson County has worked to address solid waste issues affecting Jefferson County and the Eastern Panhandle of West Virginia, and

Whereas, one of the key principles identified by the Jefferson County Commission's work has been the need for one or more additional common carriers of solid waste in Jefferson County and throughout the Eastern Panhandle, and

Whereas, common carriers of solid waste have expressed interest in entering the Jefferson County market and the County of Berkeley in the Eastern Panhandle to aid in the development of the solid waste infrastructure, and

Whereas, the West Virginia Public Service Commission is authorized to issue "Certificate of Convenience and Necessity" to allow additional common carriers of solid waste but has done so only in very rare circumstances,

Therefore, Be It Resolved, that the County Commission of Jefferson County formally supports the implementation of additional common carriers of solid waste in Jefferson County, and

Further Resolved that the County Commission of Jefferson County formally supports the concepts advanced by House Bill 4242 and Senate Bill 363 pending before the 77th Legislature.

Adopted this 23rd day of February 2006.

*Gregory A. Corliss, President
Jefferson County Commission*

IN RE: WATER RATE INCREASE ON THE MOUNTAIN

Motion by Surkamp to intervene in the matter of the water rate increase for residents of Westridge Hills, Keyes Ferry Acres and Harpers Ferry Campsites. Motion died to the lack of a second.

IN RE: DISCUSSION ON TRANSFER OF DEVELOPMENT RIGHTS REFERENDUM

This matter was rectified under agenda item: 'PETER CHAKMAKIAN & PAUL PRITCHARD – TRANSFER OF DEVELOPMENT RIGHTS'.

IN RE: SPECIAL MEETING MONDAY, FEBRUARY 27, 2006 – TRANSFER OF DEVELOPMENT RIGHTS

This matter was rectified under agenda item: 'PETER CHAKMAKIAN & PAUL PRITCHARD – TRANSFER OF DEVELOPMENT RIGHTS'.

IN RE: SCHEDULE BUDGET HEARINGS FOR MONDAY, FEBRUARY 27, 2006

The Commission agreed by consensus that budget deliberations would be conducted upon the completion of the special meeting scheduled to begin on Monday, February 27, 2006 at 9:00 regarding Transfer of Development Rights.

IN RE: DISCUSSION OF POINT OF CONTACT FOR JAIL PROJECT AND OTHER BUILDING PROGRAM INITIATIVES

No action was taken on this agenda item.

IN RE: AUTHORIZATION TO ATTEND EASTERN PANHANDLE TRANSPORTATION AUTHORITY MEETING WITH THE GOVERNOR ON FEBRUARY 28, 2006

The Commission agreed by consensus that Commissioner Dale Manuel would attend the Eastern Panhandle Transportation Authority meeting with the Governor on February 28, 2006.

IN RE: APPOINTMENTS TO THE EASTERN PANHANDLE TRANSIT AUTHORITY BOARD OF DIRECTORS

Motion by Morgan, second by Manuel to appoint Fred Blackmer to the Eastern Panhandle Transit Authority Board of Directors for one three year term ending January 31, 2009. Motion carried.

Motion by Morgan, second by Manuel to appoint Eugene Pearson to the Eastern Panhandle Transit Authority Board of Directors for one three year term ending January 31, 2009. Motion carried.

IN RE: CITY OF MARTINSBURG – REQUEST RESPONSE ON INTENT TO FORM A HOME CONSORTIUM

Motion by Morgan, second by Manuel to approve the Draft Form of Resolution – Letter of Intent to form a Home Consortium for the Eastern Panhandle as presented by the City of Martinsburg. Motion carried.

IN RE: CITY OF CHARLES TOWN POLICE DEPARTMENT – REQUEST FOR USE OF COUNTY MEETING ROOM

Motion by Morgan, second by Corliss to approve the request from the City of Charles Town Police Department for use of the Old Charles Town Library meeting room as submitted. Motion carried.

IN RE: PLANNING COMMISSION GUIDANCE

Motion by Surkamp, second by Corliss that the County Commission view the following governing bodies as experts in their field and can be relied upon by the Planning Commission in reviewing proposals before that body: Public Service District; Communications – 911 Center; Ambulance Authority; Sheriff's Office; County Clerk; Circuit Clerk; Board of Education; State Department of Highways; State Historic Preservation Office; Historic Landmarks Commission; Solid Waste Authority; Public Health Department; State Department of Environmental Protection; West Virginia State Police; State Fire Marshall; Public Service Commission; Charles Town Government; Ranson Town Government; Shepherdstown Government; Harpers Ferry Government and Bolivar Town Government. Commissioner Surkamp withdrew his motion.

Motion by Surkamp, second by Corliss to submit Commissioner Surkamp's recommendation to County legal counsel for review and opinion.

Motion by Corliss, second by Manuel to table this matter. Motion carried.

IN RE: LETTER TO OUR DELEGATION OPPOSING SENATE BILL

The Commission agreed by consensus to table this matter until the week of March 2, 2006.

IN RE: INSTRUCTION TO ASSISTANT PROSECUTING ATTORNEY

The Commission agreed by consensus to table this matter until the week of March 2, 2006.

IN RE: EMPLOYMENT APPROVAL

Motion by Manuel, second by Surkamp to approve the employment of Terri Mehling as a part-time addressing specialist in the Addressing Office. Motion carried.

IN RE: COUNTY COMMISSION REPORTS

There were no County Commission Reports for the week of February 23, 2006.

The Commission received the following information:

Memorandum received from Sheriff Boober concerning Home Confinement/Community Service for 2005.

Acceptance of Bonds for The Crofts at Shepherdstown, The Point Subdivision, Rock Ferry Station Subdivision, Long John Silvers/A&W Restaurant at Charles Town, and Fieldstone Estates Subdivision.

Information received from Commissioner Morgan concerning the re-write of the zoning ordinance.

Correspondence received from Senator Byrd concerning Shepherdstown Battlefield.

Correspondence received from Brickstreet Insurance concerning their Compensation On-line Management Program.

Notice received of a Ribbon Cutting on Friday, February 24, 2006, at 10:00 a.m. at the Eackles-Spencer Funeral Home.

Victim's Advocate check received from Criminal Justice Services.

Legislative Information received from the Association of Counties.

Legislative Information received from the County Commissioners' Association.

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.

GREGORY A. CORLISS, COMMISSION PRESIDENT