

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, March 9, 2006, beginning at 9:30 o'clock a.m.

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

In re: PLEDGE OF ALLEGIANCE

Commissioner Corliss conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Morgan, second by Manuel to dispense with the reading of the Minutes for the Special Session held on Monday, February 27, 2006, and to approve the Minutes as prepared. Motion carried.

Motion by Surkamp, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, March 2, 2006, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by Morgan to approve the following Purchase Orders for the Week of March 6, 2006, totaling \$88,071.55: 41801, 41558, 42294, 42174, 42290, 42323, 42291, 42295, 42326, 42156, 42157, and 42159. Motion carried.

In re: MOTION TO STRIKE AGENDA ITEMS

Motion by Morgan, second by Corliss to strike the following agenda items: #7 under Old Business "Water Rate Increases on the Mountain" and #6 under New Business "Fire Companies' Allocation." Motion carried.

In re: COMPLETE BOND RELEASE - JDM LOCUST HILL LLC

Upon recommendation from the Director of Planning, Zoning and Engineering, motion by Morgan, second by Tabb to approve the complete release of a letter of credit in the amount of \$163,849.55 for JDM Locust Hill LLC. Motion carried.

In re: PARTIAL BOND RELEASE - COLONIAL HILLS SECTION 1

Upon recommendation from the Director of Planning, Zoning and Engineering, motion by Morgan, second by Surkamp to approve the partial release of a letter of credit in the amount of \$330,250 for Colonial Hills Section 1, with the County to retain \$193,000. Motion carried.

In re: PLANNING COMMISSION ACTIVITY REPORT

Paul Raco, Director of Planning, Zoning and Engineering, gave the Planning Commission Activity Report.

In re: APPOINTMENT TO THE WEST VIRGINIA EASTERN PANHANDLE TRANSPORTATION AUTHORITY

Nomination by Manuel to appoint Eugene Pearson to the West Virginia Eastern Panhandle Transportation Authority for an unexpired term ending July 1, 2006.

Nomination by Surkamp to appoint Anthony Rosati to the West Virginia Eastern Panhandle Transportation Authority for an unexpired term ending July 1, 2006.

Eugene Pearson was appointed to the West Virginia Eastern Panhandle Transportation Authority for an unexpired term ending July 1, 2006 by a 3-2 vote. Commissioners Morgan, Manuel and Tabb voted for Mr. Pearson. Commissioners Surkamp and Corliss voted for Mr. Rosati.

In re: APPOINTMENT TO THE JEFFERSON COUNTY AMBULANCE AUTHORITY

No action was taken on this agenda item.

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

No action was taken on this agenda item.

In re: APPOINTMENT TO THE WATER ADVISORY COMMITTEE

Motion by Corliss, second by Manuel to reappoint Lisa Dunn to the Water Advisory Committee for a 2-year term ending January 31, 2008. Motion carried.

In re: LEGISLATIVE ISSUES

Commissioner Manuel gave an update on legislative issues.

In re: REVEREND ERNEST LYLES

Reverend Ernest Lyles appeared before the Commission to request funding in the amount of \$20,000 for Project Excel, an after school program. Cathy Maiden and Lisa Florek, parents with children enrolled in the program, spoke on behalf of Project Excel. Children from the French and Spanish Clubs in Project Excel did presentations for the Commission. Motion by Surkamp to provide funds in the amount of \$10,000 to Project Excel and also \$10,000 to go to the Ranson Boys and Girls Club Home Mentor Program. Motion failed due to a lack of a second. The Commission agreed to decide on the matter during their budget deliberations.

In re: JOSEPH A. HANKINS - WATER ADVISORY COMMITTEE

Joseph A. Hankins from the Water Advisory Committee appeared before the Commission. Mr. Hankins discussed the progress of the water supply sustain ability report and nutrient offsets. Mr. Hankins requested that the Commission send a letter to the West Virginia Division of Environmental Protection in support of waste water nutrient trade offs. Mr. Hankins also discussed the request to the West Virginia Conservation Agency for Water Resources Assessment funding.

In re: EDWARD DUNLEAVY - ENDANGERED BATTLEFIELDS

Edward Dunleavy appeared before the Commission to discuss the Shepherdstown Battlefield. Mr. Dunleavy requested funds in the amount of \$1,000,000 from the Commission to match funds raised by the Shepherdstown Battlefield Preservation Association in order to purchase land at the site of the Shepherdstown Battlefield. No action was taken at this time.

The Commission took a 5 minute break at 11:04 p.m.

In re: JOHN SCHMIDT - U.S. FISH AND WILDLIFE SERVICE

John Schmidt, from the U.S. Fish and Wildlife Service, appeared before the Commission to discuss the West Virginia Field Office - Partners for Fish and Wildlife Fence Construction Crew. Mr. Schmidt suggested letters be sent in support of maintaining the operations of the Fish and Wildlife Fence Construction Crew.

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 demonstrations on the new voting machines. Ms. Maghan also informed the Commission that Senator Byrd's Mobile Office would be in Jefferson County on June 2, 2006.

In re: PROSECUTING ATTORNEY INSTRUCTION - MCFELLIN VERSUS BERKELEY COUNTY PLANNING COMMISSION AND ATTORNEY GENERAL'S OPINION

Commissioner Surkamp discussed this agenda item. Assistant Prosecuting Attorney, Brandon Sims, commented on the matter. No action was taken.

In re: BRANDON SIMS - LEGAL COUNSEL UPDATE - EXECUTIVE SESSION

Motion by Morgan, second by Tabb to enter into Executive Session to discuss pending litigation with Assistant Prosecuting Attorneys Brandon Sims and Stephanie Grove as per West Virginia Code §6-9A-4. Motion carried.

In re: DAVID HAMMER - IMPACT FEE LITIGATION DISCUSSION

The Commission remained in Executive Session in order to discuss pending litigation with legal counsel, David Hammer. Motion by Tabb, second by Manuel to return to Regular Session. Motion carried.

In re: CITY OF RANSON - ANNEXATION REQUEST

No action was taken on this matter, it is still under legal review.

In re: TDR COMMITTEE: TO SUPPORT ONLY TDR PROGRAM WITH "PERPETUAL" STATUS FOR LAND

The Commission agreed that the TDR Committee should research this matter. No action was taken.

The Commission recessed at 12:35 p.m. The Commission reconvened at 1:30 p.m.

In re: PROCLAMATION - MAKE YOUR MAMMOGRAM APPOINTMENT DAY

Motion by Tabb, second by Manuel to approve the Make Your Mammogram Appointment Day Proclamation. Motion carried.

**County Commission of Jefferson County
PROCLAMATION
Make Your Mammogram Appointment Day**

Whereas, the County Commission of Jefferson County believes that strong individuals, families and

communities are built in part by the health conditions and practices of its community and;

Whereas, that with regular diagnostic testing and examinations, certain serious diseases can be detected and therefore treated, and;

Whereas, through such screening Mayor Susan Webster learned that she had breast cancer of April 1, 2004 (April Fools Day) and;

Whereas, through concern and compassion for the women and families of its community, the County Commission of Jefferson County wishes to promote and encourage responsible health practices that include mammography;

Therefore, the County Commission of Jefferson County proclaims April 3, 2006 to be "Make Your Mammogram Appointment Day."

Adopted: March 9, 2006

/s/

Gregory A. Corliss, President

In re: ESTATE OF STEPHEN F. GORMAN, DECEASED - REQUEST FOR HEARING ON MARCH 30TH, 2006

Motion by Tabb, second by Morgan to set a hearing date for March 30th, 2006, at 11:30 a.m. for the Estate of Stephen F. Gorman, deceased. Motion carried.

In re: APPROVAL OF EMPLOYMENT - ALLEN T. THOMAS - SHERIFF'S LAW ENFORCEMENT DEPARTMENT

Motion by Manuel, second by Tabb to approve the employment of Allen T. Thomas in the Sheriff's Law Enforcement Office. Motion carried.

In re: PEIA - MANDATORY BENEFIT COORDINATOR DESIGNATION

Motion by Tabb, second by Morgan to designate Steven Gibson as the Mandatory Benefit Coordinator for PEIA. Motion carried.

In re: RESOLUTION - ENFORCING UNDERAGE DRINKING PROGRAM GRANT

Motion by Tabb, second by Manuel to approve the following Resolution for the Enforcing Underage Drinking Program Grant. Motion carried.

RESOLUTION

The Commission of Jefferson County met on March 9, 2006, with a quorum present and passed the following resolution.

Be it resolved that the Commission hereby authorizes Gregory A. Corliss, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the Division of Criminal Justice Services to receive and administer grant funds pursuant to provisions of the Enforcing Underage Drinking Program.

Date: _____

Signed: _____

JENNIFER S. MAGHAN
COUNTY CLERK

In re: GETTING RID OF THE CVB TRAILER IN HARPERS FERRY

After discussion, the Commission agreed to contact the Division of Highways to receive an update on the status of the CVB Trailer in Harpers Ferry.

In re: INVITATION TO LONG RANGE PLANNER

No action was taken on this agenda item.

In re: COUNTY COMMISSION REPORTS

Commissioner Morgan reported on a Solid Waste Authority meeting.

Commissioner Morgan reported on an Affordable Housing Meeting.

Commissioner Morgan reported on speaking with Walter Washington concerning Happy Retreat.

Commissioner Tabb reported on a CVB Open House at the Bavarian Inn.

Commissioner Tabb commented on the letter of appreciation received from Michelle Dawson concerning the mountain water rates.

Commissioner Corliss reported on a Public Service District meeting.

Commissioner Surkamp commented on reserved capacity.

Commissioner Morgan discussed with the Commission the landfill property line that runs through the Alms House.

In re: APPROVAL OF EMPLOYMENT - JUDY AXLINE - ASSESSOR'S OFFICE

Motion by Tabb, second by Manuel to approve the employment of Judy Axline in the Assessor's Office. Motion carried.

In re: COUNTY COMMISSION WORKSHOP - MATTHEW GROVE JAIL ARCHITECT

The Commission held a work session with Matthew Grove, Architect to discuss the jail renovations. No action was taken in this work session.

In re: COUNTY COMMISSION BUDGET WORKSHOP

The Commission held a budget work session. No action was taken in this work session.

The Commission received the following information:

Appointments to be made to the Historic Landmarks Commission on March 16, 2006.

Memorandums received from the Department of Impact Fees concerning transfers of funds.

Correspondence received from the Department of Impact Fees concerning Capital Improvement Plans.

Acceptance of bond received for Colonial Hills Sales Trailer in the amount of \$25,568.51.

Impact Fee Status Report received for February 2006.

Correspondence received from Michelle Dawson concerning the Mountain Water Systems Fair Water Rate Committee's appreciation for recent action taken by the Commission supporting their request for the PSC public hearing to be held in Charles Town.

Thank you note received from Patti Bennett, Retired and Senior Volunteer Program Director, for consideration of their funding request.

Notice received of the 13th Annual Telecommunicators Banquet on Saturday, April 8th, 2006.

Correspondence received from Edward Dunleavy concerning Shepherdstown Battlefield.

Correspondence received from Kidde Fire Fighting concerning the closing of the Ranson facilities.

Correspondence received from the Division of Highways concerning FHWA and FTA projects.

Legislative information received from the County Commissioners' Association.

Legislative information received from the Association of Counties.

E-911 fees received from Fibernet.

E-911 report received from IDT Corporation.

Oath of Office received from Eugene D. Pearson as a member of the Eastern Panhandle Transit Authority.

Oaths of Office received from Larry VanGosen and Charles C. Cole as Special Deputies for the Sheriff's Department.

Weekly settlement received for Charles Town 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