

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, March 16, 2006 beginning at 9:30 o'clock a.m.

PRESENT: Gregory A. Corliss, President;
James Surkamp; A.M.S. (Rusty) Morgan, III;
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 Morgan, second by Corliss to dispense with the reading of the minutes for the meeting held on Thursday, March 9, 2006 and to approve the minutes as amended. Motion carried.

Motion by Tabb, second by Morgan to dispense with the reading of the Minutes for the Special Meeting held on Thursday, March 9, 2006 and to approve the minutes as presented. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by Tabb to approve the following Purchase Orders for the week of March 16, 2006 totaling \$43,842.79: 42289, 42300, 41544, 41546, 42388, 42389, 41965, 42462, 42298, 42299, 40954, 42134, 42470, 42288, 42289, 42296, 42297, 42320, 42220 and 42208. Motion carried.

IN RE: BONDING AND ACTIVITY REPORT

Paul Raco, Planning, Zoning and Engineering Director appeared before the Commission to give the Planning Commission activity report for the week of March 16, 2006. Mr. Raco reported on the Planning Commission meeting and the advanced agenda for the next Planning Commission meeting.

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: LEGISLATIVE ISSUES

Commissioner Manuel reported on the following legislative issues:

- Legislator's attempts to place two education bills back on the extended session agenda
- Budget extended agenda
- The status of Senate Bill 709 and House Bill 4256
- Senior Citizen tax relief strategies and the Legislative Special Session planned to discuss tax issues.

IN RE: DISCUSSION ON COUNCIL OF GOVERNMENTS MEETING

Leslie D. Smith, County Administrator reported on the Council of Government meeting scheduled for March 22, 2006.

The Commission agreed by consensus to authorize the County Administrator to draft a letter to Council of Governments members moving the meeting for March 22, 2006 to March 29, 2006 or April 2006 and to request members to prepare a proposed agenda.

IN RE: APPOINTMENTS TO THE HISTORIC LANDMARKS COMMISSION

Motion by Surkamp, second by Morgan to reappoint Don Amoroso and Kip Stowell to the Historic Landmarks Commission for two 3-year terms ending March 6, 2009 with a letter to William J. Brown requesting his participation on the Historic Landmarks Commission board as a non-voting member. Motion carried.

IN RE: STEFANI A. PIERSON – BOYS AND GIRLS CLUB – BUDGET REQUEST

Stefani A. Pierson appeared before the Commission for a budget request in the amount of \$10,000.00 to cover staffing and operating expenses for the Boys and Girls Club.

Ms. Pierson presented the Commission with a detailed budget summary and gave an overview of services provided to Jefferson, Berkeley and Morgan Counties by the Boy and Girls Club.

IN RE: SAM BRYER & BARBARA TINKER – OLD CHARLES TOWN LIBRARY – BUDGET REQUEST

Barbara Tinker appeared before the Commission for a budget request in the amount of \$25,000.00.

Ms. Tinker gave a program overview of services provided to Jefferson County. Ms. Tinker reported on the loss of budget digest funds and expressed concerns with budgetary constraints.

Sam Bryer was present for comments and complimented the Commission on their commitment to the Old Charles Town Library.

IN RE: ADELPHIA – FRANCHISE EXTENSION AGREEMENT

Leslie D. Smith, County Administrator reported on the status of the Adelphia Franchise Agreement.

Motion by Tabb, second by Manuel to extend the County Commissions franchise agreement with Adelphia Cable for six months. Motion carried.

IN RE: SUSAN A. NASH – SHEPHERDSTOWN DAYCARE, INC. – BUDGET REQUEST

Don Marshall appeared before the Commission for a budget request in the Amount of \$50,000.00.

Mr. Marshall presented the Commission with a budgetary overview and reported on the services provided by Shepherdstown Day Care, Incorporated.

Carolyn Cartwell was present for comments. Ms. Cartwell reported on the Creative Curriculum Program and other training services provided to Shepherdstown Day Care youths.

IN RE: JAMES B. CRAWFORD, III – CITY OF CHARLES TOWN – ANNEXATION ORDER

James B. Crawford, III appeared before the Commission for an Annexation request for Jefferson Heights in the City of Charles Town.

Mr. Crawford presented the Commission with plats of the area and reported on growth boundaries.

Peggy Smith, City of Charles Town Mayor and Jane Arnett, City Manager were present for comments regarding traffic issues and the annexation by petition.

Motion by Surkamp that upon acknowledgement of review admit neither opposition nor approval of the annexation request. Motion failed due to the lack of a second.

Motion by Morgan, second by Tabb to accept the Annexation Order for Jefferson Heights as presented by James B. Crawford, III for the City of Charles Town. Motion carried by a 4-1 vote, Commissioner Surkamp voted no.

The Commission recessed for a 5-minute break at 10:55 a.m. The Commission reconvened at 11:00 a.m.

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

Jennifer S. Maghan appeared before the Commission for the County Clerk’s report. Ms. Maghan gave an elections update and reported on the training timeline for poll workers.

IN RE: BANK OF CHARLES TOWN – RESOLUTION - DEPOSITORY BONDS

Upon recommendation from the County Clerk, motion by Tabb, second by Corliss to approve the resolution presented by the Bank of Charles Town to replace the securities previously released. Motion carried.

RESOLUTION

“Resolved that this bank do execute and deliver to the County Commission of Jefferson County, West Virginia, a bond in the penalty of \$4,300,000.00 (in addition to \$15,000,000.00 bond expiring June 30, 2006) as depository of Public Moneys, under the provisions of Chapter 7, Article 6, Section 2, Official Code of West Virginia and that said bond be secured by deposit with The Bankers Bank, Atlanta, Georgia, of the following security:

\$4,300,000.00 FHLB Bond, 2.6250%, due 05/15/07, Book Entry and that the draft of the said bond has been read and submitted to the Board at this meeting be and the same is hereby approved, and the Senior Vice

President be and he/she is hereby authorized and directed to execute said bond, in the corporate name, and under the corporate seal of this bank, and the Senior Vice President of this bank be and he/she is hereby authorized and directed to deposit with The Bankers Bank the said Agency obligations as security therefore and to file with the Clerk of the said County Commission the said bond of this bank to become effective March 7, 2006, and to expire on March 7, 2007 subject to the approval of and acceptance by said County Commission.”

I certify the foregoing to be an exact copy of a resolution unanimously passed and adopted at a regular meeting of the Board of Directors of Bank of Charles Town, held March 14, 2006 at which a quorum was present and acting throughout.

/s/

Gayle M. Johnson, Secretary

IN RE: CITY OF RANSON – ANNEXATION REPORT

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission for a City of Ranson Annexation status report.

IN RE: DEED OF EASEMENT – SOLID WASTE AUTHORITY

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission to report this matter is currently under legal review for opinion and consideration.

IN RE: ALLEGHENY POWER – RIGHT-OF-WAY AGREEMENT – SAM MICHAELS PARK COMMUNITY CENTER

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission to report this matter is currently under legal review for opinion and consideration.

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

Assistant Prosecuting Attorneys, Brandon Sims and Stephanie Grove appeared before the Commission to give a Legal Counsel update and report.

Motion by Corliss, second by Manuel to enter into Executive Session to discuss litigation as per West Virginia Code §6-9A-4. Motion carried.

Motion by Corliss, second by Manuel to return to regular session. Motion carried.

IN RE: ANNE CONLAN – FRIENDS IN ACTION OF JEFFERSON COUNTY –BUDGET REQUEST

Anne Conlan appeared before the Commission for a budget request in the amount of \$15,000.00

Ms. Conlan gave the Commission a program overview of Friends in Action, reported on the history of the organization and discussed its family oriented goals and objectives to enhance services to Jefferson County.

IN RE: SCHOOL IMPACT FEE ORDINANCE/ANNUAL INFLATION ADJUSTMENT

Mark Schiavone, Impact Fee Coordinator appeared before the Commission to give a report on the automatic inflation adjustment standards and procedures, pupil generation factor, increased school enrollment, land cost, and building/construction cost statistics. Mr. Schiavone discussed the modifications made to the school impact fee per the pupil generation rates and increased county growth.

Motion by Tabb to approve items 1 through 11 and 13 as presented by Mark Schiavone under the School Impact Fee Ordinances Changes/Modification and to approve item 12 at 90% per dwelling unit to be effective April 1, 2006. Motion failed due to the lack of a second.

Motion by Surkamp, second by Corliss to adopt items 1-13 of the Proposed Ordinance Changes/Modifications to the School Impact Fees as presented by Mark Schiavone. Motion carried by a 4-1 vote. Commissioner Tabb voted no.

Commissioner Tabb expressed her concerns with the 100% Impact Fee increase with consideration to affordable housing.

Motion by Morgan, second by Manuel to approve the automatic inflation adjustment to the Parks and Recreation, Fire and Rescue and Law Enforcement Impact Fees. Motion carried.

Commissioner Morgan left the County Commission meeting at 12:00 p.m. due to a family emergency.

IN RE: DONALD S. JONES – ASSISTANT AMATEUR RADIO EMERGENCY SERVICE COORDINATOR – REQUEST TO USE CLASSROOM AT 911 CENTER

Leslie D. Smith, County Administrator reported that she is awaiting Jeff Polczynski's opinion as to the availability and usage of the 911 Center classroom/meeting room.

The County Commission authorized the County Administrator to coordinate with Mr. Polczynski with regard to 911 Center classroom schedule and usage.

IN RE: KEVIN TAMPLEN – SCOUT TROOP 82 – REQUEST TO USE COURTROOM

Motion by Manuel, second by Corliss to approve the request for use of the Courtroom on April 18, 2006 from 6:00-9:00 p.m. as requested by Kevin Tamplen from Scout Troop 82. Motion carried.

IN RE: FUNDING SURVEY ON PUBLIC PERCEPTION OF FIRE SERVICE

Commissioner Surkamp reported that he would be speaking with County Fire Fighters to implement a survey detailing the public's perception of Fire Services in Jefferson County.

IN RE: SUPPORTING PICKING UP DONATED VALUABLE FIRE-FIGHTING EQUIPMENT

Commissioner Surkamp reported on the availability of a Fire Truck from North Carolina that would be donated to the County Commission.

Commissioner Surkamp reported on his discussions with Josh Hough from Forestry 19.

No action was taken on this agenda item pending input from the Office of Emergency Management Director, Darrell Penwell.

IN RE: LETTER TO CONGRESSIONAL DELEGATION CONCERNING U.S. FISH AND WILDLIFE PARTNERSHIPS

The County Commission authorized Leslie D. Smith, County Administrator to draft a letter of support to the Congressional Delegation concerning U.S. Fish and Wildlife Partnerships for review and approval by the County Commission President.

The Commission recessed for lunch at 12:30 p.m. The Commission reconvened at 1:30 p.m. Commissioner Morgan returned to the County Commission meeting.

IN RE: SUPPORTING PICKING UP DONATED VALUABLE FIRE-FIGHTING EQUIPMENT

Darrell Penwell appeared before the Commission to express his concerns with the fire fighting equipment in North Carolina and to report on his discussion with Josh Hough from Forestry 19 and Bryan Costello.

Mr. Penwell gave a detailed description of the equipment being donated and reported on the expense and responsibility to the Commission in obtaining the equipment.

Motion by Manuel, second by Tabb to authorize Darrell Penwell to go to North Carolina to assess the value of the fire fighting equipment to be donated and to determine the County Commission's use and ownership upon assessment. Motion carried by a 3-2 vote. Commissioner Corliss and Morgan voted no.

Commissioner Tabb left the County Commission meeting at 1:45 p.m. due to a previously scheduled obligation.

IN RE: LETTER TO THE DEP EXPRESSING COMMISSION SUPPORT FOR WASTEWATER NUTRIENT TRADE OFFSET

Motion by Morgan, second by Manuel authorizing Leslie D. Smith, County Administrator to draft a letter of support for wastewater nutrient trade offset to the Department of Environmental Protection to include concerns with Karst features.

IN RE: COUNTY COMMISSION REPORTS

Commissioner Morgan reported on his discussions with legal counsel, Walter Washington and Paul Raco regarding the sale and acquisition of the Alms property on Leetown Road at the Landfill.

Commissioner Surkamp reported on the Flu Pandemic Summit he attended.

Commissioner Surkamp reported on the Rural Innovation Conference he attended.

IN RE: EXECUTIVE SESSION – LAND NEGOTIATIONS

At the request of Commissioner Morgan, motion by Manuel, second by Corliss to enter into Executive Session to discuss Land Negotiation and Acquisition. Motion carried.

Motion by Manuel, second by Corliss to return to Regular Session. Motion carried.

The Commission received the following information:

Memorandum received from Sheriff Boober concerning a certificate of deposit.

Memorandum received from the Department of Planning, Zoning and Engineering concerning a receipt check to the Sheriff.

Response received from Tony Barther of Shannondale.org concerning posting the transcript from the March 2, 2006 meeting.

Information received from Jeffrey Polczynski concerning addressing.

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

Correspondence received from William C. Perry concerning impact fees.

Correspondence received from Randy Kelley concerning the appearance of roads in the County.

Correspondence received from the Office of the State Auditor concerning Property Tax Levy Rates and Taxes Levied 2006-2007.

Notice received from the State Auditor's Office of the 2006 Financial Manager's Training on May 2-4, 2006.

Correspondence received from Independent Fire Company concerning their annual fund drive.

Legislative information received from the County Commissioners' Association.

Legislative information received from the Association of Counties.

Meeting minutes received from the Jefferson County Public Service District.

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

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

GREGORY A. CORLISS, COMMISSION PRESIDENT