

**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 23, 2006, beginning at 9:30 o'clock a.m.

**PRESENT:** Greg 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 meeting held on Thursday, March 16, 2006, and to approve the Minutes as amended. Motion carried.  
Motion by Manuel, second by Tabb to approve the corrections for the meeting held on Thursday, March 9, 2006. Motion carried.

**In re: APPROVAL OF PURCHASE ORDERS**  
Motion by Morgan, second by Tabb to approve the following Purchase Orders for the Week of March 20, 2006, totaling \$44,960.37: 41273, 41274, 42311, 42312, 41540, 42390, 42391, 42304, 42302, 42303, 42221, 42222, 4223, 4224, 4225, 4226, 42335, 42336, 42337, 42339, 42338, 42340, 42341, 42343, 42344 and 42347. Motion carried.

**In re: APPOINTMENT TO THE JEFFERSON COUNTY AMBULANCE AUTHORITY**  
No action was taken on the agenda item.

**In re: APPOINTMENT OF ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS**  
No action was taken on the agenda item.

**In re: LEGISLATIVE ISSUES**  
Commissioner Manuel informed the Commission that he will report on Legislative Issues next week.

**In re: BONDING AND ACTIVITY REPORT**  
Paul Raco, Director of Planning, Zoning and Engineering appeared before the Commission to give the Planning Commission activity report for the week of March 20, 2006. Mr. Raco reported on the upcoming Lane Kendig Special Meeting.

**In re: RAD SAKHAMURI - LONG RANGE PLANNER LABOR CERTIFICATION REQUIREMENTS**  
Paul Raco, Director of Planning, Zoning and Engineering appeared before the Commission to discuss employment of Rad Sakhamuri as a Long Range Planner and also the labor certification requirements to apply for a Green Card.

After discussion, motion by Manuel, second by Corliss to speak with Rad Sakhamuri and to offer the job with the 3 year work VISA (H1-B) and to inform her that if she does not accept that offer then the process will start over with the advertising and interviews. Motion passed by a 4-1 vote. Commissioner Morgan voted no.

**In re: PUBLIC COMMENT**  
Toni Milbourne commented on the New Business item #10 regarding \$180,000 Library Operating Account be Equitably Divided and she informed the Commission that she does not support that. She feels the Charles Town Library should not be included.

**In re: CITY OF RANSON - ANNEXATION REQUEST**  
Motion by Morgan, second by Tabb to deny the Annexation Request - addition to Tackley Mill North received from the City of Ranson due to current litigation with the City of Ranson and the annexation is outside the growth boundary. Motion carried.

**In re: DOUG ESTEPP - SAVE AMERICA'S TREASURES GRANT**  
No action was taken on the agenda. Due to a conflict, Mr. Estep could not appear. This item will be on next week's agenda.

**In re: DONALD S. JONES - ASSISTANT AMATEUR RADIO EMERGENCY SERVICES COORDINATOR - REQUEST TO USE CLASSROOM AT 911 CENTER**

The Commission agreed to allow Donald S. Jones, Assistant Amateur Radio Emergency Services Coordinator to use the classroom at the 911 Center.

**In re: DEED OF EASEMENT - SOLID WASTE AUTHORITY**

After discussion, motion by Morgan, second by Corliss to approve the proposed realignment of the easement for the Transfer Station - Solid Waste Authority and to grant immediate access for construction purposes and to allow Legal Counsel to review the plat when completed. Motion carried.

**In re: ALLEGHENY POWER - RIGHT-OF-WAY AGREEMENT - SAM MICHAELS PARK COMMUNITY CENTER**

Motion by Manuel, second by Morgan to authorize the President of the Commission to affix his signature on behalf of the Jefferson County Commission on the Allegheny Power Right-of-Way Agreement for the Sam Michaels Park Community Center. Motion carried.

**In re: REQUEST FOR PROPOSAL FOR AUDIT SERVICES FOR THE FISCAL YEAR ENDED JUNE 30, 2005**

Motion by Morgan, second by Manuel to send out the Request for Proposals to the list received from the State Auditor to pre-qualified Independent Certified Public Accountants and to appoint the Audit Procurement Committee with Jane Tabb, representative, the County Clerk, Sheriff and Leslie D. Smith County Administrator as Coordinator. Motion carried.

**In re: LYLE C. "CAM" TABB, III - CITIZEN'S ADVISORY COMMITTEE ON ORDINANCE CHANGES**

Lyle C. "Cam" Tabb, III appeared before the Commission to discuss his appointment on the Citizen's Advisory Committee on Ordinance Changes. He discussed with the Commission his concerns regarding his appointment to the Committee and with Jane Tabb, his spouse running for office. He wanted to make certain that there would be no conflict and that the County Commission felt comfortable with his appointment. After discussion, Motion by Surkamp, second by Manuel to ask that Lyle C. "Cam" Tabb, III stay on the Citizen's Advisory Committee on Ordinance Changes. Motion carried. Commissioner Tabb abstained.

**In re: CHANGE ORDER PROPOSAL - COMMUNITY CENTER**

Motion by Manuel, second by Tabb to approve the change order proposal numbers 1 & 3 for the Community Center. Motion carried.

**In re: WATER ADVISORY COMMITTEE - WATER RECHARGE STUDY TASKING**

Motion by Tabb, second by Manuel to approve the Water Recharge Study Tasking - identify the fundamental and emerging factors influencing aquifer recharge in Jefferson County - Water Advisory Committee Task Scope. Motion carried.

**In re: JEFFERSON COUNTY POSITION ON ACCEPTING WASHINGTON D.C. SLUDGE**

Commissioner Corliss discussed the proposal concerning Jefferson County accepting Washington D.C. Sludge. Commissioner Manuel reported that he spoke with Twilla Carr and that more information is needed. After discussion, the Commission authorized Commissioner Dale Manuel on behalf of the Jefferson County Commission to get information on current application requests from the DEP in the form of a FOIA.

**In re: BRENDA POSTEN - MONONGALIA VALLEY BANK - FINANCING FOR COURTHOUSE CONSTRUCTION**

Brenda Posten and Larry Maza, CEO of MVB appeared before the Commission to discuss financing for Courthouse construction. Mike Thompson, Prosecuting Attorney commented that there is a program for financing public buildings and he asked Brenda Posten to contact the Commission regarding this.

**In re: DRY SUMMER POSSIBILITY**

Commissioner Corliss discussed the upcoming summer and the possibility of a drought. The Commission took no action on this matter.

**In re: LANE KENDIG SCHEDULE FOR THE WEEK OF MARCH 27, 2006**

The Commission discussed the schedule for Lane Kendig for the week of March 27, 2006. Commissioner Corliss suggested and Commission agreed that the Health Department staff and board be invited.

**In re: ADDITIONAL INDIVIDUAL POINTS OF CONTACT FOR LANE KENDIG**

This agenda item was discussed under New Business #1.

**In re: APPROVAL OF FISCAL YEAR 2007 LEVY ESTIMATE**

Motion by Tabb, second by Manuel to approve the Fiscal Year 2007 Levy Estimate as prepared. Motion carried.

**In re: MOTION THAT THE \$180,000 LIBRARY OPERATING ACCOUNT BE EQUITABLY DIVIDED**

Motion by Manuel, second by Surkamp that the \$180,000 libraries operating account be equitably

divided among the following libraries that serve the citizens of our County:

- ▶ Bolivar-Harpers Ferry Public Library
- ▶ Shepherdstown Public Library
- ▶ South Jefferson Public Library
- ▶ Old Charles Town Library

Motion by Corliss to table this matter for further review. The motion failed due to the lack of a second.

Original motion passed by a 4-1 vote. Commissioner Corliss voted no.

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

Jennifer S. Maghan, County Clerk appeared before the Commission for the County Clerk's report. Ms. Maghan gave an update on the election training time lines.

Motion by Manuel, second by Tabb to approve the list of Poll Workers from the Executive Committee as presented. Motion carried.

**In re: MARTINSBURG & BERKELEY COUNTY CHAMBER OF COMMERCE - REQUEST FOR LETTER OF SUPPORT FOR PROPOSALS CONCERNING GROUND WATER IN THE EASTERN PANHANDLE**

Motion by Morgan, second by Corliss to write a letter of support to the Martinsburg and Berkeley County Chamber of Commerce regarding proposals concerning ground water in the Eastern Panhandle. Motion carried.

**In re: COUNTY COMMISSION REVIEW OF OFFICE OF EMERGENCY SERVICES RESPONSIBILITIES FOR FIGHTING BRUSH AND STRUCTURAL FIRES**

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

**In re: EXONERATION**

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

NAME	DISTRICT	TYPE	AMOUNT	TICKET #
Lonnie & Betty Watkins	Ranson	Personal Property	\$30.06	314624

**The Commission took a 10 minute break at 11:17 a.m.**

**In re: PARKS AND RECREATION SURVEY CONSULTANT PRESENTATION**

Ananda Mitra, Management Learning Laboratories appeared before the Commission to give a presentation and final report on the Jefferson County Parks and Recreation Needs Assessment.

**In re: PUBLIC COMMENTS**

Kim Brader, Jefferson County Youth Soccer League was present and made comments regarding the Parks and Recreation Needs Assessment and she is disappointed that athletic fields were not asked about specifically in the survey.

**In re: BRANDON SIMS - ASSISTANT PROSECUTING ATTORNEY - LEGAL COUNSEL UPDATE AND REPORT - PROPERTY PURCHASE DISCUSSION**

Assistant Prosecuting Attorney's, Brandon Sims and Stephanie Grove appeared before the Commission to give a legal counsel update and report.

Motion by Tabb, second by Manuel to enter into Executive Session to discuss litigation as per West Virginia Code 6-9A-4; Peters vs Wood County Commission. Motion carried.

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

Motion by Morgan, second by Manuel to authorize negotiations on real estate as discussed during the Executive Session. Motion carried.

**In re: COUNTY COMMISSION REPORTS**

Commissioner Tabb reported on the Federal Reserve Meeting in Charlotte she attended.

Commissioner Tabb commented on the budget process.

Commissioner Manuel reported on the American Public University Ribbon Cutting he attended.

Commissioner Morgan commented on the American Public University Ribbon Cutting.

Commissioner Corliss commented on the Planning training session.

**In re: COUNTY COMMISSION WORKSHOP - MANAGEMENT CONSULTANT SHEILA BIRNBACH**

The Commission held a workshop at 1:30 p.m. with Management Consultant Sheila Birnbach. No action was taken during this workshop.

**The Commission received the following information:**

Reminder of Public Hearings on Thursday, March 30, 2006, at 7:00 p.m. and Saturday, April 1, 2006, at 10:00 a.m. - Jail Restoration.

Notice of Intent to Appoint on March 30, 2006- Transfer of Development Rights Committee.

Correspondence received from Sheriff Boober concerning alarms on doorways in the Courthouse.

Permit Activity Report received from the Department of Planning, Zoning and Engineering.

Status Report of County Projects received from the Department of Planning, Zoning and Engineering.

Correspondence received from the Jefferson County Office of Homeland Security concerning the Draft Fire Risk Assessment & Mitigation Plan.

Correspondence received from John Allen Jr. requesting appointment to the committee to work with Lane Kendig.

Correspondence received from Willis Nowell requesting appointment to the committee to work with Lane Kendig.

Correspondence received from Bob Beckett requesting appointment to the committee to work with Lane Kendig.

Correspondence received from the State Tax Department concerning the Statewide Computer Network budget.

County Employee Salary Survey received from the County Commissioners' Association.

Invitation received to attend the 13<sup>th</sup> Annual Telecommunicators Banquet on April 8, 2006.

Action Alert received from the National Watershed Coalition concerning the 2006 budget.

Walkable Communities Workshops scheduled for Jefferson County on May 6, 2006 and for Berkeley County on April 26, 2006.

Notice received of the Local Government Leadership Academy Spring 2006 Conference on April 22-23, 2006.

Copy of a newspaper article received from the Association of Counties concerning the Metro-Government Bill.

Stage Whispers Newsletter received from the Old Opera House.

E-911 fees received from Citizens Communications.

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.

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GREGORY A. CORLISS, COMMISSION PRESIDENT