

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, July 27, 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 Manuel conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Tabb, second by Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, July 20, 2006, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by Tabb to approve the following Purchase Orders for the Week of July 24, 2006, totaling \$24,485.22: 42957, 42960, 42961, 42962, 42963, 42964, 42831, 42726, 42727, 42483, 42484, 42485, 42834, 42835, 42836, 42597, 42598, 42599, 42563, 42564, 42787, 42788, 42790, 42796, 42791, 42797, 42792, 42793, 42794 and 42795. Motion carried.

In re: APPOINTMENT TO THE JEFFERSON COUNTY AMBULANCE AUTHORITY

Motion by Manuel, second by Morgan to appoint Donald Engle to the Jefferson County Ambulance Authority for an unexpired term ending November 2, 2008. Motion carried.

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 HARPERS FERRY/BOLIVAR PUBLIC SERVICE DISTRICT

No action was taken on this agenda item.

In re: APPOINTMENT TO THE JEFFERSON COUNTY BOARD OF HEALTH

No action was taken on this agenda item.

In re: LEGISLATIVE ISSUES

Commissioner Manuel reported on the Legislative rules for the Regional Jail Per Diem calculations. After discussion, motion by Tabb, second by Corliss to authorize Commissioner Manuel to draft a letter and express the concerns in the changes. Motion carried.

In re: BONDING AND ACTIVITY REPORT

Paul Raco, Executive Director of Planning, Zoning, and Engineering appeared before the Commission and informed the Commission that there was no bonding and no activity report.

In re: ROSE HILL BOND REPORT

Roger Goodwin, Chief Engineer appeared before the Commission to discuss the Rose Hill Bond. For the record, Paul Raco, Executive Director of Planning, Zoning, and Engineering was present and made comments. After discussion, no action was taken on this agenda item.

In re: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION AND DIRECTION

The Commission discussed the Kendig Keast updates. The Commission agreed to insert Rural Agricultural, Historic Areas and Affordable Housing.

The Commission discussed the Mission Statement for the Focus Committee. Motion by Manuel, second by Morgan to approve the Mission Statement for the Focus Committee as amended. Motion carried.

Motion by Manuel, second by Corliss to approve the framework with corrections for the Focus Committee. Motion carried.

In re: TERRY LINDSAY - MARTINSBURG UNION RESCUE MISSION

Terry Lindsay appeared before the Commission to inform the Commission about the Martinsburg Union Rescue Mission's plans to build a new homeless center in Martinsburg that will serve Jefferson, Berkeley, and Morgan counties and ask the Commission for financial support. After discussion, the Commission agreed to discuss this at the capital budget workshop.

In re: ADVANCED SCHEDULE PLANNING FOR LANE KENDIG

The Commission discussed the advanced schedule for the Lane Kendig visit. The County Administrator informed the Commission that any information sent by Kendig Keast was being posted on the county website.

In re: IMPROVING COMMUNITY COMMUNICATIONS

Commissioner Morgan discussed the possibility of improving the communications for the community. Commissioner Manuel suggested that the Kendig Keast information be announced through radio public service announcements. Commissioner Surkamp suggested that special events be posted on channel 17 as a bulletin. Other options would be to use email and have people subscribe to receive information in group form. The Commission agreed to review this matter further.

In re: TONI MILBOURNE - PARKS AND RECREATION SWIMMING FACILITY LEVY

Toni Milbourne and Tim Barr appeared before the Commission to request the Commission place on the General Election Ballot a bond for an indoor swimming pool at the facility at Sam Michael's Park. After discussion, motion by Manuel, second by Morgan that the Jefferson County Commission take whatever steps necessary to authorize the placement of a Parks and Recreation bond for the construction of an indoor swimming facility at the Sam Michael's Community Center on the general election ballot for 2006 and further that the President of the Commission be here by authorized to affix his signature to any documents necessary to facilitate that action. Motion by Morgan, second by Surkamp to table this matter for one week. Motion passed by a 3-2 vote. Commissioners Corliss and Manuel voted no.

Motion by Tabb, second by Manuel to reserve space on the general election ballot for a possible bond for an indoor swimming facility at the Sam Michael's Community Center. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

In re: WILLIAM AND ROBIN WERZYN - BUILDING PERMIT DENIAL

William and Robin Werzyn appeared before the Commission to appeal the denial of their Building Permit.

Paul Raco, Executive Director of Planning, Zoning and Engineering was present for comments. Roger Goodwin, Chief County Engineer was also present and made comments regarding elevation requirements.

Motion by Surkamp to grant the building permit as originally submitted. Motion failed due to the lack of a second.

After further discussion, motion by Manuel, second by Morgan to invite Mr. Perry, with FEMA and explain the Flood Insurance in a work session. Motion carried.

In re: JENNIFER S. MAGHAN - COUNTY CLERKS REPORT

Jennifer S. Maghan, County Clerk appeared before the Commission to request approval of new hire S. Lynn Fields. Motion by Morgan, second by Tabb to approve the employment of S. Lynn Fields in the County Clerk's Probate Office. Motion carried.

In re: STEPHANIE POE - JEFFERSON COUNTY LITTLE LEAGUE FUNDING REQUEST

Stephanie Poe appeared before the Commission to request financial support for the Jefferson County Little League's two state champion teams to continue to participate in further levels of competition. After discussion, motion by Surkamp to approve the allocation in the amount of \$5,000 for the Jefferson County Leagues's two state champion teams. Motion failed due to the lack of a second.

Motion by Morgan, second by Tabb to approve the allocation in the amount of \$4,500 for the Jefferson County Leagues's two state champion teams. Motion carried.

In re: BRANDON SIMS - LEGAL COUNSEL UPDATE AND REPORT

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission to discuss the request for an Amendment to the Jefferson County Zoning Ordinance to include language for Principle Permitted Use. Motion by Manuel, second by Morgan to submit the proposed amendment to the Planning Commission for review to see if it is consistent with the Comprehensive Plan. Motion carried.

Motion by Tabb, second by Manuel to enter into Executive Session with legal counsel. Motion carried

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

Motion by Tabb, second by Manuel to send this issue through the Prosecuting Attorneys office to the State Attorney General for guidance regarding representative issues. Motion carried.

In re: UPDATE ON JOINT MUNICIPAL/COUNTY PLANNING COMMISSION PROPOSALS

Commissioner Corliss discussed the Council of Governments Meeting. The Commission discussed the bullet points Mission Statement for the Joint Planning Commission. Motion by Morgan, second by Manuel to send the bullet point Mission Statement to the City of Charles Town officials and City of Ranson officials for review, comments and changes. Motion carried.

In re: COMMISSION WORK SESSION ON OUTSTANDING AND PENDING BUDGET ISSUES

This agenda item will be discussed at the Capital Budget Workshop.

In re: GENERAL FUND BUDGET REVISION

Motion by Manuel, second by Tabb to approve the General Fund Budget Revision #1. Motion carried.

RESOLUTION

At a regular session of the Jefferson County Commission, held on the 27th day of July, 2006, the following Order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered.

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby direct that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, as shown on budget revision number 1, a copy of which is entered as part of this record.

The adoption of the foregoing Resolution having been moved by Manuel, and duly seconded by Tabb, the vote was as follows:

Gregory A. Corliss	<u>Yes</u>
Jane Tabb	<u>Yes</u>
Dale Manuel	<u>Yes</u>
A.M.S. Morgan III	<u>Yes</u>
James Surkamp	<u>Yes</u>

Whereupon, Commissioner Corliss declared said Resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said Resolution be, and the same is, hereby adopted as so stated above, and Gregory A. Corliss, President of the Jefferson County Commission, is authorized to affix his signature to the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

Gregory A. Corliss, President
Jefferson County Commission

In re: COUNTY COMMISSION WORKSHOP - SHERIFF/COMMUNICATION BUILDING
Kirk Davis, Jefferson County Construction Manager, Jeff Polczynski, Director of Communications, Bill Polk, Maintenance Director, and Sheriff Ed Boober appeared before the Commission to discuss the Sheriff/Communication building at Bardane. The Commission agreed to place approval of Architect for the Sheriff/Communication Building on next week's agenda.

In re: MOUNTAIN WATER SYSTEM RFQ

Motion by Manuel, second by Surkamp that the previously appointed committee to draft an RFP for the Mountain water study be further authorized to fully participate in the request for qualifications process for the Mountain water study which is required prior to drafting the RFP. Motion carried.

After discussion, motion by Manuel, second by Morgan to reconsider the motion that the previously appointed committee to draft an RFP for the Mountain water study be further authorized to fully participate in the request for qualifications process for the Mountain water study which is required prior to drafting the RFP. Motion carried.

Commissioner Manuel withdrew his motion. Commissioner Surkamp withdrew his second.

Motion by Surkamp, second by Tabb to draft an RFQ for the Mountain water study. Motion carried.

In re: REQUEST OF MEETING ROOM - HOME BUYERS SEMINAR

Motion by Surkamp, second by Corliss to deny the request to use the meeting room for the Home Buyers Seminar. Motion carried.

In re: JEFFERSON COUNTY LEASE RENEWAL - BUREAU OF PUBLIC HEALTH

Motion by Surkamp, second by Tabb to approve the renewal of the Jefferson County Lease for the Bureau of Health for one year. Motion carried.

In re: CATOCTIN POWER USE OF MILLVILLE QUARRY WATER

The Commission discussed the request received from Catoctin to use the Millville Quarry water. Motion by Corliss, second by Manuel to forward the request to the Commission legal counsel and check with Maryland to see if it is part of the geological study assessment and to have the Water Advisory Committee review the request. Motion carried.

In re: EXPLORE THE COST OF PROVIDING LONG TERM DISABILITY COVERAGE FOR OUR COUNTY EMPLOYEES

Motion by Manuel, second by Morgan that the County Commission explore the cost of providing long term disability coverage to our county employees. Motion carried.

In re: TO CREATE A COMMITTEE THAT INCLUDES LESLIE SMITH, COUNTY COMMISSIONER, SHEPHERD COLLEGE REPRESENTATIVE AND DR. STEVEN NICHOLS TO DISCUSS STRATEGY FOR COMCAST RE-NEGOTIATIONS OF CABLE FRANCHISE AGREEMENT

Motion by Surkamp, second by Morgan to create a committee that includes Leslie Smith, a County Commissioner, a Shepherd College Representative and Dr. Steven Nichols to discuss strategy for Comcast re-negotiations of the Cable Franchise Agreement. Motion carried.

In re: NOMINATE ROBERT BECKETT, FORMER JEFFERSON COUNTY ZONING ADMINISTRATOR, TO FULL VACANCY ON FOCUS COMMITTEE

The Commission discussed the resignation of Gene Capriotti on the Focus Committee. Motion by Morgan, second by Corliss to nominate Robert Beckett to the Focus Committee. Motion by Manuel, second by Tabb to table the matter for two weeks. Motion carried.

In re: LETTER TO CONGRESSIONAL DELEGATION TO SPONSOR ELECTION FRAUD PROTECTION BILL

Motion by Surkamp, second by Manuel to send a letter to Congressional Delegation Congresswoman Capito asking for her to support of the Election Fraud Protection. Motion by Manuel, second by Corliss to table this matter for further review and place this on next week's agenda. Motion carried.

In re: CAPITAL BUDGET WORKSHOP

The Commission cancelled the Capital Budget Workshop and agreed to place this on next week's agenda.

The County Administrator informed the Commission that Michael Pond would like to be on the agenda as a work session. The Commission agreed to place Mr. Pond on next week's agenda under Regular Session.

The County Administrator informed the Commission that she received an email from the County Clerk regarding the County Commission Meeting packets and that she is requesting her packet Tuesday afternoon. After discussion, the Commission agreed to see that the County Clerk receives copies of the minutes, purchase orders and Agenda on Tuesday afternoon and that the packet would be available right before the County Commission meeting.

The Commission received the following information:

Appointment to be made to the Jefferson County Building Commission on August 17, 2006.

Memorandum received from the Finance Department concerning new health insurance deduction rates.

Correspondence received from the Prosecuting Attorney's office concerning newly enacted legislation.

Copy of correspondence received from the Berkeley County Commission concerning the LCS Landfill.

Invoice received from the Potomac Headwaters RC&D for General Administrative Support and Jefferson County Ag Task Force.

Correspondence received from the West Virginia Regional Jail and Correctional Facility Authority concerning Proposed Rule 94-CSR-3.

Correspondence received from the Department of Military Affairs and Public Safety concerning West Virginia's Urban-Rural Evacuation Conference.

Notice received of a Workplace Seminar on Influenza Pandemic on August 17, 2006.

LEPC/SERC conference agenda received.

Correspondence received from the Association of Counties concerning the Regional Jail Authority Emergency Rule.

Correspondence received from the County Commissioners' Association concerning the Regional Jail Authority Emergency Rule.

Disbursement of Wireless E-911 Subscriber Fees received from the Public Service Commission.

Meeting minutes received from Pan Tran.

Public hearings and postponements received from Loudoun County, Virginia.

Special Meeting Agenda received from the West Virginia Regional Jail and Correctional Authority.

Federal register showing federal reimbursement for evacuation movement that is federally declared received from Darrell Penwell.

Notice received from the County Commissioners' Association of the passing of Betty Diaz Talkington mother of Harrison County Commissioner Roger Diaz.

Stage Whispers newsletter received from the Old Opera House.

Weekly settlement for the Charles Town Races received from the West Virginia Lottery.

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

PRESIDENT