

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, August 3, 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 Morgan conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Manuel, second by Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, July 27, 2006, and to approve the Minutes as amended. Motion carried.

After review of the Minutes from Thursday, July 27, 2006, the Commission agreed to strike Old Business #8 because the Minutes reflected that the Commission had agreed to hold that matter over for two weeks.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Morgan, second by Tabb to approve the following Purchase Orders for the Week of July 31, 2006, totaling \$22,257.60: 42947, 42742, 42754, 42755, 42956, 42965, 42966, 42967, 42968, 42973, 42932, 42943, 42903, 42490, 42837, 42838, 42840, 42946, 42590, 42562, 42565, 42566, and 42567. 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 informed the Commission that the Regional Jail Authority withdrew the proposed rule as an emergency rule.

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

The Commission discussed the format for the work sessions with Kendig Keast. The Commission discussed the possibility of dividing the work sessions into smaller groups or stations based on topic. The County Administrator informed the Commission that correspondence would be sent to Kendig Keast concerning facilitating the work sessions.

In re: PAUL RACO - BONDING AND ACTIVITY REPORT

Paul Raco appeared before the Commission for Bonding and to give the Planning Commission Activity Report. Mr. Raco informed the Commission that there was no bonding this week. Mr. Raco also reported on office space needs for his department.

In re: PUBLIC COMMENT

Jeff Widmyer commented on the proposed swimming facility levy and encouraged the Commission to put the matter on the ballot.

Kip Page made comment concerning Planning Commissioners Paul Burke and Todd Baldau.

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

Motion by Surkamp, second by Manuel to send a letter to Congresswoman Capito in support of an Election Fraud Protection Bill. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

In re: PARKS & RECREATION SWIMMING FACILITY LEVY

The Commission discussed the request from Parks and Recreation to place on the General Election Ballot a Swimming Facility Levy. After discussion, motion by Manuel, second by Corliss to table the matter for one week. Motion carried. The Commission also agreed to discuss the matter in their Capital Budget Workshop later in the afternoon.

In re: CURT MASON - FRIENDS OF HAPPY RETREAT - REQUEST FOR FUNDING

Curt Mason of Friends of Happy Retreat appeared before the Commission to request funding for Happy Retreat in the amount of \$15,000. After discussion, motion by Surkamp, second by Morgan to approve the allocation of \$15,000 only if the City of Charles Town also agrees to allocate \$15,000. Motion by Manuel, second by Tabb to amend the motion to match the municipalities allocation to Happy Retreat dollar for dollar up to \$15,000, but to not take the allocation from the ½ of 1% funds. Motion to amend failed by a 2-3 vote. Commissioners Corliss, Morgan and Surkamp voted no. The Commission then voted on the original motion. Motion passed by a 4-1 vote. Commissioner Coliss voted no.

In re: BOB ADAMS - FALCON RIDGE FARM

Bob Adams and his family appeared before the Commission to discuss his home at Falcon Ridge Farm and his experiences with the Planning Commission. No action was taken on this agenda item.

In re: ASSURANCE OF LEGAL COUNSEL TO PLANNING COMMISSION AND IT'S MEMBERS

Motion by Surkamp, second by Corliss to assure legal counsel for Planning Commission members. The Commission did not vote on this motion and decided to hear from legal counsel on this matter before taking any action.

In re: RESOLUTION RE CATOCTIN WATER PROJECT

Motion by Surkamp, second by Morgan to approve a Resolution concerning the Catoctin Water Project. Motion withdrawn in order to hear from legal counsel on this matter.

In re: APPROVAL OF CONTRACT DOCUMENTS - HISTORIC PRESERVATION STATE GRANT - COUNTY JAIL

Motion by Surkamp, second by Manuel to approve the contract documents for the Historic Preservation Grant for the County Jail. Motion carried. The Commission also agreed to contact the Prosecuting Attorney to inquire into the process to have the injunction lifted that prevents any work from being done on the jail building.

In re: PLANNING COMMISSION DRAFT BYLAWS AND PROCEDURES - SCHEDULE WORKSHOP

The Commission agreed to have the County Administrator schedule an hour workshop on the Planning Commission Draft Bylaws and Procedures.

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

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the County Clerk's report. Upon request from Ms. Maghan, motion by Surkamp, second by Manuel to approve the employment of Sally A. Gran as a Bookkeeper/Payroll Clerk. Motion carried. Ms. Maghan updated the Commission on the General Election. Ms. Maghan also provided the Commission with Excess Levy information that she had printed from the internet.

In re: HEARING REQUEST - PROPERTY SAFETY ENFORCEMENT AGENCY PETITION/COMPLAINT - CASE 06-001(A) (GRAHAM) & 06-001(B) (GRAHAM)

Motion by Morgan, second by Tabb to set a hearing date of August 17, 2006 at 11:30 a.m. for the Property Safety Enforcement Agency Petition/Complaint for the Graham Case Numbers 06-001(A) and 06-001(B). Motion carried.

In re: ARCHITECTURAL CONTRACT FOR COMMUNICATIONS BUILDING

Motion by Tabb, second by Manuel to approve the Architectural Contract for the Communications Building pending final legal review. Motion carried.

In re: COX HOLLIDA - REQUEST FOR EXTENSION FY2005 AUDIT

Motion by Manuel, second by Tabb to approve the request for extension for the FY2005 audit from Cox Hollida. Motion carried.

In re: UPDATE ON STATUS OF COUNTY RECORDS IN BASEMENT OF COURTHOUSE

Commissioner Morgan informed the Commission that he received a call from a citizen who was concerned about the status of the County records in the basement of the Courthouse. The Commission agreed to have the County Administrator contact the maintenance department to have the records moved off the ground by building shelving and to also contact Walter Washington to find out the document value.

In re: ADDITIONAL FUNDING FOR SHEPHERDSTOWN EMS

The Commission agreed to discuss this agenda item during the Capital Budget Workshop later in the afternoon.

In re: CONSIDERATION OF A RESOLUTION TO HONOR GARRETT KEYSAR, OF KEARNEYSVILLE, FOR WINNING THE WORLD TITLE SOAPBOX DERBY TITLE IN AKRON, OHIO

Motion by Surkamp, second by Morgan to invite Garrett Keysar to a Thursday County Commission meeting in order to present him with a resolution honoring him for winning the World Soapbox Derby Title. Motion carried.

In re: BRANDON SIMS - LEGAL UPDATE AND REPORT

Brandon Sims, Assistant Prosecuting Attorney, appeared before the Commission to give a legal update and report. Ms. Sims informed the Commission that the Attorney General was contacted to request an opinion regarding the representation of county appointees by the Prosecuting Attorney's office and that the Attorney General's office could not provide an opinion on the matter.

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

No action was taken during or after Executive Session.

In re: DAVID HAMMER - LEGAL COUNSEL UPDATE AND REPORT

The Commission remained in Executive Session for the legal counsel update and report from David Hammer.

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

No action was taken during or after Executive Session.

In re: PUBLIC COMMENT

Toni Milbourne inquired into the Commission's decision on Old Business 9 (Assurance of Legal Counsel to Planning Commission and It's Members.) The Commission informed her that the matter was discussed in Executive Session.

In re: EXONERATIONS

Motion by Morgan, second by Manuel to approve the following Exoneration due to erroneous assessment. Motion carried.

<i>Name</i>	<i>District</i>	<i>Type</i>	<i>Ticket #</i>	<i>Tax</i>
Adrian & Mary Page	Shepherdstown Corporation	Personal	315746	\$311.16

Motion by Tabb, second by Manuel to approve the following Exoneration due to erroneous assessment. Motion carried.

<i>Name</i>	<i>District</i>	<i>Type</i>	<i>Ticket #</i>	<i>Tax</i>
John & Suzie Haggerty	Middleway	Personal	311765	\$38.60

In re: COUNTY ADMINISTRATOR REPORTS

The County Administrator clarified that the County Commission's action was to engage Cox Hollida in order to find the \$6,000 error in the payroll account, not the State Auditor's officer.

The County Administrator informed the Commission of information received from the State Auditor's office concerning conducting audits. The Commission agreed to have the County Administrator begin the bid process for a CPA for the audit for fiscal year 2006.

The County Administrator informed the Commission that she had been contacted by the Old Charles Town Library requesting the release of their budget allocation. The County Administrator informed the Commission that the allocations for the County Libraries were usually done quarterly. The Commission agreed to continue with the practice of quarterly budget allocations for all the County Libraries.

The County Administrator informed the Commission that Carol Gallant had contacted her concerning the "Anvil" performances scheduled for September and that they were still looking for actors and performers for the show.

In re: COUNTY COMMISSION REPORTS

Commissioner Surkamp informed the Commission of an Emergency Preparedness training opportunity on August 14, 2006.

Commissioner Morgan reported on a WVU Hospital meeting at Jefferson Memorial.

Commissioner Morgan and Commissioner Tabb both reported on the Chamber of Commerce/Farm Bureau picnic at the Summit Point Racetrack.

Commissioner Tabb reported on a discussion with Agricultural Commissioner Douglas concerning gypsy moths.

Commissioner Tabb reported on the last meeting of the Advisory Committee for the Charles Town Comprehensive Plan.

Commissioner Manuel reported on the gypsy moth meeting on the mountain.

Commissioner Manuel presented pictures on the progress of the construction on the community center.

Commissioner Corliss informed the Commission that the Development Authority meeting had been cancelled.

Commissioner Corliss discussed the notice received of the West Virginia University Local Government Leadership Academy. The Commission agreed to have at least two Commissioners attend.

In re: MICHAEL POND - BAKERTON FIRE DEPARTMENT

Michael Pond, from Bakerton Fire Department, appeared before the Commission to discuss the new Bakerton Fire Department and to request funding. Ed Smith, from the Ambulance Authority, Andrew Arnold, from Company 3, and Bob Murto were present and made comment. After discussion, motion by Manuel, second by Morgan to allocate \$20,000 to Bakerton Fire Department, with the money being released after a Fire Company Contract is signed. Motion by Corliss, second by Surkamp to amend the motion to change the allocation to \$34,643.01. Motion to amend carried. The Commission then voted on the amended motion. Motion carried.

In re: COUNTY COMMISSION WORKSHOP - CAPITAL BUDGET WORKSHOP

The Commission held a workshop to discuss capital budget matters.

In re: COUNTY COMMISSION WORKSHOP - IMPROVING COMMUNITY COMMUNICATIONS

The Commission held a workshop to discuss improving community communications.

The Commission received the following information:

Notice of Public Hearing concerning Shenandoah Crossing Annexation Petitions & Zoning received from the City of Charles Town.

Comments on the Kendig Keast Draft of the Jefferson County Ordinance Critique and Recommendations received from Edward Dunleavy.

Impact Fee Status Report for July 2006 received.

Notice of approval of grant time extensions received from the West Virginia Development Office.

Notice received of the West Virginia University Local Government Leadership

Academy on August 25-26, 2006.

Notice received from the Extension Office of a 10 week Bodyworks class for mothers and daughters.

Copy of correspondence from the Department of Health and Human Resources to Stephanie Timmermeyer received concerning the LCS North Mountain Landfill.

Correspondence received from Brickstreet Insurance concerning the premium audit process.

Correspondence received from Citizens Fire Company, Inc. concerning their budget allocation.

Notice of show dates for "The Anvil" on September 22-24, 2006.

Notice of a Subdivision Work Session received from the Department of Planning, Zoning and Engineering.

Procedures Manual for Procuring and Conducting Audits and Reviews of Local Governments received from the State Auditor's office.

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

Copy of correspondence sent to Roger Goodwin from Dewberry received concerning flood plain elevation.

Copy of a newspaper article concerning per diem jail costs received from the Association of Counties.

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