

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 17, 2006, beginning at 9:30 o'clock a.m.

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

Commissioner Tabb was absent due to a prior commitment.

In re: PLEDGE OF ALLEGIANCE
Commissioner Manuel 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, August 10, 2006, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS
Motion by Manuel, second by Morgan to approve the following Purchase Orders for the Week of August 14, 2006, totaling \$1,729.51: 43002, 42974, 42768, 42486, 42942, and 42603. Motion carried.

In re: APPOINTMENT TO 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
No action was taken on this agenda item.

In re: HEALTH BENEFITS DISCUSSION
Commissioner Manuel discussed the health insurance premiums for county employees. Leslie Smith, County Administrator presented the Commission with an assessment of health care cost to the County and employees. The Commission agreed to review the matter further.

In re: EXONERATION
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> |
|----------------|-----------------|-------------|-----------------|------------|
| Jane F. Rooney | Shepherdstown | Personal | 316769 | \$448.14 |

In re: NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES
Upon presentation by the Assessor, motion by Manuel, second by Morgan to approve the Notice of Apportionment of Jointly Owned Motor Vehicles filed by a certified copy of a final divorce order entered under provisions of section fifteen, article two, chapter forty-eight of the West Virginia Code, in the amount of \$474.58 for the following: Motion carried.

| NAME: | ASSESSED VALUE: | TAXES DUE: |
|-------------------|------------------------|-------------------|
| Michael K. Ashley | \$6,800(Subaru) | \$164.02 |
| | \$8,000(Toyota) | \$192.96 |
| Lisa S. Ashley | \$3,100(Subaru) | \$74.78 |
| | \$6,300(Farm Machine) | \$37.99 |
| | \$800 (Farm Animals) | \$4.83 |
| | Total | \$474.58 |

In re: PAUL RACO - BONDING AND ACTIVITY REPORT

Paul Raco, Director of Planning, Zoning and Engineering appeared before the Commission to give the bonding and activity report.

Roger Goodwin, Chief County Engineer appeared before the Commission for the adoption of the revised State Building Code. Motion by Morgan, second by Manuel to adopt the revised State Building Code effective October 1, 2006. Motion carried.

Sherry Kelly appeared before the Commission to discuss the Zoning Ordinance Amendment Report for change in Agricultural Definition - Prospect Hall. Motion by Surkamp, second by Manuel to acknowledge and accept the changes as recommended by the Planning Commission for the change in Agricultural Definition - Prospect Hall. Motion by Morgan, second by Manuel to table this matter until next week. Motion carried.

In re: PUBLIC COMMENT

Bill Lewandowski commented on the Planning Commission members.

Frances Morgan commented on citizen volunteers on the Planning Commission.

In re: DONALD E. WALKER - REQUEST FOR \$150.00 REFUND FOR PLAT CHANGE

Donald E. Walker appeared before the Commission to request a refund in the amount of \$150.00 for a plat change. Motion by Morgan, second by Corliss to approve the request to refund Donald E. Walker \$150.00 for a plat change. Motion carried.

In re: JOHN KUSNER - REQUEST FOR ZONING AMENDMENT

John Kusner appeared before the Commission to request a zoning amendment for the property of James L. Grove. After discussion, motion by Surkamp, second by Morgan to endorse the Zoning Amendment for James L. Grove and to send the request to the Planning Commission to determine if the zoning amendment is consistent with the Comprehensive Plan. Motion carried.

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

The County Administrator informed the Commission that Kendig Keast will be sending the first 4 draft chapters of the zoning ordinance next week and that September 18-21, 2006 they will be available for meetings. The Commission agreed to hold evening meetings and at different locations when Kendig Keast was here.

In re: PARKS AND RECREATION SWIMMING FACILITY LEVY

Motion by Surkamp, second by Manuel to remove the Levy for the Parks and Recreation Swimming Pool from the ballot. Motion carried.

In re: AIR QUALITY PROGRAM - VEHICLE IDLING REDUCTION POLICY

Motion by Morgan, second by Manuel to approve the Vehicle Idling Reduction Policy. Motion carried.

In re: RECOMMEND 2 COMMISSIONERS TRAVEL TO CHARLESTON TO SPEAK TO GOVERNOR ABOUT COMBINED BOARD OF FIRE AND EMS

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

In re: UPDATE ON COUNTY ACQUISITION OF MOTOR VEHICLE SPEED MONITOR

The Commission took no action on this agenda item.

In re: COURTHOUSE ANNEX ARCHITECT/ENGINEERING RFQ'S RECEIVED

Motion by Corliss, second by Manuel to appoint Kirk Davis, Commissioner Morgan, Commissioner Manuel, Roger Goodwin and Bill Polk to the Committee to select an Architect for the Courthouse Annex. Motion passed by a 3-1 vote. Commissioner Surkamp voted no.

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. Ms. Maghan discussed the changes in the General Election 2006 Timeline calendar.

Ms. Maghan expressed her concerns again on the record management and requested \$108,000 for the purchase of new record management software.

Ms. Maghan presented to the Commission health insurance figures. Previously, the Commission had agreed to discuss this matter at a later date so they could have time to review the information that had been received.

In re: BRANDON SIMS - LEGAL UPDATE & REPORT

Brandon Sims, Assistant Prosecuting Attorney appeared the Commission and reported on a complaint regarding Atlantic Technology, correspondence received regarding procedures of Jefferson County Commission and the County Clerk, current Injunction with the Old Jail, and Board of Zoning Appeals and Planning Commission legal representation. Ms. Sims informed the Commission that she would review these matters and report on them at a later date.

Motion by Morgan, second by Manuel to enter into Executive Session to discuss matters currently under litigation. Motion carried.

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

In re: MEETING WITH REPRESENTATIVE FROM ING FINANCIAL - 457(b) DEFERRED COMPENSATION PLAN

Leslie D. Smith, County Administrator informed the Commission representatives from ING Financial will be in Jefferson County Monday, August 28, 2006 to meet with county employees regarding 457(b) Deferred Compensation Plan.

In re: FINAL ACCOUNTING - ESTATE OF ALBERT E. WEISTER

Motion by Morgan, second by Manuel to acknowledge and approve the Final Accounting for the Estate of Albert E. Weister. Motion carried.

In re: COUNTY RECORDS, DOCUMENTS AND FILES SAFETY DISCUSSION

Leslie D. Smith, County Administrator informed the Commission that she had received a few responses regarding the county records, documents and files safety. She informed the Commission that there back-ups every evening and that the previous back-up was stored in a fire - waterproof safe. Patsy Noland, Circuit Clerk was present and commented on her record safety and informed the Commission that she felt confident that her records were safe and could be reproduced with no problem if anything happens.

In re: PUBLIC COMMENT

Patsy Noland, Circuit Clerk commented on her record management and informed the Commission that she has no problems with the current vendor and she informed the Commission that she has no trouble getting in touch with the vendor when she has issues.

In re: PROPERTY SAFETY HEARING - CASE 06-001A (GRAHAM) AND CASE 006-001B (GRAHAM)

The County Administrator informed the Commission that the hearing would need to be postponed due to a time conflict in the Order.

In re: COUNTY COMMISSION REPORTS

Commissioner Manuel reported on the Parks and Recreation Commission meeting.

Commissioner Surkamp reported on the Pandemic Flu meeting.

Commissioner Morgan reported on his meeting he attended in Romney, WV.

Commissioner Morgan reported on the Keep Jefferson Beautiful meeting he attended.

Commissioner Morgan informed the Commission that there had been water issues at the fairgrounds with the well.

Commissioner Corliss commented on the use of the Old Charles Town Library meeting room for the meeting Mike Callahan held and suggested that the Commission review the policy for future uses.

Commissioner Manuel reported on the African-American Heritage 14th Annual Festival and Parade.

Commissioner Morgan asked if Legal Counsel could check to see if the County could provide insurance premiums for legal expenses for Planning Commission members.

In re: COUNTY COMMISSION WORKSHOP WITH JEFFERSON COUNTY PUBLIC SERVICE DISTRICT - WEST VIRGINIA INFRASTRUCTURE AND JOBS DEVELOPMENT CONSOLIDATION COMMITTEE MEETING

The County Commission held a workshop with the Jefferson County Public Service District concerning West Virginia Infrastructure and Jobs Development Consolidation Committee Meeting.

In re: COUNTY COMMISSION WORKSHOP - BUILDING PROGRAM/CAPITAL BUDGET

The Commission postponed the workshop for the building program/capital budget discussion.

The Commission received the following information:

Memorandum received from Sheriff Boober concerning County investments.

Notice received from the Department of Planning, Zoning and Engineering of a Subdivision Work Session on Friday, August 18, 2006.

Appointment to be made to the Jefferson County Planning Commission on September 7, 2006.

Memorandum received from Darrell G. Penwell concerning a Continuity of Government Plan.

Secretary of State, Betty Ireland will be in Jefferson County on August 29, 2006, at 10:00 a.m.

Correspondence received from George H. Burns, III concerning the Shenandoah Crossing Annexation Petitions & Zoning Notice.

Copy of correspondence to the Jefferson County Public Service District from the City of Charles Town received concerning the August 10, 2006 Presentation to the County Commission from the Public Service District.

News release received from Keep Jefferson Beautiful, Inc. concerning the 2006 Jefferson County Student Art and Essay Contest.

Correspondence received from Comcast concerning cable programming.

Preliminary Outline for the creation of a multi-jurisdictional planning entity received from the City of Charles Town.

Meeting agenda received for the West Virginia Regional Jail and Correctional Facility Authority Special Meeting on August 17, 2006.

Notice received of a Town Hall Meeting with Governor Manchin on August 22, 2006, at 6:30 p.m. at James Rumsey Technical Institute.

Correspondence received from Joseph Hankins concerning the Jefferson County Green Infrastructure Assessment.

Correspondence received from the Bureau for Public Health concerning the LCS North Mountain Landfill.

Correspondence received from the West Virginia Division of Labor concerning the Elevator Safety Act.

Correspondence received from the County Commissioners' Association and the Association of Counties concerning the Morgan County Courthouse fire.

Correspondence received from the Association of Counties concerning the passing of Lincoln County Sheriff Jackie Cooper.

Correspondence received from the County Commissioners' Association concerning the proposed 2007 legislative rule from the Consolidate Public Retirement Board.

Correspondence received from the County Commissioners' Association concerning natural gas bills.

Community Bulletin received from the Harpers Ferry National Historical Park.

Notice received from the United States Bankruptcy Court concerning Adelphia Communications.

Franchise fee check received from Adelphia Communications.

Meeting minutes received from the Harpers Ferry/Bolivar PSD.

Notice received of a Ribbon Cutting on August 24th, 2006 at 10:00 a.m. for Shear Power.

Copy of correspondence sent to the Bureau for Public Health from the Berkeley County Commission concerning the LCS North Mountain Landfill.

Notice received from the Jefferson County Development Authority concerning the Eastern Panhandle Entrepreneurs Forum.

Correspondence received concerning West Seventh Townhomes.

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.

GREGORY A. CORLISS, COMMISSION PRESIDENT