

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 31, 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 Surkamp 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, August 24, 2006, and to approve the Minutes as amended. Motion carried.

Motion by Morgan, second by Manuel to dispense with the reading of the Minutes for the Special meeting held on Tuesday, August 29, 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 28, 2006, totaling \$41,249.71: 42976, 43102, 43103, 42642, 42643, 42428, 42459, 42460, 42910, 42917, 43133, 43134, 43136, 43137, 43139, 42605, 42606, 42607, 43071, 43072, 43073, 42984, 42986, 42987, 42988, 42989, 42990, 42991, 42992, and 42993. Motion carried.

In re: APPOINTMENT OF ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS

No action was taken on this item.

In re: APPOINTMENT TO THE HARPERS FERRY/BOLIVAR PUBLIC SERVICE DISTRICT

No action was taken on this item.

In re: APPOINTMENT TO THE JEFFERSON COUNTY BOARD OF HEALTH

No action was taken on this item.

In re: APPOINTMENT TO THE JEFFERSON COUNTY BUILDING COMMISSION

No action was taken on this item.

In re: APPROVAL OF EMPLOYMENT - CATHERINE E. PRIORE - APPRAISER ASSESSOR'S OFFICE

Motion by Manuel, second by Surkamp to approve the employment of Catherine E. Priore as an Appraiser in the Assessor's Office. Motion carried.

In re: LEGISLATIVE ISSUES

Commissioner Manuel reported on a public hearing on tax reform for West Virginia on September 13, 2006 at Shepherd University.

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

The County Administrator informed the Commission that the first 3 chapters of the draft zoning ordinance had been received from Kendig Keast and that it is available on the website and in the County Commission office. She reported that Kendig Keast would be in Jefferson County on September 18-20, 2006. The Commission discussed the format for various meetings with Kendig Keast. The Commission discussed having meetings at different locations in the county.

In re: BONDING

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Morgan, second by Manuel to approve the partial release of a letter of credit for Dan Ryan Builders, Inc. - Quarter Farm Subdivision in the amount of \$353,940.22, with the County to retain \$100,000.00. Motion carried.

In re: PLANNING COMMISSION ACTIVITY REPORT

Paul Raco, Executive Director of Planning, Zoning and Engineering, appeared before the Commission to give the weekly Planning Commission Activity Report.

In re: PUBLIC COMMENT

Nancy Lutz commented on legal support of Planning Commission members.

In re: SHERIFF ED BOOBER & STEVE NICHOLS - BLUE RIDGE SUBSTATION

Sheriff Ed Boober, and Dr. Steven Nichols, Board of Education appeared before the Commission to discuss having a Sheriff's Substation located on Blue Ridge School property. Motion by Surkamp, second by Morgan to support the Sheriff's Substation to be located on Blue Ridge school property. Amended motion by Manuel, second by Morgan to explore the costs to place a Sheriff's Substation on Blue Ridge School property and to endorse the concept. Amended motion carried.

In re: JAMES B. CRAWFORD - CHARLES TOWN ANNEXATION - PETTI PROPERTY

James B. Crawford, III, appeared before the Commission to discuss the Charles Town Annexation - Petti property.

Motion by Morgan, second by Surkamp to approve the order approving the Charles Town Annexation - Petti property and to insert the following to the Order. Motion by Manuel, second by Tabb to table the motion until Counsel had time to review the changes. The Commission discussed the insert for the order and changes were made. Commissioner Manuel withdrew his motion to table. The original motion passed. Motion carried.

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

In Re: Annexation of Additional Territory of the City of Charles Town Pursuant to West Virginia Code Section 8-6-4

ORDER

A certificate of the governing body of the City of Charles Town has this day filed showing that an annexation has been made, in the manner required by law, to the corporate limits thereof, and that by such annexation the said corporate limits are as follows:

BEGINNING in the eastern limit of Augustine Road/U.S. Route 340/18, a common corner with Eleanor R. Burns Puster, thence with Puster SE 76-23-51 1,118.12' to a fence post, thence in part with Franklin SW 13-43-11 509.23' to a 50" white oak, thence with Zebra Broadcasting and Roscoe A. Hayes NW 76-06-02 703.00' to a point and continuing with Hayes NW 75-45-02 180.22' to a rebar, a common corner with Thelma A. Pearl, thence with Pearl the two following courses and distances NE 17-21-39 333.61' to a rebar, thence NW 76-05-18 263.86' to the eastern limit of Augustine Road , thence with Augustine Road and the municipal boundary line NE 16-20-37 169.42' to the point of beginning.

It is therefore ORDERED that such annexation to said corporate limits of Charles Town be, and the same is hereby APPROVED and CONFIRMED.

The County Commission further states that notwithstanding its approval of this annexation, that it has major reservations about such pipe-stem annexations, including:

1. That such pipe-stem annexations are in part due to municipalities planning outside their municipal boundaries;
2. That such pipe-stem annexations compromise the long-term county planning in regard to population density, as well as preservation of environmental, water recharge, and historic areas;
3. That such pipe-stem annexations may lead to county lands which are designated for agricultural purposes to be redesignated for high density growth and development, and

- further have a negative effect on county farms located next to municipal subdivisions;
4. That such pipe-stem annexations create multiple pockets and islands of county land, interspersed with municipal land, which complicate responsibilities for municipal and county law enforcement;
 5. That such pipe-stem annexations make municipal versus internal county boundaries difficult to determine;
 6. That such pipe-stem annexations increase county service costs for those services which are either not provided or inadequately provided by municipalities, including fire and ambulance services; and
 7. That such pipe-stem annexations promote high-density growth in areas not suitable for such growth.

It is further ORDERED that the Clerk of the Court is directed to deliver to the said Council of City of Charles Town a certified copy of this Order, as soon as practical after the entry of the same.

COUNTY COMMISSION OF
JEFFERSON COUNTY, WEST VIRGINIA

BY: _____
Gregory A. Corliss, President

Entered: _____

In re: BOB AND ALLISON ADAMS - PUBLIC MEETING CONDUCT

Bob Adams, Allison Adams and their son Albert Adams appeared before the Commission to discuss Commissioner Surkamp's conduct at an Infrastructure and Jobs Development Council meeting. Mr. Adams said that Commissioner Surkamp asked his wife and child to leave the meeting. No action was taken on this matter.

In re: SET DATE AND TIME FOR PUBLIC "TOWN MEETING"

The Commission agreed to hold a "Town Meeting" on Saturday, October 7, 2006 at 9:30 a.m. at the Old Charles Town Library Meeting Room. The Commission also discussed scheduling another meeting at a later date at a different location.

In re: RADAR SPEED MONITOR

Motion by Morgan, second by Manuel to purchase a Radar Speed Monitor in the amount of \$7,590.00 and to take that amount from the unencumbered fund balance. Motion carried.

The Commission took a 5 minute break at 10:55 a.m.

In re: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT - PROPOSAL TO PERFORM COUNTY FINANCIAL STATEMENT

Jennifer S. Maghan, County Clerk appeared before the Commission to recommend that the Commission hire Paul Shroyer to prepare the County Financial Statement. Ms. Maghan informed the Commission that the Financial Statement is due October 11, 2006.

After discussion, motion by Surkamp, second by Manuel to approve \$4,200 plus \$60 additional per hour and to allocate this money for the Financial Statement. Amended motion by Morgan, second by Manuel to approve \$4,200 plus additional \$60 per hour and to accept the proposal from Paul Shroyer. Motion carried.

In re: BRANDON SIMS - LEGAL UPDATE AND REPORT

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission to give an update and report on legal matters. Ms. Sims discussed insurance for volunteers appointed to Boards, Commissions and Authorities. She informed the Commission that insurance would not be an option.

Motion by Tabb, second by Morgan to enter into Executive Session with legal counsel pursuant to *Peters vs. Wood County Commission*. Motion carried

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

Motion by Manuel, second by Tabb to ask Brandon Sims, Assistant Prosecuting Attorney to check into legislative fixes for providing legal counsel to appointed volunteers. Motion carried.

In re: JEFFERSON COUNTY VEHICLE RENTAL POLICY

Motion by Manuel, second by Corliss to approve the following Jefferson County Vehicle Rental Policy. Motion carried.

**Jefferson County Commission
Vehicle Rental Policy
August 31, 2006**

The use of a rental vehicle when traveling on official business for Jefferson County should only be used when absolutely necessary and when use of the rental vehicle is the most economical mode of transportation.

The following shall be adhered to when renting a vehicle for official Jefferson County business:

- All rentals shall be at the most economical rate per day.

- The least costly rental vehicle suited to the trip is to be used, taking into account the number of passengers, luggage, equipment, etc. (1-2 people - intermediate size or below, 3-4 people - full size or below).
- Vehicles shall only be rented for the specific time needed for official County business and shall not be used for personal use.
- The County will not pay for the use of a rental vehicle to accommodate family members or non County business associates traveling with the elected official, employee or appointee.
- All authorized drivers must be listed on the vehicle rental agreement.
- Mileage is not reimbursable for rental vehicles. Direct cost of gasoline is reimbursable.

Adopted: August 31, 2006

/s/

Gregory A. Corliss
 President
 Jefferson County Commission

In re: APPROVAL OF EMPLOYMENT - MS. TERRI MEHLING - FULL-TIME ADDRESSING SPECIALIST

Motion by Surkamp, second by Tabb to approve the full-time employment of Terri Mehling as an Addressing Specialist. Motion carried.

In re: BEGIN DISCUSSION OF AMBULANCE FEE IN PREPARATION FOR NEXT YEAR'S AMBULANCE AUTHORITY ALLOCATION

Commissioner Manuel discussed the ambulance fee and said that the Commission needs to prepare for next year's Ambulance Authority Allocation. The Commission agreed to prepare a time table to discuss the Ambulance Fee and to wait for a resolution.

In re: ELECTION PROCEDURES COMMENTS & QUESTIONS TO SEND TO SECRETARY OF STATE'S OFFICE

Commissioner Tabb discussed the meeting with Secretary of State Betty Ireland and suggested the Commission start a list of comments and questions and put them in writing and email them to the Secretary of State.

The Commission discussed the General Election and Commissioner Corliss recommends a work session with the County Clerk and to have a walk through so the Commission will be informed on how the evening of the General Election will be handled.

In re: FARMLAND PROTECTION BOARD - SURETY BOND

Motion by Corliss, second by Tabb to approve the Surety Bond in the amount of \$3,000,000.00 for the Farmland Protection Board. Motion carried.

In re: COUNTY ADMINISTRATOR

Leslie D. Smith, County Administrator reported on the following:

- Planning Commission appointment on September 7, 2006.
- Correspondence received from the City of Charles Town regarding funding request for the Jefferson County Ambulance Authority.
- Correspondence received from Harpers Ferry Mayor Jim Addy concerning joint planning.

In re: COUNTY COMMISSION REPORTS

Commissioner Tabb reported on the Farmland Protection Board meeting she attended.

Commissioner Manuel reported on the Eastern Panhandle Home Consortium of West Virginia meeting he attended.

Commissioner Surkamp reported on the lunch held at NCTC.

Commissioner Surkamp reported on the Council of Governments meeting he attended.

Commissioner Surkamp reported on the Infrastructure and Jobs Development Council meeting he attended.

Commissioner Morgan reported on the Leadership Conference in Charleston, WV that he attended.

The Commission received the following information:

Reminder that the Courthouse will be closed on Monday, September 4, 2006 in observance of Labor Day.

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

Acceptance of bond for Flowing Springs, LLC/Cambridge Manufactured Home Development in the amount of \$68,118.70.

Copy of correspondence sent to the Department of Health and Human Resources from the County Commission of Berkeley County concerning the LCS North Mountain Landfill received.

Copy of correspondence sent to the West Virginia Department of Environmental Protection from the Department of Health and Human Resources concerning the LCS North Mountain Landfill received.

Correspondence received from the Charles Town Chaplaincy Services concerning their budget allocation.

Copy of a letter of appreciation sent to the County Commissioners' Association from the Kanawha County Commission received.

Correspondence received from Jeff, Kathy & Leah Widmeyer concerning a pool at Sam Michaels Park.

Correspondence received from Stephen and Sandra Kinnaman concerning a pool at Sam Michaels Park.

Correspondence received from Michele & Danny Devine concerning a pool at Sam Michaels Park.

Correspondence received from Larry Woodfell, Office of the State Auditor, concerning the Report on Applying Agreed-Upon Procedures of the Jefferson County Magistrate Court.

Invitation received from Berkeley County Central Dispatch to attend an Open House Celebration on Monday, September 11, 2006, from 4:00 p.m. - 8:00 p.m.

Correspondence received from the Courthouse Facilities Improvement Authority concerning the acceptance of applications for the most recent cycle of courthouse improvements.

Correspondence received from the City of Charles Town concerning the funding request from the Jefferson County Ambulance Authority.

Correspondence received from Harpers Ferry Mayor Jim Addy concerning joint planning.

Notice received of the Governor's Conference on Housing on September 27-29, 2006, at the Charleston Civic Center.

Notice received of a Webcast: How to Start a Sustainable Tourism Program on September 21, 2006.

Memorandum received from Sheriff Boober concerning County investments.

Information received from the Association of Counties concerning important information from Brickstreet on first reporting of injuries.

Draft agenda received for the Local Government Committee Shenandoah Valley Air Quality Initiative on September 11, 2006.

Correspondence received from the County Commissioners' Association concerning cooperation on regional jail issues.

Correspondence received from the County Commissioners' Association concerning a report from the Sub-Committee on Property Taxes & Local Finance.

Newsletter for the Summer 2006 received from the City of Charles Town.

Notices received from Loudoun County of public hearings on Monday, August 28, 2006 and Tuesday, September 12, 2006.

Stage Whispers newsletter received from the Old Opera House.

PanTran meeting minutes received.

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