

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, October 12, 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 Manuel, second by Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, October 5, 2006, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Manuel to approve the following Purchase Orders for the Week of October 10, 2006, totaling \$88,368.66: 42878, 43110, 43111, 42937, 43179, 43334, 42732, 42734, 43297, 43082, 43084, 43085, 43299, 43300 and 43301. 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 BUILDING COMMISSION

No action was taken on this agenda item.

In re: LEGISLATIVE ISSUES

Commissioner Manuel commented on upcoming Legislative Issues. Commissioner Surkamp commented on the four important legislative issues that should be discussed during the Legislative Session: Annexation, Fire and EMS combined, Tax Reform, and protection for appointed board members. The Commission agreed to discuss this again next week.

In re: BONDING

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Morgan to approve the complete bond release of a cash in escrow account for the Diocese of Wheeling-Charleston - PC File #S04-07 in the amount of \$42,066.00. Motion carried.

In re: REPORT FROM DPZE AND LEGAL STAFF ON CLARKE COUNTY BLASTING SURVEY ORDINANCE

Commissioner Surkamp asked Mr. Raco how to proceed on the Clarke County Blasting Survey Ordinance. The Commission is waiting for a report from legal staff.

In re: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION AND DIRECTION STAFFING OF SUBDIVISION REGULATION PROCEDURES BY PLANNING, ZONING & ENGINEERING AND PROSECUTING ATTORNEY

Motion by Surkamp, second by Morgan to direct Kendig Keast to prepare a document and to also direct the DPZE to prepare a document separate from Kendig Keast for Jefferson County Commission to review. Motion by Manuel to amend the motion to reflect that there will be open dialog with DPZE and Kendig Keast and a side by side report. After further discussion, Commissioner Manuel withdrew his motion.

Motion by Manuel, second by Tabb to table this matter until next week and to have Commissioner Surkamp put his motion in writing so the Commission may read his motion. Motion passed by a 3-2 vote. Commissioners Morgan and Surkamp voted no.

In re: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION AND DIRECTION REQUEST FOR MUNICIPALITIES TO MEET WITH KENDIG KEAST TO PROVIDE ZONING ORDINANCE INPUT/RECOMMENDATIONS

The Commission agreed to hold over this matter and discuss later towards the end of the agenda.

In re: ROGER ETHIER - ENGINEERS WITHOUT BORDERS - CONCEPT OF EXPERIMENTAL OUTDOOR EDUCATION CENTER FOR WEST VIRGINIA

Roger Ethier appeared before the Commission to seek endorsement of the Concept of an Experiential Outdoor Education Center for West Virginia. Mr. Ethier reported that within this County an Outdoor Education Center for students of West Virginia is needed and he is seeking unanimous endorsement of the concept only.

After discussion, motion by Surkamp, second by Manuel to endorse the concept with removal of the location under the Implementation section and to recommend that a 5 year business plan be prepared, work with other agencies to seek sponsors and to program curriculum with the West Virginia Department of Education System. Motion carried unanimously. The Commission agreed to send a copy of the letter to Senator Byrd and to send a copy of the minutes to Mr. Ethier.

In re: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION AND DIRECTION REQUEST FOR MUNICIPALITIES TO MEET WITH KENDIG KEAST TO PROVIDE ZONING ORDINANCE INPUT/RECOMMENDATIONS

Motion by Manuel, second by Morgan to send a letter to the Municipalities asking them to schedule a meeting with Kendig Keast on their next visit and to ask the Municipalities for recommendations. Motion carried.

In re: APPROVAL OF GRANT AWARD DOCUMENTS - HOMELAND SECURITY SUB-GRANT IN THE AMOUNT OF \$205,000

The Commission discussed the requirement to be NIMS compliant in order to receive the funds for this grant. The Commission agreed to complete what was required in order to become NIMS compliant.

In re: QUARTERLY FIDUCIARY REVIEW

The time of the Commission was taken up this day with examination of sundry fiduciary accounts.

Motion by Morgan, second by Tabb to accept all fiduciary accounts presented. Motion carried.

In re: MEETING DAY FOR THANKSGIVING WEEK

Motion by Tabb, second by Manuel to cancel the County Commission meeting for the week of November 20, 2006. Motion carried.

In re: SMALL BUSINESS DEVELOPMENT CENTER - RESOLUTION IN HONOR OF 20TH ANNIVERSARY

Motion by Tabb, second by Manuel to adopt the following Resolution: Motion carried.

**County Commission of Jefferson County
Small Business Development Center Resolution**

Whereas, the Small Business Development Center is funded by the United States Small Business Administration, the West Virginia Development Office and the Blue Ridge Community and Technical College and;

Whereas, during the past twenty years, the Small Business Development Center has served Jefferson County with professional consulting services and quality training opportunities and;

Whereas, the Small Business Development Center has supported many entrepreneurial endeavors which benefit the entire county,

Therefore Be It Resolved, the County Commission of Jefferson County recognizes and celebrates the Small Business Development Center twenty year tradition of service to our business community.

October 12, 2006

County Commission of Jefferson County:

In re: ADOPTION OF RESOLUTION CELEBRATING THE 100TH BIRTHDAY OF FANNIE ISABEL ROMAN HAZELTON

Motion by Manuel, second by Morgan to adopt the following Resolution: Motion carried.

**County Commission of Jefferson County
Resolution
Fannie Isabel Roman Hazelton**

Whereas, Fannie Isabel Roman Hazelton was born at home in Jefferson County one hundred years ago on October 6th, 1906, to Daniel and Harriet West Carey; and

Whereas, Fannie Isabel Roman Hazelton was a devoted wife to her husband George and a loving and caring mother to her son Charles and was also the care provider for several of her siblings, nieces, and nephews; and

Whereas, Fannie Isabel Roman Hazelton founded the Jolly 15 Social Club in Kearneysville which remains active over fifty years later; and

Whereas, Fannie Isabel Roman Hazelton faithfully attends the St. Paul Baptist Church in Kearneysville where her lifelong dedication to her faith and caring attitude earned her the title of “Mother of the Church”; and

Whereas, Fannie Isabel Roman Hazelton is a very grateful and caring person who has recognized even the smallest good deeds in her community with cards and letters to her neighbors and is the pride of her family and friends.

Therefore, the members of the County Commission do hereby proclaim Fannie Isabel Roman Hazelton to be an extra ordinary valued member of her community and the County of Jefferson and further recognize her selfless devotion to others as a trait we acknowledge and revere.

October 12, 2006

County Commission of Jefferson County:

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

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

Jennifer S. Maghan, County Clerk appeared before the Commission and reported on the upcoming General Election.

Ms. Maghan also informed the Commission that Edison/Mitofsky has been commissioned on behalf of the National Election Pool to analyze voter behavior, as well as to examine public opinions on the issues important to voters of West Virginia. Exit Poll as part of their survey, an interview will be stationed at Precinct 34 – Shepherdstown Elementary School and Vote Collection will collect individual precinct results after polls close for Precincts 21A – Blue Ridge Elementary School A-K and Precinct 34 – Shepherdstown Elementary School. The State's Elections Office is aware of this survey and have been in direct contact with the Manager of Elections, Jason Williams. The survey is a non-partisan study and voters will be asked to participate only after they have voted. They will not be pressured to participate.

Ms. Maghan reported that the State Auditor would be visiting on Monday October 16, 2006 through Wednesday, October 18, 2006.

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In re: REQUEST FOR REZONING - LAST CHANCE USED CARS

Motion by Tabb, second by Morgan to send a letter to legal staff to review the request for Rezoning – Last Chance Used Cars and see how to handle this matter and to see when the clock started ticking? Motion carried.

Commissioner Corliss discussed the information item regarding the Notice received from the West Virginia Urban-Rural Evacuation Regional Briefing on October 25-26, 2006. Commissioner Surkamp volunteered to go and the Commission approved.

Commissioner Surkamp discussed the letter that was received from the Mayor of Shepherdstown regarding sewer and the Commission agreed to bring up that matter at the Council of Government Meeting.

The County Administrator reported on the informational item regarding Office Space that was offered.

Commissioner Tabb discussed the Leadership Jefferson County.

In re: PUBLIC COMMENT

No public comment was received.

In re: COUNTY COMMISSION REPORTS

Commissioner Surkamp reported on the Mountain Water System interviews.

Commissioner Surkamp reported on the Jefferson County Fire and Rescue Association meeting he attended.

Commissioner Morgan discussed the parking lot issues. The Commission agreed to get estimates on gates for the parking lot.

Commissioner Morgan reported on the Mountain Water System interviews.

Commissioner Manuel reported on the Leadership Jefferson County LUNCHEON.

Commissioner Manuel reported on the Green Infrastructure Presentation.
Commissioner Manuel reported on the interviews for the Annex Building proposals.

In re: BRANDY SIMS – LEGAL UPDATE AND REPORT

Brandy Sims, Assistant Prosecuting Attorney, appeared before the Commission to give a legal update and report. Ms. Sims reported on the Clarke County Blasting Survey Ordinance.
Ms. Sims updated the Commission on the Property Safety ruling in Circuit Court.

In re: COUNTY COMMISSION WORKSHOP – COX HOLLIDA

The County Commission held a workshop with Cox Hollida to discuss the 2004-2005 Audit and the \$6,000 payroll mistake from May, 2006.

In re: COUNTY COMMISSION WORKSHOP – SHEILA BIRNBACH MANAGEMENT CONSULT

The Commission held a workshop with Sheila Birnbach to discuss the Management Study and to give a progress report.

The Commission received the following information:

Memorandums received from the Department of Impact Fees concerning transfer of funds.

Memorandum received from the Circuit Clerk concerning Courtroom needs.

Response received from the Secretary of State's office concerning election-related questions.

Correspondence received from the Division of Highways concerning proposed projects.

Notice received of the West Virginia Urban-Rural Evacuation Regional Briefing on October 25-26, 2006.

Correspondence received from Joe Hankins concerning the PSD's Flowing Springs IJDC approval.

Notice received of a Special Meeting of the Jefferson County Public Service District on Monday, November 6, 2006, at 6:00 p.m.

Water Policy Committee Meeting schedule and information received.

Notice received of the 63rd Annual Christmas Parade on December 2, 2006.

Public Notice of change in rates received from Allegheny Power.

Notice received of an Eastern Panhandle Economic Outlook Conference on Tuesday, October 24, 2006.

Copy of newspaper article received concerning Hampshire County's plans to restructure.

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

Notice received of the next meetings of the Home Consortium on November 6, 2006 and November 13, 2006.

Correspondence received from the Rector Companies concerning office space.

Notice received from RLS & Associates, Inc. of a kick-off meeting to prepare a comprehensive coordinated public transit-human service transportation plan on October 17, 2006.

Invitation received from Brickstreet Insurance to attend the annual meeting of members of West Virginia Employers' Mutual Insurance Company d.b.a. Brickstreet Mutual Insurance Company on October 30, 2006.

2006 Annual Report received from Interfaith Housing Alliance, Inc.

Notice of a public hearing on a comprehensive plan amendment received from Loudoun County.

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

GREGORY A. CORLISS, COMMISSION PRESIDENT