

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 Old Charles Town Library ground floor meeting room thereof on Thursday, November 2, 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 Morgan, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, October 26, 2006, and to approve the Minutes as prepared. Motion carried.

Motion by Manuel, second by Tabb to approve the amendments of the Minutes for the meetings held on Thursday, October 12, 2006 and October 19, 2006. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by Tabb to approve the following Purchase Orders for the Week of October 30, 2006, totaling \$12,674.08: 43363, 43128, 43366, 43376, 43378, 43328, 42735, 43315, 41064, 41065, 43362, 43209, 41066, 41068, 43246 and 42847. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by Surkamp, second by Manuel to approve the list of the Accounts Payable dated November 2, 2006 as presented by the County Clerk and reviewed by the County Commission. Motion carried.

DEPT	Check Number	Vendor Name	PO #	W/ PO#	W/O PO#	Amount
700/SHRF	50651	AUTO ZONE			\$ 57.99	\$ 57.99
CONTRBT N	50652	BOLIVAR/HARPERS FERRY PUB LIBRARY			\$ 2,750.00	\$ 2,750.00
700/SHRF	50653	BUREAU FOR CHILD SUPPORT			\$ 72.00	\$ 72.00
425/OB	50654	BK OFFICE	43311	\$ 757.85		\$ 757.85
700/SHRF	50655	BUREAU/CHILD SUPPORT			\$ 62.31	\$ 62.31
401/COM	50656	CO. COMMISSIONERS ASSOC.			\$ 100.00	\$ 100.00
425/OB	50657	CRAWFORD ELECTRONICS	43314	\$ 382.82		\$ 382.82
425/OB	50658	OLD C.T LIBRARY			\$ 1,500.00	\$ 1,500.00

405/PA	50659	CHILD SUPPORT ENFORCEMENT			\$ 23.07	\$ 23.07
401/COM	50660	CACAPON RESORT STATE PARK			\$ 77.00	\$ 77.00
425/OB	50661	DODSON PLUMBING & HEATING	43310	\$ 128.40		\$ 128.40
412/AG	50662	SHANNA NICODEMUS			\$ 1,031.47	\$ 1,031.47
712/911	50663	NANCY DOPSON			\$ 6.06	\$ 6.06
700/SHRF	50664	EQUITABLE			\$ 15.00	\$ 15.00
424/CTHS	50665	FRONTIER			\$ 941.33	\$ 941.33
412/AG	50666	FRONTIER			\$ 35.53	\$ 35.53
404/TAX	50667	J&S BUSINESS FORMS	42845	\$1,247.67		\$ 1,247.67
INSURANCE	50668	GUARDIAN INSURANCE			\$ 60,212.51	\$ 60,212.51
INSURANCE	50668	GUARDIAN INSURANCE			\$ 31,584.24	\$ 31,584.24
INSURANCE	50668	GUARDIAN INSURANCE			\$ 1,618.38	\$ 1,618.38
INSURANCE	50668	GUARDIAN INSURANCE			\$ 677.15	\$ 677.15
INSURANCE	50668	GUARDIAN INSURANCE			\$ 5,838.37	\$ 5,838.37
405/PA	50669	STEVE GROH			\$ 37.85	\$ 37.85
401/COM	50670	GB ASSOCIATES			\$ 4,250.00	\$ 4,250.00
439/PZ	50671	CC	43208	\$ 355.00		\$ 355.00
401/COM	50672	KON			\$ 225.00	\$ 225.00
OTHER	50673	NG			\$ 165.00	\$ 165.00
413/ELE	50674	JEFFERSON PUBLISHING	43379	\$ 10.68		\$ 10.68
401/COM	50674	JEFFERSON PUBLISHING			\$ 1,298.72	\$ 1,298.72
712/911	50674	JEFFERSON PUBLISHING	43327	\$ 28.80		\$ 28.80
OTHER	50675	JEFFERSON SECURITY BANK			\$ 4,885.00	\$ 4,885.00
405/PA	50676	KENNEDY PSYCHOLOGICAL	43088	\$1,600.00		\$ 1,600.00
ALL DEPTS	50677	COMPTROLLER OF MD			\$ 1,829.64	\$ 1,829.64

DEPT	Check Number	Vendor Name	PO #	W/ PO#	W/O PO#	Amount
430/HLS	50678	BARBARA MILLER			\$ 83.93	\$ 83.93
ALL DEPTS	50679	NATIONWIDE RETIREMENT			\$ 788.21	\$ 788.21
402/CCLK	50680	PIFER	43119	\$ 168.80		\$ 168.80
403/CIR CLK	50680	PIFER	43013	\$ 3.45		\$ 3.45
425/OB	50681	REIDS ELEVATOR SERVICE	42713	\$ 196.50		\$ 196.50
CONTRBT N	50682	SHEPHERDSTOWN PUB LIBRARY			\$ 2,750.00	\$ 2,750.00
ALL DEPTS	50683	STATE DEPT TAX & REVENUE			\$ 18,965.43	\$ 18,965.43
ALL DEPTS	50683	STATE DEPT TAX & REVENUE			\$ 19.20	\$ 19.20
CONTRBT N	50684	S.JEFFERSON/SUMMIT POINT LIBRARY			\$ 2,750.00	\$ 2,750.00
ALL DEPTS	50685	SHERIFF OF JEFFERSON CO			\$ 31,426.18	\$ 31,426.18
ALL DEPTS	50685	SHERIFF OF JEFFERSON CO			\$ 13.40	\$ 13.40
ALL DEPTS	50685	SHERIFF OF JEFFERSON CO			\$ 7,349.68	\$ 7,349.68

ALL DEPTS	50685	SHERIFF OF JEFFERSON CO			\$ 3.14	\$ 3.14
ALL DEPTS	50686	SHERIFF OF JEFFERSON CO			\$ 27,569.55	\$ 27,569.55
ALL DEPTS	50687	WV PUBLIC EMPOLYEEES RETIREMENT			\$ 7,755.50	\$ 7,755.50
ALL DEPTS	50688	WV PUBLIC EMPOLYEEES RETIREMENT			\$ 9,580.31	\$ 9,580.31
700/SHRF	50689	STEWART'S MEN'S WEAR	43248	\$ 84.00		\$ 84.00
711/EMER G	50690	JS CELLULAR			\$ 147.52	\$ 147.52
439/PZ	50690	JS CELLULAR			\$ 135.37	\$ 135.37
439/PZ	50691	VALIC			\$ 100.00	\$ 100.00
405/PA	50692	WEST PAYMENT CENTER	43089	\$1,033.00		\$ 1,033.00
425/OB	50693	WM WASTE MANAGEMENT			\$ 169.68	\$ 169.68
716/AC	50693	WM WASTE MANAGEMENT			\$ 79.58	\$ 79.58
425/OB	50693	WM WASTE MANAGEMENT			\$ 231.35	\$ 231.35
700/SHRF	50694	WV DIVISION OF HIGHWAYS	43247	\$ 32.14		\$ 32.14
ALL DEPTS	50695	WV PUBLIC EMPOLYEEES RETIREMENT			\$ 18,621.05	\$ 18,621.05
ALL DEPTS	50696	WV PUBLIC EMPOLYEEES RETIREMENT			\$ 43,449.32	\$ 43,449.32
439/PZ	50697	DONALD E. WALKER			\$ 150.00	\$ 150.00
	Totals				\$6,029.11	\$291,432.02
	Grand Total					\$297,461.13

DEPT	NAME	DEPT AMTS
401/COM	CO. COMMISSION	\$ 5,950.72
402/CCLK	CO. CLERK	\$ 168.80
403/CIR CLK	CIRCUIT CLERK	\$ 3.45
404/TAX	TAX OFFICE	\$ 1,247.67
405/PA	PROS ATTY	\$ 2,693.92
406/ASSR	ASSESSORS	\$ 0.00
412/AG	AG AGT	\$ 1,067.00
413/ELE	ELECTION	\$ 10.68
424/CTHS	COURT HOUSE	\$ 941.33
425/OB	OTHER BUILDING	\$ 3,366.60
430/HLS	HOMELAND SEC	\$ 83.93
439/PZ	PLANNING ZONING	\$ 740.37
700/SHRF	SHERIFF DEPT	\$ 323.44
711/EMER G	EMERG SVC	\$ 147.52
712/911	911 COMMUNICATION	\$ 34.86
716/A/C	ANIMAL CONTROL	\$ 79.58
ALL DEPTS	ALL DEPTS	\$167,370.61
CONTRBT N	CONTRIBUTIONS	\$ 8,250.00
OTHER	OTHER	\$ 5,050.00

INSURAN					
CE		INSURANCE			\$ 99,930.65
DEPT		TOTALS			\$297,461.13

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 BUILDING COMMISSION

No action was taken on this item.

In re: LEGISLATIVE ISSUES

Commissioner Manuel reported on a meeting that the Governor had regarding Tax Reform. He informed the Commission that there will be a Special Session on November 9, 2006. Commissioner Manuel informed the Commission that he will make available the document the Governor handed out.

In re: BONDING AND ACTIVITY REPORT

Upon recommendation from Paul Raco, Executive Director of Planning, Zoning and Engineering, motion by Tabb second by Manuel to approve the complete bond release of an Irrevocable Letter of Credit for Gary L. Patrick/Avalanche Services in the amount of \$3,795.00. Motion carried.

Mr. Raco informed the Commission that there would be a Staff Review on Friday, November 3, 2006 at 10:00 a.m.

Commissioner Surkamp asked Mr. Raco what happens between the CIS Phase and the Final Plat?

In re: PUBLIC COMMENT

Nancy Lutz suggested workshops for public comment regarding changes in the Ordinance Rewrites.

In re: BONDING EXTENSIONS/FORECLOSURES

Paul Raco, Executive Director of Planning, Zoning and Engineering appeared before the Commission to report on construction and bonding status on the following:

- ▶ Motion by Morgan, second by Manuel to extend the bond in the amount of \$155,398 for Bradstone Casting Plant for six (6) months. Motion carried.
- ▶ Motion by Surkamp, second by Tabb to approve a partial release bond in the amount of \$250,000 for Summit View Estates Subdivision and to extend the bond for six (6) months with the county to retain \$250,000. Motion carried.
- ▶ Motion by Tabb, second by Corliss to extend the bond in the amount of \$38,120 for Smith Mountainview Estates Subdivision for six (6) months. Motion carried.
- ▶ Motion by Morgan, second by Tabb to extend the bond in the amount of \$182,078 for Maddex Farm Subdivision - Phase 1 (Lots 75-112, 184) for six (6) months. Motion carried.
- ▶ Motion by Manuel, second by Corliss to extend the bond in the amount of \$17,648 for Haywood Acres Subdivision for six (6) months. Motion carried.

- ▶ **Motion by Surkamp, second by Corliss to extend the bond in the amount of \$250,387 for Gap View Subdivision - Phase 2 for six (6) months and to include the changes received from the letter received from Craig Foster. Motion carried. For the record, Darren Dohata, Representative from Dan Ryan Builders' was present and made comments regarding the Gap View HOA letter asking that the two rear trails (1 on Gen. McClellan and 1 on Gen. Pryor) along with the 23 car parking lot at the Meadows Circle not be installed and the existing train on Gen. McClellan be removed and replaced with top soil and sod.**
- ▶ **Motion by Surkamp, second by Tabb to extend the bond in the amount of \$163,750 for Colonial Hills Subdivision - Phase 1. Motion carried. Commissioner Surkamp commented that Ryan Haggerty, homeowner of Colonial Hills Subdivision is still not satisfied.**
- ▶ **Motion by Tabb, second by Manuel to extend the bond in the amount of \$20,630 for Meadowbrook Subdivision Lots 1-45 for six (6) months. Motion carried.**
- ▶ **Motion by Morgan, second by Manuel to extend the bond in the amount of \$17,820 for Charles Town Self Storage - Phase 1 for six (6) months and to increase the bond to \$65,027 with a thirty (30) day supplement required. Motion carried.**
- ▶ **Motion by Manuel, second by Tabb to extend the bond in the amount of \$14,745 for Country Day School - Site Plan for six (6) months and to increase the bond to \$22,085 with a thirty (30) day supplement required. Motion carried.**
- ▶ **Motion by Tabb, second by Corliss to extend the bond in the amount of \$148,668 for Locust Hill Subdivision Lots 366-390 & 392-447 for six (6) months and to increase the bond to \$170,740 with a thirty (30) day supplement required. Motion carried.**
- ▶ **Motion by Morgan, second by Tabb to extend the bond in the amount of \$51,802 for Lot 4, Kramer Commercial Subdivision - Northstar Foundations Site Plan for six (6) months and to increase the bond to \$63,250 with a thirty (30) day supplement required. Motion carried.**
- ▶ **Motion by Manuel, second by Corliss to extend the bond in the amount of \$95,000 for Quail Ridge Subdivision - Lots 44-48 and 51-81 for six (6) months and to increase the bond to \$122,000 with a thirty (30) day supplement required. Motion carried.**
- ▶ **Motion by Morgan, second by Tabb to extend the bond in the amount of \$11,492 for Clear Field Subdivision for six (6) months and to increase the bond to \$53,275 with a thirty (30) day supplement required. Motion carried.**
- ▶ **Motion by Manuel, second by Tabb to extend the bond in the amount of \$5,750 for Ruby Tuesday Restaurant - Site Plan for six (6) months and to increase the bond to \$6,900 with a thirty (30) day supplement required. Motion carried.**
- ▶ **Motion by Tabb, second by Morgan to extend the bond in the amount of \$26,146 for H&W Office Building - Site Plan (Willow Springs Comm. Subdivision) for six (6) months and to increase the bond to \$35,375 with a thirty (30) day supplement required. Motion carried.**

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

Leslie Smith, County Administrator informed the Commission that Kendig Keast has incorporated changes in Chapters 1-3. Chapter 4 changes made but not incorporated. Chapters 5 & 6 are ready but not proofed in house.

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

Motion by Tabb, second by Morgan to approve the Grant Award Documents - Homeland Security Sub-Grant in the amount of \$205,000 and to authorize the President of the Commission to affix his signature to said documents. Motion carried.

In re: COURT FACILITIES - PROPOSED LEASE FOR 3,100 SQUARE FEET AT 201 NORTH GEORGE STREET

The Commission discussed the proposed lease for 3,100 square feet at 201 North George Street regarding Court facilities. After discussion, motion by Manuel, second by Surkamp to hold a workshop with the individuals most impacted on the courtroom space needs and determine their specific needs. Motion carried.

For the record, no action was taken on the proposed lease for 3,100 square feet at 201 North George Street.

In re: CHARLES TOWN ANNEXATION - LANGLETT PROPERTY

James B. Crawford appeared before the Commission regarding the Charles Town Annexation - Langlett Property. Motion by Manuel, second by Surkamp to defer the decision until the end of the agenda for Counsel to be present and to answer questions regarding the property being contiguous. Motion carried.

In re: INCOMPLETE FINANCIAL AUDIT OF COUNTY

No action was taken on this agenda item. The Commission agreed to place this matter on next week's agenda.

In re: ALL COUNTY COMMISSIONERS SEE ALL INVOICES

This matter was completed under In re: Approval of Accounts Payable.

In re: RESOLUTION FOR HAPPY RETREAT

No action was taken on this agenda item. The Commission agreed to place this matter on next week's agenda.

In re: DISCUSSION OF PROPERTY PURCHASE

No action was taken on this agenda item. The Commission agreed to place this matter on next week's agenda.

In re: APPOINTMENTS TO THE AMBULANCE AUTHORITY

Motion by Surkamp, second by Manuel to reappoint Pete Kelley to the Jefferson County Ambulance Authority for a three year term ending November 2, 2009. Motion carried.

In re: APPOINTMENT TO THE NORTH EASTERN REGIONAL EMS, INC.

Motion by Tabb, second by Surkamp to reappoint A.M.S. Morgan, III to the North Eastern Regional EMS, Inc. for a two year term ending October 31, 2008. Motion carried.

In re: REQUEST FOR USE OF COUNTY MEETING ROOM - JEFFERSON COUNTY SCHOOLS' ENGLISH AS A SECOND LANGUAGE PROGRAM

The Commission discussed the request received from the Jefferson County Schools to use the County Meeting room. The Commission agreed to decline use of the County Meeting Room but agreed to have the County Administrator work with the School Board to find another location.

In re: THE ATLANTIC GROUP - STATUS OF CONSULTING FOR JEFFERSON COUNTY

The Commission discussed the status of consulting for Jefferson County by The Atlantic Group and that the contract with Jefferson County was immediately terminated. Jeff Polczynski, Communications Director was present and briefed the Commission on the Contractors Board decision. No action was taken on this agenda item.

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 informed the Commission that as of today 1,632 voters have come in to vote. Ms. Maghan reminded the Commission of the Public test of the M650 Ballot Tabulating machine and the Unity Election Software today at 2pm. The Commission asked what their responsibilities would be for the certification of the Tabulating machine and Election software as well as Election night. Ms. Maghan informed the Commission that they are welcome to observe but that she would certify the equipment. The Commission asked that Brandy Sims, Legal Counsel check into the duties of the County Commission during elections.

Commissioner Tabb asked Ms. Maghan about the Financial Statement that was advertised. Ms. Maghan informed the Commission that she would like to have a Special Session later to discuss the Financial Statement.

Mike Thompson, Prosecuting Attorney and Sheriff Ed Boober appeared before the Commission to discuss the property located at 201 N. George Street. Mr. Thompson informed the Commission that the space is large enough and that the bathrooms are ADA compliant. The Sheriff said that the security would be accomplished.

In re: BRANDY SIMS - LEGAL UPDATE AND REPORT

Ms. Sims discussed the following items with the Commission:

- REQUEST FOR REZONING - LAST CHANCE USED CARS
- THE ATLANTIC GROUP - STATUS OF CONSULTING FOR JEFFERSON COUNTY
- SHENTEL AGREEMENT
- JAIL RENOVATION
- GRIEVANCE BOARD MEETING DISCUSSED
- PROPOSED AMENDED EMPLOYEE GUIDELINES POLICY

Motion by Surkamp to approve the Proposed Removal Ordinance as is. Motion failed due to the lack of a second.

Ms. Sims discussed her list of priorities that the Commission gave her.

Motion by Tabb, second by Morgan to enter into Executive Session to discuss future litigation issues - Peters vs. Wood County Commission. Motion carried.

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

In re: CHARLES TOWN ANNEXATION - LANGLETT PROPERTY

James B. Crawford appeared before the Commission regarding the Charles Town Annexation - Langlett Property.

Counsel informed the Commission that the property is contiguous. The maps had not been submitted to the Assessor's office for recording.

Motion by Morgan, second by Manuel to approve the following Order approving the Charles Town Annexation - Langlett Property with the conditions as the previous annexation. Motion carried.

ENTER ORDER HERE

In re: DISCUSSION OF PROPERTY PURCHASE

The Commission agreed to place the item on next week's agenda.

In re: SET MID-NOVEMBER MEET RE COUNTY/MUNICIPALITY DISASTER PRIORITIES

Commissioner Surkamp requested that this item be placed on next week's agenda to discuss Westward Migration and future funding. The Commission agreed to place this item on next week's agenda and to include this item in the next Council of Governments meeting.

In re: MAKING DEPUTY DIRECTOR OES POSITION NIMS COMPLIANT

Motion by Surkamp, second by Corliss to appoint Barbara Miller as Director of Emergency Management in the absence of Darrell Penwell, current Director of Emergency Management. Motion carried.

In re: COUNTY ADMINISTRATOR

The County Administrator reminded the Commission that the agenda would close at noon on Monday, November 6, 2006. She reminded the Commission that the Courthouse would be closed Tuesday, November 7, 2006 for the General Election.

In re: COUNTY COMMISSION REPORTS

Commissioner Morgan reported on the Affordable Housing meeting he attended. Commissioner Tabb reported on the Quarterly Partnership meeting she attended. Commissioner Manuel reported on the Library Task Force meeting he attended. Commissioner Manuel reported on the Jefferson High School renovation Open House he attended.

Commissioner Manuel received a card of appreciation regarding the 100th Year Old Birthday of Fannie Isabel Roman Hazelton.

In re: COUNTY COMMISSION WORKSHOP

No workshop was held.

The Commission received the following information:

Notice received of Public Test of the Electronic Tabulation Equipment on November 2, 2006, at 2:00 p.m.

Information received from the City of Charles Town concerning the Gateway Revitalization Program.

Information received from the Potomac Tributary Strategy Implementation Committee on the Chesapeake Watershed Forum on November 17-19, 2006, at NCTC.

Invitation received to attend a groundbreaking ceremony at Roy Rogers Restaurant at Potomac Marketplace on Monday, November 6, 2006, at 11:00 a.m.

Correspondence received from the County Commission of Berkeley County rescheduling the County Commission Association Regional Meeting to Thursday, December 14, 2006, at 3:00 p.m.

Affidavit of Circulation received from the Spirit of Jefferson Newspaper.

Letter of appreciation received from the Harpers Ferry National Historical Park to Sheriff Boober for outstanding support from the Sheriff's Law Enforcement staff during a rally on October 14, 2006.

Various correspondence received concerning the LCS North Mountain Landfill.

Correspondence received from Lee Snyder concerning the Mountain Water System.

Information received from the Association of Counties concerning the Tax Modernization Project.

2007 State Holiday Calendar received from the Association of Counties.

Correspondence received from the County Commissioners' Association concerning regional jail costs.

Correspondence received concerning the Shenandoah-Opequon Critical Zone Observatory.

Notice received from the Department of Planning, Zoning and Engineering of a Subdivision Work Session on November 3, 2006.

Notice received of a public hearing before the Loudoun County Board of Supervisors on November 14, 2006.

Meeting minutes received from PanTran.

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

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

PRESIDENT