

**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 8, 2002, beginning at 10:00 o'clock a.m.**

**PRESENT: James K. Ruland, President;  
James G. Knode; Jane Tabb;  
Dean Hockensmith; Al Hooper; Commissioners**

**In re: DISPENSE WITH READING OF MINUTES**

**Motion by Tabb, second by Knode to dispense with the reading of the Minutes for the meeting held on Thursday, August 1, 2002, and to approve the Minutes as prepared. Motion carried.**

**In re: APPROVAL OF PURCHASE ORDERS**

**Motion by Knode, second by Hooper to approve the following Purchase Orders for the Week of August 5th, 2002, totaling \$2,656.89: 37778, 37595, 37774, 37959, 37960, 37466, 37713, and 37704. Motion carried.**

**In re: NOMINATION OF ELECTION BOARDS FOR NOVEMBER 5, 2002**

**Motion by Hockensmith, second by Tabb to approve the nomination of election boards for November 5, 2002. Motion carried.**

**In re: CORRESPONDENCE RECEIVED FROM CARL TRIBBLE, JR. REGARDING SUMMIT POINT RACEWAY**

**Motion by Knode, second by Tabb to authorize the Commission office to construct a letter in response to Mr. Tribble's letter, with a cover letter explaining that with the exception of the attached note from the Director of Planning, Zoning and Engineering and because of the possibility of legal proceedings, that the Commission has no further comment and all future correspondence regarding the Summit Point Raceway be directed to legal counsel.**

**In re: In re: EXONERATION**

**Upon recommendation from the Assessor, motion by Hockensmith, second by Tabb to approve the following exoneration because of erroneous assessment for the year 2002. Motion carried.**

NAME:	DISTRICT:	TYPE:	AMOUNT:	TICKET#:
Deborah Lewis	Charles Town	Personal Property	\$48.58	302770

In re: EXONERATION

Upon recommendation from the Assessor, motion by Hooper, second by Hockensmith, to approve the following exoneration because of erroneous assessment for the year 2002. Motion carried.

NAME:	DISTRICT:	TYPE:	AMOUNT:	TICKET#:
Lisa D. Reynolds	Charles Town	Personal Property	\$55.86	303710

In re: EXONERATION

Upon recommendation from the Assessor, motion by Tabb, second by Hockensmith, to approve the following exoneration because of erroneous assessment for the year 2002. Motion carried.

NAME:	DISTRICT:	TYPE:	AMOUNT:	TICKET#:
Sharon R. Yonetz	Kabletown	Personal Property	\$80.14	310420

In re: EXONERATION

Upon recommendation from the Assessor, motion by Hockensmith, second by Knode, to approve the following exoneration because of erroneous assessment for the year 2002. Motion carried.

NAME:	DISTRICT:	TYPE:	AMOUNT:	TICKET#:
Lee R. Steeley	Kabletown	Personal Property	\$2,690.66	310197

In re: EXONERATION

Upon recommendation from the Assessor, motion by Tabb, second by Knode, to approve the following exoneration because of erroneous assessment for the year 2002. Motion carried.

NAME:	DISTRICT:	TYPE:	AMOUNT:	TICKET#:
D. L. Peterson Trust	Ranson	Personal Property	\$231.34	313438

In re: EXONERATION

Upon recommendation from the Assessor, motion by Knode, second by Tabb, to approve the following exoneration because of erroneous assessment for the year 2002. Motion carried.

NAME:	DISTRICT:	TYPE:	AMOUNT:	TICKET#:
Etta M. Danner	Harper's Ferry	Personal Property	\$12.14	306475

In re: NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES

Upon presentation by the Assessor, motion by Hockensmith, second by Tabb, to approve a Notice of Apportionment of Jointly Owned Motor Vehicles filed by a certified copy of final divorce order entered under provisions of section fifteen, article 2 chapter forty-eight of the West Virginia Code, in the amount of \$177.28 for the following:

NAME:	WIFE/HUSBAND:	ASSESSED VALUE:	TAXES DUE:
Vicki Burdette	Wife	\$ 900.00	\$ 21.86
John Burdette Jr.	Husband	\$ 6,400.00	\$155.42

In re: NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES

Upon presentation by the Assessor, motion by Tabb, second by Hockensmith, to approve a Notice of Apportionment of Jointly Owned Motor Vehicles filed by a certified copy of final divorce order entered under provisions of section fifteen, article 2 chapter forty-eight of the West Virginia Code, in the amount of \$257.42 for the following:

NAME:	WIFE/HUSBAND:	ASSESSED VALUE:	TAXES DUE:
Pamela Winters	Wife	\$ 3,200.00	\$ 77.72
Scott Winters	Husband	\$ 6,300.00	\$153.00
Scott Winters	Husband	\$ 800.00	\$ 19.42
Scott Winters	Husband	\$ 300.00	\$ 7.28

**In re: DARRELL PENWELL/JEFF POLCZYNSKI - ADDRESSING/MAPPING UPDATE**  
Darrell Penwell and Jeff Polczynski appeared before the Commission to discuss addressing/mapping updates.

**In re: SCOTT COYLE - PLANNING COMMISSION PRESIDENT & STEVE BOCKMILLER - CHIEF PLANNER - REPORT ON ZONING AMENDMENT PUBLIC HEARING**  
Steve Bockmiller reported that the Planning Commission held a Zoning Amendment public hearing on August 6<sup>th</sup>, 2002, in accordance with the West Virginia Code article 8-24-47. Mary Francis Hockman commented against the reduction of points. Motion by Knode, second by Hooper, to implement the change from 60 points to 55 points to be effective August 8<sup>th</sup>, 2002 at the close of business. Motion passed by a vote of 4 to 1. Commissioner Hockensmith voted no.

**In re: ESTATE OF ASHLEY E. CAREY - PETITION TO COMPEL FINAL ACCOUNTING**  
Motion by Knode, second by Tabb to approve the attempt to obtain a final accounting be referred to the Fiduciary Commissioner, Ralph Lorenzetti under West Virginia Code section 44 - 4 - 8, and the Fiduciary Commissioner will then report back to the County Commission of his findings. Motion carried.

### **ORDER**

On the 8<sup>th</sup> day of August, 2002 appeared Ashley E. Carey, Petitioner, by and through counsel, David Layva, Layva Bittorf & Santa Barbara, P. L. L. C. And Robin L. Carey, Respondent, by and through James T. Kratovil before the County Commission pursuant to Notice sent on July 10<sup>th</sup>, 2002.

Upon discussion had by and between counsel for the parties with the County Commission and upon deliberations of the County Commission it is Ordered, Adjudged and Decreed that the Petition requesting an accounting be granted and that the matter be referred to Ralph Lorenzetti, Fiduciary Commissioner, pursuant to the provisions of West Virginia Code §44-4-1 *et. seq.*, and more particularly §44-4-8 and that process issued thereupon according to law and that Respondent be compelled to file a Final Accounting pursuant to the provisions of said West Virginia Code Sections.

**PRESIDENT OF THE JEFFERSON COUNTY COMMISSION:**

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**JAMES K. RULAND, PRESIDENT**

**In re: JAMES B. CRAWFORD, III - TOWN OF RANSON - CERTIFICATE OF ANNEXATION**

**James B. Crawford, III appeared before the Commission to present a Certificate of Annexation for the Town of Ranson. Motion by Hooper, second by Knode upon presentation from James B. Crawford, III on behalf of the City of Ranson, the Jefferson County Commission find that the provisions for the Oak Meadow Marcus Enterprises Properties Annexation by Petition as required in §8-6-3 and §8-6-4 of the West Virginia Code that the Certificate dated August 8th, 2002 as presented from the City of Ranson, and that the annexation meets said Code requirements and shall be recorded as provided by statute. Motion carried. For the record, Dave Mills, Administrator for the City of Ranson, was present for discussion.**

BEFORE THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE: ANNEXATION OF ADDITIONAL TERRITORY OF THE CITY OF RANSON  
PURSUANT TO WEST VIRGINIA CODE 8-6-4

ORDER

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

Annexation descriptions filed in the County Clerk's Office

It is, therefore, ORDERED, that such annexation to said corporate limits of Ranson be, and the same is hereby APPROVED and CONFIRMED, and the Clerk of this Court is directed to deliver to the said council of municipality of Ranson a certified copy of this Order as soon as practicable after the rising of this Court.

County Commission of Jefferson County  
By: James K. Ruland, President

**In re: JAMES B. CRAWFORD, III - TOWN OF RANSON - CERTIFICATE OF ANNEXATION**

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County Commission of Jefferson County  
By: James K. Ruland, President

**In re: LETTERS OF CREDIT EXPIRING**

**Paul Raco, Executive Director of Planning, Zoning and Engineering presented a list of Letters of Credit Expiring July 22, 2002. Motion by Knode, second by Tabb to schedule each developer to report in two weeks from August 8<sup>th</sup>, 2002 to give the option to explain why not to foreclose on the properties listed below, if no reason given the Commission will pursue foreclosure. Motion carried.**

**94-8 Locust Hill, Lots 149-167 & 217-238  
99-29 Briar Run Phase III  
96-32 Cambridge Manufactured Home Development**

**Scott Coyle submitted his resignation from the Planning Commission effective August 8<sup>th</sup>, 2002. The Commission acknowledged Mr. Coyle's resignation.**

The County Administrator reported on the correspondence received from the owners/tenants of the John Brown's Farm Subdivision, Fruit Hill Tract, located off Mission Road, Harper's Ferry District of Jefferson County, regarding Joanne Mulrooney's 45 dogs. This matter was being pursued by the Sheriff, Health Department and various other agencies.

The County Administrator reported on receiving letters regarding addressing.

Commissioner Hockensmith attended the State Auditor's training session.

Commissioner Hooper attended the Health Department meeting.

Commissioner Knode attended a Workforce meeting in Romney.

Commissioner Tabb attended the Farmland Protection Board meeting.

Commissioner Tabb reported that the Extension Service Committee approved hiring of a new 4-H agent Jeffrey Himes, to begin employment on September 1<sup>st</sup>, 2002.

Commissioner Tabb reported that Americorps was holding their picnic today August 8<sup>th</sup>, 2002. She commented that she will be visiting the National Conservation Training Center, historic walk through the Courthouse and then proceed to the Charles Town Racetrack.

Commissioner Ruland attended the Board meeting of the County Commissioner's Association.

Commissioner Ruland attended the State Auditor's training session.

Commissioner Ruland reported the legislative meeting of the County Commissioner's Association this fall will be held at the Clarion in Shepherdstown on the 29<sup>th</sup> and 30<sup>th</sup> of September and the 1<sup>st</sup> of October.

The Commission received the following information:

Correspondence received from David L. Woods regarding addressing for his home.

Correspondence from Carl Tribble, Jr. regarding Summit Point Raceway.

**Information received continued:**

**Petition received from the owners/tenants of the John Brown's Farm Subdivision, Fruit Hill Tract, Located off Mission Road, Harper's Ferry District of Jefferson County regarding Joanne Mulrooney's 45 dogs.**

**Correspondence received from Paul Raco, Executive Director of the Department of Planning, Zoning and Engineering, referencing the resignation of John "Jack" Berry, Building Inspector.**

**Article received from the West Virginia Ethics Reporter.**

**Minutes received from Potomac Headwaters RC&D Region, Inc.**

**Oath of office received from George Manning as a Special Deputy.**

**Oath of office received from Rebecca Willingham as a member of the Parks & Recreation Board.**

**Upon rising, the Commission recessed until Thursday morning next beginning at 10:00 o'clock a.m.**

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**PRESIDENT**