

**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, September 2, 2004, beginning at 10:00 o'clock a.m.

**PRESENT:** Al Hooper, President;  
James G. Knode; Rusty Morgan;  
Jane M. Tabb; Greg Corliss; Commissioners

**In re: PLEDGE OF ALLEGIANCE**

Commissioner Hooper conducted the Pledge of Allegiance.

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

Motion by Morgan, second by Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, August 26, 2004, and to approve the Minutes as prepared. Motion carried.

**In re: APPROVAL OF PURCHASE ORDERS**

Motion by Tabb, second by Morgan to approve the following Purchase Orders for the Week of August 23, 2004, totaling \$7,118.22: 40408, 40409, 40307, 40310, 40169, 40522, 40524, 40525, 40474 and 40480. Motion carried.

**In re: REQUEST FOR REFUND - SUNNYSIDE LIMITED PARTNERSHIP - MAP AMENDMENT - WHEATLAND ROAD**

James Huyett appeared before the Commission to request a refund for Sunnyside Limited Partnership regarding a map amendment for Wheatland Road. After discussion, Motion by Tabb, second by Morgan to grant the refund in the amount of \$2,000 for Sunnyside Limited Partnership. Motion carried.

**In re: COMPLETE BOND RELEASE - BC PARTNERS, LLC - #02-13**

Motion by Morgan, second by Tabb to approve the complete release of a Letter of Credit in the amount of \$133,259.75 for BC Partners, LLC - Breckenridge Subdivision - Section 1, Lots 167-221 & Lot A-Residue. Motion carried.

**In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD**

No applications were received for appointment to the Farmland Protection Board.

**In re: TN-1 VISA - ROGER HUNTER**

Roger Hunter appeared before the Commission to have an endorsement letter signed for issuance of his TN-1 Visa. After discussion, motion by Tabb, second by Knode to deny approval of signing an endorsement letter for an issuance of Roger Hunter's TN-1 Visa and that the Jefferson County Commission is the only body that is able to sign the issuance endorsement. Motion passed by a 3-2 vote. Commissioners Corliss and Morgan voted no.

Motion by Corliss, second by Morgan to have the Jefferson County Planning Commission provide the Commission a review of Roger Hunter's job performance to date and to recommend whether the Jefferson County Commission should sign the issuance endorsement for his TN-1 Visa and to return this information to the Commission as soon as practicable. Motion failed by a 2-3 vote. Commissioners Knode, Tabb and Hooper voted no.

**In re: COMMUNITY CENTER SITE PLAN - DEWBERRY**

The Commission discussed the Site Plan for the Community Center. Motion by Hooper, second by Morgan to accept the proposal presented by Dewberry. Amended motion by Hooper, second by Morgan to accept the proposal presented by Dewberry for the Community Center Site Plan with the changes discussed. Motion carried.

**In re: APPROVAL OF ELECTION WORKERS - NOVEMBER 2, 2004 GENERAL ELECTION**

Motion by Tabb, second by Knode to approve the election workers for the November 2, 2004 General Election, as submitted by the County Clerk. Motion carried.

**In re: MANAGEMENT REPRESENTATIVE LETTERS - AUDIT FOR FISCAL YEAR 2004**

Motion by Tabb, second by Morgan to authorize the President to affix his signature to the Management Representative letters for the Audit for Fiscal Year 2004. Motion carried.

**In re: APPROVAL OF ADDENDUM TO CONTRACT OF LEASE - BUREAU OF PUBLIC HEALTH**

Motion by Knode, second by Tabb to approve the addendum to contract of lease for the Bureau of Public Health and to change the two year contract to a one year contract and to change the contract to reflect that the Commission can also cancel the lease before the end of the lease year. Motion carried.

**In re: RESOLUTION - EMERGENCY MANAGEMENT PERFORMANCE GRANT**

Motion by Corliss, second by Tabb to approve the Resolution for the Emergency Management Performance Grant. Motion carried.

**In re: USE OF COUNTY COMMISSION COURTROOM FOR ELECTION**

Motion by Corliss, second by Tabb to approve the request to move the County Commission meetings to the Old Charles Town Library Meeting Room starting September 23, 2004 until November 4, 2004 so that the County Commission Courtroom be used for the General Election. Motion carried.

**In re: DISCUSSION - NEW AIR CONDITIONER FOR COURTROOM IN COURTHOUSE**

Motion by Corliss, second by Tabb to approve the purchase of a new air conditioner for the Courtroom in the Courthouse. Motion carried.

**In re: APPROVAL OF EMPLOYMENT**

Motion by Corliss, second by Tabb to approve the following employment: Motion carried.

Theresa Stahl - Full-time Public Safety Dispatcher II  
Scott Smiley - Full-time Addressing Specialist  
Beverly Gastgeb - Temporary Part-time Addressing Specialist  
Helen Dettmer - Temporary Part-time Addressing Specialist  
Sherry Palmer - Temporary Part-time Addressing Specialist  
Kraig Burk - Temporary Part-time Addressing Specialist

**In re: COUNTY ENGINEER POSITION**

Paul Raco and Roger Goodwin appeared before the Commission to discuss the County Engineer Position. After discussion, the Commission agreed to review the matter in two weeks and that Roger Goodwin, County Engineer will prepare a proposal for the hiring of a County Engineer including a wage comparison.

**In re: EXECUTIVE SESSION - CONTRACTUAL MATTERS**

Motion by Corliss, second by Tabb to enter into Executive Session with Mike Cassell to discuss Contractual Matters. Motion carried.

Motion by Corliss, second by Tabb to return to Regular Session. Motion carried. For the record, no action was taken.

Commissioner Morgan reported on the Solid Waste Authority meeting.

Commissioner Morgan reported on the Affordable Housing Committee meeting.

Commissioner Morgan discussed correspondence he received concerning the MARC train service.

Commissioner Morgan discussed commercial trucks parking along 340.

Commissioner Corliss requested that a workshop be held to discuss the Zoning Ordinance.

Commissioner Knode requested that the process for Rezoning be discussed at a workshop.

Commissioner Knode reported on the Region 9 Executive Committee meeting.

Commissioner Knode discussed the request that Hampshire County wants to increase their Commission from 3 to 5.

**The Commission received the following information:**

Reminder Courthouse is Closed Monday, September 6, 2004 - Labor Day.

Reminder of Appointments to be made to the Farmland Protection Board on September 9, 2004.

Reminder of an Appointment to be made to the Parks and Recreation Commission on September 16, 2004.

Report with comments received from the Planning and Zoning Commission concerning the LESA/Planning Bill Amendments to the Zoning and Development Review Ordinance.

Correspondence received from the Planning and Zoning Commission outlining their concerns about the LESA/Planning Bill Amendments to the Zoning and Development Review Ordinance.

Correspondence received from the Planning and Zoning Commission outlining their suggestions on changes needed to the existing Zoning and Development Review Ordinance from a technical viewpoint.

Correspondence received from the Executive Director of Planning, Zoning and Engineering concerning prior correspondence on traffic concerns.

Correspondence received from Robert Graf concerning appointment to the Eastern Panhandle Regional Planning and Development Council.

Correspondence received from Stephen S. Kappa concerning FY2005 Emergency Management Performance Grant Application.

Correspondence received from the Secretary of State concerning the 2004 General Election.

Public Service District meeting agenda received.

Ethics Reporter received for August 2004.

Notice received from the Chief Planner of a Subdivision Work Session on Friday, September 3, 2004.

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

Oaths of Office received from Neal D. Carpenter and Eugene Pearson.

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

---

PRESIDENT