

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, July 28, 2005, beginning at 9:30 o'clock a.m.

PRESENT: A.M.S. (Rusty) Morgan, III, President;
James Surkamp; Greg Corliss;
Dale Manuel; Jane M. Tabb; Commissioners

In re: PLEDGE OF ALLEGIANCE

Commissioner Morgan conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Corliss, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, July 14, 2005, and to approve the Minutes as amended. Motion carried.

Motion by Corliss, second by Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, July 21, 2005, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Corliss to approve the following Purchase Orders for the Week of July 24, 2005, totaling \$4,767.84: 41183, 41616, 41614, 41664, 41666, 41640 and 41251. Motion carried.

In re: EXONERATION

Upon recommendation from the Assessor, motion by Tabb, second by Manuel to approve the following Exoneration because of erroneous assessment for the year 2005. Motion carried.

NAME	DISTRICT	TYPE	AMOUNT	TICKET #
Jarom & Cynthia Olson	Charles Town	Real Estate	\$2,288.71	4836

In re: EXONERATION

Upon recommendation from the Assessor, motion by Tabb, second by Manuel to approve the following Exoneration because of erroneous assessment for the year 2005. Motion carried.

NAME	DISTRICT	TYPE	AMOUNT	TICKET #
Mary & Ricky Holder	Ranson Corp.	Personal Property	\$393.90	314031

In re: EXONERATION

Upon recommendation from the Assessor, motion by Manuel, second by Tabb to approve the following Exoneration because of erroneous assessment for the year 2005. Motion carried.

NAME	DISTRICT	TYPE	AMOUNT	TICKET #
Thomas & Patricia White	Shepherdstown	Personal Property	\$125.34	316838

In re: BUDGET REVISION - ASSESSOR'S OFFICE

Motion by Manuel, second by Corliss to appropriate \$8,389.61 in the Assessor's budget. Motion carried.

In re: BONDING

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Morgan to approve the complete release for BC Partners - Breckenridge Subdivision in the amount of \$51,650.00. Motion carried.

In re: PLANNING COMMISSION ACTIVITY REPORT

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

In re: PUBLIC COMMENT

No comments were given at this time.

In re: SHIRLEY FERGUSON - PROPERTY TAX QUESTIONS

Shirley Ferguson appeared before the Commission to ask questions regarding the large tax increase. For the record, after discussion, the Commission agreed to take the matter under advisement for review. The following were present and made comments:

Wayne Baumgardner	Jim McBride
Jenny Gardner	Mary Ellen Mahoney
Louise Propps	Steve Lawson
Donald Smith	Archie Smith
Russell Miller	Sheila Humpreys
Tim Simms	Charles Frentwall
Glenn Ramsburg	Bitty Smoot
Joyce McCright	Jim McCright
Sandy Johnson	Jade Spinks

Brenda Mumaw
Ann Dungan
Doug Rockwell

Mary Stocks
Gerald Dorsey

The Commission took a 5 minute break at 11:10 a.m.

In re: JAMES B. CRAWFORD, III - RANSON ANNEXATION

James B. Crawford, III, Attorney for the City of Ranson appeared before the Commission to tender an Annexation Order for a small parcel that was annexed into Ranson pursuant to its Ordinance dated May 17, 2005. Motion by Tabb, second by Manuel to accept the Annexation Order and have it recorded in the County Clerk's office. Motion failed by a 2-3 vote. Commissioners Morgan, Corliss and Surkamp voted no.

Motion by Corliss, second by Surkamp to send the Annexation Order to the Prosecuting Attorney for review and comment. Motion passed by a 3-2 vote. Commissioners Tabb and Manuel voted no. For the record, James B. Crawford, III wanted his exception noted.

In re: REQUEST APPROVAL OF EMPLOYMENT FOR BZA EMPLOYEE - JEFFERSON COUNTY BOARD OF ZONING APPEALS

Tiffany Hine, Chairperson of the Jefferson County Board of Zoning Appeals appeared before the Commission to request approval of employment of Debbie Dillow as a BZA employee. Motion by Manuel, second by Surkamp to approve the employment of Debbie Dillow. Motion carried.

Motion by Manuel, second by Tabb to have Leslie D. Smith, County Administrator as Supervisor for the new employee Debbie Dillow as the BZA employee for the administrative matters only. Motion carried.

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

Jennifer S. Maghan, County Clerk appeared before the Commission to discuss Maptitude for Redistricting. The Commission agreed to hold a workshop on September 7th, 2005 to see the program for the Maptitude for Redistricting.

In re: COUNTY CLERK - ELECTION EXPENSES

Motion by Morgan, second by Tabb to deny the reimbursement for expenses for the County Clerk for the delivery of lunches to the polling places. Motion passed by a 4-1. Commissioner Surkamp voted no.

In re: ESTATE OF BILLY WAYNE CARROLL - PETITION FOR REMOVAL OF ADMINISTRATORS - REQUEST FOR CONTINUANCE

Upon request of David P. Greenberg, Attorney-at-Law the Commission agreed to continue the Petition for Removal of Administrators for the Estate of Billy Wayne Carroll. For the record, Kay Jovanelly, Fiduciary Commissioner was present.

In re: **APPOINTMENT OF ALTERNATE MEMBERS TO THE BOARD OF ZONING APPEALS**
No action taken on this matter. The appointments are currently being re-advertised.

In re: **APPOINTMENT OF MUNICIPAL MEMBER TO THE MPO INTERSTATE COUNCIL**
Commissioner Corliss requested that this matter be placed on next week's agenda as Old Business.

In re: **DISCUSS LEASE BUY OPTION VERSUS BID BUILD ALTERNATIVE FOR PUBLIC SERVICE BUILDING**
The Commission discussed the lease buy option versus bid building alternative for the Public Service Building. No action was taken on this matter.

In re: **GENERAL FUND BUDGET REVISION**
Motion by Tabb, second by Manuel to approve the General Fund Budget Revision.
Motion by Surkamp to amend the motion to approve the General Fund Budget Revision with conditions that the Personnel in the Department of Planning, Zoning and Engineering office take the AIC exam and pass said exam. Amended motion failed due to a lack of a second.

Motion by Tabb, second by Manuel to approve the General Fund Budget Revision.
Motion carried.

Motion by Surkamp, second by Corliss to require personal in the Department of Planning, Zoning and Engineering take and pass the AIC exam and complete this by the end of the year. Commissioner Surkamp withdrew his motion after discussion.

The Commission agreed to refer this request to the Department of Planning, Zoning and Engineering and the Planning Commission for review and comment.

RESOLUTION

At a regular session of the Jefferson County Commission, held on the 28th day of July, 2005, the following Order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered.

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby direct that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, as shown on budget revision number 1, a copy of which is entered as part of this record.

The adoption of the foregoing Resolution having been moved by Tabb, and duly seconded by Manuel, the vote was as follows:

A.M.S. Morgan, III	<u>YES</u>
Jane M. Tabb	<u>YES</u>
Gregory Corliss	<u>YES</u>
Dale Manuel	<u>YES</u>
James Surkamp	<u>YES</u>

Whereupon, Commissioner Morgan declared said Resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said Resolution be, and the same is, hereby adopted as so stated above, and A.M.S. Morgan, III, President of the Jefferson County Commission, is authorized to affix his signature to the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

/s/
A.M.S. Morgan, III, President
Jefferson County Commission

In re: POLICY ON DISTRIBUTING DIGITAL GIS DATA

Motion by Corliss, second by Surkamp to approve the Policy on Distributing Digital GIS Data. Motion carried.

In re: R.A.J., CO. - TELECOMMUNICATIONS COST REDUCTION PROPOSAL

The Commission agreed to take no action on this matter.

In re: COMPREHENSIVE ECONOMIC DEVELOPMENT PLAN FOR REGION 9 PLANNING & DEVELOPMENT COUNCIL

Commissioner Tabb discussed the Comprehensive Economic Development Plan for Region 9 Planning & Development Council. Commissioner Tabb requested that Projects for Infrastructure Costs be submitted to Region 9 or Commissioner Tabb for possible funding.

In re: REGION 9 - EARLY ACTION COMPACT - AIR QUALITY PROGRAM AGREEMENT

Motion by Tabb, second by Corliss to approve the Region 9 Early Action Compact - Air Quality Agreement. Motion carried.

The Commission recessed at 12:30 p.m.

The Commission reconvened at 1:30 p.m.

In re: SHEILA BIRNBACH - MANAGEMENT CONSULTANT INTERVIEW

Sheila Birnbach appeared before the Commission for an interview to discuss the RFP for the Management Study. After discussion, the Commission agreed to hold a workshop on Friday, August 5, 2005 at 9:00 a.m. in the Conference Room to discuss the Management Study Proposal.

In re: TRANSFER STATION - DISCUSSION OF PROPERTY TRANSFER & LEASE/WASTE MANAGEMENT

The Commission discussed the Transfer Station, Property Transfer. After discussion, the Commission agreed to send the property survey back to Mike Shepp for review and have the Solid Waste Authority negotiate with Waste Management to possibly pave the road.

In re: BUILDING COMMISSION MEETING

The Commission agreed to hold a workshop on Friday, August 5, 2005 at 11:00 a.m. in the Conference Room to meet with the Building Commission to discuss the water system.

In re: LITIGATION DISCUSSION - PROSECUTING ATTORNEY'S OFFICE

Brandon C. H. Sims, Assistant Prosecuting Attorney, requested an Executive Session with the Commission to discuss litigation. Motion by Corliss, second by Manuel to enter into Executive Session. Motion carried.

Motion by Manuel, second by Tabb to return to Regular Session. Motion carried. For the record, Gregory K. Jones, Assistant Prosecuting Attorney was present. No action was taken.

In re: SEEK PUBLIC SERVICE COMMISSION LEGAL COUNSEL RE: RESERVING CAPACITY

Commissioner Surkamp discussed the matter seeking Public Service Commission legal counsel regarding reserving capacity. After discussion, the Commission agreed to draft a letter to the Public Service Commission about reserving capacity and to place this on next weeks agenda.

In re: EXECUTIVE SESSION - PERSONNEL MATTERS

Michael D. Thompson, Prosecuting Attorney, requested an Executive Session with the Commission to discuss personnel matter. Motion by Corliss, second by Tabb to enter into Executive Session. Motion carried.

Motion by Tabb, second by Manuel to return to Regular Session. Motion carried. For the record, Gregory K. Jones and Brandon C. H. Sims, Assistant Prosecuting Attorney was present. No action was taken.

In re: REQUEST COUNSEL - UTILITIES AND ZONING

Commissioner Surkamp discussed the request for counsel for utilities and zoning. Michael D. Thompson, Prosecuting Attorney was present for the discussion. No action was taken.

In re: ETHICS COMMISSION LETTERS INFORM APPOINTEES

Commissioner Surkamp discussed the Ethics Commission letter regarding the voting policy and conflicts of interest. The Commission agreed to send a fax to the West Virginia Ethics Commission asking for an official advisory opinion from the Ethics Committee on the following wording:

Effective immediately

Existing state rule for voting reads:

1. TITLE 158, LEGISLATIVE RULES, WEST VIRGINIA ETHICS COMMISSION, SERIES 9

"2.3. For a public official's or public employee's recusal to be effective, it is necessary for the official or employee to excuse himself from participating in the discussion and decision-making process by physically removing himself from the room during that period, fully disclose his interest, and recuse himself from voting on the issue."

2. AND. New county addition to the state rule:

"The recusal and the full disclosure the conflict shall be published in minutes of said meeting."

Tom Trumble commented on the parking during Board of Zoning Appeals meeting.

Commissioner Surkamp commented on the Board of Zoning Appeals minutes from last year.

Jeff Breese, member of the Board of Zoning Appeals commented on the BZA minutes from last year.

Michael Thompson, Prosecuting Attorney commented on the increase I taxes ad the reappraisal.

The Commission received the following information:

Appointment of Alternate Members to the Board of Zoning Appeals on August 11, 2005.

Reminder that the Noise Ordinance goes into effect on August 1, 2005.

Correspondence received from Steven D. Canterbury, Executive Director of the Regional Jail Authority, concerning his resignation from the Regional Jail Authority.

Correspondence received from the Division of Culture and History concerning 114 North Charles Street.

Correspondence received from West Virginia Citizen Action Group concerning HAVA.

Notice received of the Jefferson County Farm Bureau and Jefferson County Chamber of Commerce Annual Picnic on Tuesday, August 9, 2005.

Stage Whispers newsletter received from the Old Opera House.

Invitation received to attend a Legislative Reception honoring Senator Walt Helmick on Friday, August 12, 2005.

Information received concerning Engel Brothers Media Inc.

Correspondence received from the Division of Highways concerning proposed projects.

Correspondence received from Willis Nowell concerning safety and security on the mountain.

Correspondence received from the Kanawha County Commission concerning their adoption of a Public Nuisance and Property Maintenance Ordinance.

Notice received of a telecast entitled "Building A 21st Century World Class Workforce" July 27, 2005.

Copy of a newspaper article received from the County Commissioners' Association concerning Jim Spears.

Meeting agenda, minutes and financial report received from the Solid Waste Authority.

Meeting minutes received from the Jefferson County Public Service District.

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