

**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 4, 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 Manuel conducted the Pledge of Allegiance.

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

Motion by Manuel, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, July 28, 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 August 1, 2005, totaling \$10,016.57: 41312, 41283, 41185, 41182, 40127, 41598, 41617, 41618, 41621, and 41624. 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 #
Gerald Magnone	Charles Town	Personal Property	\$140.38	303102

**In re: RANSON ANNEXATION**

The Commission agreed to put this matter back on the agenda for next week.

**In re: APPOINTMENT OF MUNICIPAL MEMBER TO THE MPO INTERSTATE COUNCIL**

The Commission agreed to put this matter back on the agenda for next week.

**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: BONDING**

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Manuel to approve the partial release for C & R Development - Mission Ridge Subdivision in the amount of \$672,518.89. Motion carried.

**In re: JOHN K. DORSEY - RURAL RETREAT ROAD MAINTENANCE ASSOCIATION - REQUEST TO SET NEW HEARING DATE**

The Commission agreed to have the County Administrator coordinate with Mr. Dorsey in order to schedule a new hearing date.

**In re: LEELAND MEADOW HOMEOWNERS ASSOCIATION - MAINTENANCE OF STATE PROPERTY ALONG ROUTE 45 BIKE PATH**

The Commission agreed to send a letter to the Leeland Meadow Homeowners Association to let them know that the Commission is looking into the matter and the Commission agreed to place the matter back on the agenda next week.

**In re: APPROVAL OF ANIMAL CONTROL ASSISTANT**

Motion by Corliss, second by Tabb to approve the employment of Paula Bevins as a Animal Control Assistant. Motion carried.

**In re: COMMUNITY PARTNERSHIP GRANT - HALLTOWN MEMORIAL CHAPEL ASSOCIATION**

Motion by Tabb, second by Corliss to approve the President's signature on the Letter of Agreement, Resolution and Contract for the Community Partnership Grant for Halltown Memorial Chapel. Motion carried.

**In re: RUTH YOUNG - HARPERS FERRY MAIN STREET RESOLUTION**

Ruth Young and Charlotte Thompson, from Harpers Ferry Main Street, appeared before the Commission to request the approval of a Resolution in support of the Harpers Ferry Main Street Program. After discussion, motion by Corliss, second by Manuel to approve the following Resolution in support of the Harpers Ferry Main Street program. Motion carried.

## **RESOLUTION**

**WHEREAS, The County Commission of Jefferson County, West Virginia, along with the West Virginia Development Office's Main Street West Virginia program, joined in the creation of Harpers Ferry Main Street to stimulate and restore viability to the downtown commercial district through preservation of the historic resources and education; and**

**WHEREAS, the West Virginia Development office has submitted to the office of the Governor the improvement package for inclusion in the Governor's Fiscal Year 2007**

budget and legislative agenda, a request of \$450,000.00 dollars to provide funding for nationally-certified Main Street communities in the State and necessary staff support in the Main Street West Virginia office;

**NOW, THEREFORE, BE IT RESOLVED** that the County Commission of Jefferson County, West Virginia hereby urges Governor Manchin to include funding for nationally-certified Main Street Communities in his 2007 budget submission to the West Virginia Legislature.

/s/

A.M.S. Morgan, III

President

Jefferson County Commission

**In re: APPROVAL OF EMPLOYMENT - DEPARTMENT OF PLANNING, ZONING AND ENGINEERING**

Motion by Manuel, second by Corliss to approve the part-time employment of Jennilee Depottie in the Department of Planning, Zoning and Engineering. Motion carried. The Executive Director of Planning, Zoning and Engineering appeared later to clarify to the Commission that Ms. Depottie would not be working with anything in his department that would conflict with her current full-time employment with Premier Bank.

**In re: MANAGEMENT CONSULTANT HIRE**

Motion by Surkamp, second by Manuel to approve the hire of Sheila Birnbach as a management consultant conditional on satisfactory contract negotiations. Motion failed by a 2-3 vote. Commissioners Morgan, Tabb, and Corliss voted no. The Commission agreed to put the matter back on the agenda next week and to meet with Ms. Birnbach as scheduled tomorrow for a work session.

**In re: BOARD OF ZONING APPEALS - ALTERNATE POSITION INTERVIEWS**

Edwin T. Kelly, II appeared before the Commission to interview for one of the alternate positions on the Board of Zoning Appeals. After discussion, motion by Corliss, second by Manuel to appoint Edwin T. Kelly, II as an alternate member of the Board of Zoning Appeals. Motion carried.

**In re: PATSY NOLAND, CIRCUIT CLERK - COMPUTER SLOWNESS**

Patsy Noland, Circuit Clerk, appeared before the Commission to request that the Commission approve the purchase of a new AS400 system due to the slowness of the current system. County Clerk Jennifer Maghan was present and commented on the matter. After discussion, motion by Manuel, second by Tabb to approve the purchase of a new AS400 and to have the County Administrator handle the mechanics of the purchase. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

**In re: DRAFT LETTER TO PUBLIC SERVICE COMMISSION COUNSEL RE RESERVED CAPACITY**

The Commission reviewed a draft letter prepared by Commissioner Surkamp to be sent to the Public Service Commission counsel concerning reserved capacity. The Commission agreed to review the draft letter and place the matter on the agenda for next week.

**In re: FRED BLACKMER - COUNTYWIDE RESIDENTIAL FIRE SUPPRESSION (SPRINKLER) ORDINANCE**

Fred Blackmer appeared before the Commission to discuss the possibility of the Commission adopting a Countywide Residential Fire Suppression (Sprinkler) Ordinance. Mr. Blackmer suggested that the Commission send the information he provided to the Department of Planning, Zoning and Engineering for review and to write a draft ordinance. The Commission took no action on this matter.

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

Ms. Maghan informed the Commission that there was no report this week.

**In re: UNRESOLVED PURCHASE APPROVAL FOR COUNTY CLERK**

The Commission discussed the issue of the approval of some unresolved purchases made by the County Clerk. County Clerk Jennifer Maghan was present and commented on the matter. After discussion, motion by Corliss, second by Surkamp to approve the payment for the credit card charges to Pizza Hut on June 6, 2005 and to reimburse the Clerk for her mileage on Election Day June 25, 2005. Motion failed by a 2-3 vote. Commissioners Morgan, Tabb and Manuel voted no. Motion by Tabb, second by Manuel to approve payment of the Pizza Hut charges of \$23.57 made on June 6, 2005, and to have the Clerk reimburse for the charge of \$28.32 from Costco made on June 4, 2005 and for the finance charge on June 21, 2005 in the amount of \$6.08. Motion passed by a 4-1 vote. Commissioner Surkamp voted no.

**In re: TRAFFIC AND LAW ENFORCEMENT ISSUES**

The Commission agreed to place this issue on the agenda next week as a work session with Sheriff Boober.

**In re: PUBLIC COMMENT**

Fred Blackmer commented on the cost of obtaining a copy of a CD recording of the County Commission meetings. The Commission agreed to have the County Administrator work on rewriting the policy.

The County Administrator informed the Commission of the RFP meeting for the Public Safety Building on August 24, 2005.

The County Administrator informed the Commission of the 2005 West Virginia State EMS and Firefighter's Competition in Ranson on August 12-14, 2005.

Commissioner Manuel informed the Commission that there was a conflict with the work session scheduled tomorrow with the Building Commission. The Commission agreed to reschedule the Building Commission work session.

The Commission received the following information:

Appointment to be made to the Jefferson County Building Commission on Thursday, August 25 2005.

Reminder of Workshops on Friday, August 5<sup>th</sup> 2005:

- 9:00 a.m. - Management Study Proposal
- 11:00 a.m. - Building Commission

Fiscal Year 2005 Service and Expenses Report received from the Ambulance Authority.

Correspondence received from Brandon C.H. Sims, Assistant Prosecuting Attorney, concerning appointment of members to the Public Service District Board by the County Commission.

Correspondence received Hoy Shingleton, by request of the Mayor and Council of the City of Charles Town concerning proffer agreements with Huntfield, L.C.

Correspondence received from the West Virginia Housing Institute Inc. concerning Impact Fees.

Notice received of the 2005 West Virginia State EMS and Firefighter's Competition in Ranson on August 12-14, 2005.

Notice received from the Division of Highways of No Parking on US Alternate Route 340.

Legislative Issue Nomination Form received from the County Commissioners' Association.

Copy of correspondence sent to the Parks and Recreation Commission from the Shepherdstown Men's Club received concerning Morgan's Grove Park.

Correspondence received from the WV Homeland Security office concerning 2004 Homeland Security Sub-grant(s).

Harpers Ferry National Historical Park Community Bulletin received.

Meeting Agenda received from the Jefferson County Public Service District.

Notice received of classes for the National Incident Management System on August 31 and September 1, 2005.

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

Notice received from the Department of Planning, Zoning and Engineering of a Subdivision Work Session on Friday, August 5, 2005.

Oaths of Office received from Paula Bivens and Daniel McVicar

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

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PRESIDENT