

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 Jefferson County Courthouse thereof on Thursday, September 8, 2005, beginning at 9:30 o'clock a.m.

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

In re: PLEDGE OF ALLEGIANCE
Commissioner Surkamp 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, September 1, 2005, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS
Motion by Tabb, second by Manual to approve the following Purchase Orders for the Week of September 8, 2005, totaling \$74,734.26: 41566, 41569, 41571, 41809, 41704, 41512, 41514, 41810, 41482, 41316, 41453, 41736, 41740, 41743 and 41744. Motion carried.

In re: EXONERATIONS
Upon the 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 NO:
Glenda Lagasse	Ranson	Personal Property	\$577.32	313863

In re: NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES
Upon presentation by the Assessor, motion by Tabb, second by Manuel to approve the Notice of Apportionment of Jointly Owned Motor Vehicles filed by a certified copy of a final divorce order entered under provisions of section fifteen, article two, chapter forty-eight of the West Virginia Code, in the amount of \$371.02 for the following:

NAME:	HUSBAND/WIFE:	ASSESSED VALUE:	TAXES DUE:
Kenneth Stephens	Husband	\$4,100.00	\$102.78
Kimberly Stephens	Wife	\$10,700.00	\$268.24

In re: COMPLETE BOND RELEASE - WILMOTH CONSTRUCTION, INCORPORATED
Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Morgan to approve the complete release of an Irrevocable Letter of Credit for Wilmoth Construction, Incorporated in the amount of \$4,316.30. Motion carried.

In re: COMPLETE BOND RELEASE - JDM LOCUST HILL, LLC
Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Corliss to approve the complete release of Letter of Credit for JDM Locust Hill, LLC in the amount of \$71,981.00. Motion carried.

In re: BONDING AND ACTIVITY REPORT
Paul Raco appeared before the Commission to give a Bonding and Activity report for the week of September 5, 2005. Mr. Raco reported on the Planning Commission meeting, Final Plat public hearings, Community Impact Statement reviews and the staff review meetings.
The Commission discussed their concerns with the closing of Huyett Road.

In re: PARKS AND RECREATION COMMISSION - COMMUNITY CENTER
Tim Barr, Parks and Recreation Director and Bill Hoak, Parks and Recreation Commission President appeared before the Commission for discussion and presentation of the Community Center Site Plan contract agreement. Toni Milbourne was also present for comments.
After discussion, motion by Corliss, second by Tabb to approve the contract agreement subject to review by Commissioner Morgan, Brandon Sims, Assistant Prosecuting Attorney and Roger Goodwin, County Engineer. Motion carried.

In re: GEORGIANA M. PARDO - APPLICABILITY OF SCHOOL IMPACT FEES TO AGE-RESTRICTED DEVELOPMENT OF A PORTION OF HUNTFIELD PROPERTY
Georgiana M. Pardo, Esquire appeared before the Commission on behalf of Four Seasons at Huntfield to formerly request a copy of rules and regulations associated with exemptions to school impact

fees as applicable by law. Mr. James Duszynski, Huntfield was also present for comments.

After discussion, motion by Corliss, second by Tabb that Ms. Pardo provide a formal written request of exemption for review and consideration by Brandon Sims, Assistant Prosecuting Attorney. Commissioner Corliss withdrew this motion.

Motion by Corliss, second by Tabb that the Prosecuting Attorney's Office review the request made by Ms. Pardo and Huntfield concerning exemption of impact fees for age restricted communities and provide the Commission with legal opinions applicable to exemption. Motion carried.

In re: JENNIFER MAGHAN - COUNTY CLERK'S REPORT - NEEDS REQUEST TO PERFORM FINALIZATION OF DOCUMENTS FROM 1801-1989

Jennifer Maghan, County Clerk, appeared before the Commission to discuss election procedures and standards currently being implemented and presented the Commission with a detailed brochure outlining procedures and standards.

Ms. Maghan also requested financial support in performing finalization of documents from 1801-1989. Ms. Maghan reported on the completion of all scanned documents, standards and procedures, state archive policy, quality assurance and expenditures. Mike Thompson, Prosecuting Attorney was present for comments.

After discussion, the Commission requested that Mike Thompson review the contract associated with the scanned documents.

In re: PREPARATION 2006 ELECTION - SET MEETINGS, COUNTY COMMISSION'S ROLE WITH COUNTY CLERK - RE MAPDISTRICTING, VOTING MACHINES, PURGING REGISTRATION LIST

This topic was discussed during the County Clerk's report.

In re: MIKE THOMPSON - EMPLOYMENT OF ASSISTANT PROSECUTING ATTORNEY

Mike Thompson, Prosecuting Attorney appeared before the Commission to report on his attempts on finding an Assistant Prosecuting Attorney. The Commission decided Mike Thompson would report on this matter next week.

In re: RESOLUTION - SHEPHERDSTOWN BATTLEFIELD PRESERVATION ASSOCIATION

Motion by Surkamp to approve the Resolution with the stipulation that a public hearing be held at a time to be determined. Commissioner Surkamp withdrew this motion due to lack of a second.

Motion by Surkamp, second by Corliss to approve the Shepherdstown Battlefield Preservation Association Resolution as presented by Ed Dunleavy. Motion carried by a 3-2 vote. Commissioners Tabb and Manuel voted no.

In re: BATTLE OF SHEPHERDSTOWN SITE PRESERVATION

Ed Dunleavy appeared before the Commission to discuss Battle of Shepherdstown Site Preservation. Mr. Dunleavy commented on the possibility of a Conservation Easement with adjacent property owners of the Shepherdstown Battlefield to ensure perseveration and reported on his discussions with the American Battlefield Protection Society.

In re: APPOINTMENT OF ALTERNATE MEMBERS TO THE BOARD OF ZONING APPEALS

The Commission authorized Leslie D. Smith, County Administrator to schedule interviews with all interested candidates to the Board of Zoning Appeals.

In re: REQUEST PSD TO SUBMIT ALL SB 700 APPLICATIONS FOR REVIEW BY COUNTY'S GOVERNING BODY

Commissioner Corliss reported on his meeting with Public Service District officials. The Commission discussed their concerns with Senate Bill 700.

After discussion, motion by Corliss, second by Tabb authorizing Planning, Zoning and Engineering to work with the Development Authority and the Public Service District in terms of developing economic consideration and job creation per sections of the Certificates of Appropriateness as required in Senate Bill 700. Motion carried.

In re: CORRESPONDENCE FROM PATRICIA M. SANDERSON - REQUEST FOR STATUS OF A PUBLIC HEARING ON ZONING ORDINANCE CHANGES

The Commission authorized Leslie D. Smith, County Administrator to draft a letter to Ms. Sanderson informing her that this matter is currently in litigation.

In re: WORKSHOP AGENDA TO INCLUDE TIME FOR PUBLIC COMMENT

Motion by Manuel, second by Surkamp for the Commission to adopt a policy that will allow a reasonable time for public comment during County Commission workshops.

Motion by Tabb, second by Manuel to table this matter for further consideration and discussion. Motion carried by a 4-1 vote. Commissioner Corliss voted no.

In re: REQUEST COUNTY COMMISSION LIAISON TO DETERMINE STATE SURPLUS LEVEL

At the request of Commissioner Surkamp, Commission Manuel reported on his discussions with

officials from the Governor's office regarding state surplus levels.

In re: COUNTY ENERGY AUDIT

Commissioner Morgan reported on his discussion with Bill Polk, Maintenance Director with regard to the County Energy Audit. The Commission requested that Mr. Polk appear before the Commission for a detailed report.

In re: HISTORIC LANDMARKS COMMISSION DISCUSSION

The Commission decided to table this matter.

In re: LETTER TO SHPO AND DEP HEADS RE POOR COMMUNICATION APPROVAL PROCESS

At the conclusion of Commissioner Surkamp's presentation and report on his discussion with Kay Goodwin and Susan Pierce, the Commission decided to table this matter.

In re: SCHEDULE PUBLIC HEARING IN OCTOBER FOR FULL COST IMPACT FEE FOR SCHOOLS

No action was taken on this agenda item.

In re: MEETING DATE WITH STATE, CSX, NORFOLK SOUTHERN RE: RAILROAD SAFETY

No action was taken on this agenda item.

In re: SET DATE FOR WORK SESSION WITH LANDMARKS COMMISSION

No action was taken on this agenda item.

In re: COUNTY COMMISSION REPORTS

Commissioner Tabb reported on the Intra-Governmental meeting she attended.
Commissioner Manuel reported on the Affordable Housing Committee meeting he attended.
Commissioner Morgan reported on the Affordable Housing Committee meeting he attended.
Commissioner Corliss reported on the Public Service District meeting he attended.
Commissioner Surkamp reported on the Intra-Governmental meeting he attended.

The Commission received the following information:

Ethics Seminar Schedules

Appointment to be made to the Farmland Protection Board on Thursday, October 6, 2005.

Acceptance of Bond for Quarter Farm Subdivision in the amount of \$353,940.22.

Correspondence received from Sheriff Boober concerning a Certificate of Deposit.

Advisory Opinion 2005-14 received from the West Virginia Ethics Commission.

Notice received from the City of Charles Town concerning the closing of the George Street and Washington Street Intersection for repairs on September 25-27, 2005.

Notice received from Independent Fire Company of the annual 9/11 Remembrance Ceremony on Sunday, September 11, 2005, at 10:00 a.m.

Notice received from the Office of the Governor of the appointment of James J. Gianato as the new director of the West Virginia Division of Homeland Security and Emergency Management.

Notice received from the Public Service District of a meeting on Thursday, September 8, 2005, at 1:00 p.m.

Information received from the Public Service District explaining their agenda items for the September 8, 2005 meeting.

Meeting minutes received from the Public Service District for the meeting held August 4, 2005.

Application and Guidance Documents received from the West Virginia Department of Environmental Protection for the Community Infrastructure Investment Program.

Copies received from the Public Service District of Notices of Intent for the Community Infrastructure Investment Program.

Notice received of the Grand Opening of Complete Auto Repair Service (C.A.R.S.) On September 17, 2005, 10:00 a.m. to 6:00 p.m.

Correspondence received from the Association of Counties concerning aid from West Virginia's Counties to Mississippi and Louisiana.

Southeastern States Air Quality Toolkit for Local Government Officials received from the Association of Counties.

Copy of a newspaper article received from the County Commissioners Association concerning the new Homeland Security Chief.

Stage Whispers Newsletter received from the Old Opera House.

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.

A.M.S. MORGAN, III, COMMISSION PRESIDENT