

**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 22, 2005, beginning at 9:00 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 Morgan conducted the Pledge of Allegiance.

**IN RE: SECRETARY OF STATE BETTY IRELAND**  
Secretary of State, Betty Ireland appeared before the Commission for presentation and discussion. Mrs. Ireland presented the Commission with the Optical Scanning Option Summary and County Cost Analysis. Mrs. Ireland reported on the elimination of punch card voting, new voting machinery and optical scanning capabilities as offered by the Secretary of State's Office, four regional meetings that will include training modules, new voting procedures, ballot designs and specifications, early voting standards and procedures including absentee ballots and machine certification standards.  
Mr. John Makey of the Election Advisory Committee was present for comments.

**IN RE: DISPENSE WITH THE READING OF MINUTES**  
Motion by Manuel, second by Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, September 15, 2005 and to approve the Minutes as presented. Motion carried.

**IN RE: APPROVAL OF PURCHASE ORDERS**  
Motion by Corliss, second by Tabb to approve the following Purchase Orders for the Week of September 22, 2005, totaling \$21,319.81: 41519, 41522, 41523, 41559, 41765, 41768, 41817, 41823, 41841, 40703, 41592, 41705, 41818, 41822, 41825, 41252, 41253 and 41254. Motion carried.

**IN RE: EXONERATION**  
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:
Jennifer Moser-Utterback	Ranson	Personal Property	\$92.76	303472

**IN RE: BONDING AND ACTIVITY REPORT**  
Paul Raco, Executive Director, Planning, Zoning and Engineering appeared before the commission to give the Planning, Zoning and Engineering activity report for the week of September 19, 2005.  
The Commission discussed the application and interview process for the long-term planner position.

**IN RE: PUBLIC COMMENT**  
Cindi Hertelendy appeared before the Commission to express her concerns with construction at Huntfield in regard to Huntfield Development at Huyett Road. The Commission agreed to draft a letter to City of Charles Town officials regarding these issues. Commissioner Tabb recommended discussing it at the Intra-Governmental meeting with city officials. Paul Raco recommended consulting with Greenvest officials.  
After discussion, motion by Corliss, second by Morgan that Ms. Hertelendy present a letter to the Commission reiterating her concerns and that the Commission will send a letter to the City of Charles Town for consideration. Motion carried.

**IN RE: DR. STEVE NICHOLS AND DR. LORI STILLEY - 100% SCHOOL IMPACT FEES**  
Dr. Nichols and Dr. Stilley of the Jefferson County Board of Education appeared before the Commission to request that the Department of Impact Fees implement 100% School Impact Fees.  
Motion by Corliss, second by Manuel to authorize the County Administrator to publicize for a public hearing to be held October 17, 2005 at 7:00 p.m. in the Old Charles Town Library meeting room regarding the increase of School Impact Fees from 85% to 100%. Motion carried.

**IN RE: ROGER M. EITELMAN - CHIEF EXECUTIVE OFFICER WEST VIRGINIA UNIVERSITY HOSPITALS - EAST - LONG TERM PLANS FOR JEFFERSON MEMORIAL HOSPITAL**  
Roger M. Eitelman, Chief Executive Officer, West Virginia University Hospital East appeared before the Commission to report on West Virginia University's long term strategic development plans for Jefferson Memorial Hospital.  
Mr. Eitelman reported on the merger between City Hospital in Martinsburg and Jefferson Memorial Hospital, medical staff increases, increases in skilled nursing units, short term goals and strategies, cost reduction and fiscal strategies, critical access application processes and departmental strategies and services.

**IN RE: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT**  
Jennifer S. Maghan, County Clerk appeared before the Commission to report on the \$7,000.00 grant she received from Secretary of State Betty Ireland and to request approval for the redistricting contract for Jo Vaughn Consulting to provide redistricting equipment, software and training.

John Makey of the Election Advisory Committee was present for comments.

Motion by Corliss to approve the contract subject to the Prosecuting Attorney's legal opinion regarding any ethical conflicts with consideration to Jo Vaughn's employment with the State of West Virginia.

The Commission expressed their concerns with ethics, Jennifer Maghan reported that she could provide the Commission with a letter from the Ethics Commission confirming there is no conflict of interest with consideration to Jo Vaughn's state employment. Mike Thompson was present for comment.

Motion by Surkamp to approve the Redistricting Contract for Jo Vaughn Consulting upon receipt of a satisfactory ethics opinion from the State Ethics Commission. No action was taken on this motion.

Motion by Surkamp, second by Tabb to accept and approve the Jo Vaughn Consulting contract upon receiving a satisfactory ethics opinion regarding Jo Vaughn's state employment. Commissioner Surkamp withdrew this motion upon the agreement Jennifer Maghan would provide the Commission with an ethics opinion.

Jennifer Maghan appeared before the Commission with a presentation of an informal ethics opinion from Ms. Vaughn's employer and requested that the Commission approve the contract for Jo Vaughn Consulting as amended by Brandy Sims, Assistant Prosecuting Attorney. Mike Thompson was present for comments. The Commission expressed their concerns with the informal nature of the contract and the ethics opinion.

Motion by Corliss, second by Surkamp to approve the contract for Jo Vaughn Consulting as amended by Brandy Sims, Assistant Prosecuting Attorney. This motion was withdrawn. The Commission agreed to table this matter until the afternoon session.

**IN RE: MICHAEL THOMPSON - BUDGET REVISION - ASSISTANT PROSECUTING ATTORNEY POSITION**

Michael Thompson, Prosecuting Attorney appeared before the Commission to report on applicant, Stephanie Grove for the vacant Assistant Prosecuting Attorney position. Due to Ms. Grove's inexperience, Mr. Thompson reported he will be rotating all Assistant Prosecuting Attorney's every six month to oversee Ms. Grove's progress with the provision that the Assistant Prosecutor's receive a pay increase with Ms. Grove's starting salary being \$55,000.00 yearly.

Motion by Corliss, second by Surkamp to approve an increase of pay in the amount of \$15,000.00 for each Assistant Prosecuting Attorney to assist in the training of the new Assistant Prosecuting Attorney, Stephanie Grove. Motion carried.

Motion by Manuel, second by Tabb to approve the employment of Stephanie Grove, Assistant Prosecuting Attorney with a starting salary of \$55,000.00. Motion carried.

**The Commission recessed for lunch at 12:00; The Commission reconvened at 1:00**

**IN RE: JENNIFER S. MAGHAN – REDISTRICTING CONTRACT AND INVOICE**

After review and consideration of all documents presented by Jennifer Maghan, County Clerk, motion by Surkamp, second by Corliss to approve the contract and invoice for Jo Vaughn Consultants as amended by Brandy Sims, Assistant Prosecuting Attorney. Motion carried by a 4 to 1 vote. Commissioner Tabb voted no.

**IN RE: LETTER TO BYRD, ROCKEFELLER, AND CAPITO RE PROPOSED CUTS IN INVESTMENT CREDITS FOR HISTORIC PRESERVATION**

Commissioner Surkamp presented a draft letter to the Commission for review and consideration.

Motion by Surkamp, second by Manuel to send Commissioner Surkamp's letter to the West Virginia Congressional Delegation. Motion carried by a 4 to 1 vote. Commissioner Tabb voted no.

**IN RE: LETTER TO SHPO AND DEP HEADS RE POOR COMMUNICATION APPROVAL PROCESS**

Commissioner Surkamp presented a draft letter to the County Commission for review and requested to submit the letter to SHPO and DEP officials for review and opinion. Commissioner Surkamp also reported on his discussions with Susan Pierce. Commissioner Tabb expressed her concerns with submitting the letter to SHPO as presented and recommended revisions to the letter requesting explanations of state and federal codes and rules governing DEP codes and their relationship to the Historical Review process.

Motion by Surkamp to disregard his original letter, draft a new one with Commissioner Tabb's recommendations, and submit to SHPO and DEP officials for review and opinion. No action was taken on this motion.

Motion by Surkamp, second by Manuel to submit Commissioner Surkamp's letter to include revisions as indicated by Commissioner Tabb to the SHPO and DEP for review and opinion. Motion carried.

**IN RE: LEGAL OPINION ON WATER SYSTEM - RICHARD E. HITT, GENERAL COUNSEL, PUBLIC SERVICE COMMISSION**

Commissioner Surkamp referenced the opinion received from Mr. Richard E. Hitt from the Public Service Commission regarding retaining ownership and reserved capacity.

No action was taken on this matter.

**IN RE: JAIL REHABILITATION ARCHITECT SELECTION**

Motion by Morgan, second by Surkamp to enter into contract negotiations with Matthew Grove and Associates to proceed with Jail Renovations. Motion carried by a 4 to 1 vote. Commissioner Corliss voted no.

**Commissioner Tabb had to leave at 2:00 p.m. due to other obligations.**

**The Commission took a 10-minute recess at 2:30; The Commission reconvened at 2:40.**

**IN RE: MICHAEL CARYL, ESQ. - WEST VIRGINIA TAX ISSUES DISCUSSION**

Michael Caryl, Esquire appeared before the Commission to express his concerns with excessive tax rates and levy rates. To bring relief to Jefferson County residents, Mr. Caryl discussed the potential for percentage based homestead exemptions, payment extension or payment programs and reappraisals. Regional differentials and

standards of the reappraisal bill were also discussed. Mike Thompson, Prosecuting Attorney was also present for comments.

**IN RE: APPOINTMENT OF ALTERNATE/MEMBERS TO THE BOARD OF ZONING APPEALS.**

No action was taken on this agenda item.

**IN RE: PARKS AND RECREATION CONTRACT APPROVAL**

The Commission agreed to schedule a workshop on Wednesday, September 28, 2005 at 1:00 p.m. with the Parks and Recreation Commission to discuss revisions. A focus group will also be held on October 20, 2005 during the Parks and Recreation Commission meeting.

**IN RE: MANAGEMENT STUDY CONTRACT APPROVAL**

No action was taken on this agenda item.

**IN RE: IMPLEMENTATION OF 100% SCHOOL IMPACT FEES - DISCUSSION AND POSSIBLE ACTION**

This matter was discussed during Dr. Stilley and Dr. Nichols request for the collection of 100% school impact fees.

**IN RE: LETTER WITH QUESTIONS DEP PERMITTING PROCESS AND SHPO REVIEW**

Commission Surkamp discussed this matter under his request to submit a letter to SHPO and DEP regarding Communication Approval Processes.

**IN RE: DISCUSS INTERVIEWS RE JAIL RESTORATION/RENOVATION**

The Commission reported on the candidate interviews for the Jail restoration/renovation project. Commissioner Surkamp expressed his concerns with hiring a contract manager to oversee the Renovation project.

**IN RE: MEET TO DISCUSS NEW PRECINCT VOTING LOCATIONS (MAPDISTRICTING)**

This matter was discussed under the County Clerk's report.

**IN RE: SET OCTOBER HEARING FOR FULL-COST SCHOOL IMPACT FEES**

The Commission authorized Leslie D. Smith, County Administrator to schedule a public hearing to discuss Full-Cost Impact Fees for October 17, 2005 at the Old Charles Town Library at 7:00 o'clock p.m.

**IN RE: PARKS AND RECREATION NEEDS ASSESSMENT CONTRACT**

Motion by Morgan, second by Manuel to approve the contract for the Jefferson County Recreation needs assessment to be conducted by Management Learning Laboratories as revised by Assistant Prosecuting Attorney, Brandy Sims. Motion carried.

**IN RE: PUBLIC SAFETY BUILDING ARCHITECT SELECTION**

Motion by Corliss, second by Morgan that the County Commission enter into contract negotiations with HSMM Architects. Motion carried.

**IN RE: SET MEETING WITH JEFFERSON COUNTY SCHOOL BOARD**

No action was taken on this agenda item.

**IN RE: PROPOSED CHANGES TO SCHOOL IMPACT FEE ORDINANCE**

No action was taken on this agenda item.

**IN RE: APPROVAL OF EMPLOYMENT - FREDERICK WOOD - PUBLIC SAFETY DISPATCHER I**

Motion by Corliss, second by Morgan to approve the employment of Frederick Wood as Public Safety Dispatcher I. Motion carried.

**IN RE: APPROVAL OF EMPLOYMENT - SCOTT PATRICK REAGAN - DEPUTY SHERIFF**

Motion by Corliss, second by Manuel to approve the employment of Scott Patrick Reagan as Deputy Sheriff. Motion carried.

**IN RE: RESOLUTION: SUPPORT FIRE/RESCUE ASSOCIATION REQUEST FOR VARIANCE FOR TEACHING TRAILER**

Motion by Surkamp requesting Commission support on behalf of adopting a Resolution for Support of the Fire and Rescue Association request for Variance for teaching trailer to further enhance training availability in Jefferson County.

Commissioner Surkamp withdrew his motion due to lack of support.

**IN RE: NEW GIS HANDS-ON CLASS AT NCTC BY MATT MULLENAX OF BERKELEY PLANNING OFFICE FOR COMMISSION AND MAYORS**

Commissioner Surkamp reported on his participation at a GIS hands-on class currently being held at NCTC in Shepherdstown and requested Commission support in coordinating a free GIS seminar for County Commission officials and City Government Officials.

The Commission agreed to discuss this matter at the Intra-Governmental meeting scheduled for Wednesday, September 28, 2005.

**IN RE: HIRING PART-TIME STAFF AS AN OPTION**

No action was taken on this agenda item.

**IN RE: SET HEARING DATE AND TIME - ESTATE OF LEONA V. MARLIN - PETITION FOR ADDITION OF CO-ADMINISTRATOR**

The Commission authorized Leslie D. Smith, County Administrator to set the hearing date and time for the estate of Leona V. Marlin.

**IN RE: COUNTY COMMISSION REPORTS**

Commissioner Surkamp reported on the E911 Advisory Committee meeting he attended.

Commissioner Corliss reported on the Public Service District meeting he attended.

Commissioner Corliss reported on the Development Authority meeting he attended.

Commissioner Corliss reported on the MPO meeting he attended.

Commissioner Manuel reported on the Parks and Recreation meeting he attended.

Commissioner Manuel reported on the BSR event he attended.

Commissioner Morgan reported on the Parks and Recreation meeting he attended.

Commissioner Morgan reported on the Historic Landmarks Commission meeting he attended.

Commissioner Morgan reported on the meeting he had with Barbara Miller and Darrell Penwell with regard to farm safety and security.

Commissioner Morgan expressed his concerns with budgetary issues and requested a budget workshop be scheduled for September 29, 2005.

Leslie Smith, County Administrator reported that the Intra Governmental meeting scheduled for September 28, 2005 will be held at the Charles Town visitor's center.

**The Commission received the following information:**

Ethics Seminar Schedules.

Reminder of Meeting with Municipal Representatives on Wednesday, September 28, 2005, at 7:00 p.m. in the Charles Town Visitor's Center.

Reminder of Mapdistricting Demonstration on Wednesday, September 28, 2005 at 5:00 p.m. in the County Commission Courtroom.

Copy of correspondence sent to the National Legal Research Group from Michael D. Thompson received concerning the applicability of school impact fees to age restricted communities.

Impact Fee Status Report received for August 2005.

Memorandums received from the Department of Impact Fees concerning transfers of funds.

Correspondence received from PanTran concerning a new service schedule.

Correspondence received from Kellie S. Boles concerning the vacancy on the Farmland Protection Board.

News Release received from the Division of Culture and History concerning SHPO files not being available to the public from September 19-30, 2005, due to carpet installation.

Correspondence received concerning the CTC of Shepherd Small Business Development Center and upcoming workshops.

Notice received of the Blue Ridge Mountain Community Picnic on October 15, 2005.

Notice received from Loudoun County, Virginia of a public hearing on a Comprehensive Plan Amendment on October 3, 2005 and an Open House regarding the proposed changes on September 26, 2005.

Correspondence received concerning MVB Bank Jefferson.

Notice received from the Association of Counties of a workshop on Public Employees Retirement on October 28, 2005.

Copies of newspaper article received from the Association of Counties and the County Commissioners' Association.

Correspondence received from the West Virginia Association of Counties regarding Mileage Reimbursement Rates.

Correspondence received from the West Virginia Association of Counties regarding a Press Release for Vendors to Provide New Voting Machines Selected, Contract Finalized.

Notice of Adjournment of Section 341 Meeting of Creditors - United States Bankruptcy Court - Adelpia Communications Corporation, et al.

Financial Report of Harpers Ferry/Bolivar PSD for the period ending June 30, 2005 received.

Notice of Executive Committee Meeting on Tuesday, October 4, 2005 at 6:00 p.m. at the USDA Conference Room at Martinsburg received from the Potomac Headwaters RC&D Project Office.

Notice of Final Plat Public Hearings on Tuesday, September 27, 2005 at 7:00 p.m. and Tuesday, October 11, 2005 at 7:00 p.m. received from the Jefferson County Department of Planning, Zoning and Engineering.

Meeting minutes received from the Harpers Ferry/Bolivar Public Service District.

Oaths of Office received from Michael Longerbeam, Brent Leake, Calvin Wilmer, Robert Dick, and Daniel Clark as Special Deputies.

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

Miscellaneous

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

---

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