

**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 29, 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 Manuel, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, September 22, 2005, and to approve the Minutes as amended. Motion carried.

**In re: APPROVAL OF PURCHASE ORDERS**

Motion by Corliss, second by Morgan to approve the following Purchase Orders for the Week of September 26, 2005, totaling \$12,300.80: 41826, 39292, 41769, 41770, 41771, 41772, 41774, 41319, 41828, 41831, 41827, 41830, 41748, 41754, 41757, and 41255. Motion carried.

**In re: APPOINTMENT OF ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS**

No action was taken on this agenda item.

**In re: MANAGEMENT STUDY CONTRACT**

After discussion, motion by Manuel, second by Corliss to approve the Management Study Contract with the changes outlined by Assistant Prosecuting Attorney Brandon Sims. Motion carried.

**In re: PLANNING COMMISSION ACTIVITY REPORT**

Paul Raco, Executive Director of Planning, Zoning and Engineering, appeared before the Commission to give the weekly Planning Commission Activity Report. The long-term planner position was also discussed.

**In re: PUBLIC COMMENT**

Toni Milbourne commented on an item from last week's minutes concerning a focus group meeting during a Parks and Recreation Commission meeting. Mrs. Milbourne informed the Commission that the meeting was to be held during the County Commission's Thursday afternoon workshop on October 20, 2005, at 1:30 p.m. with the County Commission and the Parks and Recreation Commission.

**In re: DECISION ON VOTING SYSTEM**

The Commission agreed to make a decision on this matter after seeing the voting system demonstration on Friday, October 7, 2005, in Berkeley County.

**In re: APPOINTMENT TO THE JEFFERSON COUNTY SHERIFF'S CIVIL SERVICE COMMISSION**

Motion by Corliss, second by Tabb to reappoint Frank Rosario to the Jefferson County Sheriff's Civil Service Commission for a 4-year term ending September 29, 2009. Motion carried.

**In re: SET TIME AND DATE FOR COUNTY COMMISSION HEARING TO DETERMINE PUBLIC SUPPORT FOR ESTABLISHMENT OF BATTLEFIELD SITE/PARK AT FARAWAY FARMS**

The Commission agreed to put this matter back on the agenda next week in order to wait for comments from the property owner in this matter.

**In re: GEORGE ALWIN - SHEPHERDSTOWN MEN'S CLUB PRESIDENT - MORGAN'S GROVE PARK**

George Alwin, President of the Shepherdstown Men's Club, appeared before the Commission to discuss the maintenance contract between the Shepherdstown Men's Club and the Jefferson County Parks and Recreation Commission for Morgan's Grove Park. Tim Barr, Director of the Parks and Recreation Commission, was present and commented on the matter and informed the Commission that the Parks and Recreation Commission had voted to withdraw the mowing equipment request. Toni Milbourne, Bill Ayres, and Hank Buckner were present and commented also. After discussion, the Commission encouraged the Parks and Recreation Commission and the Shepherdstown Men's Club to meet to try to work out the details and come to an agreement on the maintenance contract for Morgan's Grove Park.

**In re: ZONING MAP UPDATE**

Paul Raco, Executive Director of Planning, Zoning and Engineering, appeared before the Commission to inform the Commission of an offer from Dewberry to update the Zoning Map for free. After discussion, motion by Corliss, second by Manuel to approve the offer from Dewberry for a free update of the Zoning Map. Motion carried.

**In re: RESOLUTION - LOCAL ECONOMIC DEVELOPMENT ASSISTANCE GRANT AWARD - WEBB/BLESSING'S HOUSE**

Motion by Tabb, second by Manuel to approve the Resolution for the Local Economic Development Assistance Grant Award for the Webb/Blessing's House. Motion carried.

**In re: ENFORCEMENT OUT OF STATE TAGS**

The Commission discussed the enforcement of out of state tags on vehicles owned by Jefferson County residents. Sheriff Boober was present and commented on the matter. Sheriff Boober and Commissioner Manuel agreed to obtain more information on the matter.

**In re: BUDGETARY CAPS ON BUILDING PROJECTS**

The Commission discussed budgetary caps on building projects. No decision was made on this matter.

**In re: RESOLUTION LETTER TO TELECOMMUNICATIONS FIRMS LAYING FIBER OR CONDUIT DURING ROUTE 9 WORK**

Commissioner Surkamp discussed sending a letter encouraging telecommunications firms to consider laying fiber or conduit during the construction on Route 9. Commissioner Corliss suggested deferring this matter in order to have the Gateway Council come in and give a report to the Commission.

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

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the County Clerk's report. Upon recommendation from Ms. Maghan, motion by Tabb, second by Manuel to approve the release of an expired security from United Bank Shares and to approve the new security. Motion carried. Ms. Maghan reminded the Commission of the voting machines demonstration on October 7, 2005 in Berkeley County and that the Election Advisory Committee would have a recommendation on a voting system to the Commission on October 13, 2005. Ms. Maghan also reported on redistricting.

**In re: GOVERNMENT PUBLIC INFORMATION CABLE TELEVISION CHANNEL**

Commissioner Surkamp discussed the possibility of implementing a Government Public Information Channel on Cable Television. No decision was made on this matter.

**In re: HIRING CONSTRUCTION MANAGER**

Paul Raco, Executive Director of Planning, Zoning and Engineering requested an Executive Session to discuss personnel matters concerning this agenda item. Motion by Corliss, second by Tabb to enter into Executive Session to discuss personnel matters. Motion carried. Motion by Manuel, second by Corliss to close Executive Session and return to Regular Session. Motion carried. No action was taken on this matter.

**In re: SITE WORK CONTRACT & BUILDING CONTRACT FOR PARKS AND RECREATION  
COMMUNITY CENTER**

Motion by Corliss, second by Manuel to enter into Executive Session to discuss Contractual Matters. Motion carried. Motion by Tabb, second by Corliss to close Executive Session and return to Regular Session. Motion carried. Motion by Corliss, second by Manuel to accept the Parks and Recreation site plan contract modifications as discussed yesterday. Motion carried. Motion by Corliss, second by Manuel to ask Assistant Prosecuting Attorney Brandon Sims to contact the state representative in this project to inquire if a letter of intent should be sent to the Design Build Board. Motion carried.

**In re: CORRESPONDENCE FROM THE CITY OF RANSON - PUBLIC EDUCATION  
IMPROVEMENT PROFFER**

Motion by Manuel, second by Tabb to enter into Executive Session to discuss Contractual Matters. Motion carried. Motion by Tabb, second by Manuel to close Executive Session and return to Regular Session. Motion carried. No action was taken on this matter.

**The Commission received the following information:**

**Assessor's Certificate of Compliance received from the Department of Agriculture.**

**Building Permit Activity Report received.**

**Copy of correspondence sent to Paul J. Raco received from A. Kathie Kiss concerning the Kiss and Smith Road Usage Variance Request.**

**Copy of correspondence sent to Michael D. Thompson from Dora S. Vivaz concerning School Impact Fees/Federal Fair Housing Act.**

**Correspondence received from Georgiana M. Pardo concerning the applicability of School Impact Fees to Age-Restricted Development of a Portion of the Huntfield Property.**

**Copies received from the City of Ranson of Ranson Fees.**

**Correspondence received from the Division of Highways concerning a traffic study.**

**Notice received from Loudoun County of a public hearing on Comprehensive Plan Amendments.**

**Correspondence received from Adelphia concerning new channel additions.**

**Invitation received from the Chamber of Commerce to attend the 5<sup>th</sup> Annual**

Banquet to recognize police, fire, and emergency medical service providers in Jefferson County on Wednesday, October 18<sup>th</sup>, 2005.

Copy of correspondence to Shepherdstown Volunteer Fire Department received from the Mayor of Shepherdstown concerning the approval of financial assistance for the purchase of a new ambulance.

Invitation received to attend a meeting at Jefferson High School on Thursday, September 29<sup>th</sup>, 2005, at 7:00 p.m. to address crime problems in the mountain area.

Notice received of a Full-Scale Exercise on October 1, 2005 to identify response challenges facing the Northern Shenandoah Valley and surrounding local, regional, and state jurisdictions during a weather, terrorist or other incident.

Notice received of the Eastern Panhandle Entrepreneurs Forum's next meeting on October 13, 2005.

Correspondence received from Shepherdstown Vision 20/20 concerning zoning alternatives.

Notice of Adjournment of Section 341 Meeting of Creditors received for Adelphia.

Correspondence received from the Association of Counties concerning the Coal Severance Tax Case.

Newspaper Articles of interest received from the County Commissioners' Association.

Community Bulletin received from the Harpers Ferry National Historical Park.

Notice received from Southern States of the 2<sup>nd</sup> Annual Fall Festival and Customer Appreciation Day on Saturday, October 8, 2005.

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

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

---

PRESIDENT