

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, November 3, 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 Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, October 27, 2005, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by Tabb to approve the following Purchase Orders for the Week of October 31, 2005, totaling \$11,748.68: 41572, 41576, 41581, 41956, 41893, 41931, 41917, 41918, 41919, 41921, 41922, 41923, 41486, 41936, 41938, 41939, 41941, 41866, 41871, 41872, 41876, 41879, 41882 and 41957. Motion carried.

In re: NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES

Upon presentation by the Assessor, motion by Tabb, second by Corliss 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 \$465.08 for the following: Motion carried

NAME:	HUSBAND/WIFE:	ASSESSED VALUE:	TAXES DUE:
Christopher C. Graham	Husband	\$11,700	\$337.98
Karla Graham	Wife	\$2,800 (Kia)	\$80.88
		\$1,600 (Nissan)	\$46.22

In re: PARTIAL BOND RELEASE - MISSION MOUNTAIN LLC

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Manuel to approve the partial release of a Letter of Credit in the amount of \$48,654 for Mission Mountain, LLC for the Beacon Hill Subdivision,

with the County to retain \$86,877. Motion carried.

In re: PARTIAL BOND RELEASE - EASTLAND ASSOCIATES OF WEST VIRGINIA

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Morgan, second by Corliss to approve the partial release of a Letter of Credit in the amount of \$123,552 for Eastland Associates of West Virginia for the Eastland Subdivision, with the County to retain \$34,320. 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.

In re: DPZE EMPLOYMENT

Motion by Tabb, second by Manuel to approve the full-time employment of Jennilee DePottie in the Department of Planning, Zoning and Engineering. Motion carried.

In re: PUBLIC COMMENT

No public comment was made at this time.

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

No action was taken on this agenda item.

In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD

No action was taken on this agenda item.

In re: APPROVAL OF FINANCIAL STATEMENT FOR THE YEAR ENDED JUNE 30, 2005

Motion by Manuel, second by Tabb to approve, as presented, the Annual Financial Statement for the year ended June 30, 2005. Motion carried.

In re: MAYOR A. DAVID HAMILL - APPOINTMENT TO THE EASTERN PANHANDLE METROPOLITAN PLANNING ORGANIZATION

Motion by Corliss, second by Morgan to notify the Eastern Panhandle Metropolitan Planning Organization of the appointment of Mayor A. David Hamill to the MPO Board. Motion carried.

In re: GIS INITIATIVE THROUGH REGION 9 PLANNING AND DEVELOPMENT COUNCIL

Commissioner Tabb informed the Commission that Bob Gordon, from Region 9, would like to meet with the Commission before a decision is made on this matter.

In re: LANE KENDIG: POINT OF CONTACT PROBLEMS AND WORK PROCEDURE

The Commission agreed to put this matter back on next week's agenda in order to review the contract from Lane Kendig.

**In re: APPOINTMENT OF A COUNTY COMMISSIONER MEMBER/LIAISON
REPRESENTATIVE TO THE BUILDING COMMISSION**

Motion by Corliss, second by Surkamp to increase the membership on the Building Commission to five and to approve for one of those members to be a County Commissioner. The Commission agreed to table this matter for one week in order to receive an opinion from the Prosecuting Attorney.

In re: SHERIFF'S LAW ENFORCEMENT DEPARTMENT - SALARIES AND BENEFITS

The Commission discussed the salaries and benefits in the Sheriff's Law Enforcement Department. Sheriff Boober was present and commented on the matter. After discussion, the Commission agreed to put this matter back on the agenda next week.

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. Ms. Maghan discussed options for storage space for the election equipment. After discussion, the Commission agreed to put on next week's agenda the status of the proposed maintenance building. Ms. Maghan informed the Commission of upcoming training for her election staff on the new election equipment.

**In re: REVIEW OF COMMISSIONER ACTIVITY AT 18 OCTOBER DEVELOPMENT AUTHORITY
MEETING**

The Commission discussed entering into Executive Session to discuss the activity at the October 18, 2005 Development Authority meeting. Commissioner Surkamp informed the Commission that he prefers that any discussion concerning him be done in open session. Brandon Sims, Assistant Prosecuting Attorney, requested that the Commission go into Executive Session for the purpose of discussing a potential liability issue. Motion by Corliss, second by Morgan to enter into Executive Session to discuss potential liability issues only. The motion passed with 4 votes. Commissioner Surkamp left the room and did not vote on the motion or participate in the Executive Session. Motion by Manuel, Second by Tabb to close Executive Session and return to Regular Session. The motion passed with 4 votes. Commissioner Surkamp was not present for the motion to return to Regular Session. Commissioner Surkamp returned to the room for the rest of the discussion. After discussion and comments from Brandon Sims, the Commission took no action on this matter.

In re: COUNTY COMMISSION REPORTS

Commissioner Tabb reported on a Farmland Protection Board meeting.

Commissioner Tabb reported on a meeting in Elkins of the West Virginia Coalition Land Trust.

Commissioner Tabb reported on reading to 1st graders about fire prevention and safety.

Commissioner Manuel reported on a Elections Advisory Committee meeting.

Commissioner Manuel reported on a meeting of the Workforce Investment Board.
Commissioner Manuel reported on a Parks and Recreation Commission meeting.
Commissioner Surkamp reported on a Chamber of Commerce exercise at Shepherd University.

In re: ESTATE OF LEONA V. MARLIN - PETITION FOR ADDITION OF CO-ADMINISTRATOR
Beverly Whitmore, Administrator for the Estate of Leona V. Marlin, appeared before the Commission with Stacy Whitmore to request approval of the Petition to appoint Stacy Whitmore as co-administrator of the Estate of Leona V. Marlin. Beverly Whitmore and Stacy Whitmore were sworn in by Commissioner Morgan. After discussion, motion by Tabb, second by Manuel to approve the appointment of Stacy Whitmore as co-administrator for the Estate of Leona V. Marlin. Motion carried.

The County Administrator reminded the Commission of the battlefield public hearing on November 9, 2005 and upcoming appointments to various boards.

The County Administrator discussed setting up a meeting with the management consultant. The Commission agreed to have a workshop with the management consultant on November 9, 2005, at 10:00 a.m.

The Commission received the following information:

Notice of Public Hearing on Wednesday, November 9, 2005, at 7:00 p.m. to determine public support of a Shepherdstown Battlefield Park.

Appointments to be made on November 10, 2005 to the North Eastern Regional EMS, Inc., Ambulance Authority, and the Planning Commission.

Correspondence received from the West Virginia Department of Environmental Protection concerning the Historic Review Process.

Correspondence received from the Farmland Protection Board concerning election of officers.

Correspondence received from Andrew V. Gallagher, from the West Virginia Housing Institute, Inc., thanking the Commission for the opportunity to speak at the October 17, 2005 public hearing.

Correspondence received from John M. Sherwood concerning the letter he received from the Commission.

Correspondence received from the City of Charles Town concerning Christmas Lights.

1st Quarter Fiscal Year 2005 Service and Expenses Report received from the Ambulance Authority.

Invitation received from Steven Nichols to attend an Anti-Gang Seminar on Monday, November 28, 2005.

Correspondence received from the Division of Highways concerning projects for public review.

Copy of correspondence sent to the Berkeley County Development Authority from Region 9 received concerning Early Action Compact - Program Funding Request.

Correspondence received from the Office of the Attorney General concerning public forums on the credit card industry.

Correspondence received from the Division of Homeland Security and Emergency Management concerning the 2006 HMEP Grant.

Correspondence received from the West Virginia Division of Culture and History concerning Shepherdstown Streetscape 2005.

Ribbon Cutting on November 3, 2005 at 10:00 a.m. - Mane Event Hair Studio.

Information received concerning a Prevention Planning Grant.

Copy of correspondence sent to Terry Marcus from the City of Ranson received concerning Lakeland Place at Fairfax Crossing Addresses.

Correspondence received from the Association of Counties concerning PEIA Hearings.

Correspondence received from the County Commissioners' Association concerning their leasing program.

Copy of a newspaper article received from the County Commissioners' Association concerning the new Executive Director of the Regional Jail Authority.

Meeting minutes received from the Parks and Recreation Commission.

Notice received from the Department of Planning, Zoning and Engineering of a Subdivision Work Session on Friday, November 4, 2005.

Notice received from the Department of Planning, Zoning and Engineering of Final Plat Public Hearings.

West Virginia Ethics Reporter received.

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