

**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 Old Charles Town Library meeting room thereof on Thursday, October 2, 2008 beginning at 9:30 o'clock a.m.

**PRESENT:** Frances B. Morgan; Commission President;  
A.M.S. (Rusty) Morgan, III; James Surkamp;  
C. Dale Manuel; Greg Corliss; Commissioners

**IN RE: PLEDGE OF ALLEGIANCE**  
Commissioner Surkamp conducted the Pledge of Allegiance

**IN RE: APPROVAL OF MINUTES**  
Motion by Manuel, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, September 25, 2008 and to approve the Minutes as presented. Motion carried.

**IN RE: APPROVAL OF PURCHASE ORDERS**  
Motion by Manuel, second by Surkamp to approve the following Purchase Orders for the week of October 2, 2008 totaling \$11,175.49: 46130, 46141, 46143, 46196, 46065, 46024, 46037, 46063, 45847 and 45848. Motion carried.

**IN RE: APPROVAL OF ACCOUNTS PAYABLE**  
Motion by Corliss, second by Manuel to approve the list of Accounts Payable totaling \$492,133.24 dated October 2, 2008. Motion carried.

CK #	Dept	Vendor	PO#	PO Amt	Amt wo PO	Ck Amt
056781	424	ALLEGHENY POWER		\$0.00	\$1,734.13	\$1,734.13
056781	425	ALLEGHENY POWER		\$0.00	\$9,621.93	\$9,621.93
056782	425	ABH SERVICES, INC.		\$0.00	\$9,070.00	\$9,070.00
056783	716	ANIMAL CARE EQUIP	46103	\$783.04	\$0.00	\$783.04
056784	716	ALPHA TECH PET	46062	\$253.44	\$0.00	\$253.44
056785	700	BANK OF CHARLES TOWN	46204	\$25.44	\$0.00	\$25.44
056786	412	BARDANE PUBLIC HEALTH		\$0.00	\$383.00	\$383.00
056786	431	BARDANE PUBLIC HEALTH		\$0.00	\$308.33	\$308.33
056787	ALLOC	BOLIVAR/HARPERS FERRY		\$0.00	\$14,550.00	\$14,550.00
056788	PAYROLL	BUREAU FOR CHILD SUPPORT		\$0.00	\$72.00	\$72.00
056789	425	B-K OFFICE SUPPLY INC	46057	\$1,389.00	\$0.00	\$1,389.00
056790	PAYROLL	BUREAU F/CHILD SUPPORT		\$0.00	\$62.31	\$62.31
056791	PAYROLL	BUREAU F/CHILD SPPRT ENF		\$0.00	\$212.31	\$212.31
056792	413	CASTO & HARRIS INC	45897	\$614.00	\$0.00	\$614.00
056793	413	CHAPMANS PRINTING CO	45898	\$63.89	\$0.00	\$63.89
056794	425	OLD CT LIBRARY		\$0.00	\$1,500.00	\$1,500.00
056794	ALLOC	OLD CT LIBRARY		\$0.00	\$14,550.00	\$14,550.00
056795	PAYROLL	CHILD SUPPORT ENFORCE AG		\$0.00	\$23.07	\$23.07
056796	405	JAMES CASIMIRO III		\$0.00	\$521.89	\$521.89
056797	412	SHANNA D. NICODEMUS		\$0.00	\$32.77	\$32.77

056798	425	DEHAVEN SEVEN-UP CORP		\$0.00	\$34.00	\$34.00
056799	401	D I JACOBS CONSULTING		\$0.00	\$2,762.14	\$2,762.14
056800	227	EQUITABLE THE EQUIVEST		\$0.00	\$15.00	\$15.00
056801	700	EMERGENCY EQUIP LIGHT	45637	\$328.00	\$0.00	\$328.00
056802	401	DOUG ESTEPP		\$0.00	\$271.62	\$271.62
056803	424	FRONTIER		\$0.00	\$951.04	\$951.04
056804	PAYROLL	GUARDIAN		\$0.00	\$1,671.90	\$1,671.90
056804	PAYROLL	GUARDIAN		\$0.00	\$131,671.70	\$131,671.70
056804	PAYROLL	GUARDIAN		\$0.00	\$6,458.88	\$6,458.88
056804	PAYROLL	GUARDIAN		\$0.00	-\$0.23	-\$0.23
056805	716	HILLSIDE VETERINARY HOSP	45697	\$277.77	\$0.00	\$277.77
056806	712	HIGHLAND PRODUCTS	45981	\$326.98	\$0.00	\$326.98
056807	425	IDVILLE, INC	46132	\$71.24	\$0.00	\$71.24
056807	425	IDVILLE, INC	46133	\$71.24	\$0.00	\$71.24
056808	PAYROLL	ING		\$0.00	\$435.00	\$435.00
056809	ALLOC	JEFFERSON CO BD OF HEALT		\$0.00	\$55,628.00	\$55,628.00
056809	ALLOC	JEFFERSON CO BD OF HEALT		\$0.00	\$4,997.00	\$4,997.00
056810	402	JEFFERSON PUBLISH CO INC	45896	\$624.06	\$0.00	\$624.06
056811	PAYROLL	JEFFERSON SECURITY BANK		\$0.00	\$4,593.00	\$4,593.00
056812	401	LEWIS CO CIRCUIT CLERK		\$0.00	\$85.50	\$85.50
056813	700	MATTHEW BENDER & CO	45640	\$291.55	\$0.00	\$291.55
056814	PAYROLL	COMPTRROLLER OF MARYLAND		\$0.00	\$561.00	\$561.00
056815	PAYROLL	MD Child Support Account		\$0.00	\$140.00	\$140.00
056816	716	MED-VET INTERNATIONAL	46108	\$97.50	\$0.00	\$97.50
056817	401	CRICKET MORGAN		\$0.00	\$93.30	\$93.30
056818	PAYROLL	NATIONWIDE RETIREMENT		\$0.00	\$765.21	\$765.21
056819	701	Enhanced Printing & Prom	45642	\$498.43	\$0.00	\$498.43
056820	ALLOC	JEFF CO PARKS &		\$0.00	\$59,412.50	\$59,412.50
056821	404	PIFER OFFICE SUPPLY, INC	44537	\$138.01	\$0.00	\$138.01
056822	ALLOC	PARTNERSHIP FOR AFFORDBL		\$0.00	\$40,000.00	\$40,000.00
056823	701	QUARTER MASTER	45639	\$245.90	\$0.00	\$245.90
056824	413	RAI GROUP 43, LLC		\$0.00	\$1,650.00	\$1,650.00
056825	405	HASSAN RASHEED		\$0.00	\$95.94	\$95.94
056826	PAYROLL	RETIREE HLTH BENEFIT TRS		\$0.00	\$8,265.00	\$8,265.00
056827	ALLOC	SHEPHERDSTOWN PUB LIBRAR		\$0.00	\$14,550.00	\$14,550.00
056828	ALLOC	SHEPHERDSTOWN MEN'S CLUB		\$0.00	\$4,000.00	\$4,000.00
056829	700	SIRCHIE FINGER PRINT LAB	45641	\$1,050.00	\$0.00	\$1,050.00
056830	424	SMITH-NADENBOUSCH INS./C		\$0.00	\$100.00	\$100.00
056831	ALLOC	SOUTH JEFFERSON PUBLIC		\$0.00	\$14,550.00	\$14,550.00
056832	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$92.22	\$92.22
056832	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$21.56	\$21.56
056832	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$8,126.62	\$8,126.62
056832	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$34,748.00	\$34,748.00
056832	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$42.16	\$42.16
056832	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$9.86	\$9.86
056833	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$23.81	\$23.81
056833	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$43.61	\$43.61

056833	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$31,097.52	\$31,097.52
056834	700	SOUTHERN POLICE EQUIP.CO	45638	\$75.99	\$0.00	\$75.99
056835	405	BRANDON C.H. SIMS		\$0.00	\$120.87	\$120.87
056835	405	BRANDON C.H. SIMS		\$0.00	\$5.00	\$5.00
056836	422	F. MARK SCHIAVONE		\$0.00	\$422.00	\$422.00
056837	401	SIR SPEEDY		\$0.00	\$234.15	\$234.15
056838	975	SUMMIT COMMUNITY BANK		\$0.00	\$2,441.41	\$2,441.41
056839	PAYROLL	TREASURER OF VIRGINIA		\$0.00	\$161.51	\$161.51
056840	422	TIGER DIRECT	45909	\$210.67	\$0.00	\$210.67
056841	PAYROLL	TIME INSURANCE CO		\$0.00	\$130.55	\$130.55
056842	712	VALLEY TWO-WAY, INC	45968	\$77.00	\$0.00	\$77.00
056843	PAYROLL	CHASE BANK TEXAS		\$0.00	\$100.00	\$100.00
056844	700	WV SHERIFFS ASSOCIATION	45636	\$400.00	\$0.00	\$400.00
<b>TOTAL</b>				<b>\$7,913.15</b>	<b>\$484,220.09</b>	<b>\$492,133.24</b>

**IN RE: LEGISLATIVE ISSUES**

Commissioner F. Morgan reported on the County Commissioners Association legislative meeting she attended.

Commissioner Manuel discussed concerns regarding land values and computations with consideration to Board of Review and Equalization comparables.

**Commissioner R. Morgan arrived at 9:40 a.m.**

**IN RE: BONDING AND ACTIVITY REPORT**

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Manuel, second by Corliss to approve the complete release of an irrevocable letter of credit in the amount of \$22,819.00 for Rattlesnake Run, Incorporated. Motion carried.

**IN RE: ZONING AND SUBDIVISION ORDINANCE AMENDMENTS DISCUSSION**

Tony Redman, Director of Planning and Zoning appeared before Commission for a presentation of the proposed Zoning Ordinance amendments for Commission review and consideration.

Motion by Manuel to incorporate the proposed Zoning Ordinance amendments as presented by Mr. Redman into the Ordinance. Motion died due to lack of a second.

Mr. Redman reported on comments received during the Subdivision Ordinance public hearing.

Mr. Redman presented the Commission with a Planning Department transition plan for review and consideration. The Commission agreed by consensus that Mr. Redman would forward a copy of the plan to Planning Commission members for their review prior to any Commission action.

**IN RE: PLANNING DEPARTMENT TRANSITION/DISCUSSION**

This matter was discussed under agenda item: "Zoning and Subdivision Ordinance Amendments Discussion".

**IN RE: PUBLIC COMMENT**

Patsy Noland, Circuit Clerk appeared before the Commission to express her concerns with the slowness of the county computer network.

Motion by R. Morgan, second by Manuel to approve access for Software Systems, Incorporated to resolve network problems. Motion carried.

Teresa Hendricks, Tax Deputy appeared before the Commission to express her concerns with the slowness of the county computer network.

John Norman, Jefferson County Board of Education Construction Coordinator appeared before the Commission to express his concerns with the proposed PATH transmission line with consideration to a new school in the vicinity of Job Corps Road.

**IN RE: TRANSMISSION CORRIDOR LETTER**

Motion by Surkamp, second by Manuel to approve the PATH Resolution of Opposition; the cover letter and supporting documents and that all information be mailed to various officials. Motion carried.

*A RESOLUTION OF THE JEFFERSON COUNTY COMMISSION  
OPPOSING PROPOSED ROUTES FOR INTERSTATE HIGH-VOLTAGE ELECTRICAL LINES THROUGH  
JEFFERSON COUNTY FOR THE POTOMAC APPALACHIAN TRANSMISSION HIGHLINE PROJECT*

*WHEREAS, the members of the Jefferson County Commission have been elected to serve and protect the collective interest of citizens of Jefferson County, West Virginia; and*

*WHEREAS, Allegheny Energy (Allegheny) and American Electric Power (AEP) have proposed to build 46 miles of twin-circuit 500-kV transmission from Bedington, West Virginia, to a new substation near Kemptown, southeast of Frederick, Maryland, as part of the regional Potomac Appalachian Transmission Highline (PATH) project; and*

*WHEREAS, Allegheny and AEP have identified several proposed links to be routed through portions of Jefferson County; and*

*WHEREAS, the PATH project is intended to deliver electricity to the Northeastern Corridor of the United States, not including West Virginia; and*

*WHEREAS, this proposal would do harm to the citizens of Jefferson County, who reside here because they highly value agriculture, rural character, scenic view sheds, tourism, metropolitan access, and environmental, historic, and cultural resources; and*

*WHEREAS, this proposal would displace as many as 230 homeowners, tenants, businesses, and churches, with an estimated value of as much as \$62.1 million, as demonstrated on the map and attachment attached hereto; and*

*WHEREAS, this proposal would inflict economic damage through adverse impact on the value of properties in as many as 16 subdivisions, as demonstrated on the map and attachment attached hereto; and*

*WHEREAS, this proposal would pose an immediate economic harm to as many as 10 historic sites within Jefferson County; and*

*WHEREAS, this proposal would route high-voltage transmission lines across properties enrolled in the U.S. Department of Agriculture's Farm and Range Protection Program, in violation of the provisions of that program; and*

*WHEREAS, this proposal would jeopardize the economic welfare of all residents of Jefferson County through its sizeable impact on property tax revenues; and*

*WHEREAS, this proposal would impose water quality degradation for residents throughout the county from herbicides used to maintain the easements for the links, because of high sensitivity of ground water aquifers, due to the karst topography (limestone caves) in the area; and*

*WHEREAS, residents would suffer noise and disturbance during construction; and*

*WHEREAS, public and private roads would suffer delays, wear and damage beyond that caused by residents in affected subdivisions and neighborhoods; and*

*WHEREAS, this proposal is an inefficient use of resources, with a significant amount of the electricity transmitted over this line lost before reaching the Northeastern Corridor; and*

*WHEREAS, the presence of a high-power transmission line may pose health risks to residents in neighborhoods affected by the proposed links because of the electromagnetic fields generated as electricity leaches from the lines; and*

*WHEREAS, this proposal would threaten the use and value of parks and recreation areas along the proposed links; and*

*WHEREAS, this proposal would reduce wildlife habitat and pose a threat to biodiversity; and*

*WHEREAS, this proposal further increases the occurrence of mine subsidence, acid mine drainage, and/or mountaintop removal, at a time when the impact of climate change requires cutting back on these activities; and*

*WHEREAS, this proposal will result in increased air pollution, including acid rain, ozone, mercury and particulate pollution, especially as power from old-technology, dirty coal plants displaces cleaner natural gas plants; and*

*WHEREAS, this proposal will result in increased emissions of greenhouse gases for the life of the line; and*

*WHEREAS, this proposal will result in increased electricity costs to Jefferson County residents, who will pay a portion of the construction and operation costs despite receiving no direct benefit; and*

*WHEREAS, increased air pollution will exacerbate the potential for Jefferson County to fail to meet air quality health standards, jeopardizing economic development in the county, restricting access to federal highway funds, and imposing additional sanctions for vehicular or local sources of air pollution; and*

*WHEREAS, the U.S. Department of Energy (DOE) announced its designation of the Mid-Atlantic National Interest Electric Transmission (NIET) corridor, to include Jefferson County, excusing Allegheny and AEP from preparing an environmental impact statement that would provide an assessment of the impact of PATH on rare and endangered plant and animal species (under the Endangered Species Act) or damage to historic properties and landscapes (under the National Historic Preservation Act) in this historically rich region of the United States; and*

*WHEREAS, sensible national energy policy must foster an optimal mix of deliverable power from diverse sources, the Jefferson County Commission does not believe this line will enhance electric reliability or security; and*

*WHEREAS, this proposal does not demonstrate the need to originate in West Virginia;*

*NOW THEREFORE, BE IT RESOLVED, that the Jefferson County Commission does hereby oppose the construction of PATH anywhere inside the boundaries of Jefferson County; and*

*BE IT FURTHER RESOLVED, that the Jefferson County Commission does express its support for and agreement with other counties in West Virginia that oppose the construction of PATH within their boundaries.*

*COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA*

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*/s/Frances B. Morgan, Commission President*

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*/s/A.M.S. Morgan, III, Vice-President*

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*/s/Gregory Corliss, County Commissioner*

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*/s/Dale Manuel, County Commissioner*

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*/s/James Surkamp, County Commissioner*

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*/s/Jennifer S. Maghan, County Clerk*

**IN RE: PUBLIC COMMENT – CONTINUED**

Joshua Stillwell appeared before the Commission to express his concerns with the proposed Zoning Ordinance.

Ed Burns appeared before the Commission to express his concerns with the proposed Zoning Ordinance.

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

No action was taken on this agenda item.

**IN RE: CAROL CRABTREE - REGION 9 EXECUTIVE DIRECTOR - INCOME SURVEY FOR MOUNTAIN WATER SYSTEM**

Carol Crabtree, Executive Director of Region 9 appeared before the Commission to request the Commission’s approval and support for a third party income survey of residents included in the Mountain Water System.

Motion by Manuel, second by Surkamp to support Ms. Crabtree’s request to conduct an income survey to include residents of the Mountain Water System and to include data from the Census Bureau. Motion carried.

**IN RE: DANIEL P. LUTZ - ZONING ORDINANCE CONCERNS**

Daniel P. Lutz appeared before the Commission to express his concerns with the proposed Zoning Ordinance.

Mr. Lutz expressed objections to various sections of the Zoning Ordinance and requested the Commission thoroughly review the proposed Zoning Ordinance prior to approval.

**IN RE: EXONERATIONS**

Angela Banks from the Assessor’s Office appeared before the Commission to request approval of several exonerations.

Motion by R. Morgan, second by Manuel to approve an exoneration due to double assessment as presented by the Assessor’s Office. Motion carried.

<b>Name</b>	<b>District</b>	<b>Type</b>	<b>Ticket #</b>	<b>Amount</b>
Lisa Kingsbury	Shepherdstown	Personal Property	315841	\$231.38

Motion by Manuel, second by Surkamp to approve an exoneration due to double assessment as presented by the Assessor’s Office. Motion carried.

**Name**

<b>District</b>	<b>Type</b>	<b>Ticket #</b>	<b>Amount</b>
			Roy A. & Lori Grega
Harpers Ferry	Personal Property	307482	\$74.22

Motion by F. Morgan, second by Manuel to approve an exoneration due to Circuit Court Civil Action No: 08-C-125 appeal from the Board of Equalization as presented by the Assessor’s Office. Motion carried.

**Name**

<b>District</b>	<b>Type</b>	<b>Ticket #</b>	<b>Amount</b>
			Joseph Thompson & Kimberly D. Krapf;

				<i>taxed in Richard Chizmadia</i>
	Kabletown	Land	16382 16383 16384	\$365.62

**The Commission took a 15-minute break at 10:45 a.m.**

**IN RE: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT**

- **ELECTIONS UPDATE**
- **NETWORK ISSUES**

Jennifer S. Maghan, County Clerk appeared before the Commission for the County Clerk's report.

Ms. Maghan expressed her concerns with IT issues within the County and recommended more support for the County's IT Support Specialist, George Privitera.

Ms. Maghan provided the Commission a voter's registration update and reported on the findings of the fraud investigation by the Secretary of State's Office.

**IN RE: INTERIM REPORT ON JUDICIAL CENTER FINANCING**

Mark Schiavone, Capital Planning and Management Director appeared before the Commission to provide an interim report on the availability of Judicial Center Financing.

**IN RE: STEPHANIE GROVE – LEGAL UPDATE AND REPORT**

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission for the legal update and report.

Ms. Grove reported on the decision of the Circuit Court for the Board of Review and Equalization appeal by Joseph Thompson.

Motion by Surkamp, second by R. Morgan instructing legal counsel to not appeal the Circuit Court decision for the Board of Review and Equalization appeal by Joseph Thompson.

Motion by Manuel to table Commissioner Surkamp's original motion. Motion died due to lack of a second.

Commissioner R. Morgan withdrew his second to Commissioner Surkamp's original motion. Commissioner Corliss seconded the motion.

Original motion by Surkamp, second by Corliss to instruct legal counsel to not appeal the Circuit Court decision for the Board of Review and Equalization appeal by Joseph Thompson. Motion carried by a 3-2 vote. Commissioners F. Morgan and Manuel voted no.

Ms. Grove provided legal clarification of the Zoning Ordinance amendments previously submitted by Planning Director Tony Redman. Ms. Grove addressed various questions by the Commission regarding the Zoning Ordinance.

Tony Redman, Planning Director was present for comments.

**IN RE: CIRCUIT COURT DECISION APPEAL**

This matter was discussed under agenda item: "Stephanie Grove Legal Update and Report".

**IN RE: DEPARTMENT HEAD EVALUATION – CONTINUED**

Motion by Corliss, second by Surkamp to remove this agenda item subject to resubmission at the request of the employee. Motion carried by a 3-2 vote, Commissioners Manuel and R. Morgan voted no.

**IN RE: APPROVAL OF GRANT CONTRACT AND RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT - BLUE RIDGE ACRES COMMUNITY CLUB**

Motion by Surkamp to approve the grant contract and resolution for the Governor's Community Participation Grant – Blue Ridge Acres Community Club contingent upon the Blue Ridge Acres Community Club being available to the public.

Commissioner Surkamp withdrew his motion. The Commission agreed by consensus to table this matter for one week for additional information.

**IN RE: HISTORIC JAIL REDEDICATION COMMITTEE - REQUEST FOR PAYMENT OF INVOICE TO THE OLD OPERA HOUSE**

Leslie D. Smith, County Administrator reported on the email received from Doug Estepp requesting funds be allocated to the Old Opera House for the Historical Jail Rededication event.

Motion by R. Morgan, second by F. Morgan to authorize payment of expenditures for the Historical Jail Rededication event as submitted by Doug Estepp if funds are available. Motion carried.

**The Commission recessed for lunch at 12:00 p.m. The Commission reconvened at 1:30 p.m.**

**IN RE: PUBLIC HEARING - BARKING, HOWLING, YELPING DOG ORDINANCE**

Commissioner F. Morgan discussed the format for the public hearing to receive public input concerning issues regarding the proposed Jefferson County Barking, Howling or Yelping Dog Ordinance.

Those present with inquiries and/or public comments were: Carol Dunleavy, Joe Coakley, Ed Burns, Joy Brightly, Carla Neilsen, Danny Lutz, Joanie Edwards and Jim Edwards.

Stephanie Grove, Assistant Prosecuting Attorney was present for comments.

Upon conclusion of public comment the Commission agreed by consensus to place this matter on next week's agenda for a vote.

**IN RE: PRELIMINARY REPORT ON COUNTY COMPUTER NETWORK**

Mr. George Privitera, IT Support Specialist appeared before the Commission for a County Computer network operations report.

Mr. Privitera reported on the operations and recommendations to improve network functions.

The Commission agreed by consensus to authorize Mr. Privitera to work with Software Systems Incorporated technicians in order to resolve any network problems.

**IN RE: VOTE ON ZONING ORDINANCE**

Stephanie Grove, Assistant Prosecuting Attorney presented the Commission with the Resolution Adopting the Zoning Ordinance and Zoning Map for their review and consideration.

Motion by Surkamp, second by F. Morgan to adopt the Resolution Adopting the Zoning Ordinance and Zoning Map to take effect in 30-days. Motion carried by a 4-1 vote; Commissioner Manuel voted no.

***Resolution Adopting Zoning Ordinance and Zoning Map  
with Effective Date of Thirty Days from the Date of Enactment of this Resolution***

***Whereas, the process of review of the current Jefferson County Zoning Ordinance began in 2003; and***

***Whereas, the Jefferson County Planning Commission and the County Commission of Jefferson County have prepared numerous studies and reports over the past five years to document many considerations made by both the County Commission, Planning Commission, and the citizens of Jefferson County; and***

*Whereas, numerous public hearings have been held by both the Planning Commission and County Commission in various geographic locations throughout the County to solicit public comment on the draft ordinance; and*

*Whereas, the County Commission has revised the draft Zoning Ordinance multiple times to address concerns expressed by the public during these forums; and*

*Whereas, the Planning Commission has found the draft Zoning Ordinance to be consistent with the Jefferson County Comprehensive Plan; and*

*Whereas, the County Commission finds that adoption of the draft Zoning Ordinance is in the best interests of the County and its citizens, and that it will ensure the health, safety, and welfare of Jefferson County citizens.*

*Now therefore be it resolved, that the County Commission of Jefferson County hereby replaces the current non-traditional Zoning Ordinance with the traditional Zoning Ordinance and Zoning Map, dated August 28, 2008, as of the date of this Resolution, and both the Ordinance and Map shall become effective thirty days from the date of enactment of this Resolution. On the effective date, the Zoning Ordinance adopted herein shall replace the current non-traditional Zoning Ordinance in its entirety unless a petition is filed under the provisions of W.Va. Code § 8A-7-13(j) (2008). If such a petition meeting the requirements of aforementioned code section is filed, the current non-traditional Ordinance shall remain in effect until the new traditional Ordinance is approved by a majority of the voters. The current non-traditional Ordinance shall remain in effect until the new traditional Ordinance adopted herein becomes effective.*

*Approved this 2nd day of October 2008*

*By vote of the County Commission of Jefferson County*

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*/s/Frances B. Morgan, Commission President*

**IN RE: MOTION TO ADOPT ZONING ORDINANCE AND ZONING MAP FORWARDED FROM THE PLANNING COMMISSION, TO TAKE EFFECT IN THIRTY DAYS**

This matter was discussed under agenda item: "Vote on Zoning Ordinance".

**IN RE: MOTION TO PLACE THE ZONING ORDINANCE BEFORE THE PEOPLE FOR A VOTE**

Motion by Manuel to place the Zoning Ordinance before the citizens of Jefferson County for a vote. Motion died due to lack of a second.

**IN RE: MOTION TO FORWARD TO THE PLANNING COMMISSION AN INDIVISIBLE SET OF RECOMMENDATIONS FROM PLANNING DIRECTOR AS FIRST AMENDMENTS UNDER THE NEW ORDINANCES FOR PROMPT ACTION UNDER 8A**

Motion by Surkamp, second by R. Morgan to forward to the Planning Commission the recommendations from Planning Director Tony Redman as first amendments under the new ordinances for prompt action. Motion carried.

Tony Redman, Planning Director was present for comments.

**IN RE: ENGINEERING STUDY TO ASCERTAIN THE NEED FOR SLOPE REQUIREMENTS ON THE BLUE RIDGE**

Motion by Manuel to forward this matter to the Planning Commission for recommendations. Motion died due to lack of a second.

**IN RE: MOTION TO REQUEST FROM PLANNING COMMISSION COST/TIME ESTIMATE AND SCOPE OF TWO STUDIES TO BE UNDERTAKEN IN THE NEXT TWELVE MONTHS: 1) AREA STUDY OF THE MOUNTAIN, 2) STUDY OF THE ROUTE 340 GATEWAY CORRIDOR**

Motion by Surkamp, second by Manuel requesting a report from the Planning Commission to include a cost/time estimate and scope of the following to be undertaken in the next twelve months: area study of the mountain and a study of the Route 340 Gateway Corridor. Motion carried by a 3-2 vote; Commissioner's Corliss and F. Morgan voted no.

Motion by Manuel, second by F. Morgan requesting Commission approval that Commissioner Manuel be involved in the entire process of the studies to be conducted. Motion carried by a 3-2 vote; Commissioner's Surkamp and Corliss voted no.

**IN RE: PROPOSAL TO REORGANIZE JEFFERSON COUNTY GOVERNMENT AS FOLLOWS: (GC)**

- 1. TRANSFER BUDGET MANAGEMENT FROM THE OFFICE OF THE COUNTY ADMINISTRATOR TO THE DEPARTMENT OF CAPITAL PLANNING AND MANAGEMENT. BUDGET MANAGEMENT FOR THE 2009 BUDGET WILL REMAIN WITH THE COUNTY ADMINISTRATOR UNTIL THE 2009 BUDGET IS CLOSED. BUDGET PLANNING AND SUBSEQUENT EXECUTION, FOR THE 2010 BUDGET WILL BE, WITH ASSISTANCE FROM THE COUNTY ADMINISTRATOR, THE RESPONSIBILITY OF THE NEW FINANCIAL OFFICER.**
- 2. CREATE A PURCHASING AGENT TO CENTRALIZE PURCHASING BY JEFFERSON COUNTY. THE CURRENT CONSTRUCTION MANAGER WILL ASSUMES THESE NEW DUTIES 1 DECEMBER 2008.**
- 3. CREATE A HUMAN RESOURCE DEPARTMENT UNDER THE COUNTY COMMISSION TO BE FUNDED UNDER THE 2010 BUDGET.**

The Commission agreed by consensus to table this matter for one week.

**IN RE: COUNTY COMMISSION REPORTS**

Commissioner F. Morgan reported on the County Commissioners Association meeting she attended. Commissioner Manuel reported on the Affordable Housing Committee meeting he attended.

**IN RE: COUNTY ADMINISTRATOR REPORTS**

Leslie D. Smith, County Administrator reported on the meetings scheduled with Don Jacobs of D.I. Jacobs Consulting Inc. on Tuesday, October 14, 2008.

**The Commission received the following information:**

Notice of County Commission meeting room change to the Charles Town Library meeting room, October 2 - November 13, 2008.

Notice of a Public Hearing for an Ordinance Creating the Jefferson County Emergency Services Agency on October 21, 2008, at 7:00 p.m.

Correspondence received from Don Jacobs concerning the Classification and Compensation Study.

Correspondence received from Software Systems, Inc. concerning the Commission's intent with regard to services and support from Software Systems, Inc.

Correspondence received from the Animal Welfare Society concerning their budget allocation.

Correspondence received from the Kiwanis Club concerning their budget allocation.

Copy of a summons received for Randall C. DeHaven, Plaintiff, vs. Jefferson County Board of Health and Rosemarie Cannarella.

Correspondence received from Region 9 concerning the Strategic Planning Workshop on Tuesday, October 28, 2008, from 10:00 a.m. - 4:00 p.m. at Cacapon State Park.

Correspondence received from Governor Joe Manchin concerning the Commission's correspondence regarding equestrian related businesses and ventures in Jefferson County.

Community Bulletin received from the Harpers Ferry National Historical Park.

Notice received of a Black and White Benefit Ball to support Birthright on October 25, 2008, at 7:00 p.m.

Correspondence received from the Division of Highways concerning the State Transportation Improvement Program.

E-911 fees received from the Public Service Commission, IDT Corporation, Comtel Telcom Assets LP, ACN Communications Services, Inc., Level 3 Communications LLC, AT&T IXC's & Alascom, M.E., and Citizens Communications.

Information received from the Association of Counties concerning the passing of Jackson County Commissioner James Waybright.

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

**The Commission received the following correspondence:**

Correspondence received from John Piwowarski.

Correspondence received from Paul Burke concerning the draft Subdivision and Land Development Regulations.

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

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FRANCES B. MORGAN, COMMISSION PRESIDENT