

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, January 15, 2004, beginning at 10:00 o'clock a.m.

PRESENT: Al Hooper, President;
James G. Knode; Greg Corliss;
Rusty Morgan; Jane Tabb; Commissioners

In re: PLEDGE OF ALLEGIANCE

Commissioner Hooper conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Morgan, second by Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, January 8, 2004, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Corliss to approve the following Purchase Orders for the Week of January 12, 2004, totaling \$103,892.16: 39589, 39653, 39047, 39046, 39048, 39535, 39337, 39574, 39575, 39524, 39523, 39522, 39521, 39429, 39428, 39427, 39426, 39425, 39625, 39626, 39526, and 39465. Motion carried.

In re: JEFFERSON COUNTY LITTLE LEAGUE - REQUEST FOR FINANCIAL SUPPORT

Robert Everton, Treasurer of the Jefferson County Little League and John Wynn, President of the Jefferson County Little League appeared before the Commission and gave a presentation regarding financial support. The Commission agreed to place the request in the file for the upcoming budget workshops.

In re: COMPLETE BOND RELEASE - THE NATIONAL HUMANE EDUCATION SOCIETY

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Morgan, second by Tabb to approve the complete bond release for The National Humane Education Society - The Briggs Animal Adoption Center in the amount of \$1,690.00. Motion carried.

In re: PROPERTY SAFETY ENFORCEMENT AGENCY - ORDERS

Roger Goodwin appeared before the Commission to present evidence for the following cases and to request the Commission to issue orders to bring each property into compliance.

Case 01-006 (Bonifant)

Case 01-021 (Ross)

Motion by Corliss, second by Tabb to approve the following order for Case #01-006 Shirlie L. Bonifant, et al. Motion carried.

Motion by Corliss, second by Morgan to approve the following order for Case #01-021 William Ross, et al. Motion carried.

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

JEFFERSON COUNTY PROPERTY SAFETY ENFORCEMENT AGENCY
Petitioner/Complainant

VS

Shirlie L. Bonifant, et al
Respondent/Owner

ORDER

This matter came before the County Commission of Jefferson County on the 15th day of January, 2004, after the September 14, 2003, deadline expired for the Respondent/Owner to request a hearing on the Petition/Complaint (Case 01-006). Therefore, upon the facts, determinations, and considerations of law, presented by the Jefferson County Property Safety Enforcement Agency, the County Commission of Jefferson County does find that:

1. The Respondent/Owner is the owner of a parcel of property located on Mountain Top Trail in Westridge Hills Subdivision, which is designated as Deed Book 546, Page 515; Tax Map 13H, Parcel 216, in the Harpers Ferry Tax District; and
2. The investigation report presented by the Property Safety Enforcement Agency represented the true condition of the property; and
3. The abandoned and dilapidated mobile home dwelling on the property presents an accident hazard and a fire hazard, and is unsafe and detrimental to the public safety and welfare; and
4. The property will remain an accident hazard, a fire hazard, and unsafe until: the abandoned and dilapidated mobile home dwelling is removed from the property and disposed in a legal manner; all to the satisfaction of this county commission; and
5. The Respondent/Owner owner is not responsive to the requests of the Property Safety Enforcement Agency, and has not removed the accident hazard, fire hazard, and unsafe condition within the reasonable amount of time granted by the Property Safety Enforcement Agency.

THEREFORE, it is ADJUDGED and ORDERED that the Respondent/Owner, Shirlie L. Bonifant, et al, be given until midnight, April 15, 2004, to:

1. Remove the abandoned and dilapidated mobile home dwelling from the property and dispose of it in a legal manner; all to the satisfaction of this County Commission.

That upon satisfying the above conditions this case shall be dismissed.

That in the event these conditions are not met on this date and time certain, that:

1. The County Commission of Jefferson County, West Virginia shall hire a contractor to make the ordered removal of the abandoned and dilapidated mobile home dwelling from the property and dispose of it in a legal manner; all to the satisfaction of this County Commission; and
2. The County Commission of Jefferson County, West Virginia brings a civil action in the Circuit Court of Jefferson County against the Respondent/Owner, seeking an order to:
 - a) Grant the contractor right of entry onto the property to remove the abandoned and dilapidated mobilehome dwelling and dispose of it in a legal manner; all to the satisfaction of this County Commission; and
 - b) Subject the Respondent/Owner, jointly and severally, to a daily civil monetary penalty of twenty-five dollars (\$25.00) per day until the abandoned and dilapidated mobile home is removed from the property and disposed in a legal manner; all to the satisfaction of this County Commission; and
 - c) Subject the property to a lien to satisfy the contractor's costs in removing the dilapidated mobile home dwelling from the property and disposing of it in a legal manner; and reasonable attorney's fees and court costs; and to
 - d) Have the property in question sold to satisfy the lien on the property; and to
 - e) Grant such other relief as permitted by law.

Dated this 15th Day of January, 2004

By /s/

A. G. Hooper, Jr., President
JEFFERSON COUNTY COMMISSION

Attest
Clerk of the County Commission

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

JEFFERSON COUNTY PROPERTY SAFETY ENFORCEMENT AGENCY
Petitioner/Complainant

VS

WILLIAM ROSS, et al
Respondent/Owner

ORDER

This matter came before the County Commission of Jefferson County on the 15th day of January, 2004, after the October 21, 2003, deadline expired for the Respondent/Owner to request a hearing on the Petition/Complaint (Case 01-021). Therefore, upon the facts, determinations, and considerations of law, presented by the Jefferson County Property Safety Enforcement Agency, the County Commission of Jefferson County does find that:

1. The Respondent/Owner is the owner of a parcel of property located on West Virginia State Route 9, near Kearneysville, West Virginia, which is designated as Deed Book 117, Page 325; Tax Map 3, Parcel 9, in the Middleway Tax District; and
2. The investigation report presented by the Property Safety Enforcement Agency represented the true condition of the property; and
3. The trash, debris and open foundation on the property presents an accident hazard and a fire hazard, and is unsafe and detrimental to the public safety and welfare; and
4. The property will remain an accident hazard, a fire hazard, and unsafe until: the trash and debris is remove from the property and disposed in a legal manner, and the foundation is backfilled with suitable fill material, and all disturbed areas are seeded and mulched; all to the satisfaction of this county commission; and
5. The Respondent/Owner is not responsive to the requests of the Property Safety Enforcement Agency, and has not removed the accident hazard, fire hazard, and unsafe conditions within the reasonable amount of time granted by the Property Safety Enforcement Agency.

THEREFORE, it is ADJUDGED and ORDERED that the Respondent/Owners, William Ross et al, c/o Lawrence Ross, be given until midnight, April 15, 2004, to:

1. Remove all trash and debris from the property and dispose of it in a legal manner, backfill the foundation with suitable fill material, and seed and mulch all disturbed areas; all to the satisfaction of this County Commission.

That upon satisfying the above conditions this case shall be dismissed.

That in the event these conditions are not met on this date and time certain, that:

1. The County Commission of Jefferson County, West Virginia shall hire a contractor to make the ordered removal of all trash and debris from the property and dispose of it in a legal manner, backfill the foundation with suitable fill material, and seed and mulch all disturbed areas; all to the satisfaction of this County Commission; and

2. The County Commission of Jefferson County, West Virginia brings a civil action in the Circuit Court of Jefferson County against the Respondent/Owner, seeking an order to:
 - a) Grant the contractor right of entry onto the property to remove all trash and debris from the property and dispose of it in a legal manner; backfill the foundation with suitable fill material, and seed and mulch all disturbed areas; all to the satisfaction of this County Commission; and
 - b) Subject the Respondent/Owner, jointly and severally, to a daily civil monetary penalty of twenty-five dollars (\$25.00) per day until all trash and debris is removed from the property and disposed in a legal manner; the foundation is backfilled with suitable fill material, and all disturbed areas are seeded and mulched; all to the satisfaction of this County Commission; and
 - c) Subject the property to a lien to satisfy the contractor's costs in removing and disposing of all trash and debris from the property; backfilling the foundation with suitable fill material, and seeding and mulching all disturbed areas; and reasonable attorney's fees and court costs; and to
 - d) Have the property in question sold to satisfy the lien on the property; and to
 - e) Grant such other relief as permitted by law.

Dated this 15th Day of January, 2004

By /s/ _____

A. G. Hooper, Jr., President
JEFFERSON COUNTY COMMISSION

Attest
Clerk of the County Commission

In re: PAUL ASHBAUGH - IMPACT FEES

Paul Ashbaugh appeared before the Commission to discuss Impact Fees.

In re: RESOLUTION IN SUPPORT OF A CONTAINER LAW FOR WEST VIRGINIA

The County Administrator informed the Commission that the Resolution in Support of a Container Law for West Virginia that the Jefferson County Commission approval on December 29, 2003 was sent to the Jefferson County Chamber of Commerce and no comments were given from the Chamber of Commerce.

In re: SET MEETING TIME FOR FEBRUARY 5, 2004

Motion by Tabb, second by Knode to set the time for the February 5, 2004 meeting at 10:00 a.m. Motion carried.

In re: SET MEETING DATE AND TIME FOR WEEK OF FEBRUARY 9, 2004

The Commission discussed the Holiday Lincoln's Birthday on February 12, 2004. Motion by Morgan, second by Tabb to change the meeting on Thursday, February 12, 2004 to Wednesday, February 11, 2004 at 10:00 a.m. Motion carried.

In re: CORPORATION OF HARPERS FERRY - MINOR BOUNDARY ADJUSTMENT

John W. Askintowicz, III, Esquire appeared before the Commission to hold a Public Hearing for the Petition for the Corporation of Harpers Ferry/Annexation for a Minor Boundary Adjustment. The following witnesses were sworn to give testimony: Sheriff Ed Boober, Chief Donald Buracker, Don Orser, Paul Ashbaugh, John Kusner, Toni Milbourne, Mayor James Addy and Matthew Knott.

After testimony and evidence was given and discussion and comments from the Commission, motion by Morgan, second by Corliss to continue the hearing until April 22, 2004 at 11:00 a.m. and to have John W. Askintowicz, III, Esquire to prepare the order for continuance. Motion carried.

In re: RESOLUTION TO CREATE IMPACT FEE FUND

Motion by Tabb, second by Morgan to approve the following Order to Create an Impact Fee Fund. Motion carried.

RESOLUTION

WHEREAS, the County Commission of Jefferson County shall maintain a separate accounting for the collection and disbursement of impact fee revenues and expenditures; and

THEREFORE, BE IT RESOLVED, that the County Commission of Jefferson County hereby creates the Jefferson County Impact Fee Fund authorized by West Virginia Code §7-20-1 et seq.

/s/

President

Jefferson County Commission

In re: JEFFERSON COUNTY COMMISSION POSITION ON NEW COUNTY SEWER SERVICES

The Commission discussed the position on the new county sewer services. Motion by Hooper, second by Tabb to refrain from sending a letter of endorsement and that the Commission does not support the current plan. Motion passed by a 4-1 vote. Commissioner Knode voted no.

Motion by Corliss, second by Morgan that the Commission provide the West Virginia Infrastructure & Jobs Development Council and the Jefferson County PSD comments regarding new sewer services that we feel are important to the county and provide comments as to costs, land use undermining and support for the other causes for sewer treatment in the county and to include a workshop with the PSD. Motion failed by a 2-3 vote. Commissioners Knode, Hooper and Tabb voted no.

Motion by Hooper, second by Tabb to contact the PSD to have a meeting to work out the concerns with the deficiencies and that the County Commission does not endorse the plan as presented. Motion carried.

In re: MEMORANDUM OF UNDERSTANDING FOR THE CITIES OF CHARLES TOWN AND RANSON TO PROVIDE PROFFER FEES FOR THE SUPPORT OF JEFFERSON COUNTY PUBLIC SCHOOLS

The Commission discussed the Memorandum of Understanding sent to the City of Charles Town and the Corporation of Ranson regarding the collection of funds from builders of new homes. Motion by Corliss, second by Morgan to send a thank you letter to the City of Charles Town and the Corporation of Ranson regarding the Memorandum of Understanding for the Cities of Charles Town and Ranson to provide proffer fees for the support of Jefferson County Schools and take no action on the Memorandum of Understanding signed by the City of Charles Town and the Corporation of Ranson. Motion carried.

In re: APPOINTMENT TO THE AMBULANCE AUTHORITY

No applications were received requesting appointment to the Ambulance Authority for the unexpired term ending November 4, 2004.

In re: APPOINTMENT TO THE NORTH EASTERN REGIONAL EMS, INC.

No applications were received requesting appointment to the North Eastern Regional EMS, Inc. for the unexpired term ending October 31, 2004.

John Kusner commented on Impact Fees.

George Nichols commented on the Dog Ordinance and its status.

George Nichols commented on the Cattail Run Sewer Plan.

Commissioner Knode reported on the Region 9 meeting.

Ginger Bordier, Assessor appeared before the Commission to discuss the scheduling of the hearings for the Board of Review and Equalization.

Commissioner Tabb reported on the Annual Banquet for the Independent Fire Company.

Commissioner Tabb reported on the Farmland Protection Board meeting.

Commissioner Morgan reported on the Planning Commission meeting.

Commissioner Morgan reported on the Affordable Housing Committee meeting to be held on January 28, 2004 at 1:30 p.m. with Sally Roman to speak.

Commissioner Corliss reported on the meeting with Barb Miller and the Office of the Homeland Security.

Commissioner Hooper reported on the Health Department meeting.

Commissioner Hooper reported on the PSD meeting.

The Commission received the following information:

Reminder Courthouse is Closed, Monday, January 19, 2004 - Martin Luther King, Jr. Day.

Acceptance of Bond for Summit Point Automotive Research Center, LLC.

Reminder of appointments to be made on January 29, 2004:

Zoning Board of Appeals - Unexpired Term Ending 1/1/2006

Planning Commission - Unexpired Term Ending 3/31/2004

Correspondence received from the Prosecuting Attorney concerning Legal Representation and Advice By The Prosecuting Attorney's Office.

Correspondence received from Helen P. Jones concerning a Notice of Increase in Assessment.

Correspondence received from the Secretary of State concerning Touch Screen Voting.

Correspondence received from the City of Charles Town concerning the Jefferson County Draft Comprehensive Plan.

Notice received from the Potomac Headwaters RC&D Project Office of their next Executive Committee Meeting on Tuesday, January 20, 2004.

Copy of correspondence received from the West Virginia Infrastructure and Jobs Development Council to the Jefferson County Public Service District concerning the proposed wastewater project.

Correspondence received from Robert Vandegrift concerning 911 addressing.

Notice received of the County Commissioners' Association Business Meeting on Monday, February 9, 2004.

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

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

Notice received from the Executive Director of Planning Zoning and Engineering of a Subdivision Work Session on January 16, 2004.

Jefferson County Project Impact report received.

Oaths of Office received from Tiffany Lee Hine and John P. Lantzy.

Upon rising, the Commission recessed until Thursday morning next beginning at 10:00 o'clock a.m.

PRESIDENT