

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, February 26, 2004, beginning at 10:00 o'clock a.m.

PRESENT: Al Hooper, President;  
James G. Knode; Greg Corliss;  
Rusty Morgan; Jane M. 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 Board of Review and Equalization hearing held on Tuesday, February 17, 2004, and to approve the Minutes as prepared. Motion carried.

Motion by Tabb, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, February 19, 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 February 23, 2004, totaling \$25,271.16: 39662, 39663, 39664, 39698, 39066, 39406, 39408, 39835, 39528, 39615, 39792, 39727, 39868, 39528, 39612, 39728, 39729, 39730, 39731, 39732, 39733, 39599, 39796, 39797, 39569, 39650, and 39814. Motion carried.

In re: NAN STEVENS - WEST VIRGINIA HOUSING DEVELOPMENT FUND - EMPLOYER ASSISTED LOAN PROGRAM

Nan Stevens, from West Virginia Housing Development Fund, appeared before the Commission to discuss the Employer Assisted Loan Program. After discussion, motion by Morgan, second by Corliss to approve the implementation of the Employer Assisted Loan Program. Motion carried.

In re: BOYS & GIRLS CLUB

Pam Holstein-Wallace and Richard Durham, from the Boys & Girls Club, appeared before the Commission to request funding for the Boys & Girls Club. The Commission agreed to consider the request during budget deliberations.

In re: DAVID SIMMONS - LIBRARY CAPITAL IMPROVEMENTS PLAN

David Simmons, Vice President of the Harpers Ferry/Bolivar Public Library Board, appeared before the Commission to request funding for their Capital Improvements Plan to build a new library. A librarian from Harpers Ferry/Bolivar Public Library and Sharon Albert spoke on the matter. The Commission agreed to consider the request during budget deliberations.

In re: JEFFERSON COUNTY AMBULANCE AUTHORITY

Ed Smith and Steve McKinney, from the Jefferson County Ambulance Authority, appeared before the Commission to discuss their budget request for Fiscal Year 2005.

Motion by Tabb, second by Morgan to enter into Executive Session to discuss personnel matters. Motion carried.

Motion by Morgan, second by Tabb to close Executive Session and return to Regular Session. Motion carried.

In re: DEBBIE YOUNG - VICTIM'S ADVOCATE GRANT

Debbie Young appeared before the Commission to request approval of the Victim's Advocate Grant.

After discussion, motion by Corliss, second by Knode to approve funding for the Victim's Advocate Grant in the amount of \$33,300.77 and to authorize the President's signature on the grant.

Motion by Corliss, second by Tabb to table the motion until later in the afternoon in order for the Commission to further review the grant. Motion carried.

In re: JIM LINSENMEYER - JEFFERSON DISTRIBUTING - BOTTLE BILL

Jim Linsenmeyer, from Jefferson Distributing, appeared before the Commission to discuss Bottle Bill Legislation.

In re: PANTRAN BUDGET REQUEST

PANTRAN board members, Fred Blackmer and Greg Wachtel, and PANTRAN Director, Lynn Weiger, appeared before the Commission to request funding from the Fiscal Year 2005 Budget. After discussion, the Commission agreed to consider the request during budget deliberations.

The Commission recessed at 12:50 p.m.

The Commission reconvened at 2:00 p.m.

In re: DEBBIE YOUNG - VICTIM'S ADVOCATE GRANT

Motion by Morgan, second by Tabb to bring the motion off the table. Motion carried.

After further discussion, the Commission voted on the motion that had previously been tabled. The motion was as follows: motion by Corliss, second by Knode to approve funding for the Victim's Advocate Grant in the amount of \$33,300.77 and to authorize the

President's signature on the grant. Motion carried.

In re: JEFF POLCZYNSKI - ONLINE GIS PROPOSAL

Jeff Polczynski appeared before the Commission to request approval of a proposal for the implementation of Online GIS through MSAG Data Consultants, Inc. After discussion, motion by Corliss, second by Tabb to have Mr. Polczynski contact another GIS company, that is offering a free GIS assessment, by conference call in order to receive more information on the implementation of GIS. Motion carried.

In re: PARTIAL BOND RELEASE - TYSON'S TREE SERVICE

Upon recommendation from the Executive Director of Planning, Zoning & Engineering, motion by Tabb, second by Knode to approve the partial release of bond in the amount of \$103, 929 for Tyson's Tree Service, with the County to retain \$58,420. Motion carried.

In re: COMMENTS ON SENATE BILL 454 - PLANNING & ZONING

The Executive Director of Planning, Zoning and Engineering, appeared before the Commission to discuss his comments on Senate Bill 454. After discussion, motion by Corliss, second by Tabb to submit the comments from the Executive Director of Planning, Zoning and Engineering to the Legislators and the County Commissioners' Association for their review and ask them to give an update on the status of Senate Bill 454. Motion carried.

In re: MODIFICATIONS TO LESA AS PROPOSED BY THE DEPARTMENT OF PLANNING,  
ZONING AND ENGINEERING

The Executive Director of Planning, Zoning and Engineering presented a draft report to the Commission concerning modifications to LESA.

In re: FARMLAND PROTECTION BOARD - REQUEST FOR APPROVAL OF AMENDMENTS TO  
THE 2002 FARMLAND PROTECTION PLAN

The Commission agreed to keep this matter on the agenda for next week in order to wait for information from the Prosecuting Attorney's office.

In re: DISCUSS MODIFICATION TO CATTAIL RUN SEWER PLANT PROPOSAL

The Commission discussed a meeting between the Jefferson County Public Service District and the City of Charles Town concerning the Cattail Run Sewer Plan Proposal.

In re: A MOTION TO REQUEST OUR LEGISLATORS IN CHARLESTON TO AMEND THE  
LOCAL POWERS ACT TO PROVIDE COMPENSATION TO THE COUNTY FOR  
ADMINISTRATION OF IMPACT FEES

The Commission agreed to take this matter off of the agenda until further information is received.

In re: FIRST IN YOUR FAMILY - REQUEST FOR USE OF THE CHARLES TOWN LIBRARY MEETING ROOM

After discussion on the Meeting Room Policy, motion by Tabb, second by Morgan to approve the request from First in Your Family for use of the Charles Town Library Meeting Room on May 1, 2004. Motion passed by a 3-2 vote. Commissioners Corliss and Knode voted no.

In re: USE OF MEETING ROOM BY CANDIDATES RUNNING FOR OFFICE

Motion by Corliss to allow any legitimate candidate for local, state or federal office be permitted to use the Charles Town Library Meeting Room on a first come, first serve basis. Motion failed by a 2-3 vote. Commissioners Knode, Hooper and Tabb voted no.

In re: APPOINTMENT TO THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT

The Commission agreed to hold over the appointment to the Jefferson County Public Service District another week.

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

The Commission agreed to hold over the appointment to the North Eastern Regional EMS, Inc. another week.

In re: WEST VIRGINIA UNIVERSITY - REQUEST FOR SCHOLARSHIP FUNDS FOR A STUDENT TO ATTEND CAMP STEM

Motion by Morgan, second by Tabb to deny the request from West Virginia University for scholarship funds for a student to attend Camp STEM. Motion carried.

In re: HISTORICAL REVIEW OF WASHINGTON STREET BUILDINGS

Motion by Morgan, second by Tabb to do a Request For Proposals for an historical review of the County's Washington Street Buildings. Motion passed by a 4-1 vote. Commissioner Knode voted no.

In re: GOVERNOR'S COMMUNITY PARTNERSHIP GRANT PROGRAM - JEFFERSON MEMORIAL PARK

Motion by Tabb, second by Corliss to authorize the President's signature on the documents for the Governor's Community Partnership Grant Program for Jefferson Memorial Park. Motion carried.

In re: FOCUS - ENFORCING UNDERAGE DRINKING LAWS GRANT

Motion by Tabb, second by Corliss to approve for the County to serve as Fiscal Agent for the Enforcing the Underage Drinking Laws Grant. Motion carried.

In re: CITY HOSPITAL - BUSINESS ASSOCIATE AGREEMENT

The County Administrator informed the Commission that she was waiting for an opinion from the Prosecuting Attorney on this matter.

In re: SHERIFF - REQUEST FOR ADJUSTMENT TO CURRENT FISCAL BUDGET 2004

Motion by Morgan, second by Tabb to approve the request from the Sheriff for an adjustment to the current fiscal budget 2004 to adjust the line item for Law Enforcement Maintenance/Repair Autos. Motion carried.

In re: SHERIFF - REQUEST FOR TRANSFER OF FUNDS

Motion by Tabb, second by Morgan to approve the request from the Sheriff for a transfer of funds from the general account to the Sheriff's K-9 Fund. Motion carried.

In re: JEFFERSON COUNTY ADDRESSING OFFICE - REQUEST FOR APPROVAL OF PART-TIME EMPLOYMENT - SHANTAI RATA

After discussion, the Commission agreed to table the request for approval of employment until next week, in order to receive a report on the status of the Addressing Office.

In re: DISCUSSION OF OFFER TO PURCHASE BUILDING

Motion by Tabb, second by Corliss to enter into Executive Session to consider matters involving the purchase of a property. Motion carried.

Motion by Corliss, second by Morgan to close Executive Session and return to Regular Session. Motion carried.

Motion by Corliss, second by Morgan to make an offer of \$675,000 for the Metropolitan Medical Building in the Burr Industrial Park, subject to parameters being set by Concepts To Operations (CTO) for the slab being able to support a 12" concrete block wall that is 20' high. Motion passed by a 4-1 vote. Commissioner Knode voted no.

The County Administrator informed the Commission that the Fire and Rescue Association had appointed Chief Donald Dawson to serve on the Property Safety Enforcement Agency.

The County Administrator commented on correspondence received from Randy DeHaven commending the maintenance department for work done in the health department.

The County Administrator informed the Commission of the resignation of Janet Stine from the Water Advisory Committee.

Commissioner Corliss requested that a response to the Republican Executive Committee's letter concerning the meeting room be on next week's agenda.

The Commission received the following information:

Correspondence received from the Fire and Rescue Association concerning the appointment of Chief Donald Dawson to the Property Safety Enforcement Agency.

Correspondence received from the Fire and Rescue Association in support of the Emergency Communications Center Budget request.

Correspondence received from the Fire and Rescue Association in support of the Ambulance Authority Budget request.

Correspondence received concerning ATV Legislation.

Correspondence received from Randy Dehaven commending the maintenance department for work done in the Health Department.

Correspondence received from Julia G. Wilson concerning her resignation from the County Clerk's office on March 5, 2004.

Correspondence received from Janet Stine resigning from the Water Advisory Committee.

Copy of Senate Bill 601 received.

Correspondence received from Christina M. Lundberg concerning funding to the Development Authority for an Agriculture Officer.

Correspondence received from the Association of Counties concerning Regional Jail Per Diem Increase.

Information received from Jane Peters concerning the acquisition by Creo, Inc. of the printing plate manufacturing facility in Middleway from Spectratech International, Inc.

Correspondence received from Patrick G. Henry, III concerning mediation on the matter of Boober v. Imation on Tuesday, March 9, 2004, at 9:00 a.m.

Correspondence received from Charles "Tee" Rowe concerning use of County Meeting Rooms.

Press release received announcing the appointments to the Commission on Governing in the 21<sup>st</sup> Century.

Franchise Fee check received from Adelphia.

Correspondence received from Carol E. Dunleavy concerning dog ordinances.

Invitation received to attend a retirement luncheon in honor of Colonel Jesse A. Thomas on Sunday, March 7, 2004.

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

Notice of Preliminary Plat Review received from the Planning Commission.

Ethics Reporter received for February 2004.

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

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PRESIDENT