

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, June 17, 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 Corliss, second by Tabb to dispense with the reading of the Minutes for the Special Session held on Wednesday, June 9, 2004, and to approve the Minutes as amended. Motion carried.

Motion by Corliss, second by Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, June 10, 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 June 17, 2004, totaling \$94,004.06: 40207, 40084, 40327, 40149, 40150, 40182, 40103, 40147, 40148, 40150, 40039, 40044, 40045, 40046, 40047, 40193, 40195, 40196 and 39682. Motion carried.

In re: Paul Raco - Bonding and Activity Report

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Knode to approve the complete release of bond in the amount of \$155,066.00 for Oak Meadow Limited Liability Company serving Briar Run Subdivision. Motion carried.

Paul Raco appeared before the Commission to discuss the Activity Report for June 2004 for Planning, Zoning and Engineering.

In re: JANE PETERS - DEVELOPMENT AUTHORITY - REQUEST FOR RIGHT OF WAY

Jane Peters appeared before the Commission with a presentation and request that the title for the 22 acre parcel in Burr Business Park be transferred to Development Authority from the County Commission to allow for a right of way. After discussion, motion by Corliss, second by Knode to grant the right of way to the West Virginia Department of Highways and to consider the transfer of title at a later date. Motion carried.

In re: FINAL ACCOUNTING - ESTATE OF M. LAVETTA FRALEY

Motion by Morgan, second by Tabb to approve the final accounting for the Estate of M. Lavetta Fraley. Motion carried.

In re: JEFFERSON COUNTY LEASH LAW ORDINANCE

After review of the June 15, 2004 memo from J. Michael Cassell, Assistant Prosecuting Attorney, the Commission agreed that the County Administrator would schedule a workshop with Mr. Cassell for further discussion, review and consideration.

In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD

The Commission agreed to table the appointment to the Farmland Protection Board.

In re: CITY OF MARTINSBURG FIRE DEPARTMENT: MUTUAL AID AGREEMENT

Motion by Corliss, second by Tabb to approve the Mutual Aid Agreement with the City of Martinsburg Fire Department and to authorize the President to affix his signature to the document. Motion carried.

In re: JEFFERSON COUNTY ATV ORDINANCE

Motion by Corliss, second by Tabb to pass the ATV ordinance with amendments

defining roads and highways. No action was taken.

Motion by Corliss, second by Morgan to table this matter to allow the County Administrator further review of the ordinance for section specifications and language.

Motion by Morgan, second by Corliss to remove this matter from the table for further consideration.

After discussions, motion by Corliss, second by Tabb to pass the ATV Ordinance as amended with an effective date of July 1, 2004. Motion carried.

In re: APPROVAL OF EMPLOYMENT - KIMBERLY WIEGAND - FULL-TIME SUPERVISING PUBLIC SAFETY DISPATCHER

Motion by Morgan, second by Tabb to approve the full-time employment of Kimberly Wiegand as Supervising Public Safety Dispatcher.

In re: SHERIFF BOOBER - REQUEST FOR LINE ITEM TO COVER COSTS OF MEDIATION SERVICES

Motion by Tabb, second by Corliss to approve Sheriff's Boober's request for line item to cover costs of mediation services incurred for Boober v. Imation as determined by the County Administrator. Motion carried.

In re: FIRE AND RESCUE ASSOCIATION - REQUEST FOR COLLECTION OF IMPACT FEES FOR FIRE AND RESCUE

After discussions regarding the Local Powers Act and CIP consideration, motion by Corliss, second by Morgan for Mark Schiavone, Impact Fee Coordinator, to research Fire & Rescue Ordinances and submit a draft for County Commission review and consideration. Motion carried 4-1, Commissioner Knode voted no.

Commissioner Knode reported on the Region 9 Council meeting.

Commissioner Knode reported on the Regional Transportation Plan meeting.

Commissioner Tabb reported on the Farmland Protection Board meeting.

Commissioner Tabb reported on the Animals in Disaster meeting.

Commissioner Tabb reported on the Development Authority meeting.

Commissioner Tabb reported on her invitation to the Clean Air Task Force meeting scheduled for June 22, 2004.

Commissioner Corliss reported on the Solid Waste Authority Public hearing held in Martinsburg.

Commissioner Corliss reported on the Development Authority meeting.

Commissioner Morgan reported on the Solid Waste Authority Public hearing held in Martinsburg highlighting Waste Management discussions.

Commissioner Morgan reported on the Parks and Recreation meeting held in regard to the Sam Michael Park Community Center.

Commissioner Hooper reported on the Park and Recreation meeting.

Commissioner Hooper requested Leslie Smith schedule an appointment in two weeks for a Waste Management representative to appear before the Commission for discussions regarding the Jefferson County Landfill.

The Commission received the following information:

Reminder - Courthouse is Closed on Monday, June 21, 2004 - West Virginia Day

Notice of Public Hearing concerning HUD Community Development Block Grant on June 24, 2004, at 10:30 a.m.

Acceptance of Bonds for Deerfield Village Maintenance Building, Perkins Enterprises, and Lot 37 Burr Industrial Park

Copy received of a Memorandum sent by the Executive Director of Planning, Zoning and Engineering to Mike Heaton, Plan Reviewer, concerning positive public comment made concerning Mr. Heaton's assistance with plans' submission for a building permit.

Lot purchase reimbursement in the amount of \$25,000 received from the Department of Tourism for the Historic Landmarks Commission's lot purchase in the Burr Industrial Park.

Resignation received from J.L. Holler as Deputy in the Sheriff's Department.

Correspondence received from Governor Wise concerning the approval of the Victims of Crime Assistance Grant.

Correspondence received from Governor Wise concerning the approval of a grant through the Enforcing the Underage Drinking Laws Program.

Information received concerning the FY2005 Scenic Byways Program.

Correspondence received from Patricia A. Noland concerning membership in the West Virginia Association of Counties.

Correspondence received from James Waybright, President of the County Commissioners' Association concerning membership in the WV Association on Counties.

Newspaper articles received from the County Commissioners' association concerning membership in the West Virginia Association of Counties and Voting.

Copy of Obituary received from the County Commissioners' Association for Tom Aiello, Fayette County Assessor.

Letter of resignation received from Samuel J. Donley, Jr. as a member of the Planning Commission.

Correspondence received from the Secretary of State concerning procedure for precinct changes.

Copies of the Running for Office 2004 booklet received from the Secretary of State.

Correspondence received from Carla N. Longerbeam concerning the proposed dog ordinance.

Correspondence received from the National Trust for Historic Preservation concerning the County Jail and the June 9, 2004 Public Hearing.

Correspondence received from the West Virginia Division of Labor concerning changes in the West Virginia Elevator Safety Act.

Correspondence received concerning the Help America Vote Act.

Notice received of a Zoning and Land Use in West Virginia: The New Land Use Planning Act of 2004 seminar on July 29, 2004.

Jefferson County Public Service District meeting minutes received.

Harpers Ferry/Bolivar Public Service District meeting minutes received.

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

Oath of Office received from Elizabeth F. Blake as a member of the Bolivar Planning

Commission.

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

PRESIDENT