

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, August 19, 2004, beginning at 10:00 o'clock a.m.

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

Commissioner Jane Tabb was absent due to a prior commitment

In re: PLEDGE OF ALLEGIANCE

Commissioner Hooper conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Morgan, second by Knode to dispense with the reading of the Minutes for the meeting held on Thursday, August 12, 2004, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Knode, second by Corliss to approve the following Purchase Orders for the Week of August 16, 2004, totaling \$8,455.47: 40303, 40304, 40305, 40085, 40168, 40057, 40471, 40442, 40273, 40275, 40444, 40445, 40387, 40388, 40389 and 40391. Motion carried.

In re: PAUL RACO - PLANNING COMMISSION ACTIVITY REPORT

Paul Raco, Executive Director of Planning, Zoning and Engineering, appeared before the Commission to give a Planning Commission Activity Report.

In re: WATER ADVISORY COMMITTEE MEMBERSHIP

In consideration of Sherry Kelly's previous membership on behalf of the City of Charles Town, motion by Hooper, second by Morgan to appoint Sherry Kelly to the Water Advisory Committee. Motion carried with a 3-1 vote. Commission Knode voted no.

In re: ELLEN S. CAPPELLANTI, ESQUIRE - MARK-COLONIAL HILLS, LLC & MURRALL LIMITED PARTNERSHIP - REQUEST FOR SUBSTITUTE BOND

Ellen S. Cappellanti, Esquire, appeared before the Commission to request that Murall Limited Partnership be substituted for Dan Ryan Builders, Incorporated upon the bonds for the Quail Ridge Subdivision, Section II. After discussion, motion by Corliss, second by Knode to approve, in principle, the substitution of surety bonds subject to inspection from Murall Limited Partnership to Dan Ryan Builders, Incorporated for Quail Ridge Subdivision. Motion carried.

Ellen S. Cappellanti, Esquire, appeared before the Commission to request that Kenneth F. Lowe, Jr. and the Kenneth F. Lowe, Sr. Family Limited Partnership be substituted for Mark-Colonial Hills LLC upon the bonds for the Colonial Hills Subdivision. After discussion, motion by Corliss, second by Knode to approve, in principle, the substitution of surety bonds from Kenneth F. Lowe, Jr. and the Kenneth F. Lowe, Sr. Family Limited Partnership to Mark-Colonial Hills LLC for the Colonial Hills Subdivision. Motion carried.

In re: REQUEST FOR REFUND - SUNNYSIDE LIMITED PARTNERSHIP - MAP AMENDMENT - WHEATLAND ROAD

The Commission agreed to place the request for refund to Sunnyside Limited Partnership on the agenda in two weeks to allow for further inquiry.

In re: CARL TRIBBLE, JR. - FLOODING OF DRAIN FIELD DUE TO CONSTRUCTION AT SUMMIT POINT RACEWAY

The Commission discussed correspondence received from Carl Tribble, Jr. concerning the flooding of his drain field due to construction at Summit Point Raceway. Paul Raco was present and informed the Commission that the matter was being researched by his office.

The Commission agreed that Paul Raco draft a letter of acknowledgment and advise Mr. Tribble that the matter will be monitored.

In re: APPOINTMENT TO THE EASTERN PANHANDLE REGIONAL PLANNING AND DEVELOPMENT COUNCIL

Motion by Morgan, second by Knode to appoint Neal Carpenter to the Eastern Panhandle Regional Planning & Development Council for a one year term ending June 30, 2005. Motion carried.

In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD

No applications were received for appointment to the Farmland Protection Board.

In re: HENRY B. CHRISTIE - REQUEST TO BE REAPPOINTED TO THE ENHANCED E-911 ADVISORY BOARD

Motion by Corliss, second by Morgan to reappoint Henry B. Christie to the Enhanced 911 Advisory Board. Motion carried.

In re: JEFFERSON COUNTY ONLINE GIS SITE - SHERIFF BOOBER

Sheriff Boober appeared before the Commission to discuss reinstatement of the County online GIS service. Jeff Polczynski was also present for comments.

Discussions included financial obligations, benefits to Jefferson County Public Safety Employees as well as Jefferson County residents and public safety. Alternative service options were discussed with regard to financial responsibilities.

After discussions, motion by Morgan, second by Hooper to reinstate online GIS with MSAG. Motion failed by a 1-3 vote. Commission Hooper, Commissioner Knode and Commissioner Corliss voted no.

Motion by Hooper, second by Morgan to install and implement EAGLE software at Sheriff Office's main computer terminal. Motion carried.

In re: DISTRIBUTION POLICY OF DIGITAL DATA FILES

The Commission agreed to table this matter for further review and consideration.

In re: ANN B. HILTON - HORSEMEN'S BENEVOLENT & PROTECTIVE ASSOCIATION

On behalf of Ann B. Hilton, Wayne Harrison, Acting President for the Charles Town HBPA, appeared before the Commission for an update. Present with Mr. Harrison were Mr. Roger Ramey, Mr. John Finamore and Mr. Dickie Moore representing Charles Town Races & Slots; as well as Mr. Donnie Combs and Mr. David Walters representing the HBPA.

Mr. Harrison gave a detailed description of renovations to the Charles Town Race Track. Track improvement plans include new lights, new rails and renovated service areas with barn renovations. Jockeys, Breeders, HBPA Associates as well as Charles Town Races and Slots Associates agreed to all renovations with approval from the WV Racing Commission with a projected completion date of August 25, 2004.

Mr. Harrison reported that all construction is on schedule and on behalf of Charles Town Races and Horsemen's Benevolent & Protective Association invited the Commission to attend the Grand Opening Ceremonies scheduled Wednesday, August 25, 2004.

In re: FRED BLACKMER & EUGENE PEARSON - PAN TRAN STATUS REPORT

Fred Blackmer and Eugene Pearson appeared before the Commission for a Pan Tran Status Report. Mr. Blackmer reported on the purposed agenda for the meeting scheduled in Berkeley County on Thursday, August 26, 2004 at 3:00 p.m. Proposed topics of discussion include authority of appointees, status of the Pan Tran Organization, financial standards and public interest.

Commissioner Morgan reported that he would attend the meeting on Thursday, August 26, 2004.

Tom Trumble appeared before the Commission to discuss concerns regarding Voter Registration procedures.

Commissioner Knode reported on correspondence received from Region 9 Planning and Development Council.

Commissioner Knode commented on his concerns regarding the installation and use of the EAGLE System Software.

Commissioner Hooper reported on the Public Service District meeting.

Commissioner Corliss reported on the LEPC meeting.

Commissioner Morgan reported on his conversation with Terry Courtwright regarding landfill issues.

The Commission received the following information:

Appointments to be made to the Farmland Protection Board on September 9, 2004.

Resolution Revising the Policy and practices of the Jefferson County Public Service District

in Responding to Requests for Sewer Service received.

Correspondence received from Mayor Addy regarding 4th of July, 2005 fireworks.

Memorandum received from Jane Peters, regarding an invitation to Development Authority meeting with the Honorable Shelley Moore Capito as the special guest.

WV Lottery weekly settlement received for the week ending August 7, 2004.

Correspondence received from the Eastern Panhandle Transit Authority regarding the last fiscal year attendance record for all members on the Pan Tran Board of Directors.

Invitation received to a book signing at the Charles Town Visitors Center at 108 North George St., Charles Town on Saturday, August 21, 2004 from 1:30 p.m. - 3:30 p.m.

Correspondence received from Irene T. Smith regarding the Old Jail.

Newspaper article received from the County Commissioners' Association of West Virginia regarding dues to the West Virginia Association of Counties.

Check received from Adelphia representing the payment of franchise fees for the period of April 2004 to June 2004.

Subdivision Work Session on Friday, August 20, 2004 at 10:00 a.m.

Annual Budget for Fiscal year ending June 30, 2005 received from the Harpers Ferry/Bolivar Public Service District.

Meeting Minutes for July 14, 2004 received from the Harpers Ferry/Bolivar Public Service District.

General Journal received from the Harpers Ferry/Bolivar Public Service District for the Period from July 1, 2004 to July 31, 2004.

Sanitarian's Monthly Activity Report received for the Month of July, 2004.

Jefferson County Health Department report received for the Month of July, 2004.

Acceptance of Bonds: Mission Ridge Subdivision, Lots 1-33 & Parcels 1 & 2 Residue and Eackles & Spencer Funeral Home.

Correspondence received from the Potomac Headwaters Resource Conservation and Development Region, Inc. regarding the hiring of an Ag Marketing Specialist.

Minutes received from the Jefferson County Public Service District for a Special Meeting held on July 6, 2004.

Miscellaneous

PRESIDENT