

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 7, 2004, beginning at 10:00 o'clock a.m.

PRESENT: Rusty Morgan, President Pro Tem;
James G. Knode; Greg Corliss; Jane M. Tabb; Commissioners

Commissioner Hooper was absent due to prior commitment

In re: PLEDGE OF ALLEGIANCE

Commissioner Morgan 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 meeting held on Thursday, September 30, 2004, and to approve the Minutes as amended. Motion carried.

Motion by Tabb, second by Corliss to dispense with the reading of the Minutes for the Special Session held on Friday, October 1, 2004 and to approve the Minutes as presented. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Corliss to approve the following Purchase Orders for the Week of October 4, 2004, totaling \$13,041.85: 40233, 40107, 40569, 39906, 39914, 40487, 40488, 40489, 40454, 40455, 40456, 40457, 40458, 40343, 40440, 40575, 40578, 40579, 40380, 40582, 40584 and 40585. Motion carried.

In re: PARTIAL BOND RELEASE - WILLIAM DECAMPS

Motion by Tabb, second by Corliss to approve the partial bond release of an Escrow Account dated June 8, 2004 in the amount of \$21,407.85 for William DeCamps C/O Chafford Industries. Motion carried.

In re: PARTIAL BOND RELEASE - WILMOTH CONSTRUCTION, INC.

Motion by Knode, second by Tabb to approve the partial bond release of an Irrevocable Letter of Credit No: 1144 in the amount of \$190,487.00 for Wilmoth Construction, Inc. for the Deerfield Village Subdivision. 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, Zoning and Engineering Activity Report.

Discussion included Community Impact Statements, Planning Commission staffing and managerial review processes.

After discussion, motion by Corliss, second by Tabb to assign Paul Raco the task of drafting a staffing policy with assistance from Leslie Smith and Brandon Sims. Motion carried by a 3-1 vote, Commissioner Knode voted no.

Commissioner Hooper arrived at 10:45 a.m.

In re: ROGER DAILEY - FARMLAND PROTECTION BOARD - RSP ENTERPRISES CONSERVATION EASEMENT

On behalf of the Farmland Protection Board, Roger Dailey appeared before the Commission to discuss the Conservation Easement request as presented for RSP Enterprises.

After discussion, motion by Tabb, second by Corliss to approve the Farmland Protection Board Conservation Easement for RSP Enterprises. Motion carried.

In re: JANE PETERS - INTRODUCTION OF KELLIE BOLES - AGRICULTURAL DEVELOPMENT OFFICER

Jane Peters, Development Authority Director appeared before the Commission to introduce Kellie Boles, the new Agricultural Development Officer.

In re: APPROVAL OF ELECTION WORKERS FOR THE NOVEMBER 2, 2004 GENERAL ELECTION

Motion by Tabb, second by Morgan to approve the list of Election Workers for the November 2, 2004 General Election as presented by John Ott, County Clerk. Motion carried.

In re: DIVISION OF CULTURE AND HISTORY - HISTORICAL REVIEW OF FORMER JEFFERSON COUNTY JAIL

After Commission discussion regarding the Memorandum of Understanding, Motion by Hooper, second by Tabb to table this matter. Motion withdrawn.

Motion by Hooper, second by Tabb to table this matter indefinitely. Motion carried.

In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD

No applications were received for the Farmer position on the Farmland Protection Board. Commissioner Tabb reported that she will bring the matter up for discussion at the Farmland Protection Board meeting of Monday, October 11, 2004.

In re: 2005 LEGISLATIVE ISSUES

In addition to the issues discussed last week, to include, the proposed noise ordinance, the Local Powers Act, Land Use Planning and Annexation, the Commission discussed their concerns regarding municipal boundaries.

After discussion, the Commission decided to table this matter in order to discuss issues further in the County Commission Workshop with Brandon Sims, Assistant Prosecuting Attorney and to place the matter on the agenda for October 14, 2004.

In re: SUBDIVISION RFP

Paul Raco appeared before the Commission for discussion and presentation of the draft Subdivision Ordinance Request for Proposals for Commission review and input.

After discussion and review the Commission decided to table this matter until October 14, 2004 to permit further research and revisions.

In re: SET TIME FOR FIDUCIARY REVIEW

Motion by Knode, second by Tabb to set the date and time for the Fiduciary Review on Thursday, October 14, 2004 at 11:00 o'clock a.m. Motion carried.

In re: APPROVAL OF MANAGEMENT SERVICES FOR THE FINANCIAL STATEMENT - OFFICE OF THE STATE AUDITOR

Motion by Tabb, second by Hooper to approve the Management Services of Paul Shroyer as presented by Stuart T. Stickel, CPA, Deputy State Auditor. Motion carried.

In re: ANNUAL FINANCIAL STATEMENT REVIEW

Motion by Knode, second by Tabb to accept and approve the Annual Financial Statement for Fiscal Year ending June 30, 2004. Motion carried.

In re: APPROVAL OF EMPLOYMENT - JOYCE JENKINS - PART TIME WORTHLESS CHECK DEPUTY CLERK - MAGISTRATE COURT

Motion by Tabb, second by Knode to approve the employment of Joyce Jenkins as a part-time worthless check Deputy Clerk at the Magistrate Court Clerk's Office. Motion carried.

In re: RETIREMENT OF RITA HOWELL - DEPUTY DIRECTOR OF EMERGENCY COMMUNICATIONS

Motion by Tabb, second by Hooper to draft a Resolution in Honor of Rita Howell's dedication and years of service. Motion carried.

J. Michael Cassell reported on the status of the Order of Dismissal without Prejudice with the City of Charles Town.

Commissioner Hooper reported on the Ad Hoc Water Committee Meeting.

Commissioner Morgan reported on the West Virginia Association of Counties meeting.

Commissioner Morgan reported on the Planning Commission meeting.

Commissioner Morgan reported on the Affordable Housing meeting.

Commissioner Morgan reported on additional correspondence he has received regarding public safety at the MARC Train terminal.

Commissioner Tabb discussed concerns with the crop report she received.

The Commission received the following information:

Inspection of Vote Recording Devices on Monday, October 18, 2004, at 10:00 a.m.

Testing of the Automatic Tabulating Equipment on Tuesday, October 26, 2004, at 9:30 a.m.

Permit Activity Report received from the Department of Planning, Zoning and Engineering.

Invitation received from the Potomac Headwaters RC&D to attend the Karst

Workshop on November 18-19, 2004, at NCTC.

Invitation received from the Chamber of Commerce to attend the Public Service Recognition Banquet on Wednesday, October 13, 2004.

Copy of Correspondence sent to Ms. Judy Lowe from CSX Transportation received concerning delays to the MARC commuter trains.

Community Bulletin received from Harpers Ferry National Historical Park.

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

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

PRESIDENT