

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 21, 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 meeting held on Thursday, October 14, 2004, and to approve the Minutes as amended. Motion carried.

Motion by Corliss, second by Tabb to dispense with the reading of the Minutes for the meeting held on Monday, October 18, 2004, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Knode to approve the following Purchase Orders for the Week of October 18, 2004, totaling \$28,654.28: 40236, 40417, 40321, 39287, 39328, 40320, 40542, 40543, 40010, 39915, 39916, 39917, 39918, 40541, 40545, 40547, 40666, 40667, 40668, 40459, 40610, 40612, 40613, and 40614. Motion carried.

In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD

No applications were received for the farmer position on the Farmland Protection Board.

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

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

In re: APPROVAL OF EMPLOYMENT - STEVEN HOLZ

Motion by Corliss, second by Tabb to approve the employment of Steven Holz in the Sheriff's Law Office. Motion carried.

In re: **COMPLETE BOND RELEASE - TYSONS TREE SERVICE, INC.**

Motion by Knode, second by Tabb to approve the complete release of a Letter of Credit in the amount of \$58,400 for Tysons Tree Service, Inc. Motion carried.

In re: **PARTIAL BOND RELEASE - ARABY HOMES, LLC**

Motion by Morgan, second by Tabb to approve the partial release of a Letter of Credit in the amount of \$169,301 for Araby Homes, LLC with the County to retain \$449,225. Motion carried.

In re: **PARTIAL BOND RELEASE - CHAFFORD INDUSTRIES**

Motion by Tabb, second by Corliss to approve the partial release of a Letter of Credit in the amount of \$22,689 for Chafford Industries with the County to retain \$32,638. Motion carried.

In re: **PARTIAL BOND RELEASE - RAI GROUP 41, LLC**

Motion by Morgan, second by Knode to approve the partial release of a Letter of Credit in the amount of \$106,933 for RAI Group 41, LLC with the County to retain \$8,500. 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: **RESOLUTION - LOCAL ECONOMIC DEVELOPMENT ASSISTANCE GRANT - SOLID WASTE AUTHORITY**

After discussion and comments from Terry Courtright, motion by Morgan, second by Tabb to approve the following Resolution for a Local Economic Development Assistance Grant for the Solid Waste Authority. Motion carried.

RESOLUTION

The Jefferson County Commission met on the 21st day of October, 2004 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, hereby authorizes A. G. Hooper, Jr., President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive and administer grant funds pursuant to provision of the Local Economic Development Assistance grant award. This project is to assist in the upgrade of the solid waste disposal facility at the transfer station for the Solid Waste Authority.

Dated: 10/21/2004

/s/ _____
A. G. HOOPER, JR.
PRESIDENT
JEFFERSON COUNTY COMMISSION

In re: **MIKE CASSELL - JEFFERSON COUNTY/CHARLES TOWN IMPACT FEE SETTLEMENT UPDATE**

Mike Cassell appeared before the Commission to give an update on the Jefferson County/Charles Town Impact Fee Settlement and to present the dismissal order that was signed by the Judge.

In re: **JEFF POLCZYNSKI - ADDRESSING UPDATE**

Jeff Polczynski appeared before the Commission to give an update on the Addressing project. Mr. Polczynski informed the Commission that the Harpers Ferry Post Office had notified their customers to start using their new addresses on October 16, 2004. This was the last of the County's post offices to convert their customer to the E-911 addresses. All County residents should be able to use their new E-911 address.

In re: **ROGER DAILEY - FARMLAND PRESERVATION EASEMENT - SAM DONLEY PROPERTY**

Roger Dailey appeared before the Commission to request the approval of a Farmland Preservation Easement on the Sam Donley Property. After discussion, motion by Tabb, second by Corliss to approve the Farmland Preservation Easement on the Sam Donley Property which will be amended to include the comments from Assistant Prosecutor, Stephen V. Groh. Motion carried.

In re: **SUBDIVISION ORDINANCE RFP**

The Commission discussed the Subdivision Ordinance RFP with the Executive Director of Planning, Zoning and Engineering, Paul Raco. After discussion, the Commission agreed to reconvene at 2:00 p.m. and to have Mr. Raco come back at that time with the completed changes to the Subdivision Ordinance RFP, as discussed.

In re: **ZONING ORDINANCE REWRITE UPDATE AND ANTICIPATED TIMELINES/MILESTONES**

The Commission discussed the Zoning Ordinance Rewrite with the Executive Director of Planning, Zoning and Engineering, Paul Raco. Mr. Raco informed the Commission that it would be approximately 4 weeks until a draft rewrite is ready.

In re: **NOISE ORDINANCE STATUS**

The Commission agreed to put the Noise Ordinance status on next week's agenda.

In re: **DEPARTMENT OF IMPACT FEES - PERMISSION FOR ADDITIONAL CONSULTANT**

FUNDING - IMPACT FEE RESEARCH

Motion by Corliss, second by Morgan to approve for additional consultant funding for the Department of Impact Fees not to exceed \$1,575. Motion passed by a 4-1 vote. Commissioner Knode voted no.

In re: DANIEL P. LUTZ, JR. - REQUEST FOR RELEASE OF DOCUMENTS UNDER THE FREEDOM OF INFORMATION ACT

Motion by Corliss, second by Tabb to respond to the Freedom of Information Act request from Daniel P. Lutz, Jr. and to provide the information requested at \$1.00 per page. Motion carried.

In re: JEFFERSON COUNTY SCHOOLS - SCHOOL BUS TRANSPORTATION DEPARTMENT - REQUEST FOR FUNDING OF CROSSING GUARDS FOR SHEPHERDSTOWN ELEMENTARY

The Commission discussed correspondence received from the School Bus Transportation Department of Jefferson County Schools. After discussion, the Commission agreed to send correspondence to the Jefferson County Board of Education with a copy going to the School Bus Transportation Department asking them to research the matter and to provide more information to the Commission.

In re: SUBDIVISION ORDINANCE RFP - CONTINUED

The Commission reconvened at 2:00 p.m. to review the changes to the Subdivision Ordinance RFP as presented by Paul Raco, Executive Director of Planning, Zoning and Engineering. After discussion, motion by Corliss, second by Tabb to release the Subdivision Ordinance RFP, as presented. Motion carried.

Terry Courtright appeared before the Commission to give an update on the Solid Waste Authority.

Gary Willis appeared before the Commission to discuss an incident that happened on his property on North Childs Road between his sons and Sheriff Boober and Magistrate Boober.

Joe Coakley appeared before the Commission to discuss traffic control law enforcement in Tuscowilla Hills.

Commissioner Morgan discussed the correspondence received from the West Virginia Courthouse Facilities Improvement Authority.

Commissioner Corliss reported on a Development Authority meeting.

Commissioner Corliss reported on a meeting with the Mayor of Hillsboro, Virginia

and asked to put the matter on next week's agenda.

Commissioner Corliss reported on a Hazardous Material Transportation Conference.

Commissioner Hooper reported on a meeting with the City of Charles Town Concerning the Brownfield Property.

Commissioner Tabb reported on an Air Quality Task Force Meeting.

Commissioner Tabb reported on a reception for Kellie Boles, the new Agricultural Development Officer.

Commissioner Tabb discussed the removal of election signs.

Commissioner Tabb reported on an E-911 meeting.

Commissioner Knode reported on a MPO meeting.

The Commission received the following information:

Testing of Automatic Tabulating Equipment on Tuesday, October 26, 2004, at 9:30 a.m. and on Election Night Tuesday, November 2, 2004, at 7:00 p.m.

Acceptance of Bond for RAI Group 43B in the amount of \$294,509.

Acceptance of Bond for Burch Manor Subdivision in the amount of \$27,681.

Correspondence received from Senator Robert C. Byrd concerning the Fiscal Year 2005 Agriculture Appropriations Bill.

Correspondence received from Adelphia concerning the addition of High Definition channels.

Correspondence received from the Spirit of Jefferson concerning the Affidavit of Circulation: Legal Advertising Rates.

Correspondence received from the Secretary of State concerning Exit Polling and Early Voting.

Correspondence received from the Association of Counties concerning PEIA premiums.

Correspondence received from the West Virginia Courthouse Facilities Improvement Authority concerning the Applications for Funding Assistance.

Notice received of the 4th Annual Local Elected Officials Training Session on Monday, November 15, 2004.

Disbursement check in the amount of \$72,298.85 received from the Public Service Commission for E-911 Subscriber Fees.

Disbursement check in the amount of \$40,999.68 received from Citizens Communications for E-911 Subscriber Fees.

Notice received from the Hagerstown/Eastern Panhandle Metropolitan Planning Organization of meetings concerning the Long Range Transportation Plan.

Meeting minutes received from the Harpers Ferry/Bolivar Public Service District.

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

Oath of Office received from Steven M. Holz as Deputy Sheriff.

Upon rising, the Commission recessed until Tuesday morning next beginning at 9:30 o'clock a.m.

PRESIDENT