

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 Jefferson County Courthouse thereof on Thursday, December 2, 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 - SPECIAL SESSION

Motion by Knode, second by Tabb to dispense with the reading of the Minutes for the special session held on Monday, November 8, 2004, and to approve the Minutes as amended. Motion carried.

In re: DISPENSE WITH READING OF MINUTES - SPECIAL SESSION

Motion by Morgan, second by Knode to dispense with the reading of the Minutes for the special session held on Monday, November 15, 2004, and to approve the Minutes as presented. Motion carried.

In re: DISPENSE WITH THE READING OF MINUTES - REGULAR TERM

Motion by Tabb, second by Morgan to dispense with the reading of the Minutes for the meeting held on Wednesday, November 17, 2004, and to approve the Minutes as presented. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Knode to approve the following Purchase Orders for the Week of December 1, 2004, totaling \$43,335.20: 40733, 40890, 40891, 40892, 40834, 40835, 40837, 401563, 40564, 40731, 40735, 40737, 40108, 40697, 40114, 39783, 40729, 40730, 40732, 40734, 40736, 40896, 40755, 40758, 39688, 40422, 40423, 40600, 40792, 40793, 40794, 40799, 40805, 40806, 40807, 40808, 40809, 40810, 40811, 40815, 40816, 40817 and 40818. 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: COMPLETE BOND RELEASE - WILLIAM DECAMPS c/o CHAFFORD INDUSTRIES; PC FILE NO: S04-05

Motion by Tabb, second by Morgan to approve the complete release of a Cash in Escrow account in the amount of \$32,638.00 for William DeCamps C/O Chafford Industries; PC File No: S04-05. Motion carried.

In re: PARTIAL BOND RELEASE - SHENANDOAH CONSTRUCTION MANAGEMENT, LLC; PC FILE NO: S03-04

Motion by Morgan, second by Knode to approve the partial release of an Irrevocable Letter of Credit in the amount of \$10,301.00 for Shenandoah Construction Management, LLC, with the County to retain \$13,742.00. Motion carried.

**In re: PARTIAL BOND RELEASE - SUMMIT POINT AUTOMOTIVE RESEARCH CENTER, LLC;
PC FILE NO: S02-01**

Motion by Knode, second by Morgan to approve the partial release of an Irrevocable Letter of Credit in the amount of \$471,942.24 for Summit Point Automotive Research Center, LLC, with the County to retain \$197,314.00. Motion carried.

In re: SUE LAWTON - WASTEWATER TREATMENT PLANT UPDATE

Sue Lawton and Marty Kable of the Public Service District appeared before the Commission to give an update on the Wastewater Treatment Plant. Discussion included the responsibilities and standards of the Department of Environmental Protection with regard to blowers and digesters to increase water quality, technological updates with the Flowing Springs Plant watershed capabilities, criteria standards, Public Service District allocations, as well as permit statistics and processes.

In re: JEFF POLCZYNSKI

•BACKGROUND INVESTIGATION CONTRACT

Motion by Tabb, second by Morgan to approve the Background Investigation Contract as presented by Jeff Polczynski, Communications Director. Motion carried.

•FRONTIER COMMUNICATIONS COMPLAINT

Jeff Polczynski appeared before the Commission to discuss the complaint to be filed with the West Virginia Public Service Commission. Mr. Polczynski presented the Commission with a draft Addendum to be submitted pending the review of Prosecuting Attorney, Brandon Sims. The addendum includes existing infrastructure data, alternate carrier data, service capability standards as provided by Frontier, trunking and routing capabilities to include location identification capabilities, fee comparisons of other communication providers, wireless caller statistics and the history of E911 Communications.

Mr. Polczynski also advised the Commission of an informal complaint filed by Hampshire County officials. Commissioners discussed the possibility of moving forward with a formal complaint at the conclusion of Brandon Sims review and/or amendments to the Addendum and Complaint as presented by Mr. Polczynski.

After discussion, motion by Tabb, second by Morgan that the complaint be presented to the West Virginia Public Service Commission for filing upon the completion of Brandon Sims review. Motion carried.

In re: RFP FOR MAPPING OF ANNEXED AREAS

The Commission agreed to table this matter until Thursday, December 9, 2004.

In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD

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

In re: APPOINTMENT TO THE AMBULANCE AUTHORITY

Motion by Tabb, second by Morgan to reappoint Dave Donahue to the Ambulance Authority for a three year term ending November 2, 2007. Motion carried.

In re: IMPACT FEE COLLECTION UPDATE

Mark Schiavone, Impact Fee Coordinator, appeared before the Commission to give a Impact Fee Collection Update. Mr. Schiavone reported on his meeting with Mike Cassell, Prosecuting Attorney, in regard to collections from the City of Charles Town and Ranson, his telephone discussion with Jane Arnett, and Impact Fee protocols. Discussion also included construction offset evaluation procedures and Ranson's proposal modifications.

In re: DRAFT ZONING AMENDMENTS

The Commission agreed to discuss Draft Zoning Amendments at the afternoon workshop at 1:30 p.m.

In re: APPOINTMENT TO THE NORTH EASTERN REGIONAL EMS

Motion by Tabb, second by Knode to reappoint Rusty Morgan to the North Eastern Regional EMS Committee for a two year term ending October 31, 2006. Motion carried.

In re: SET TIME & DATE FOR 2nd INTERIM ACCOUNTING - ESTATE OF WILLIAM BAKER JONES, JR.

The Commission agreed to set the date for the Second Interim Accounting for the Estate of William Baker Jones, Jr. on Thursday, December 9, 2004 at 11:00 a.m.

In re: RESOLUTION - LOCAL ECONOMIC DEVELOPMENT ASSISTANCE GRANT AWARD - HALLTOWN MEMORIAL CHAPEL ASSOCIATION

Motion by Morgan, second by Tabb to authorize Commission President, A.G. Hooper, Jr. to affix his signature to the following Halltown Memorial Chapel Association Resolution as presented. Motion carried.

RESOLUTION

The Jefferson County Commission met on the 2nd day of December 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 West Virginia Development Office to receive and administer grant funds pursuant to provision of the Local Economic Development Assistant grant award. This project is to assist in the restoration of the Halltown Memorial Chapel for the Halltown Memorial Chapel Association.

Dated: December 2, 2004

/s/ A.G. Hooper, Jr.

*Commissioner, A.G. Hooper, Jr., President
Jefferson County Commission*

In re: WALTER WOJCIK - ADELPHIA COMPLAINT

The Commission authorized the County Administrator to draft a letter to Mr. Wojcik acknowledging his complaint and to further contact Adelphia to discuss the matter.

In re: APPROVAL OF EMPLOYMENT - KIMBERLY J. SHRADER, P.E. - COUNTY ENGINEER

Motion by Corliss, second Tabb by to approve the full-time employment of Kimberly J. Shrader, P.E. as County Engineer. Motion carried.

In re: HILLSBORO SUMMIT III/LOUDOUN, CLARK, JEFFERSON AND BERKELEY COUNTY REGIONAL TRANSPORTATION ISSUE DISCUSSION

Commissioner Corliss reported on the Hillsboro Summit meeting held on Monday, November 29, 2004. Commissioner Corliss reported that discussions included regional solutions with area municipalities and counties.

After discussion, motion by Corliss, second by Morgan to schedule future meetings with surrounding counties and municipalities to include West Virginia and Virginia officials to conduct meetings to obtain regional solutions to current transportation problems to include possible mass transit efforts. Motion carried.

In re: TRACTOR TRAILER PARKING ON RT. 340 BYPASS AND RT. 9

Commissioner Morgan expressed his concerns with tractor trailer parking along Routes 340 and 9. After discussion, motion by Morgan, second by Corliss to draft a letter to Mr. William Hartman at the Department of Transportation to potentially adopt rules or regulations permitting tractor trailer parking along county highways. Motion carried.

Commissioner Knode expressed his concerns with Sue Lawton's comments in regard to the Wastewater Treatment Plant.

Commissioner Tabb reported on the Karst Workshop.

Commissioner Morgan reported on the Affordable Housing Committee meeting.

Commissioner Morgan reported on the Solid Waste Authority meeting.

Commissioner Morgan reported on the Historic Landmarks Committee meeting.

Commissioner Morgan expressed his concerns about the Poor Farm property.

The Commission received the following information:

Letter of Resignation received from Roger Dailey as a member of the Farmland Protection Board.

Acceptance of Bond for Chapel View Subdivision in the amount of \$1,086,409.20.

Draft of Law Enforcement Impact Fee Ordinance received from the Department of Impact Fees.

Correspondence received from the Department of Administration concerning the Design-Build Board preliminary approval of the Community Center Project.

Proposal for the Commission on Governing in the 21st Century received from the County Commissioners' Association.

Correspondence received from the Martin Luther King, Jr. Holiday Commission concerning the Living the Dream Award.

Request for Proposals received from the West Virginia Court Security Fund.

Notice received from the Eastern Panhandle Entrepreneurs Forum of their next meeting on Thursday, December 2, 2004, at 5:30 p.m.

911 fee remittance transmittal sheet received from Citizens Telecommunications Company of West Virginia.

Correspondence received from the West Virginia Division of Culture and History concerning the East Washington Street Historic Review.

Correspondence received from Neal Sharp concerning the Homeland Security Grant.

Correspondence received from the West Virginia Development Office concerning the Telamon Corporation Rehabilitation Program.

Correspondence received from Senator Robert C. Byrd concerning an Outdoor Education Center.

Statement of Completion of Assessor's Additional Duties received from the State Tax Department.

Correspondence received from Dr. Steven Nichols concerning the crossing guard issue.

Correspondence received from the Secretary of State concerning Certificates of Results from the General Election.

Correspondence received from the Association of Counties concerning Senate Bill 3002.

Notice received of a Subdivision Work Session on Friday, December 3, 2004.

Harpers Ferry National Historical Park Community Bulletin received for December 2004.

Meeting minutes received from the Jefferson County Public Service District.

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

Miscellaneous

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

PRESIDENT