

**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, December 9, 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, December 2, 2004, and to approve the Minutes as prepared. Motion carried.**

**In re: APPROVAL OF PURCHASE ORDERS**

**Motion by Morgan, second by Tabb to approve the following Purchase Orders excluding Purchase Order Number 40901 in the amount of \$16,500.00 for the Week of December 6, 2004, totaling \$93,590.28: 40839, 40840, 40499, 40500, 40921, 40900, 40741, 39785, 40170, 40744, 40897, 40898, 4089940674, 40762, 40375, 40376, 40438, 40791, 40802, and 39689. Motion carried.**

**In re: KURT MCCOY - USGS - UPDATE ON STUDY OF WELLS**

**Kurt McCoy, Hydrologist, USGS - Water Resources Division appeared before the Commission to give an update on the study of wells in the karst areas of Jefferson County. He distributed a Fracture Trace Analysis of Jefferson County Preliminary Data Update and informed the Commission that he would be back in a few months for an update.**

**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.**

**Mr. Raco informed the Commission that he received 6 Proposals for the Subdivision Ordinance and that the committee will review the proposals.**

**In re: MIDDLEWAY GROUND WATER CONTAMINATION PROBLEM**

Commissioner Corliss discussed the Middleway ground water contamination problem with the Commission. Lisa Dunn, Sanitarian for the Jefferson County Health Department was present for the discussion and made comments. After discussion, motion by Corliss, second by Tabb to ask the Health Department in conjunction with the Public Service District to review and come back to the Commission with a recommendation for the ground water contamination problem in Middleway. Motion carried.

**In re: ESTATE OF WILLIAM BAKER JONES, JR. - 2<sup>ND</sup> INTERIM ACCOUNTING**

Motion by Knode, second by Morgan to approve and confirm the second interim accounting of the Estate of William Baker Jones, Jr., deceased. Motion carried.

**In re: REVIEW THE PROPOSED LAW ENFORCEMENT IMPACT FEE ORDINANCE FOUND IN LAST WEEK'S INFORMATION SECTION WITH RESPECT TO APPROVING THE WORDING AT THIS TIME AND SETTING A PUBLIC HEARING DATE**

Motion by Morgan, second by Corliss to approve the final proposed Law Enforcement Impact Fee Ordinance and to set a Public Hearing date for Thursday, December 30, 2004. Motion by Knode, second by Tabb to table the matter for response from the Prosecuting Attorney's office regarding the changes in the wording. Motion passed by a 3-2 vote. Commissioners Morgan and Corliss voted no.

**In re: RECEIVE UPDATE ON PENDING RANSON SCHOOL IMPACT FEE AGREEMENT**

The Commission agreed to keep this matter on as Old Business for further review.

**In re: RECEIVE UPDATE ON MUNICIPALITY SCHOOL IMPACT FEE/PROFFER COLLECTIONS**

Mark Schiavone, Impact Fee Coordinator, appeared before the Commission and reported on the Charles Town School Impact Fee/Proffer Collections.

**In re: RECEIVE UPDATE ON STATUS OF PROPOSED NOISE ORDINANCE**

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission to report on the status of the proposed Noise Ordinance. After discussion, motion by Corliss, second by Morgan to have Ms. Sims redraft the Noise Ordinance and to include her research and recommendations for future approval. Motion carried.

**In re: RFP FOR MAPPING OF ANNEXED AREAS**

The Commission discussed the RFP for Mapping of the Annexed Areas. The Commission agreed to have the Commission staff work with the County Clerk's office to get a list of the annexed areas that were affected by the new law and to prepare the RFP listing the annexations and to advertise.

**In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD**

**Motion by Morgan, second by Tabb to appoint Phil Cox to the Jefferson County Farmland Protection Board - Non-Farmer for an unexpired term ending September 7, 2006.  
Motion carried.**

**In re: APPROVE 2005 HOLIDAY SCHEDULE**

**Motion by Tabb, second by Knode to approve the following 2005 Holiday Schedule:  
Motion carried.**

**JEFFERSON COUNTY COMMISSION HOLIDAY SCHEDULE 2005**

NEW YEAR'S DAY	FRIDAY, DECEMBER 31, 2004
MARTIN LUTHER KING'S BIRTHDAY	MONDAY, JANUARY 17, 2005
LINCOLN'S BIRTHDAY	FRIDAY, FEBRUARY 11, 2005
WASHINGTON'S BIRTHDAY	MONDAY, FEBRUARY 21, 2005
MEMORIAL DAY	MONDAY, MAY 30, 2005
WEST VIRGINIA DAY	MONDAY, JUNE 20, 2005
INDEPENDENCE DAY	MONDAY, JULY 4, 2005
LABOR DAY	MONDAY, SEPTEMBER 5, 2005
COLUMBUS DAY	MONDAY, OCTOBER 10, 2005
VETERAN'S DAY	FRIDAY, NOVEMBER 11, 2005
THANKSGIVING DAY	THURSDAY, NOVEMBER 24, 2005
CHRISTMAS	MONDAY, DECEMBER 26, 2005

IN ADDITION TO THE DAYS LISTED ABOVE, THE COMMISSION WILL OBSERVE AS HOLIDAYS, ANY NATIONAL, STATE OR OTHER ELECTION DAY THROUGHOUT THE COUNTY, AND ALL DAYS WHICH MAY BE APPOINTED OR RECOMMENDED BY THE GOVERNOR, OF THIS STATE, OR THE PRESIDENT OF THE UNITED STATES, AS DAYS OF THANKSGIVING, OR FOR THE GENERAL CESSATION OF BUSINESS, ANY DAY OR PART THEREOF DESIGNATED BY THE GOVERNOR AS TIME OFF, WITHOUT CHARGE AGAINST ACCRUED ANNUAL LEAVE, FOR STATE EMPLOYEES STATEWIDE MAY ALSO BO TIME OFF FOR COUNTY EMPLOYEES IF THE COUNTY COMMISSION ELECTS TO DESIGNATE THE DAY OR PART THEREOF AS TIME OFF, WITHOUT CHARGE AGAINST ACCRUED ANNUAL LEAVE FOR COUNTY EMPLOYEES. ANY ENTIRE OR PART STATE WIDE DAY OFF DESIGNATED BY THE GOVERNOR MAY, FOR ALL COURTS, BE TREATED AS IF IT WERE A LEGAL HOLIDAY, AS PROVIDE FOR IN 2-2-1 OF THE WEST VIRGINIA CODE, AS AMENDED.

DATE: December 9, 2004

/s/  
PRESIDENT, JEFFERSON COUNTY COMMISSION

**In re: RECEIVE PROPOSALS FOR SURVEY OF COUNTY COMMISSION AND SOLID WASTE AUTHORITY PROPERTIES**

The Commission discussed the proposals for the survey of County Commission and Solid Waste Authority properties. The Commission agreed to review and make recommendations.

**In re: SCHEDULE A WORK SESSION WITH LEGISLATORS REPRESENTING JEFFERSON COUNTY IN CONNECTION WITH JEFFERSON COUNTY'S LEGISLATIVE ISSUES**

The Commission agreed to have the County Administrator set a date and time the 1<sup>st</sup> or 2<sup>nd</sup> week in January to have a work session with Legislators representing Jefferson County in connection with Jefferson County's Legislative issues.

**In re: APPROVAL OF GRANT RESOLUTIONS**

- Jefferson County Fairgrounds - \$20,000
- Blue Ridge Acres Community Club - \$14,000
- Blue Ridge Acres Community Club - \$8,000

Motion by Tabb, second by Morgan to approve the following Resolution for the Jefferson County Fairgrounds in the amount of \$20,000.00: Motion carried.

## ***RESOLUTION***

The Jefferson County Commission met on the 9<sup>th</sup> 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 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 electrical system and infrastructure at the Jefferson County Fairgrounds.

Dated: 12/9/2004

/s/

A. G. HOOPER, JR.  
PRESIDENT  
JEFFERSON COUNTY COMMISSION

Motion by Morgan, second by Tabb to approve the following resolutions for the Blue Ridge Acres Community Club in the amount of \$14,000 and \$8,000: Motion carried.

### ***RESOLUTION***

The Jefferson County Commission met on the 9<sup>th</sup> 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 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 site plan fees and remaining funds toward the architectural and mechanical engineering costs for the replacement of the Blue Ridge Acres Community Clubhouse.

Dated: \_\_\_\_\_

/s/

A. G. HOOPER, JR.  
PRESIDENT  
JEFFERSON COUNTY COMMISSION

### ***RESOLUTION***

The Jefferson County Commission met on the 9<sup>th</sup> 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 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 architectural and mechanical engineering costs for the replacement of the Blue Ridge Acres Community Clubhouse.

Dated: 12/9/2004

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

Commissioner Knode reported on the Workforce Board.

Commissioner Tabb reported on her trip to South Carolina and discussed the residential and industrial growth.

Commissioner Corliss reported on the Public Service District meeting.

Commissioner Corliss reported on the Fire Chief's/Communications meeting.

Commissioner Morgan informed the Commission that he would be going to Charleston, WV with Terry Courtwright on Tuesday, December 14, 2004 to meet with the PSD, Waste Management and the Public Service Commission to discuss future plans.

The Commission received the following information:

Acceptance of Bond for the Ranson/Childs Road Church of God in the amount of \$61,405.

Appointments to be made to the Farmland Protection Board on Thursday, December 23, 2004.

Appointments to be made to the Zoning Board of Appeals on Thursday, January 6, 2005.

The Jefferson County 911 Center is featured in an Article in the National Journal of Emergency Dispatch spotlighting the Center's achievement in becoming an Accredited Center of Excellence.

**Impact Fee Status Report received for November 2004.**

**Notice received from the Department of Impact Fees of a Transfer of Funds to the Sheriff's School Impact Fee Account.**

**AmeriCorps Promise Fellows 2002-2003 Yearbook received.**

**Correspondence received from Jason and Christine Kowalski concerning the East Washington Street Buildings.**

**Correspondence received from the Association of Counties concerning an increase of the mileage reimbursement rate to 40.5 cents per mile effective January 1, 2005.**

**Invitation received to attend a Retirement Dinner for John E. Ott at Citizens Fire Company on Wednesday, December 29, 2004, at 6:00 p.m.**

**Thank you letter received from the Eastern Panhandle Free Clinic for funding received.**

**Correspondence received from the Association of Counties concerning Commercial Insurance Services.**

**Financial Statements received from the Jefferson County Development Authority for the fiscal year ended June 30, 2004.**

**Open Governmental Proceedings Act received from the Office of the Attorney General.**

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

**Ribbon Cutting - Saturday, December 11, 2004, at 12:00 p.m. for Café de Kabobs at 132 West Washington Street.**

**Information received from the Association of Counties concerning the following:**

- The Eagles concert at the Charleston Civic Center on March 13, 2005**
- PEIA Finance Plan**
- Senate Bill 100**

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

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PRESIDENT