

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, January 6, 2005, beginning at 10:00 o'clock a.m.

PRESENT: Rusty Morgan, President Pro Tem;
Greg Corliss; Jane M. Tabb;
Dale Manuel; James Surkamp; Commissioners

In re: PLEDGE OF ALLEGIANCE

Commissioner Manuel conducted the Pledge of Allegiance.

In re: MOMENT OF SILENCE

The Commission observed a moment of silence in remembrance of all those affected by the devastating tsunamis in South Asia and the Commission is deeply saddened by this tragedy, and their thoughts are with the victims and their families.

In re: ELECTION OF COUNTY COMMISSION PRESIDENT

Nomination by Tabb to elect Rusty Morgan, President of the County Commission of Jefferson County for the year 2005. Motion by Manuel, second by Tabb to close nominations.

By a 5-0 vote, Rusty Morgan was elected President of the County Commission of Jefferson County for the year 2005.

In re: ELECTION OF COUNTY COMMISSION VICE PRESIDENT

Nomination by Manuel to elect Jane Tabb, Vice President of the County Commission of Jefferson County for the year 2005. Nomination by Surkamp to elect Greg Corliss, Vice President of the County Commission of Jefferson County for the year 2005. By a 3-2 vote, Greg Corliss was elected Vice President of the County Commission of Jefferson County for the year 2005.

In re: AGENDA FORMAT CHANGED

Commissioner Morgan commented on the upcoming issues that the Jefferson County Commission would be facing this year. Commissioner Morgan discussed the public comment and the format of the agenda. After discussion, motion by Corliss, second by Manuel to change the format of the agenda and to allow public comment at the beginning and at the end of the meetings. Motion carried.

In re: COMMISSION APPOINTMENT TO VARIOUS BOARDS, COMMISSIONS AND ORGANIZATIONS FOR 2005

ASSIGNMENT TO BOARDS, COMMISSIONS & ORGANIZATIONS FOR CALENDAR YEAR 2005

<i>ORGANIZATION:</i>	<i>2005:</i>
Approval of Bills	Tabb
Board of Health	Surkamp
Building Repair	Morgan
Community Corrections Committee	Manuel
Development Authority	Tabb/Manuel
Fire/Ambulance/Rescue	Surkamp/Corliss
Local Emergency Planning Committee	Surkamp/Manuel
Emergency Services Council	
E-911 Council	Surkamp/Corliss
Extension Service	Tabb
Farmland Preservation Board	Tabb
Historic Landmarks	Morgan
Legislative Liaison	Manuel
Local Infrastructure Planning Team	
Mental Health Center	Prosecuting Attorney
MPO Interstate Council	Corliss
Parks & Recreation	Manuel/Morgan
Planning Commission	Corliss
Public Service District Liaison	Corliss/Surkamp
Region 9	Tabb
Solid Waste Authority	Morgan
Workforce Investment Act Liaison	Manuel
Commerce Corridor Council	Surkamp
Homeland Security	Surkamp/Manuel

Water Advisory Committee	Corliss/Morgan
Affordable Housing	Morgan/Manuel
Air Quality Control Board	Tabb

John Nichols, representing Adelpia commented on the on-line mapping and supports the Jefferson County Commission placing the maps back online.

Patsy Noland, Circuit Clerk would like to meet and discuss the computer security in a work session.

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 handed out the latest proposed amendments to the Zoning Ordinance to the Commission for review

In re: DISPENSE WITH READING OF MINUTES

Motion by Tabb, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, December 30, 2004, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Corliss to approve the following Purchase Order for the Week of January 3, 2005, totaling \$149.88: 40363. Motion carried.

In re: DR. LORI STILLEY, PRESIDENT AND DR. STEVENS NICHOLS, SUPERINTENDENT - JEFFERSON COUNTY BOARD OF EDUCATION - PRESENTATION OF CAPITAL IMPROVEMENT PLAN

Dr. Lori Stilley, President and Dr. Steven Nichols, Superintendent - Jefferson County Board of Education appeared before the Commission and presented the 2005-2006 Capital Improvement Plan. For the record, there were comments and discussion of the Capital Improvement Plan.

In re: CROSSING GUARD TRAINING - SHEPHERDSTOWN ELEMENTARY SCHOOL

Upon request from the Board of Education and support of the Sheriff, motion by Manuel, second by Corliss to approve the training and pay the Crossing Guard for the Shepherdstown Elementary School with reimbursement from the Board of Education. Motion carried.

In re: ZONING BOARD OF APPEALS INTERVIEWS

Interviews were held for the applicants present, Jeff Breese, Vicki Faulkner, Patricia Sanderson and Jeff Wogan. Jon Brusco and Doug Stolipher were not present.

In re: APPOINTMENTS TO THE ZONING BOARD OF APPEALS

Nomination by Surkamp to appoint Vicki Faulkner to the Jefferson County Zoning Board of Appeals for a 3 year term ending January 1, 2008. Nomination by Manuel to appoint Jeff Bresee to the Jefferson County Zoning Board of Appeals for a 3 year term ending January 1, 2008. Nomination by Tabb to appoint Thomas Trumble to the Jefferson County Zoning Board of Appeals for a 3 year term ending January 1, 2008. Motion by Corliss, second by Morgan to close nominations. Motion carried.

	Surkamp	Tabb	Morgan	Corliss	Manuel
Vicki Faulkner	✓			✓	
Jeff Bresee		✓	✓	✓	✓
Thomas Trumble		✓	✓		✓

In re: LAW ENFORCEMENT IMPACT FEE PUBLIC HEARING

Mark Schiavone, Impact Fee Coordinator, appeared before the Commission to hold a Law Enforcement Impact Fee Public Hearing. The Commission heard comments from the Sheriff, Bryan Parish, Fred Blackmer and Scott Hoeksema. The Commission agreed to place the draft Impact Fee Ordinance on the website and to place on the agenda in two weeks for adoption.

In re: PAUL BURKE - TWO ZONING PROPOSALS

Paul Burke appeared before the Commission to discuss two proposals for the Zoning Ordinance. After discussion, motion by Surkamp, second by Morgan to send Paul Burke’s proposals to the Planning Commission, Planning Zoning and Engineering and legal staff for review without comment and have written comments presented to the Commission on Tuesday, January 18, 2005 in time for the January 20th, 2005 meeting. Motion carried.

The Commission took a 5 minute break.

In re: PUBLIC POLICY DETERMINATIONS - PROPOSED NOISE ORDINANCE

The proposed noise ordinance will be discussed at the afternoon workshop.

In re: DRAFT MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY COMMISSION OF JEFFERSON COUNTY AND THE CORPORATION OF RANSON

The Draft Memorandum of Understanding Between the County Commission of Jefferson County and the Corporation of Ranson will be discussed at the afternoon workshop.

In re: SET TIME FOR QUARTERLY FIDUCIARY REVIEW

The Commission agreed to set the time for the Quarterly Fiduciary Review for 11:00 a.m. on Thursday, January 13, 2005.

In re: SET DATE AND TIMES FOR BOARD OF REVIEW AND EQUALIZATION

The Commission agreed to approve the following notice to set dates and times for Board of Review and Equalization and to advertise. Motion carried.

NOTICE

The County Commission of Jefferson County will convene as a Board of Review and Equalization in the County Commission Courtroom at the Courthouse of said County on Tuesday, February 1, 2005, at 1:30 p.m., for the purpose of reviewing and equalizing assessments returned by the Assessor of Jefferson County for the year 2005.

The Commission will continue to sit as a Board of Review and Equalization on Thursday, February 3, 2005, at 1:30 p.m., Tuesday, February 8, 2005, at 1:30 p.m., Wednesday, February 9, 2005 at 1:30 p.m., and thereafter, until all questions concerning assessments are heard.

Persons wishing to appear before the Commission must apply to the Jefferson County Assessor no later than Thursday, February 10, 2005, at noon, in order to complete the proper forms and to schedule a hearing date prior to the final date of February 15, 2005.

Given under my hand this 6th day of January, 2005.

JENNIFER MAGHAN, COUNTY CLERK
JEFFERSON COUNTY COMMISSION

In re: PUTTING COUNTY MAP BACK ON THE WEB

Commissioner Surkamp discussed the 911 Addressing website and requested that the map be placed on the web for public use. Motion by Surkamp, second by Corliss to recommend funds be available to place the map back on the website at no charge to the public. After discussion, Commissioner Surkamp withdrew his motion and the Commission agreed to review the matter and to work on the GIS program and have the map be placed on-line in-house. For the record, John Nichols, Adelphia representative was present and made comments supporting the on-line mapping.

In re: APPROVAL OF PUBLIC OFFICIAL BONDS

Motion by Tabb, second by Corliss to approve the Public Official Bonds for Gary A. Frey, Surveyor and Jennifer S. Maghan, County Clerk. Motion carried.

In re: CORRESPONDENCE RECEIVED FROM SHERRY DUGAN - DUTIES NOT BEING TAKEN CARE OF BY JOANNE PERKINS, FIDUCIARY COMMISSIONER

The Commission received correspondence from Sherry Dugan regarding the duties of Joanne Perkins, Fiduciary Commissioner not being taken care of. After discussion, the Commission agreed to send a letter to Joanne Perkins, Fiduciary Commissioner to see what the status is.

In re: REQUEST FOR WRITTEN AGREEMENTS BETWEEN THE COUNTY AND DEWBERRY AND APPALACHIAN SURVEYS

Commissioner Surkamp discussed the legal ownership of information received from MSAG, Dewberry and Appalachian Surveys and Pentree regarding maps. After discussion, motion by Surkamp, second by Tabb to request legal counsel to review our existing agreements and contracts and review the ownership of data and maps with Dewberry and Appalachian Surveys, MSAG and Pentree. Motion carried.

In re: LETTERS OF CREDIT DUE TO EXPIRE

The Executive Director of Planning, Zoning and Engineering informed the Commission of Letters of Credit that were due to expire January 15, 2005. Motion by Tabb, second by Corliss to defer action on the Shepherdstown Men's Club and the Charles Town Self Storage Letters of Credit until January 11, 2005 at 5:00 p.m. and to authorize staff to proceed with foreclosure on any of the other Letters of Credit that have not been renewed. Motion carried.

In re: WRITTEN EXPLANATION FROM PLANNING DIRECTOR OF LEGAL JUSTIFICATION OF HIS DECISIONS AND INTERPRETATIONS IN LIGHT OF KLETTER DECISION

Commissioner Surkamp withdrew his concerns regarding written explanation from the Planning Director of legal justification of his decisions and interpretations in light of the Kletter decision. No action was taken.

In re: ORDER PLANNING DEPARTMENT TO CLEAN UP A HARDCOPY OF ORDINANCES GIVEN TO COUNTY COMMISSION SO THAT THEY ARE IN DIGITAL FORM, AMENDMENTS SINCE ABOUT 1998 ARE ENTIRELY WITHIN THE NARRATIVE OF THE ORDINANCES NUMERICAL SEQUENCE AND NOT LOOSE PIECES OF PAPER

Commissioner Surkamp discussed with the Commission regarding the clean up of a hardcopy of ordinances given to County Commission so that they are in digital form, amendments since about 1998 and that they are entirely within the narrative of the ordinances numerical sequence and not loose pieces of paper. After discussion, the Commission took no action.

In re: NOT DESTROYING TAPES OF ANY COUNTY MEETINGS

Commissioner Surkamp discussed with the Commission destroying of tapes of any county meetings. The Commission commented and felt that a new sound system is needed and a better way to preserve recordings of county meetings. After discussion, motion by Surkamp, second by Corliss to look into a better sound system and recording system and to save meetings recorded indefinitely in CD form as soon as practicable. Motion carried.

In re: IMMEDIATE PUBLICATION OF MINUTES FROM BOARD OF ZONING APPEALS FROM MID MARCH AND MID SEPTEMBER, 2004

Commissioner Surkamp discussed the immediate publication of minutes from Board of Zoning Appeals from mid March and mid September, 2004. The Commission discussed the matter and no action was taken.

In re: COMPUTER SECURITY

Commissioner Surkamp discussed the computer security. Motion by Surkamp, second by Corliss to schedule a work session with Elected Officials and Department Heads to discuss computer security and policies. Motion carried.

In re: STATUS IN LOCATING 15-YEAR CABLE FRANCHISE AGREEMENT

Commissioner Surkamp discussed the 15-year cable franchise agreement and where it is filed. He would like for each Commissioner to have a copy. The County Administrator informed the Commission that the original would be filed in the County Clerk's Office and copies would be in the County Commission files. County Clerk Jennifer Maghan delivered a file containing cable documents with copies to be available after the meeting.

In re: ROBERTS RULES OF ORDER

The Commission will discuss Roberts Rules of Order at the work session.

Fred Blackmer discussed the reasons for not keeping recorded proceedings of county meetings and recommended legal review. The Commission agreed to take the matter under advisement.

The County Administrator informed the Commission that the budget process will begin now.

The County Administrator discussed the restructure of the agenda.

The County Administrator informed the Commission that the RFP for Community Center is available and ready to be sent out.

The County Administrator informed the Commission that the County Clerk mentioned that she would like to speak to the Commission.

Commissioner Corliss discussed the letter received from Paul Rosa regarding the traffic light on Route 340 at its intersection with route 230. After discussion, the Commission agreed to take his letter under consideration and to review the matter.

Commissioner Tabb reported on the Region 9 Council meeting.

Commissioner Tabb reported on the Planning Commission RFP Review Committee. Commissioners Morgan and Corliss would be serving on that Committee.

Commissioner Morgan reported on the upcoming Affordable Housing Committee meeting with the Commission on January 27th, 2005.

The Commission received the following information:

Correspondence received from Paul Rosa regarding placing traffic lights on Route 340 at its intersection with Route 230.

Correspondence received from Harold L. Shotwell regarding the Jefferson County Zoning Ordinance.

Affidavit of County, Municipal, or other Public Official Establishing Facsimile Signature received from the Secretary of State of West Virginia for Jennifer S. Maghan, Clerk of the County Commission.

Acceptance of Bond for Locust Hill Subdivision, Phase III, Townhouse Lots 56-95 in the amount of \$325,016.00.

Subdivision Work Session on Friday, January 7, 2005 at 10:00 a.m.

Correspondence received from the State Tax Department concerning the Assessor Valuation Fund Budget.

Correspondence received from Vivian Parsons regarding the death of Alma King, three-term County Clerk in Kanawha County.

Correspondence received from Potomac Headwaters RC&D Project Office - Executive Committee Meeting on Tuesday, January 18, 2005 at 6:00 p.m.

Jefferson County Board of Health Meeting Agenda received.

Jefferson County Health Department report received for November, 2004.

Sanitarian's Monthly Activity Report received for November, 2004.

Oath of Offices received from the following:

Mary R. Bordier, Assessor
Michael D. Thompson, Prosecuting Attorney
David Kyle Colbert, Sergeant, Jefferson County Sheriff's Office
Victor Carmen Lupis, III, Corporal, Jefferson County Sheriff's Office
Everett W. Boober, Sheriff
Patricia A. Noland, Circuit Clerk
James T. Surkamp, County Commissioner
Calvin Dale Manuel, County Commissioner
Gary A. Frey, Surveyor
Gail D. Magaha, Deputy County Clerk
Cheryl N. Barker, Deputy County Clerk
Robin J. Gaynor, Deputy County Clerk
Debbie L. Pittinger, Deputy County Clerk
Lana J. Mallow, Deputy County Clerk
Teresa R. Cooper, Deputy County Clerk
Mary E. Harder, Deputy County Clerk
Jennifer S. Maghan, County Clerk

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

PRESIDENT