

**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, January 13, 2005 beginning at 10:00 o'clock a.m.

**PRESENT:** A.M.S. (Rusty) Morgan, III, President;  
Greg Corliss; Jane Tabb;  
Dale Manuel; James Surkamp; Commissioners

**In re: PLEDGE OF ALLEGIANCE**

Commissioner Tabb conducted the Pledge of Allegiance.

**In re: DISPENSE WITH READING OF MINUTES - REGULAR SESSION**

Motion by Tabb, second by Morgan to dispense with the reading of the minutes for the County Commission meeting held Thursday January 6, 2005 and to approve minutes as presented. Motion carried.

**In re: DISPENSE WITH READING OF MINUTES - EMERGENCY SPECIAL SESSION**

Motion by Manuel, second by Corliss to dispense with the reading of minutes for the County Commission Emergency Special Session meeting held on Tuesday, January 11, 2005 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 January 10, 2005 totaling \$82,901.17: 40846, 40847, 40848, 40849, 40929, 40282, 40646, 40647, 40930, 40770, 40633, 40634, 40637, 40638, 40639 and 40640. Motion carried.

Motion by Tabb, second by Morgan to approve the additional purchase order, number 40850, totaling \$11,347.00 as presented by Jennifer Maghan, County Clerk. Motion carried.

**In re: COMPLETE BOND RELEASE - HOME HILL CORPORATION**

Motion by Manuel, second by Tabb to approve the complete release of a letter of credit in the amount of \$331,635.00 for Home Hill Corporation for Fernbank at Cress Creek Subdivision. Motion carried.

**In re: PARTIAL BOND RELEASE - EASTLAND SUBDIVISION**

Motion by Tabb, second by Manuel to approve the partial release of a letter of credit in the amount of \$24,185.00 for Eastland Associates with the County to retain \$24,185.00. 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: MARK SCHIAVONE**

**IMPACT FEE EXPENDITURE PROCESS**

**PROPOSED CHANGES TO DRAFT LAW ENFORCEMENT IMPACT FEE ORDINANCE**

Mark Schiavone, Impact Fee Coordinator, appeared before the Commission to discuss the Impact Fee collection process and the Capital Improvement expenditure process. Mr. Schiavone requested Commission guidance as to whom to distribute funds to and maintain contact with at the Board of Education.

After discussion, motion by Corliss, second by Morgan to authorize Mark Schiavone to draft a proposed letter to the Jefferson County Board of Education to request a point of contact for coordinating details of the CIP with respect to Impact Fees on behalf of the County Commission. Motion carried.

The Commission agreed to discuss proposed changes to the law enforcement impact fee ordinance next week.

**In re: TIFFANY HINE-CHAIRPERSON, ZONING BOARD OF APPEALS**

Tiffany Hine appeared before the Commission to discuss recent concerns of Zoning Board of Appeals members. Ms. Hine read a letter of concern to the Commission. Mike Cassell, Mike Thompson, Doug Rockwell and Jeff Bresee were also present and made comment.

Members present discussed Zoning Board of Appeals standards of review, rules of procedure, public hearing process and the consideration of alternate Zoning Board of Appeals appointees.

After discussion, with regard to a needs assessment, Ms. Hine reported a proposal would be forthcoming.

**In re: QUARTERLY FIDUCIARY REVIEW**

The time of the Commission was taken up this day with examination of fiduciary accounts.

Motion by Tabb, second by Corliss to approve a one-year extension for the Estate of David E. Lisky. Motion carried.

Ralph Lorenzetti, Fiduciary Commissioner, appeared before the Commission to give a report on the Fiduciary process.

Motion by Corliss, second by Tabb to authorize the County Clerk's Office to close the estates that have exceeded the statutory time limit for settlement of said estates and forfeit of all related bonds and deny any commission associated with the Estate file and notify the Sheriff of all closures. After discussion, the motion was amended to include that Estates may be subject to review by appointees for up to ten (10) years after closure with request to reopening of an estate with authorization to Mr. Lorenzetti to do an order executing the motion.

With consideration to legal matters within the Probate Office, Mr. Lorenzetti and Robin Gaynor expressed a need for further legal counsel availability to Probate Office officials.

**In re: JENNIFER S. MAGHAN - COUNTY CLERK**

Jennifer S. Maghan, County Clerk, appeared before the Commission to report on the implementation of a new email system at the County Clerks office. Mrs. Maghan also announced the formation of two advisory committees with the County Clerk's office; The Document Preservation and Records Management Advisory Committee and The Elections Procedures and Tabulation Integrity Advisory Committee.

Jennifer Maghan invited the Commissioners to attend any meetings that will be held and reported she will be providing the Commission with a monthly progress report from the County Clerk's Office.

**In re: STATE AUDIT COMPLIANCE**

Commissioner Surkamp expressed his concerns with the State Auditors annual report of January 2005.

Motion by Surkamp to determine the full cause of the condition that leads to the expenditures and excessive balance of capital as determined by the State Auditor. Motion failed due to lack of a second.

After discussion Commissioner Surkamp withdrew his motion to allow for round table discussion.

**In re: TRACKING OF COMMISSION ISSUES/INFORMATION MANAGEMENT**

Commissioner Corliss expressed his interest in implementing a tracking system for correspondence from within County Commission agencies. The Commission discussed ways of executing a tracking system, with ideas such as an information database to include a record of outgoing correspondence with dates,

originating agency, subject matter and status. Other ideas included a color coded system and document preservation subject to Commission review.

Motion by Surkamp, second by Corliss that on a trial basis the Commission request all department heads to provide at their discretion copies of all outgoing correspondence on a weekly basis. Motion failed by a 2 to 3 vote; Commissioners Tabb, Manuel and Morgan voted no.

Motion by Manuel, second by Tabb to table the matter until next week. Motion carried by a 3 to 2 vote; Commissioners Surkamp and Corliss voted no.

**In re: TRAFFIC ISSUES**

Commissioner Morgan reported on citizen complaints he has received with regard to traffic safety on Route 340 and jake-braking. Commissioners discussed methods of traffic control to include a meeting with the Sheriff and a letter to the Department of Highways to implement a traffic study in the areas of concern.

Leslie Smith, County Administrator reported that she is in the process of drafting a letter to the Department of Highways for Commission review.

**In re: SENATE BILL 516 - WEST VIRGINIA EASTERN PANHANDLE TRANSPORTATION AUTHORITY**

Commissioner Manuel referred to the letter from Senator Unger with reference to Senate Bill 516 and the formation of the Eastern Panhandle Transportation Authority within Jefferson, Berkeley and Morgan Counties. Commissioner Manuel also reported on the teleconference with Senator Unger scheduled for this afternoon in Martinsburg.

With regard to the formation of a committee of three in Jefferson County, motion by Manuel, second by Tabb to appoint one County Commissioner and advertise for two other members according to County Commission policy of thirty (30) days for the formation of the West Virginia Eastern Panhandle Transportation Authority Committee per Senate Bill 516. Motion carried.

Motion by Surkamp, second by Corliss to appoint Commissioner Manuel to the West Virginia Eastern Panhandle Transportation Authority Committee. Motion carried.

**In re: COUNTY PROSECUTOR'S RESPONSE TO THE THREE (3) ZONING AMENDMENT PROPOSALS**

The Commission agreed to authorize Leslie Smith, County Administrator to forward all comments and correspondence to the Zoning Board of Appeals Board and the Planning Commission for review and comment.

**In re: EXECUTIVE DIRECTOR OF PLANNING, ZONING AND ENGINEERING - REPRESENTATION AT THE ZONING BOARD OF APPEALS**

Paul Raco, Executive Director of Planning, Zoning and Engineering appeared before the Commission with regard to the Zoning Board of Appeals hearing scheduled for January 20, 2005. Mr. Raco reported that until such time legal counsel is available he should respond only by written correspondence to any matters pertaining to the Zoning Board of Appeals.

With regard to Zoning Board of Appeals rules of procedures and process, motion by Surkamp, second by Tabb to authorize Paul Raco, Executive Director of Planning, Zoning and Engineering to respond to Zoning Board of Appeals inquiries by written correspondence at this time - until legal matters are revisited. Motion carried.

**In re: GINGER BORDIER - BOARD OF REVIEW AND EQUALIZATION PROCESS**

Ginger Bordier, Assessor, appeared before the Commission to discuss the process of the Board of Review and Equalization hearings. After discussion, the Commission agreed that the review and approval process for taxpayers would not exceed twenty (20) minutes and that more complex cases would be at the discretion of Ms. Bordier.

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

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

**In re: AGENDA FORMAT CHANGE**

After discussion, the Commission agreed to omit 'Miscellaneous Items' from New Business on the weekly agenda.

**In re: PUBLIC COMMENT**

Paul Burke appeared before the Commission to recommend implementation of a detailed description for future Board appointments when advertising vacancies.

**In re: COUNTY COMMISSION REPORTS**

Commissioner Tabb reported on her attendance at the Independent Fire Company Award Banquet. Commissioner Tabb reported on the Region 9 meeting.

Commissioner Manuel expressed his apologies for being absent during the Emergency Session on January 11, 2005 due to his attendance at the Legislative Session in Charleston.

Commissioner Corliss reported on the Public Service District meeting and expressed his concerns with public health issues.

Commissioner Corliss reported on the Sheridan Subdivision Treatment Plant public hearing.

Commissioner Corliss reported on the Planning Commission meeting.

Commissioner Surkamp commented on his impressions of the Public Health Board.

Commissioner Surkamp expressed concerns on public health issues to include sewer and septic systems and filtrations.

Commissioner Surkamp reported on the Counter Terrorism meeting.

Commissioner Surkamp reported on the LEPC meeting.

**The Commission received the following information:**

Reminder Courthouse is Closed Monday, January 17, 2005 - Martin Luther King, Jr. Birthday.

Appointments to be made to the Jefferson County Water Advisory Committee on February 3, 2005.

Notice for Board of Review and Equalization.

Rules of Procedure before the Jefferson County Board of Zoning Appeals received.

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

Correspondence received from Lana J. Mallow concerning employees paycheck pick up procedure.

Notice received from the Extension Office of a meeting on January 26, 2005.

Correspondence received from John T. Mills concerning appointment to the North Eastern Regional Emergency Medical Services Board of Directors.

Correspondence received from Darrell G. Penwell concerning a National Incident Management System online course.

Audit report received for Jefferson County for the fiscal year ended June 30, 2003.

Copy of correspondence sent to the Prosecuting Attorney received from the State Auditor's Office concerning the Fiscal Year 2003 Audit.

Correspondence received from the Secretary of State concerning redistricting.

Notice received from the Division of Highways of an Abandonment of a portion of Old Jefferson County Route 12 Right-of-Way.

Correspondence received from the Association of Counties concerning the 2005 WVAC0 Directory.

Correspondence received from the County Commissioners' Association concerning the CCAWV Legislative Association Meeting and County Commissioners' Continuing Educational Training Program on February 10-11, 2005.

Correspondence received from the Association of Counties concerning West Virginia Motor Vehicles Stop Form.

Invitation received from the Cumberland Valley Chapter of Associated Builders and Contractors to attend a legislative luncheon meeting on Wednesday, January 19, 2005.

Notice received from the Potomac Headwaters RC & D of and Executive Committee Meeting on Tuesday, January 18, 2005.

Notice received of an Election Seminar on January 27, 2005, at 9:30 a.m.

Correspondence received from the State Office of Emergency Services concerning the approval of the 2004 HMEP Grant.

911 Fee Remittance Transmittal Sheet received from the Citizens Telecommunications.

Statewide Transportation Improvement Program received from the Division of Highways.

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

Advisory opinion request decision received from the West Virginia Ethics Commission.

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

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A.M.S. Morgan, III, PRESIDENT