

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 20, 2005, beginning at 10:00 o'clock a.m.

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

In re: PLEDGE OF ALLEGIANCE

Commissioner Surkamp conducted the Pledge of Allegiance.

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, January 13, 2005, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Corliss, second by Tabb to approve the following Purchase Orders for the Week of January 17, 2005, totaling \$5,606.36: 40852, 40987, 40648, 40590, 40820, 40965, 40968, 40969, 40971, 40972, 40973, 40976, and 40977. Motion carried.

In re: PARTIAL BOND RELEASE - DAN RYAN BUILDERS, INC.

Motion by Tabb, second by Manuel to approve the partial release of a letter of credit in the amount of \$235,612 for Dan Ryan Builders, Inc. for the Gap View Village Subdivision, with the County to retain \$219,000. Motion carried.

In re: COMPLETE BOND RELEASE - ADVANCED PEST CONTROL, LLC

Motion by Manuel, second by Tabb to approve the complete release of an escrow account in the amount of \$11,304 for Advanced Pest Control, LLC. 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: PUBLIC COMMENT

Paul Burke commented on the proposed zoning amendments.
Tony Milbourne commented on a Homeland Security meeting concerning agri-terrorism.
James Whipple commented on a deteriorated historical marker and the Route 9 overlook.

In re: SOFTWARE SYSTEMS PROPOSAL

Debbie Pittinger, from the County Clerk's office, appeared before the Commission concerning a proposal from Software Systems. Gary Wine, from Software Systems, presented the proposal to the Commission and answered questions from the Commission. Patsy Noland, Circuit Clerk, was present and commented on the matter.

In re: COUNTY CLERK'S REPORT

Debbie Pittinger, from the County Clerk's office, appeared before the Commission on behalf of the County Clerk. Ms. Pittinger discussed the inclement weather policy and informed the Commission that Ms. Maghan had requested that Emergency Services Director, Darrell Penwell and the Maintenance Director, Bill Polk review the current policy. After discussion, motion by Manuel, second by Tabb to review the current inclement weather policy and the 2 recommendations and then formulate a new inclement weather policy. Motion carried.

Ms. Pittinger also reported on an incident where a steam pipe broke in the Courthouse resulting in the closure of the vault for a few hours.

In re: IMPACT FEE PROCEDURES ORDINANCE AMENDMENTS PUBLIC HEARING

A Public Hearing was held in order to receive public comments concerning the proposed amendments to the Impact Fee Procedures Ordinance. Mark Schiavone, Impact Fee Coordinator, was present and commented on the amendments. Public comment was received from Paul Burke. After comments and discussion, motion by Corliss, second by Tabb to approve the amendments to the Impact Fee Procedures Ordinance as presented. Motion carried.

In re: LAW ENFORCEMENT IMPACT FEE

No further public comment was received concerning the proposed Law Enforcement Impact Fee. After discussion, motion by Corliss, second by Tabb to adopt the Law Enforcement Impact Ordinance effective January 20, 2005. Motion carried.

The Commission took a break at 11:25 a.m.

The Commission reconvened at 11:37 a.m.

In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD

No applications were received for appointment to the Farmland Protection Board.

In re: TRACKING OF COMMISSION ISSUES/INFORMATION MANAGEMENT

Motion by Corliss, second by Morgan to remove the matter of the Tracking of Commission Issues/Information Management from the table. Motion carried.

In re: COMMITTEE ASSIGNMENTS - EMERGENCY SERVICES COUNCIL AND LOCAL INFRASTRUCTURE PLANNING TEAM

Commissioner Surkamp agreed to serve on the Emergency Services Council and Commissioner Manuel agreed to serve on the Local Infrastructure Planning Team.

In re: UPDATE ON MEETING WITH JEFFERSON LEGISLATORS TO DISCUSS JEFFERSON COUNTY ISSUES

The Commission discussed possible dates and times to meet with Jefferson County Legislators to discuss Jefferson County issues.

In re: APPROVAL OF EMPLOYMENT OF CHIEF ANIMAL CONTROL OFFICER

Motion by Tabb, second by Corliss to approve the employment of Jason Ahalt as Chief Animal Control Officer. Motion carried.

In re: UPDATE ON REQUEST FOR RECOMMENDATIONS REGARDING 911 FEES

The Commission discussed the request made to the E-911 Advisory Board for

recommendations regarding 911 fees. After discussion, Commissioner Surkamp agreed to bring the matter up at the next E-911 Advisory Board Meeting.

In re: AVAILABILITY OF LEGAL SERVICES FROM PROSECUTING ATTORNEY'S OFFICE

The Commission discussed the availability of legal services from the Prosecuting Attorney's office. The Commission also discussed obtaining an opinion from the Prosecuting Attorney on providing an attorney to appear with the Executive Director of Planning, Zoning and Engineering at the Zoning Board of Appeals meeting.

In re: REHAB OF COUNTY JAIL

The Commission discussed the possibilities for rehabilitation of the County Jail and that is was a component in the County Building Program.

In re: RESOLUTION - SUPPORTING SOLID WASTE HAULING COMPETITION

The Commission agreed to draft a resolution supporting solid waste hauling competition and to place the resolution on next week's agenda.

In re: PEIA OPEN ENROLLMENT - BENEFITS COORDINATOR DESIGNATION FORM

Motion by Tabb, second by Corliss to designate Lana Mallow as Benefits Coordinator for PEIA. Motion carried.

In re: SCHEDULING A PUBLIC HEARING FOR ZONING ORDINANCE AMENDMENTS

The Commission discussed scheduling a Public Hearing for the proposed Zoning Ordinance Amendments. Paul Raco, Executive Director of Planning, Zoning and Engineering was present and commented on the matter. After discussion, motion by Corliss, second by Morgan to schedule Public Hearings on the 3 proposed Zoning Ordinance Amendments on February 15th and 16th, 2005 and to invite the Planning Commission to attend the Public Hearings to participate and provide comment and changes no later than February 23, 2005. Motion passed by a 3-2 vote. Commissioners Tabb and Manuel voted no.

In re: COUNTY COMMISSION REPORTS

Commissioner Tabb reported on the Citizens Fire Company Awards Banquet.
Commissioner Tabb reported on an Animals in Disaster Meeting.
Commissioner Tabb reported on a Development Authority meeting.
Commissioner Tabb reported on Governor Manchin's reception.
Commissioner Manuel reported on a document received from the Division of Highways.
Commissioner Manuel reported on the status of the DMV for Jefferson County.
Commissioner Manuel reported on a Parks and Recreation Commission meeting.
Commissioner Manuel reported on an Affordable Housing Meeting.
Commissioner Manuel attended the Development Authority meeting.
Commissioner Corliss attended the Development Authority meeting.
Commissioner Corliss reported on a Planning Commission meeting.
Commissioner Corliss reported on a MPO meeting.
Commissioner Surkamp reported on an Ambulance Authority meeting.
Commissioner Morgan reported on health care and free clinic meetings.
Commissioner Morgan reported on Governor Manchin's reception.
Commissioner Morgan reported on the Citizens Fire Company Awards Banquet.

Commissioner Morgan reported on an Affordable Housing meeting.

Commissioner Morgan reported on a meeting in Scrabble concerning growth in that community.

Commissioner Morgan reported on a statewide conference call concerning nuisance issues.

Commissioner Morgan discussed complaints concerning speed limits.

The County Administrator reminded the Commission of the RFP meeting on January 26, 2005.

The County Administrator reminded the Commission of the upcoming Board of Review and Equalization hearings.

The County Administrator informed the Commission that parking tickets received from jurors had been forwarded to the Commission office from Judge Silver. The Commission agreed to send the tickets back to Judge Silver.

The Commission agreed to discuss the proposed noise ordinance in the afternoon workshop.

The Commission agreed to set a time next week for a makeup workshop.

Alice Chakmakian commented on the Commission's decision to send all 3 Zoning Amendment Proposals to public hearing.

The Commission received the following information:

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

Appointments to be made to the Property Safety Enforcement Agency on February 10, 2005.

Request for Proposals for Performance Criteria Developer for the Jefferson County Community Center Design-Build Project.

Notice for Board of Review and Equalization.

Notice received from the Department of Impact Fees of a transfer of funds.

Impact Fee Status Report received for December 2004.

Copy of correspondence received concerning the appointment of a fire chief to the Property Safety Enforcement Agency.

Notices to Redeem received from the County Clerk's office for tax liens redeemed.

Copy of newspaper article received from the Association of Counties concerning hotel taxes.

Invitation received from the West Virginia Division of Culture and History to attend Records Management Training Workshops.

Correspondence received from the Jefferson County Public Service District concerning Burr Park.

Correspondence received from the Jefferson County Agricultural Task Force concerning the resignation of William Theriault.

Notices received of workshops for the Records Management and Preservation Board on January 26, 2005 in Morgantown and on January 27, 2005 in Moundsville.

Notice received of a Ground Breaking Ceremony on January 21, 2005, at 9:00 a.m. for Premier Bank at Maddex Square in Shepherdstown.

December 2004 Public Involvement Process Document received from the Division of Highways.

Correspondence received from the Association of Counties concerning the NACo 2005 Annual Conference and Legislative Conference.

Correspondence received from the Division of Culture and History concerning the availability of Historic Preservation development grants.

Correspondence received from the Marion County Circuit Clerk concerning the Association of Counties and the County Commissioners' Association.

Correspondence received from the Loudoun County Department of Planning concerning a public hearing on a Comprehensive Plan Amendment to the Loudoun County General Plan on February 8, 2005, at 6:30 p.m.

Victims' Advocate grant check received from Criminal Justice Services.

E-911 fees received from Excel Telecommunications, Inc., VarTec Telecom, Inc., and the Public Service Commission.

Notice of Continuation of Section 341 Meeting of Creditors until March 16, 2005 at 2:00 p.m. for Adelpia Communications Corporation.

Notice received of a Subdivision Work Session on January 21, 2005.

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

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

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

PRESIDENT