

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 27, 2005, beginning at 10:00 o'clock a.m.

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

Commissioner Tabb was absent for the first part of the meeting due to a family emergency.

In re: PLEDGE OF ALLEGIANCE

Commissioner Morgan conducted the Pledge of Allegiance.

Commissioner Morgan discussed the lengthy agenda. He advised the Commission that he would try to recess at 12:15 p.m. for lunch and reconvene at 1:30 p.m.

In re: DISPENSE WITH READING OF MINUTES

Motion by Manuel, second by Corliss to dispense with the reading of the corrected Minutes for the meeting held on Thursday, January 13, 2005, and to approve the Minutes as amended. Motion carried.

Motion by Manuel, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, January 20, 2005, and to approve the Minutes with the 2 exceptions as prepared. Motion carried.

Commissioner Morgan discussed the following:

- Mr. Whipple's comment of the deteriorated historical marker and the Route 9 overlook.
- Software Systems proposal.

Commissioner Morgan reported that the County Administrator will look into this.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Corliss, second by Manuel to approve the following Purchase Orders for the Week of January 24, 2005, totaling \$6,043.70: 40418, 40877, 40879, 40880, 40853, 40854, 40905, 40906, 40907, 4909, 40910, 40773 and 40776. 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

Alice Chakmakian commented on the issue regarding the motion made on Thursday, January 20, 2005 which committed 3 Zoning Proposals to Public Hearing and still feels that this is not fair. However, if the motion is rescinded, and public comment is offered, then she would support that.

In re: SOFTWARE SYSTEMS PROPOSALS

Commissioner Surkamp discussed the Software Systems Proposals and reported that the Sheriff and Patsy Noland, Circuit Clerk would sit on the IT Advisory Committee.

In re: RESOLUTION - SUPPORTING SOLID WASTE HAULING COMPETITION

Motion by Morgan, second by Manuel to approve the Resolution supporting solid waste hauling competition. Motion carried. For the record, Carol Grant commented and supported the solid waste authority hauling competition. She was advised by the Commission that any complaints against Waste Management could be made directly to the Public Service Commission.

In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD

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

In re: CHANGE MEETING DATE FOR MEETING SCHEDULED FOR THURSDAY, FEBRUARY 10, 2005

The Commission discussed changing the meeting date on February 10, 2005 due to training offered in Charleston. After discussion, the Commission agreed to keep the date the same.

In re: JEFFERSON COUNTY OFFICE OF HOMELAND SECURITY - REQUEST FOR APPROVAL OF APPOINTMENT OF RANDALL DEHAVEN TO THE STEERING COMMITTEE

Motion by Corliss, second by Surkamp to appoint Randall DeHaven to the Office of Homeland Security Steering Committee. Motion carried.

In re: JEFFERSON COUNTY COMMISSION - MEETING TAPING POLICY

The Commission discussed the meeting taping policy. After discussion, motion by Corliss, second by Surkamp to approve the following meeting taping policy: Motion carried.

*Jefferson County Commission
Meeting Taping Policy
Amended January 6, 2005*

Meetings of the County Commission are tape recorded and kept permanently. Anyone wishing to obtain a copy of a tape of any Commission meeting must make a request for the tape(s) in writing and provide payment of \$20.00 per tape. After payment is received, the tape(s) will be made by the staff within three (3) working days.

Commissioner Tabb came in at 10:22 a.m.

In re: JEFFERSON COUNTY - INCLEMENT WEATHER POLICY

The Commission discussed the changes to the current inclement weather policy. After discussion, the Commission agreed to forward the new policy to Elected Officials and Department Heads for review and comment and to place this matter on the agenda next week for approval.

In re: DR. LORI STILLEY, PRESIDENT AND DR. STEVEN NICHOLS, SUPERINTENDENT - AFFORDABLE HOUSING ORDINANCE

Dr. Lori Stilley, President and Dr. Steven Nichols, Superintendent Board of Education, appeared before the Commission to discuss and to make comment on the proposed Affordable Housing Ordinance. They would like their opposition to the exemption to the Impact Fees be noted. They support Affordable Housing, but they would like for the Commission to refrain from reducing the Impact Fees unless they make up the difference.

In re: SHERMAN LOY - REQUEST FOR REFUND OF BUILDING PERMIT FEES

Sherman Loy appeared before the Commission to request a refund for permits that were paid for but not used due to personal matters. After discussion, motion by Corliss, second by Manuel to approve the request for a refund for two (2) building permits less the cost of processing both permits. Motion carried.

In re: JEFFERSON COUNTY MAGISTRATE COURT - WORTHLESS CHECK DEPUTY AGREEMENT

Motion by Tabb, second by Corliss to approve the Agreement by the County Commission of Jefferson County, West Virginia and the Administrative Office of the Courts of the State of West Virginia regarding the Worthless Check Deputy as presented. Motion carried.

In re: SHEPHERDSTOWN FIRE DEPARTMENT, INC. - INVITATION TO ANNUAL RECOGNITION AND AWARDS DINNER AND DANCE

The Commission discussed the Shepherdstown Fire Department, Inc. Invitation to Annual Recognition and Awards Dinner. Commissioner Surkamp confirmed that he would attend the Annual Recognition Awards Dinner.

In re: IMPACT FEE ANNUAL REPORT

The Annual Impact Fee Report was presented to the Commission and Mark Schiavone, Impact Fee Coordinator would appear before the Commission next week to discuss the report.

In re: REQUEST TO HOLD PENDING COMPLAINT WITH PUBLIC SERVICE COMMISSION AGAINST FRONTIER COMMUNICATIONS IN ABEYANCE

Motion by Corliss, second by Tabb to approve the request to hold the pending complaint against Frontier Communications in Abeyance subject to ongoing negotiations. Motion carried.

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

The County Administrator reminded the Commission of upcoming appointments to the West Virginia Eastern Panhandle Transportation Authority.

Commissioner Morgan commented on the correspondence being received regarding Route 9 and Route 340 concerns.

The Commission took a break at 10:55 a.m.

The Commission reconvened at 11:00 a.m.

In re: AFFORDABLE HOUSING COMMITTEE PRESENTATION

Pam Parziale, member of the Affordable Housing Committee appeared before the Commission to give presentation regarding Affordable Housing in Jefferson County.

Peter Chakmakian, member of the Affordable Housing Committee appeared before the Commission to give a presentation regarding a Proposed Ordinance for Impact Fee Exemptions.

The Commission discussed the proposal and comments were made from the following: Greg Didden, Herb Snyder, Dr. Lori Stilley and Dr. Steven Nichols.

Mike Thompson, Prosecuting Attorney was present and made comments and recommended that the Impact Fee Exemptions be handled through the Impact Fee Office.

After discussion, the Commission agreed to proceed and to review the proposals.

In re: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT

Robin Gaynor, Deputy Clerk appeared before the Commission on behalf of the Honorable Jennifer S. Maghan, County Clerk. Ms. Gaynor reported on the Training, Elections Seminar and the Customer Survey.

In re: JANE PETERS, DEVELOPMENT AUTHORITY - REQUEST FOR BLANKET RELEASE FOR CLOSINGS

Jane Peters appeared before the Commission to request for a Blanket Release for closings. The 1991 original bonds for financing have been paid off since 1996. After discussion, motion by Tabb, second by Corliss to approve the request for a Blanket Release for closings. Motion carried.

The Commission recessed at 12:14 p.m.

In re: COMPUTER SECURITY MEETING

The County Commission reconvened at 1:30 p.m. to meet with Elected Officials and Department Heads concerning computer security. The following Elected Officials and Department Heads were present and commented on their department's policies for computer and internet security: Patsy Noland, Circuit Clerk; Mark Schiavone, Impact Fee Coordinator; Mike Thompson, Prosecuting Attorney; Ed Smith, Ambulance Authority; Jane Peters, Executive Director of the Development Authority; Jeff Polczynski, Communications; Paul Raco, Executive Director of Planning, Zoning and Engineering; Barbara Miller, Director of Homeland Security; Leslie D. Smith, County Administrator; and Sheriff Boober. After discussion, the Commission concluded that each department was taking measures to ensure computer and internet security and no further action was necessary at this time.

In re: TRACKING OF COMMISSION ISSUES/INFORMATION MANAGEMENT

The Commission discussed the matter of Tracking of Commission Issues/Information Management. The Commission discussed the possibility of departments providing the Commission with a day file of outgoing correspondence. Comments on the matter were made by Jane Peters, Paul Raco, Mark Schiavone, Sheriff Boober, and Barbara Miller. After discussion, motion by Corliss to establish a day file for department heads to screen their outgoing correspondence and provide a copy of any outgoing correspondence, at their discretion, to the County Commission for a 30 day trial period. Motion failed due to a lack of a second.

The Commission took a 10 minute recess.

In re: JAMES P. CAMPBELL - PROPOSED CHANGES TO ZONING ORDINANCE

James P. Campbell appeared before the Commission to discuss proposed changes to the Jefferson County Zoning Ordinance.

In re: MARK DYCK - PROPOSED CHANGES TO ZONING ORDINANCE

Mark Dyck appeared before the Commission to discuss proposed changes to the Jefferson County Zoning Ordinance and the process for making the changes.

The Commission moved the meeting to the Old Charles Town Library Meeting Room at 3:30 p.m. to provide adequate seating and space for those present.

In re: JAMES SURKAMP AND DAVE LEAS - AFFORDABLE HOUSING PROPOSAL

Dave Leas appeared before the Commission to discuss an Affordable Housing Proposal provided by Mr. Leas and Commissioner Surkamp to exempt persons over the age of 65 from the Impact Fee when moving into a new mobile home. The Commission agreed to present the proposal to the Affordable Housing Committee.

In re: PETER CHAKMAKIAN - PROPOSED CHANGES TO ZONING ORDINANCE

Peter Chakmakian appeared before the Commission to discuss proposed changes to the Jefferson County Zoning Ordinance and an alternative proposal.

In re: WARD ZIGLER - AGRICULTURE COMMUNITY ISSUES

Ward Zigler appeared before the Commission to discuss agriculture community issues concerning the proposed changes to the Jefferson County Zoning Ordinance. Craig Yohn commented on the matter also.

In re: DOUG ROCKWELL - ZONING BOARD OF APPEALS

Doug Rockwell, Zoning Board of Appeals Board Member, appeared before the Commission to read a letter addressed to Commissioner Surkamp from the Tiffany Hine, Chairperson of the Zoning Board of Appeals.

In re: CARL MOORE - SOFTWARE AND HARDWARE COMMENTS

Commissioner Surkamp commented on the implementation of a Technology Advisory Committee to oversee operations and security of county computers, technological advancing and governmental technology. Commissioner Corliss made comments with regard to future proposals.

After Commission comments, IT Specialist, Mr. Carl Moore appeared before the Commission for discussion to include the advantages of a technology advisory committee, technological organization and infrastructure, long range system specifications and interchanging technology which could be beneficial to County Government. Mr. Moore recommended compiling a county wide needs assessment to include departmental surveys.

After discussion, motion by Surkamp, second by Corliss to form a interim committee in charge of formulating a long-term IT Advisory Committee by March 1, 2005. Motion carried.

Amended motion by Manuel, second by Tabb to assign three committee co-chairpersons; Jennifer Maghan - County Clerk, Patsy Noland - Circuit Clerk and Sheriff Ed Boober, the committee will also include Carl Moore, county employees and citizen users. Motion carried.

In re: PROPOSAL TO STUDY THE REORGANIZATION OF THE PLANNING, ZONING AND ENGINEERING DEPARTMENT

Commissioner Corliss commented on his concerns with the Department of Planning, Zoning and Engineering to include staff responsibility and authority, organization and space.

Commissioner Surkamp expressed his concerns with the need for reorganization in Planning, Zoning and Engineering with consideration to county growth and demands.

Commissioner Tabb expressed her concerns with the written proposal being made a matter of public record before the Commission was aware of the proposal and recommended that the proposal is out of order and asked the President to rule. The President ruled the motion out of order.

Commissioner Manuel expressed his concerns with the reorganization of Planning, Zoning and Engineering and recommended hiring a professional consultant to conduct a needs assessment.

Rebecca Burns, Planning, Zoning and Engineering Administrative Assistant/Office Manager, appeared before the Commission for comments. She introduced other Planning, Zoning and Engineering personnel with a brief description of their job duties. Mrs. Burns also discussed procedures and Planning, Zoning and Engineering Boards and Committees.

Sherry Kelly - Planner, Mason Carter - Ordinance Compliance Officer, Holly Ruth - Information Technology Assistant, Tom Pritt - Building Inspector, Kim Sisk - Clerical Support Assistant, Sherry Cole - Clerical Support Assistant and Jennilee DePottie - Clerical Support Assistant appeared before the Commission for comments and reports on Planning, Zoning and Engineering procedures. Commissioner Morgan complimented and thanked the Planning, Zoning

and Engineering staff for their comments.

John Kusner, Surveyor appeared before the Commission to comment on development and ordinance processes. Mr. Kusner expressed his interest in being a board appointee should one be implemented to oversee procedural operations.

Chris Smith of William H. Gordon & Associates appeared before the Commission to comment on the efficiency and organization he has been provided by Planning, Zoning and Engineering personnel.

In re: NOTICE: TO RESCIND THE MOTION MADE ON THURSDAY, JANUARY 20, 2005, WHICH COMMITTED THREE (3) ZONING PROPOSALS TO PUBLIC HEARING

Motion by Morgan, second by Manuel to rescind the motion made on Thursday, January 20, 2005 which committed three (3) zoning amendment proposals, County Commission's proposal and Paul Burke's proposal A and B to public hearings on January 15 and 16, 2005. Motion carried by a 4 to 1 vote, Commissioner Corliss voted no.

Motion by Manuel, second by Tabb to take the County Commission Zoning Amendment Proposal to public hearing on February 23 and 24, 2005 for all public comment with written comments taken until the conclusion of the hearing. Motion carried by a 4 to 1 vote, Commissioner Corliss voted no.

The Commission received the following information:

Reminder Board of Review and Equalization Convenes Tuesday, February 1, 2005 at 1:30 p.m.

Appointments to be made on February 24, 2005 for the West Virginia Eastern Panhandle Transportation Authority

Copy received of the Impact Fee Procedures Ordinance as amended January 20, 2005.

Copy received of the Law Enforcement Impact Fee Ordinance as adopted on January 20, 2005.

Correspondence received from Swidler Berlin, LLP concerning iTown Communications, Inc.

Correspondence received from the Public Service Commission concerning the Board Member Mandatory Training Seminar on February 17-19, 2005.

Notice of Continuation of Section 341 Meeting of Creditors until March 16, 2005 for Adelpia Communications Corporation, et al.

Correspondence received from Barbara and Tom Frankel concerning the Route 340 and Route 230 intersection.

Correspondence received from Barbara Plunket concerning the traffic problems on Route 340 between Harpers Ferry and Charles Town.

E-911 Fee Remittance received from Fibernet.

Copy of newspaper article received from the County Commissioners' Association concerning Infrastructure Council Funding.

Receipt check received from the Department of Planning, Zoning and Engineering to be endorsed and sent to the Sheriff.

Copy of affidavit received to establish facsimile signature.

Notices received for redemption of tax liens from the County Clerk's office.

Grant Application information received concerning the FY 2006 Community Corrections Fund.

Grant Application information received concerning Enforcing the Underage Drinking Laws Grant Program.

Correspondence received from Willis Powell concerning an online forum for Shannondale.

Notice received from the Executive Director of Planning, Zoning and Engineering of Final Plat Public Hearings .

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

Oaths of Office received from Thomas L. Trumble and Jeffrey D. Bresee as members of the Zoning Board of Appeals.

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

A.M.S. MORGAN, III, PRESIDENT