

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, February 3, 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 Surkamp conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES - REGULAR SESSION

Motion by Morgan, second Tabb by to dispense with the reading of the minutes for the County Commission meeting held Thursday January 27, 2005 and to approve minutes as amended. 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 31, 2005 totaling \$10,218.35: 41051, 40845, 40856, 40501, 40913, 40914, 40738, 40912, 40915, 40772, 40774, 40775, 40978, 40979, 40980, 40981 and 40982. Motion carried. Purchase Orders 40915 and 40502 totaling \$11,395.75 were tabled.

In re: COMPLETE BOND RELEASE - PRO SYSTEMS, INCORPORATED

Motion by Tabb, second by Manuel to approve the complete release of a letter of credit in the amount of \$16,657.00 for Home Hill Corporation for Pro Systems Incorporated. Motion carried.

In re: COMPLETE BOND RELEASE - JDM LOCUST HILL, LLC

Motion by Tabb, second by Manuel to approve the complete release of a letter of credit in the amount of \$26,502.45 for JDM Locust Hill, LLC. Motion carried.

In re: COMPLETE BOND RELEASE - EASTLAND SUBDIVISION, SECTION IIIB

Motion by Morgan, second by Manuel to approve the complete release of a letter of credit in the amount of \$24,185.00 for Eastland Associates of West Virginia, Incorporated. Motion carried.

In re: PARTIAL BOND RELEASE - JDM LOCUST HILL, LLC

Motion by Tabb, second by Corliss to approve the partial release of a letter of credit in the amount of \$665,496.52 for JDM Locust Hill, LLC with the County to retain \$263,479.48. 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

J. Michael Cassell, Esquire appeared before the Commission to comment on the County Commission's Zoning Ordinance Amendment process.

In re: JENNIFER S. MAGHAN - COUNTY CLERK

Jennifer Maghan, County Clerk appeared before the Commission to give a County Clerk's Office report. Mrs. Maghan reported on the budget and financial training she, Lana Mallow, Gail Magaha attended

in Flatwoods, Voting Equipment compliance standards and funding, Oaths of Office and Appointments, vital records upkeep and indexing and scanning.

Mrs. Maghan also reported on the status of the Election Advisory Committee and the Document Preservation Committee.

In re: MIKE THOMPSON - PROSECUTING ATTORNEY - REQUEST FOR APPROVAL OF NEW EMPLOYEE, SALARY AGREEMENT

Mike Thompson, Esquire, Prosecuting Attorney of Jefferson County, appeared before the Commission with Gregory Jones, Esquire for approval of employment. After introduction, motion by Tabb, second by Manuel to approve the full-time employment of Gregory Jones as Assistant Prosecuting Attorney at the Jefferson County Prosecuting Attorney's Office to begin February 14, 2005. Motion carried by a 4-1 vote, Commission Surkamp voted no.

Mr. Thompson also presented the Commission with a joint agreement of various constitutional officers to award a \$2,000.00 pay raise to each employee named in the agreement and asked that the Commission take it under serious consideration during budget deliberations.

In re: LEGAL SERVICES TO THE COUNTY COMMISSION

The Commission expressed their concerns with legal representation of multiple clients in the same forum as provided from the Jefferson County Prosecuting Attorney's Office without a conflict of interest among the Attorneys.

Mike Thompson discussed various alternatives to providing legal services to various county officials and agencies. After discussion Mr. Thompson agreed to research potential alternatives and report back to the Commission with his findings.

In re: EDWARD E. DUNLEAVY - ZONING ADMINISTRATOR

Edward Dunleavy appeared before the Commission to report on the Board of Zoning Appeals hearings. Mr. Dunleavy discussed the importance of the Zoning Administrator, Paul Raco's presence at Board of Zoning Appeals hearings.

With regard to conflicts of interest, Mike Thompson, Prosecuting Attorney commented on the legalities of representing Paul Raco at the Zoning Board of Appeals hearings.

In re: HERB JONKERS - ZONING AMENDMENTS

_____Herb Jonkers appeared before the Commission to discuss Economic Growth and Development within Jefferson County. Mr. Jonkers also expressed concern with Planning, Zoning and Engineering regulations and restrictions with regard to draft zoning amendments. _____

_____The Commission moved the meeting to the Old Charles Town Library Meeting Room at 11:00 a.m. to provide adequate seating and space for those present.

In re: SHEPHERDSTOWN PUBLIC LIBRARY BOARD

Ms. Hali Taylor, Shepherdstown Library Director, appeared before the Commission. After presentation and discussion the Commission agreed to review and consider the request during budget deliberations.

Hanna Galvin, 9 year-old library volunteer, Nancy Manuel, Bolivar-Harpers Ferry Library Director, Dana Jenkins, South Jefferson Library Director and Bernadette Miller were also present for comments.

In re: PATSY NOLAND, CIRCUIT CLERK - IT ADVISORY COMMITTEE

Patsy Noland, Circuit Clerk, appeared before the Commission to report on the IT Advisory Committee meeting scheduled for the afternoon of February 3, 2005. Ms. Noland discussed implementation strategies, goals and structure of the IT Advisory Committee as designated by the County Commission.

In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD

The Commission agreed to table appointments to the Farmland Protection Board until next week.

In re: JEFFERSON COUNTY - INCLEMENT WEATHER POLICY

Motion by Tabb, second by Corliss to adopt the new inclement weather policy. Motion carried.

In re: APPOINTMENTS TO THE WATER ADVISORY COMMITTEE

Motion by Corliss, second by Manuel to reappoint Robert Schnably to the Water Advisory Committee for a one year term ending January 31, 2006. Motion carried.

In re: APPROVAL OF EMPLOYMENT - ELIZABETH A. MALONEY - FULL TIME ADMINISTRATIVE ASSISTANT - SHERIFF'S OFFICE

Motion by Tabb, second by Manuel to approve the employment of Elizabeth A. Maloney as a full-time Administrative Assistant at the Jefferson County Sheriff's Office. Motion carried.

The Commission recessed at 12:30 p.m.

The Commission reconvened at the Jefferson County Courthouse at 1:45 p.m.

In re: JACK QUINN - FARMLAND PROTECTION BOARD

Jack Quinn, from the Farmland Protection Board, appeared before the Commission. Mr. Quinn requested approval on a Conservation Easement for Aspen Pool Farm. After discussion, motion by Tabb, second by Corliss to authorize the Farmland Protection Board to be the co-holder on a Conservation Easement for 96 acres for Aspen Pool Farm. Motion carried.

Mr. Quinn also presented the Commission with the Farmland Protection Board's Annual Report for Fiscal Year 2000 through Fiscal Year 2004.

In re: ANNEXATION SURVEY REVIEW AND COMMENT - BLACKFORD

The County Administrator informed the Commission that no responses were received to the solicitation for Annexation Survey Review and Comment on the Blackford property. The Commission agreed to re-solicit locally.

In re: NON-DISCLOSURE AGREEMENT - JEFFERSON COUNTY BOARD OF EDUCATION

Motion by Corliss, second by Tabb to approve the Non-Disclosure Agreement between the Jefferson County Commission and the Jefferson County Board of Education in order for the County Commission to provide mapping data to the Board of Education. Motion carried.

In re: REQUEST FOR BRANDY SIMS TO REVIEW/COMMENT ON EARLIER DOG ORDINANCE DRAFT

Motion by Corliss, second by Morgan to ask Brandy Sims to review the earlier dog ordinance draft on barking dogs and to provide comments to the Commission. Motion carried.

In re: MANAGING THE AGENDA

The Commission discussed managing their weekly meeting agenda. The Commission discussed different ways to manage the agenda and agreed to try to coordinate similar agenda items.

In re: TWO-THIRDS VOTE (2/3) FOR MEETING PROCEDURES

The Commission agreed that 3 Commissioners would constitute a two-thirds (2/3) vote for meeting procedures.

In re: COUNTY COMMISSION MEETING TIME CHANGE

Motion by Manuel, second by Corliss to change the County Commission meeting time to 9:00 a.m. for the Commission to meet in work session in their conference room at 124 East Washington Street and for the County Commission meeting to begin at 9:30 a.m. in the Courthouse, with this change to be effective on the 1st meeting in March, 2005. Motion carried.

In re: COUNTY COMMISSION MEETING PROTOCOL

The Commission discussed meeting protocol and agreed to try to follow proper meeting procedures when speaking on a matter.

In re: JIM SURKAMP'S COUNTY COMMISSION REPORT - "THE JANUARY LAUNCH"

Commissioner Tabb discussed the report from Commissioner Surkamp "The January Launch." Commissioner Tabb stated that the report was Commissioner Surkamp's opinion and was not authorized by the Commission. Commissioner Surkamp agreed to put a disclaimer in his report in the future.

In re: COUNTY DEPARTMENTAL MEETING DISCUSSION

The Commission discussed holding quarterly County Departmental Meetings. After discussion, the Commission agreed to set up a departmental meeting for the next quarter and to request that department heads submit ideas and agenda items to the County Administrator.

In re: AFFORDABLE HOUSING MEETING

The Commission agreed to discuss the Affordable Housing proposal in a work session.

In re: KARST ORDINANCE FOR PLANNING COMMISSION REVIEW

Motion by Surkamp, second by Corliss to submit the Karst Ordinance information to the Planning Commission. After discussion and comments from Paul Raco, Commissioner Surkamp withdrew the motion. The Commission agreed to submit the Karst Ordinance information with the Subdivision Ordinance rewrite.

In re: DEPARTMENT OF PLANNING, ZONING AND ENGINEERING REORGANIZATION

The Commission agreed to put this matter on next week's agenda.

In re: COUNTY COMMISSION REPORTS

Commissioner Tabb reported on an Extension Service Committee meeting.

Commissioner Tabb reported on a Region 9 work session.

Commissioner Tabb discussed a FEMA letter concerning Flood Plain Management.

Commissioner Tabb reported that the City of Charles Town had transferred impact fee funds collected for schools.

Commissioner Manuel reported on the Pre Bid Conference for the Parks and Recreation Community Center.

Commissioner Manuel informed the Commission that the meeting with Governor Manchin had been set for Friday, February 11, 2005. The Commission agreed to meet in work session on Monday, February 7, 2005, at 1:30 to create an agenda for the meeting with Governor Manchin.

Commissioner Morgan reported on a Historic Landmarks Commission meeting.

Commissioner Morgan reported on a Solid Waste Authority Meeting.

Commissioner Morgan commented on correspondence received from Rosalind E. Welsh.

Commissioner Morgan commented on correspondence received from Stephanie Boylan.

Commissioner Corliss reported a Regional Water Resources Policy Committee meeting.

Commissioner Corliss reported on a terrorist incident training session in Winchester.

Commissioner Surkamp reported on a meeting with Jeff Polczynski and the Fire Chiefs.

In re: JEFFERSON COUNTY CONVENTION AND VISITOR'S BUREAU DISCUSSION

The Commission agreed to request a report from the Jefferson County Convention and Visitor's Bureau.

In re: PUBLIC SERVICE DISTRICT INVITATION RE PUBLIC SERVICE COMMISSION RULING

Joe Hankins, from the Public Service District, appeared before the Commission to read a statement from the Public Service District board concerning the Public Service Commission's ruling. Herb Jonkers and Marty Kable commented on the matter.

In re: ROSELLA KERN - DEPARTMENT OF PLANNING, ZONING AND ENGINEERING REORGANIZATION

Rosella Kern appeared before the Commission to give a statement concerning her assistance on the proposal for the reorganization of the Department of Planning, Zoning and Engineering.

The Commission received the following information:

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

Information concerning Open Meetings Law received from the County Clerk.

Correspondence received from J. Michael Cassell concerning Open Meetings Advisory Opinion No. 2004-17.

Correspondence received from Michael D. Thompson concerning representation of multiple clients in the same forum.

Fiscal Year 2005 Service and Expenses Report and 2nd Quarter FY 2005 Report received from the Ambulance Authority.

Correspondence received from Edward E. Dunleavy concerning the proposed amendments to the Jefferson County Zoning Ordinance.

Information received from Ward Zigler concerning the proposed amendments to the Jefferson County Zoning Ordinance.

Correspondence received from the Secretary of State concerning Filing Fee Distribution.

Presentation before the Jefferson County Commission on behalf of the Affordable Housing Committee received.

Correspondence received from the West Virginia Office of Emergency Services concerning 2005 LEPC Grants.

Correspondence received from Rosalind E. Welch concerning additions to the new zoning code, Board of Zoning Appeals Conduct, Separation of Zoning & Engineering Departments, and Enforcement of County Building Code.

Correspondence received from the Association of Counties concerning the 2005 Legislative Session Committee Assignments for the House of Delegates.

Correspondence received from the Association of Counties concerning Standing Committees of the Senate.

Copies of newspaper articles received from the County Commissioners' Association concerning updates on the Special Session.

Correspondence received from the County Commissioners' Association concerning the Special Session.

Correspondence received from the County Commissioners' Association concerning amendments to ethics bill.

Information received from the Division of Culture and History concerning Black History Month.

Stage Whispers newsletter received from the Old Opera House.

Update received from the West Virginia Small Business Development Center.

Correspondence received from the Charles Town Water Department concerning drinking water information.

Correspondence received from Stephanie Boylan concerning Route 340.

Notice received from the Executive Director of Planning, Zoning and Engineering of a Subdivision Work Session on February 4, 2005.

Harpers Ferry National Historical Park Community Bulletin received.

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

Miscellaneous

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

A.M.S. Morgan, III, PRESIDENT