

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, February 10, 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 Manuel conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Manuel, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, February 3, 2005, and to approve the Minutes as prepared. Motion carried.

Motion by Tabb, second by Manuel to dispense with the reading of the Minutes for the Board of Review and Equalization meeting held on February 1, 2005, and to approve the Minutes as prepared. Motion carried.

Motion by Tabb, second by Manuel to dispense with the reading of the Minutes for the Board of Review and Equalization meeting held on February 3, 2005, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Corliss, second by Tabb to approve the following Purchase Orders for the Week of February 7, 2005, totaling \$76,253.41: 40249, 40876, 40883, 40918, 40859, 40860, 40504, 40740, 40698, 40503, 40650, 40917, 40778, 40779, 40780, 40641, 40644, 41001, and 41002. Motion carried.

In re: APPOINTMENT TO THE FARMLAND PROTECTION BOARD

Motion by Tabb, second by Manuel to appoint Joe Funkhouser to the Farmland Protection Board for a 4-year term ending September 7, 2008. Motion carried.

In re: APPOINTMENT TO THE WATER ADVISORY COMMITTEE

No applications were received for appointment to the Water Advisory Committee.

In re: APPOINTMENT OF LIBRARY LIAISON

After discussion and comment from Toni Milbourne, the Commission agreed to appoint Commissioner Manuel as the Library Liaison.

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: ADDITIONAL ZONING CHANGES CONSIDERATIONS

The Commission discussed additional considerations for changes to the proposed Zoning Ordinance amendments. The Commission discussed the possibility of making the correspondence submitted by the public concerning changes to the proposed Zoning Ordinance amendments available online.

In re: BOLIVAR/HARPERS FERRY LIBRARY BOARD

Toni Milbourne, from the Bolivar/Harpers Ferry Library Board, appeared before the Commission to discuss their budget request for the Fiscal Year 2006. Board Member, Suzanne Koenig, also spoke on the matter. The Commission agreed to take the matter under advisement during their budget deliberations.

In re: MARK SCHIAVONE - IMPACT FEE ANNUAL REPORT

Mark Schiavone, Impact Fee Coordinator, appeared before the Commission to present the Impact Fee Annual Report.

In re: SHERIFF BOOBER - HOME CONFINEMENT REPORT

Sheriff Boober appeared before the Commission to give a report on Home Confinement.

In re: SHERIFF BOOBER AND COUNTY CLERK JENNIFER S. MAGHAN - PLEDGEE AGREEMENT FOR FARMERS & MERCHANTS BANK

Sheriff Boober and County Clerk Jennifer S. Maghan appeared before the Commission to request approval of a Pledgee Agreement with Farmers and Merchants Bank. After discussion, motion by Tabb, second by Manuel to authorize the President's signature on the Pledgee Agreement and recognize Farmers and Merchants Bank as a County Depository. Motion carried.

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

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the County Clerk's report. Ms. Maghan reported on the following:

- The advisory committee formed for records storage and clean up.
- The Election Advisory Committee.
- Bids would be sought for scanning and imaging.
- The IT Advisory meeting with Software Systems and UTIL.

Ms. Maghan also request emergency funds to hire a new employee for the Voter Registration Office. Motion by Tabb, second by Manuel to enter into Executive Session to discuss personnel matters. Motion carried.

Motion by Tabb, second by Corliss to return to regular session. Motion carried.

In re: ESTATE OF WILLIAM BAKER JONES, JR. - THIRD INTERIM ACCOUNTING

Motion by Tabb, second by Corliss to recognize the presentation of the third interim accounting for the Estate of William Baker Jones, Jr. Motion carried.

In re: ROSALIND E. WELSH - SEPARATION OF ENGINEERING AND ZONING

Rosalind E. Welsh appeared before the Commission to discuss the proposed reorganization of the Department of Planning, Zoning and Engineering.

The County Commission recessed at 12:20 p.m.

The County Commission reconvened at 1:30 p.m.

In re: ED SMITH - AMBULANCE AUTHORITY - SALARY INCREASES

Ed Smith, Operations Manager of the Jefferson County Ambulance Authority, appeared before the Commission to discuss salary increases for Ambulance Authority employees.

In re: DEPARTMENT OF PLANNING, ZONING AND ENGINEERING REORGANIZATION

Motion by Corliss, second by Surkamp for the County Commission to draft a Request for Proposals to contract with a management consultant to study, and provide comments and recommendations regarding the appropriate organization, functioning, training, and performance evaluation of Jefferson County departments and employees. The Contract may be, as negotiated, divided into phases and will require a review of all applicable State Code, related legal decisions, current and planned ordinances and expanding new service or growth requirements such as, but not limited to GIS and Addressing functions of Department/Division/Sections. Further, that the Commission as a whole will write the Request for Proposals and that the contracting party will report directly to the County Commission. There is particular interest in timely comments for this year's budget consideration, recommendations regarding the requirements of Code 8A for the Board of Zoning Appeals and Planning Commission with respect to budget authorization and staffing support for the Planning Commission and the Board of Zoning Appeals. Motion by Manuel, second by Surkamp to table the motion for one week. Motion carried.

In re: EXECUTIVE SESSION - PERSONNEL MATTERS

Motion by Tabb, second by Manuel to enter into Executive Session with Paul Raco to discuss personnel matters. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

Motion by Manuel, second by Corliss to return to Regular Session. Motion carried.

In re: EMPLOYMENT

Motion by Surkamp to terminate the employment of Paul Raco with once month's notice and one year's salary. Motion failed due to a lack of a second.

In re: RESOLUTION - LOCAL ECONOMIC DEVELOPMENT ASSISTANCE GRANT AWARD - BLUE RIDGE MOUNTAIN FIRE HALL

Motion by Manuel, second by Tabb to approve the following Resolution for the Local Economic Development Assistance Grant Award for the Blue Ridge Mountain Fire Hall. Motion carried.

RESOLUTION

The Jefferson County Commission met on the 10th day of February, 2005 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, hereby

authorizes A. M. S. Morgan, III, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive and administer grant funds pursuant to provision of the Local Economic Development Assistance grant award. This project is to assist in the purchase of portable radios, protective gear, fire hose and various protective equipment for the Blue Ridge Mountain Fire Hall.

Dated: February 10, 2005

/s/
A. M. S. MORGAN, III
PRESIDENT
JEFFERSON COUNTY COMMISSION

In re: APPOINTMENTS TO THE PROPERTY SAFETY ENFORCEMENT AGENCY

Motion by Tabb, second by Manuel to reappoint Fred Blackmer to the Property Safety Enforcement Agency for a 2 year term ending February 8, 2007. Motion carried.

In re: PROSECUTING ATTORNEY'S OPINION ON THE WEST VIRGINIA CODE CONCERNING PLANNING AND PUBLIC SERVICE DISTRICT

Motion by Corliss, second by Surkamp to ask Mike Thompson, Prosecuting Attorney to review the West Virginia Code pertaining to Public Service District operation as they would effect the comprehensive plan, zoning ordinance and the ability to plan. Motion carried.

In re: PA SYSTEM BID - THREE BID POLICY

Motion by Surkamp, second by Corliss to have all requests for goods and services in excess of \$1,000 be advertised and for the Commissioner making the motion for goods or services or his/her designee be responsible for the wording of the advertisement. Motion by Manuel, second by Tabb to consider the above motion as two separate motions. Motion carried. The Commission voted on the 1st motion: motion by Surkamp, second by Corliss to have all requests for goods and services in excess of \$1,000 be advertised. Motion failed by a 1-4 vote. Commissioners Tabb, Manuel, Morgan and Corliss voted no. Commissioner Surkamp withdrew the 2nd motion.

In re: COUNTY COMMISSION'S OWN LEGAL COUNSEL - RFP

The Commission agreed that no action should be taken on this matter because the Prosecuting Attorney was researching the matter.

In re: SHERIFF'S OFFICE - REQUEST FOR APPROVAL OF PART-TIME EMPLOYMENT

Motion by Corliss, second by Manuel to approve the part-time employment of Patrick Gill Norris as a Bailiff/Transportation Officer. Motion carried.

In re: SHERIFF'S OFFICE - APPROVAL OF DEPUTY RESERVES

Motion by Corliss, second by Tabb to approve Rodney Allen Davis and Donald Ray McFall as Deputy Reserves. Motion carried.

In re: COUNTY COMMISSION REPORTS

Commissioner Surkamp reported on an Affordable Housing Meeting.
Commissioner Morgan also reported on an Affordable Housing Meeting.
Commissioner Corliss reported on a Planning Commission meeting.
Commissioner Morgan reported on a tour of the Courthouse basement.
Commissioner Manuel reminded the Commission about the meetings in Charleston with the Division of Highways and Governor Manchin.

Commissioner Manuel informed the Commission of a meeting on Wednesday at 10:30 a.m. to review the one proposal received for the Parks and Recreation Community Center.

Commissioner Tabb discussed the Ranson Impact Fee Agreement. The Commission agreed to meet in work session on Monday, February 14, 2005 to discuss the matter.

In re: PUBLIC COMMENT

Fred Blackmer questioned Commissioner Surkamp on his statement concerning the County Commission needing legal service in the next two months. Mr. Blackmer also commented on the proposed additions to the Zoning Ordinance Amendments.

Toni Milbourne commented on Commissioner Surkamp's statement concerning the need for legal service in the next two months.

Robert Slavin requested information on septic system inspections.

The Commission received the following information:

Reminder - Courthouse is Closed on Friday, February 11, 2005 - Lincoln's Birthday.

Notice of Meeting Time Change to 9:30 a.m. each Thursday beginning March 3, 2005, for the Jefferson County Commission.

Correspondence received from Paul J. Raco concerning the proposed change to Article 8A of the West Virginia State Code.

Correspondence received from the Department of Impact Fees concerning funds transfer.

Impact Fee Status Report received for January 2005.

Correspondence received from Rebecca Burns concerning the proposed reorganization of the Department of Planning, Zoning and Engineering.

Correspondence received from Sherry Kelly concerning the proposed reorganization of the Department of Planning, Zoning and Engineering.

Correspondence received from Jennilee De Pottie concerning the proposed reorganization of the Department of Planning, Zoning and Engineering.

Correspondence received from Holly Ruth concerning the proposed reorganization of the Department of Planning, Zoning and Engineering.

Correspondence received from the Secretary of State concerning HAVA funding.

Correspondence received from the Association of Counties concerning "A County A Day" at the Legislature.

Correspondence received from Morgan Academy concerning Shepherdstown Library funding.

Correspondence received from Lisa and John Younis, Sr. concerning Shepherdstown Library funding.

Correspondence received from Mary Rutherford concerning support for the Bolivar/Harpers Ferry Library.

Correspondence received from Lyn Widmyer concerning the Jefferson County planning process.

Correspondence received from Laurie MacEachern concerning Adelphia.

Correspondence received from the Region VII Workforce Investment Board concerning upcoming training on February 17, 2005.

Notice received of a Citizens Planning Workshop on February 10, 2006.

Administrative Notices received from the State Tax Department.

Notice received from Loudoun County, Virginia of a Public Hearing on a Comprehensive Plan Amendment on February 28, 2005, at 6:00 p.m.

Business Beacon newsletter received for Winter 2005.

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

Oath of Office received from Christopher Jackson as a Civil Service Commissioner.

Oaths of Office received from the following tax deputies: Teresa Hendricks, Trixana Carter, Nancy Karpowicz, Evelyn Stephenson, Lydia Kite, Linda Turner and Doris Gray

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

PRESIDENT