

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, March 10, 2005, beginning at 9:30 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 Morgan conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Manuel, second by Tabb to dispense with the reading of the Minutes for the meeting held on Thursday, March 3, 2005, and to approve the 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 March 7, 2005, totaling \$87,869.88: 40247, 41160, 37418, 37421, 41161, 40508, 40510, 40991, 41109, 0684, 40936, 40993, 40109, 41107, 40782, 41201, 41202, 40645, 41071, 40984, 40985, 41005, 41008, 41010, 41013, 41014, 41015, 41018, 41019, 41021, 41022, 41023, 41024, 41025 and 41240. Motion carried.

In re: LEGAL REVIEW UPDATE - NOISE ORDINANCE

Motion by Corliss, second by Tabb to hold a public hearing regarding the draft noise ordinance on Wednesday, April 6, 2005 at 7:00 p.m. Motion carried

In re: PLANNING COMMISSION ACTIVITY REPORT

Paul Raco appeared before the Commission to give the Planning Commission Activity Report.

In re: LEGAL REVIEW UPDATE - DOG ORDINANCE

The Commission agreed to hold a work session in April to discuss the draft dog ordinance.

In re: PUBLIC COMMENT

Phil Stotler, Smith Nadenbousch Insurance, Inc. appeared before the Commission to discuss health insurance for county employees.

In re: ROGER D. GAMBILL - REQUEST TO RENT COUNTY LOT

The Commission agreed to decline the request from Roger D. Gambill to rent the County Lot and to send Mr. Gambill a letter to inform him of the decision.

In re: APPOINTMENT TO THE WATER ADVISORY COMMITTEE

Motion by Morgan, second by Corliss to reappoint Peter Vila to the Water Advisory Committee for a one year term ending January 31, 2006. Motion carried.

In re: OLD CHARLES TOWN LIBRARY - F. SAMUEL BYRER AND BARBARA TINKER

F. Sam Byrer and Barbara Tinker appeared before the Commission to give a report and request budget funds. The Commission will consider the Old Charles Town Library's request during budget deliberations.

In re: JEFFERSON COUNTY BOYS AND GIRLS CLUB - BUDGET REQUEST - DEBRA CORBETT

Debra Corbett and Gwenn Twyman appeared before the Commission to give a report and request budget funds. The Commission will consider the Jefferson County Boys and Girls Club request during budget deliberations.

In re: EASTERN PANHANDLE FREE CLINIC BUDGET REQUEST - KAYE NAPOLITANO

Kaye Napolitano appeared before the Commission to give a report and request budget funds. The Commission will consider the Eastern Panhandle Free Clinic request during budget deliberations.

In re: JUDY MATLICK - REQUEST FOR TEMPORARY HELP TO FILL POSITION

Judy Matlick, Extension Office appeared before the Commission to request \$2,500.00 additional funding to hire personnel to fill vacancy while Secretary is on maternity leave. After discussion, motion by Manuel, second by Tabb to approve the request for additional funding. Motion carried.

11:00 a.m. - The Commission took a break until 11:10 a.m..

In re: COUNTY CLERK'S REPORT

Debbie Pittinger, Deputy County Clerk appeared before the Commission to give the County Clerk's report.

Neil Nilsen, IT Committee member was present and gave an update on the Committee's progress. After discussion, the Commission agreed and asked that Leslie Smith, County Administrator be added to the IT Committee as a technical resource member. The Commission also agreed that the Committee is on the right track and to seek an amount for future funding for the current budget.

In re: AFFORDABLE HOUSING AUTHORITY - KAREN HOFF - TELAMON CORPORATION

Karen Hoff, State Director appeared before the Commission to discuss the request from the Affordable Housing Committee to create an Affordable Housing Authority to gather information and make planning and policy recommendations related to expanding the development of affordable housing in Jefferson County.

Motion by Manuel, second by Surkamp to establish an Affordable Housing Authority and to approve the By-Laws as presented and to appoint Commissioner Morgan as the Commission Representative to the Affordable Housing Authority. Motion carried.

The proposed contract with Telamon for staff support of the Affordable Housing Authority will be considered during budget deliberations.

The Commission recessed until 1:30 p.m.

In re: SUPREME COURT SECURITY GRANT REQUEST

Motion by Manuel, second by Tabb to approve the Resolution for the Supreme Court Security Grant as requested by Sheriff Boober. Motion carried.

RESOLUTION

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

Be it resolved that the County Commission of Jefferson County hereby authorizes The Honorable AMS Morgan, III, President of the County Commission of Jefferson County, to act on its behalf to enter into a contractual agreement with the Division of Criminal Justice Services to receive and administer grant funds pursuant to provisions of the Court Security Fund Grant Program.

Be it resolved that the County Commission of Jefferson County hereby affirms that it will continue to provide the necessary manpower to operate and manage all equipment and items requested in this grant.

Signed: /s/_____
Clerk of the County Commission

Date: 3/10/2005

In re: AMENDING 15 MARCH COUNTY COMMISSION/PLANNING COMMISSION JOINT MEETING AGENDA

The Commission discussed the joint meeting agenda and amending the agenda to include presentations on Zoning Ordinance Amendments by Peter Chakmakian and Paul Burke. Paul Raco was present and no action was taken.

In re: SELECTION OF FIRM FOR SUBDIVISION ORDINANCE REWRITE/APPROVAL OF SUBDIVISION ORDINANCE RFP

Paul Raco appeared before the Commission to discuss the approval of the Subdivision Ordinance RFP. After discussion, motion by Corliss, second by Surkamp to approve the RFP with Duncan and to negotiate the contract for the rewrite of the Subdivision Ordinance. Motion carried.

In re: INITIAL RFP INPUT ON COUNTY MANAGEMENT STUDY FOR THE COMMITTEE AS A WHOLE

The Commission agreed to hold a work session after the budget process to discuss the initial RFP for the County Management Study.

In re: APPROVING THE PUBLIC HEARING CONSIDERED COUNTY COMMISSION PROPOSED AMENDMENTS AS OF JANUARY 6, 2005, TO THE JEFFERSON COUNTY ZONING AND DEVELOPMENT REVIEW ORDINANCE

Motion by Surkamp, second by Corliss to only approve Plan B as a way to change and revise amendments and include recommendations from the public hearings and submitted documents. Motion failed by a 1-4 vote. Commissioners Tabb, Manuel, Corliss and Morgan voted no.

After further discussion, the Commission agreed to hold a work session on Monday, March 14, 2005 at 9:00 a.m. to discuss Zoning Amendments.

In re: ESTABLISHING A SCHEDULE FOR WORK SESSIONS AND PUBLIC HEARING IN APRIL/MAY ON OTHER AMENDMENTS TO THE ZONING ORDINANCE

No action was taken.

In re: DISCUSSION OF THE POSSIBILITY OF SCHEDULING TOWN MEETINGS COUNTY-WIDE

The Commission discussed the possibility of scheduling Town meetings county-wide. Commissioner Tabb commented that the Commission should not schedule meetings that are not held at the Courthouse unless advertised and notices of changes of meetings. Commissioner Tabb noted that the County Clerk posted a report on a Community Forum held on March 4, 2005 on the County Clerk yahoo-group website and that it was not a County Commission meeting. After discussion, the Commission agreed to put the word out to the county that the Commission could accept invitations from communities if invited to their meetings.

In re: PRELIMINARY MEETING WITH MUNICIPAL GOVERNMENT AND THE SCHOOL BOARD TOWARD THE GOAL OF ESTABLISHMENT OF AN INTERGOVERNMENTAL COUNCIL

The Commission discussed having preliminary meetings with the Municipal Government and the School Board toward the goal of establishing an Intergovernmental Council. After discussion, the Commission agreed to send out correspondence to municipalities and school boards to get ideas regarding this Intergovernmental Council.

In re: FOCUS - REQUEST FOR FINANCIAL SUPPORT

The Commission agreed to take this matter under advisement and to see if this budget request is for the current year or next.

In re: COUNTY CLERK - REQUEST FOR INCREASE OF WAGES FOR ELECTION OFFICIALS

Due to the absence of the County Clerk, the Commission took no action at this time.

In re: COUNTY CLERK - IMAGING FUND SUGGESTIONS

Due to the absence of the County Clerk, the Commission took no action at this time.

In re: PROPOSAL FOR A GREEN INFRASTRUCTURE ASSESSMENT FOR JEFFERSON COUNTY

The Commission agreed to send the proposal for a Green Infrastructure Assessment for Jefferson County to the Planning Commission for review and comment.

In re: MEDICAL INSURANCE: COUNTY EMPLOYEES

Commission Surkamp commented on county medical insurance and suggested that the Commission review health insurance for employees.

In re: WRITTEN DIRECTIVE POLICY

Motion by Surkamp to put all directives in writing via email or memo and make a formal policy that all directives will be in writing either as email or letters/memos. Motion failed due to lack of a second.

In re: AUTHORIZED AND UNAUTHORIZED COUNTY GOVERNMENT EXPENSES

Commissioner Tabb discussed government unauthorized expenses that the County Clerk had put in for approval. Motion by Morgan, second by Corliss to support the decision of Commissioner Tabb and to decline approval of the unauthorized expenses and to send a letter to the County Clerk explaining the decision the Commission made and to ask the County Clerk for a reimbursement for the unauthorized expenses. Motion passed by a 4-1 vote. Commissioner Surkamp voted no.

In re: FOCUS - REQUEST FOR COUNTY COMMISSION TO SERVE AS FISCAL AGENT FOR THE ENFORCING UNDERAGE DRINKING GRANT

Motion by Tabb, second by Manuel to approve the request received from FOCUS for the County Commission to serve as Fiscal Agent for the Enforcing Underage Drinking Grant. Motion carried.

In re: WORK SESSION SCHEDULED

The Commission agreed to schedule the following work session:

Monday, March 14, 2005 at 9:00 a.m. - Zoning Amendments

Tuesday, March 15, 2005 at 1:30 p.m. - Budget

Wednesday, March 16, 2005 at 2:30 p.m. - Budget

In re: COUNTY COMMISSION REPORTS

Commissioner Tabb thanked the Maintenance staff and County Clerk staff for the great job for the moving of the County Clerk's office.

Commissioner Tabb commented on the help that Mark Schiavone, Impact Fee Director and his staff gave to the County Clerk for creating new forms. Commissioner Tabb commented that she is concerned that Impact Fee staff did not inform the Commission of the work that was being done outside of that department.

Commissioner Manuel reported on the Homeland Security Meeting he attended.

Commissioner Surkamp reported on the Homeland Security Meeting he attended.

Commissioner Morgan commented on the map from Dewberry for the Solid Waste Property and asked about the status on the map. The County Administrator will check with Maintenance Director, Bill Polk on the status of the map.

The Commission received the following information:

Reminder of Joint Meeting with Planning Commission on Tuesday, March 15, 2005 at 7:00 p.m.

Appointments to be made to the Development Authority on April 7, 2005.

Reprints of articles from the Planning Commissioners Journal received from the Department of Planning, Zoning and Engineering.

Receipt checks received from the Department of Planning, Zoning and Engineering to be deposited by the Sheriff.

Correspondence received from Dewberry concerning a map.

Correspondence received from Sheriff Boober concerning County Investment.

Impact Fee Status Report received for February 2005.

Correspondence received from the Department of Impact Fees concerning an office closure on March 18, 2005 and for a System Upgrade.

Copy received of Correspondence sent to Yebernetsky, Roberts, & Stansbury, Inc. from the Department of Impact Fees concerning the Law Enforcement Impact Fee Ordinance.

Correspondence received from the Department of Impact Fees concerning the Law Enforcement Impact Fee.

Correspondence received from the following concerning the County Zoning Ordinance Amendments:

Susan B. Harper

Michael M. Carroll

Matthew & Sharla Essick

Michael T. Feeser

Carmen Creamer on behalf of the Historic Landmarks Commission

Correspondence received from the following concerning support for a Sports Complex in Jefferson County:

Jessica Kohout

Bob Brown

John J. Quinn, III

Gregory Plourde

Coach Bache

Elaine Oliver

Linda Shea

Douglas Vaira

Larry Hayes

David A. Baltierra, M.D.

John A. Capriolo

Debbie Hammond

Becky Sullivan

**Tony L. Cooper
Kim Brannan
Charlie Barnholt
Susan Wisniewski
David Brannan
Rick Pescitani
Kathy Lloyd
Frankie & Linda Adams
Kevin Robins
Jim Sweeney
Karen Gustavel
Nancy Cronin
Michael & Connie Adams
Robert & Jennifer Noll
Maria Brown**

Correspondence received from Congressman Nick J. Rahall, II concerning his support of West Virginia Resource and Conservation Programs.

Press Release received from PanTran concerning the preparation of a Short Range Transit Plan.

Correspondence received from Susan J. Webster, Mayor of the Town of Bath, concerning breast cancer screening.

Correspondence received from the Office of the State Auditor concerning Property Tax Levy Rates and Taxes Levied 2005-2006.

Correspondence received from Adelphia concerning adjustments to service and equipment prices.

Correspondence received from Adelphia concerning new channel additions.

Notices received from United States Bankruptcy Court concerning Adelphia Communications Corporation.

Audit Reports received for the Jefferson County Magistrate Court for the periods ending December 31, 2002 and December 31, 2003.

Correspondence received from Dayton Legal Blank, Inc. concerning Touch Screen Electronic Voting.

Correspondence received from the County Commissioners' Association concerning Senate Bill 419 and House Bill 2821.

Copy of Article received from the County Commissioners' Association concerning Cabell County voting on a budget cut in order to pay the jail bill.

Correspondence received from the County Commissioners' Association concerning House Bills 2811 and 2827.

Copy of Article received from the County Commissioners' Association concerning Calhoun County's failure to meet payroll due to inmate fees.

Copy of Articles received from the County Commissioners' Association concerning a hotel-motel tax bill, voting machines, and mini-distillery bill.

Legislative lineup received from the County Commissioners' Association.

Correspondence received from Loudoun County concerning a public hearing on Comprehensive Plan Amendments.

Invitation to attend the dedication of the Shenandoah Community Health Center on Saturday, March 19, 2005.

Invitation received to attend the 6th Annual Potters' Bowl on Saturday, March 19, 2005.

Spring 2005 Conference Registration Booklet received from the West Virginia University Local Government Leadership Academy.

Correspondence received from the West Virginia Development Office concerning the 2005-2009 Consolidated Plan and 2005 Action Plan.

E-911 Remittance Fee received from FiberNet.

Notice received from the Department of Planning, Zoning and Engineering of Final Plan Public Hearings.

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

Oaths of Office received from George Warren Mickey and Thomas W. Miller.

Upon rising, the Commission recessed until Thursday morning next beginning at 9:30 o'clock a.m.

PRESIDENT