

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 17, 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 Surkamp conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Tabb, second by Manual to dispense with the reading of the Minutes for the meeting held on Thursday, March 10, 2005, and to approve the Minutes as presented. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Corliss, second by Manual to approve the following Purchase Orders for the Week of March 14, 2005, totaling \$12,194.98: 40511, 41132, 41133, 41134, 41135, 41136, 40789, 40790, 41204, 41075, 41078, 41012, 41027, 41028, 41030 and 41032. Motion carried.

In re: PARTIAL BOND RELEASE - P.F.K., LLC

Motion by Tabb, second by Manual to approve the partial release of escrow in the amount of \$40,922.00 for P.F.K., LLC serving Locust Hill Subdivision, Phase III, Townhouse Lots 56-95, with the County to retain \$284,094.00. Motion carried.

In re: PLANNING COMMISSION ACTIVITY REPORT

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

In re: REQUEST FOR THE PLANNING COMMISSION TO COMMENT ON THE COMPATIBILITY OF THE DRAFT 15 MARCH COUNTY COMMISSION AMENDMENTS TO THE ZONING ORDINANCE WITH THE COMPREHENSIVE PLAN

Paul Raco appeared before the Commission to discuss amendments to the Zoning Ordinance.

After discussion, motion by Corliss, second by Tabb for the Planning Commission to review all amendments and offer comment on the compatibility of amendments to the Comprehensive Plan. Motion carried.

In re: APPOINTMENT OF MUNICIPAL REPRESENTATIVE TO MPO BOARD

Motion by Corliss, second by Manual to appoint Mayor Randy Hilton as municipal representative to the Metropolitan Planning Organization. Motion carried.

In re: DANIEL P. LUTZ, JR. - AGRICULTURE DEVELOPMENT OFFICE POSITION

With consideration to Mr. Lutz written correspondence the Commission agreed to submit Mr. Lutz's letter to Michael Thompson, Prosecuting Attorney for review and to authorize Mr. Thompson to draft a written response for Commission review and approval.

In re: JAMES MCGOWEN - SOLID WASTE AUTHORITY

James McGowen, Chairman, Solid Waste Authority appeared before the Commission to give a report and request budget funds for a new transfer station to support the needs of Jefferson County.

The Commission advised Mr. McGowen to work jointly with legal representation and Solid Waste Authority officials to issue a Request for Proposals for consultant services and to report to the Commission at a later date.

In re: HOWARD PAGE - USDA RURAL DEVELOPMENT OFFICE

Mr. Howard Page, Rural Development Manager appeared before the Commission for presentation and discussion. Mr. Page explained the various programs available to Jefferson County including the Community Facilities Grant and Loan Program, the Rural Utilities Program and the Guaranteed Program. Other services include single family home loans and affordable housing programs.

In re: BARBARA PORTERFIELD - MENTAL RETARDATION AWARENESS MONTH

To promote awareness Mrs. Barbara Porterfield appeared before the Commission for presentation and discussion of her concerns with the inequity of services in Jefferson County. Mrs. Porterfield provided statistics of services and facilities available in other areas of West Virginia.

After discussion, motion by Corliss, second by Tabb to authorize Mrs. Porterfield to draft a proposed letter of support to State Legislators for County Commission endorsement with descriptive detail of concerns and issues in the Eastern Panhandle. 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.

Mrs. Maghan discussed voting and election equipment compliancy upgrades; voting programs including HAVA and optional optical scanners; voter registration statistics and the June 2005 special election.

After discussion, motion by Manual, second by Tabb to move the County Commission meeting venue to the Old Charles Town Library for the month of June 2005 for accommodation of voting procedures in the County Courthouse meeting room. Motion carried.

Mrs. Maghan reported on the emergency precinct change necessary for precincts 23A & 23B. After discussion, motion by Manual, second by Tabb authorizing the County Clerk to draft an order facilitating emergency precinct change for precinct 23A & 23B for the June 25, 2005 special election. Motion carried.

In re: REQUEST FOR COUNTY CLERK TO REMOVE REPORT ON "OPEN COMMUNITY FORUM, 3-4-05" FROM THE COUNTY CLERK'S WEBSITE

County Clerk, Jennifer Maghan appeared before the Commission to report on her discussion with Ethics Commission Official, Lou Brewer regarding community forums. Mrs. Maghan reported that she was within ethical standards and procedures in reporting on the March 4, 2005 open forum online under the "West Virginia Open Meeting Act". Commissioner Tabb expressed her concerns regarding discretion exercised when posting open community forums when a meeting is not publicly announced.

Mrs. Maghan requested that the Commission grant the County Clerk permission to perform all duties under the West Virginia Constitution to include keeper of the records of all County Commission transactions and to be the Clerk of the Coordinating Advisory Council. After discussion the Commission agreed to conduct a work session with the County Clerk for further consideration.

11:30 a.m. - The Commission took a break until 11:35 a.m..

In re: JAIL RENOVATIONS

The Commission discussed jail renovations with consideration to the County Building Program in context to an overall plan for an administrative complex while maintaining the historical integrity of the jail.

After discussion, motion by Morgan, second by Surkamp to advertise Request for Proposals to employ an architect that specializes in historical structures to advise the County Commission on the best way to restore the jail and to assist with applications for available grant moneys to fund the project. Motion carried.

In re: DISCUSSION OF TIME CHANGE FOR NEXT WEEK'S MEETING

Motion by Corliss, second by Manual to reschedule the County Commission meeting of Thursday, March 24, 2005 to Wednesday, March 23, 2005 at 9:30 a.m. Motion carried. Leslie Smith, County Administrator advised the Commission that the agenda would close at 12 noon on Monday, March 21, 2005.

In re: CORPORATION OF SHEPHERDSTOWN - APPOINTMENT OF REPRESENTATIVE TO THE DEVELOPMENT AUTHORITY

Leslie Smith, County Administrator explained municipal applicant requirements. The Commission agreed to conduct interviews of all applicants and authorized the County Administrator to contact applicants with date and time.

In re: PUBLIC COMMENT

James Whipple expressed gratitude to the County Commissioners for maintaining the historical integrity of the County Jail.

In re: COUNTY COMMISSION REPORTS

Commissioner Tabb reported on the Farmland Protection Board meeting she attended.
Commissioner Tabb reported on the Social Studies fair she attended.
Commissioner Manuel reported on the Annexation Bill.
Commissioner Manuel reported on the current Affordable Housing Proposals.
Commissioner Manuel reported on the Tourism Reception he attended.
Commissioner Manuel reported on the Parks and Recreation Committee meeting he attended.
Commissioner Corliss reported on the Public Service District meeting he attended.
Commissioner Corliss reported on the Planning Commission meeting he attended.
Commissioner Corliss reported on the MPO meeting scheduled.
Commissioner Surkamp commented on the Annexation Bill.
Commissioner Surkamp reported on his discussion with Bill Gavin.
Commissioner Surkamp reported on the Ambulance Authority meeting he attended.
Commissioner Morgan reported on the Social Studies fair he attended.

The Commission received the following information:

Acceptance of Bond for Demory Farm Subdivision in the amount of \$1,308,435.

Notification of retirement received from William F. Gray as an employee in the Jefferson County Maintenance Department effective March 31, 2005.

Correspondence received from Assistant Prosecuting Attorney, Gregory Jones, concerning the Ranson/County School Impact Fee Collection Agreement.

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

Notice of Funding Availability for HUD Disaster Recovery Initiative received from the West Virginia Development Office.

Correspondence received from the Statewide Addressing and Mapping Board concerning an update of the West Virginia Statewide Addressing Project.

Notice received from the Sheriff's office of MS 13 training on March 24, 2005.

Copies of correspondence sent to the Bank of Charles Town from Sheriff Boober received concerning Impact Fee bank accounts and signature cards.

Correspondence received from Renny Smith concerning her term ending on the Planning Commission and her decision to not seek reappointment.

Copy of an article by Lyn Widmyer received from Carol Dunleavy.

Correspondence received from the Division of Criminal Justice Services acknowledging receipt of the request for Victims of Crime Act Assistance Program funds.

Correspondence received from Shepherdstown Day Care, Inc. concerning their request for funds.

Notice received from the West Virginia Development Office of the Downtown Revitalization Institute scheduled for April 5-6, 2005.

Correspondence received from Steptoe and Johnson concerning the availability of training on the recent amendments to the Fair Labor Standards Act.

Newsletter received from the West Virginia Legislature.

Newsletter received from the Eastern Panhandle Conservation District.

Briefing Book received from JCPASH concerning the County Jail.

Legislative Lineup received from the County Commissioners' Association.

Correspondence received from the Association of Counties concerning House Bill 2868.

Copy of newspaper article received from the County Commissioners' Association concerning the proposed metro government legislation.

Correspondence received from the County Commissioners' Association concerning Committee Substitute for SB 159.

Correspondence received from the Division of Highways concerning the addition of Wescott Drive to the State Local Service System.

Fee remittance received from Citizens Telecommunications.

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

Confirmation Statement of Investment received from Nationwide Retirement Solutions.

Support letter received from Melba Berry.

Notice received from the Department of Planning, Zoning and Engineering of a Subdivision Work Session on Friday, March 18, 2005.

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

Oath of Office received from Chief Curtis E. Keller as a Special Deputy.

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

PRESIDENT