

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 Wednesday, March 23, 2005, beginning at 9:30 o'clock a.m.

The Commission agreed to move the meeting to the Old Charles Town Library Meeting room to allow more seating space for the public.

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 Tabb, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, March 17, 2005, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Surkamp, second by Manuel to approve the following Purchase Orders for the Week of March 21, 2005, totaling \$13,044.45: 37422, 41162, 41163, 41137, 41140, 40683, 41138, 41205, 41209, 41073 and 41080. Motion carried.

In re: PLANNING COMMISSION ACTIVITY REPORT

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

In re: PUBLIC COMMENT

Patsy Noland, Circuit Clerk commented on the Budget FY06 and disagrees with the increase in salary for the Impact Fee Director.

Daniel McVicker commented and supported the \$1.5 million budget for the Parks and Recreation.

Molly, a third grader commented and supported the \$1.5 million budget for the Parks and Recreation.

Cindy Dillow commented and supported the \$1.5 million budget for the Parks and Recreation.

Ed Hannon commented and supported the \$1.5 million budget for the Parks and Recreation.

Ed Hannon commented and supported the \$1.5 million budget for the Parks and Recreation for Kevin Robbins who could not attend.

Jimmy Pierson commented on the \$1.5 million budget for the Parks and Recreation.

Dick Childs commented on the \$1.5 million budget for the Parks and Recreation and supports the immediate needs for the Parks and Recreation.

In re: CHIEF CURTIS KELLER - SHEPHERDSTOWN POLICE DEPARTMENT - RADIO TRANSMISSION DIFFICULTIES

Chief Curtis Keller appeared before the Commission to discuss the radio transmission difficulties in Shepherdstown. Chief Keller requested an immediate fix for the difficulties, possibly the purchase of more repeaters. The Commission commented and reported that \$1 million was budgeted for communications to upgrade the radios.

In re: ED SMITH - JEFFERSON COUNTY AMBULANCE AUTHORITY - REVIEW OF THE FISCAL YEAR 2006 BUDGET

Ed Smith appeared before the Commission to discuss the history and achievements of the Jefferson County Ambulance Authority. A presentation of an automatic CPR device was given. A small, portable device greatly increases the chance of surviving sudden cardiac death by restoring blood pressure better than conventional cardiopulmonary resuscitation. Ed Smith requested that the Commission purchase two of the devices. After discussion, motion by Manuel, second by Morgan to purchase 1 of the CPR devices in the amount of \$15,300 with this year's current budget. Motion carried.

In re: APPOINTMENT TO THE SOLID WASTE AUTHORITY

No applications were received for the appointment to the Solid Waste Authority.

In re: SHEPHERDSTOWN DAYCARE, EL SHADDAI, AND BOYS AND GIRLS CLUB

Motion by Surkamp to approve \$25,000 out of the current budget for capital improvements for the Shepherdstown Daycare Center. Motion failed due to lack of a second.

In re: VOTE TO REQUEST TV CHANNEL FROM ADELPHIA

Motion by Surkamp, second by Manuel to notify Adelphia in writing that the Jefferson County Commission requests a governmental TV channel from Adelphia. Motion by Manuel, second by Tabb to table the request to request a TV Channel from Adelphia and to have the Prosecuting Attorney review the matter and to place the vote on the agenda at a later date. Motion carried.

In re: APPROVAL OF 16 MARCH ZONING ORDINANCE AMENDMENTS

Paul Raco appeared before the Commission to discuss the Zoning Ordinance Amendments. After discussion, amended motion by Morgan, second by Tabb to approve the March 17th 2005 draft of the Zoning Ordinance Amendments as presented with an effective date of April 8, 2005 with the changes asked by Commissioner Tabb to include the following: Motion carried.

Take out secondary

Take out substantial way

Motion by Tabb, second by Manuel, for administrative purposes to recognize that all applications in the Office of Planning Zoning and Engineering received on and before the closing business of April 8, 2005, which address all the necessary 23 questions on the application be grandfathered in, and that applications received after April 8, 2005 comply with the new amendments. Motion carried.

The Commission agreed to hold a work session to discuss time-lines for conventional zoning, discussion of Zoning and a RFP discussion.

In re: APPROVAL OF FISCAL YEAR 2006 LEVY ESTIMATE

Motion by Manuel, second by Corliss to approve the Fiscal Year 2006 Levy Estimate. Motion passed by a 4-1 vote. Commissioner Tabb voted no.

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. Motion by Corliss, second by Manuel to publish an order setting the new locations of the temporary polling places for Precincts 23A ,23B, and Precinct 15 for the Special Election. Motion carried.

The Commission took a 5 minute break.

In re: PARKS AND RECREATION INDEPENDENT STUDY

Motion by Manuel, second by Tabb to appropriate \$20,000 out of the current funds for an Independent Study to develop a comprehensive plan for recreational use for Jefferson County that would be in league with the Parks and Recreation. Amended motion by Morgan, second by Manuel to have Parks and Recreation appoint a committee to create a RFP to find a firm that will create an independent recreational study and to create a business plan for future recreational opportunities in Jefferson County and that the Committee should include the public. Amended motion carried.

**In re: 1.5 MILLION DOLLAR APPROPRIATION FROM CURRENT CAPITAL FUNDS FOR
PARK LAND ACQUISITION - ESTABLISHMENT OF PARK LAND ACQUISITION FUND**

Motion by Manuel, second by Surkamp to appropriate \$1 million from the current capital accounts to an account designated as Parks and Recreation Land Acquisition Fund and that those monies be utilized to purchase land to meet the immediate recreational needs of Jefferson County. Amended motion by Tabb, second by Manuel to change the name of the fund to be Park Land Acquisition and Improvement Fund. Amended motion carried. For the record, Tim Barr was present and made comment.

Leslie Smith, County Administrator informed the Commission that the Resolution is very defined on how the money can be used. The Commission will have a work session to discuss the Resolution for the creation of the fund for the \$1 million dollars for the Parks and Recreation Commission.

12:20 p.m. - The Commission took lunch until 1:30 p.m.

In re: PETER CHAKMAKIAN - ZONING PROPOSAL

Peter Chakmakian appeared before the Commission to give a Zoning Proposal. After the presentation, the Commission requested that Mr. Chakmakian make the same presentation to the Planning Commission.

**In re: FOR THE PROSECUTING ATTORNEY: FIVE FACTUAL QUESTIONS REGARDING
KLETTER AND JEFFERSON UTILITIES CASES**

The Commission agreed to discuss the five factual questions regarding Kletter and Jefferson Utilities Cases and to have Mike Thompson or Greg Jones be present for discussion and questions on next week agenda.

**In re: DISCUSS PROCESS AS TO CONSIDERATION AND SETTING OF 911, FIRE AND
AMBULANCE FEES**

The Commission agreed to have the County Administrator help with the process of the fire board and working on ordinances for 911, fire and ambulance fees. Commissioner Tabb requested legal advise from the Prosecuting Attorney. The Commission agreed to place the matter on the agenda next week.

The new 911 fee was discussed and the Commission agreed to place this matter on the agenda for next week and to have Henry Christie, President of the E911 Advisory Committee and Jeff Polczynski, Director of Communications be at the meeting for discussion.

In re: ESTABLISHMENT OF A RAINY DAY FUND - 50% OF THE UNENCUMBERED BALANCE REMAINING AT THE CONCLUSION OF THE 2004-2005 BUDGET YEAR

Commissioner Manuel discussed the request for the establishment of a Rainy Day Fund which would be 50% of the unencumbered balance remaining at the conclusion of the 2004-2005 budget year. The Commission discussed the request and no action was taken. For the record, the County Clerk made comments.

In re: REQUEST FOR PROPERTY SAFETY HEARING - JOSEPH A. O'BRYAN

Motion by Tabb, second by Manuel to hold a Property Safety Hearing on Thursday, April 7, 2005 at 11:00 a.m. upon request from Joseph O. O'Bryan. Motion carried.

In re: BLUE RIDGE MOUNTAIN FIRE COMPANY - REQUEST TO IMPLEMENT BILLING

Motion by Tabb, second by Manuel to authorize Blue Ridge Mountain Fire Company to implement billing for fire and rescue calls as per §7-1-3d. Motion carried.

In re: COUNTY CLERK - REQUEST FOR BUDGET REVISION

Upon request from Jennifer S. Maghan, County Clerk, motion by Manuel, second by Tabb to adjust the account for the \$350 rebate from Staples and to move the rebate from the General Account and to place the \$350 into the Optical Scanning Fund. Motion carried.

In re: PROCLAMATION - MAKE YOUR MAMMOGRAM APPOINTMENT TODAY

Motion by Tabb, second by Manuel to approve the following Proclamation: Motion carried.

PROCLAMATION

Make Your Mammogram Appointment Day

WHEREAS, the Jefferson County Commission believes that strong individuals, families and communities are built in part by the health conditions and practices of its community and;

WHEREAS, that with regular diagnostic testing and examinations, certain serious diseases can be detected and therefore treated, and;

WHEREAS, through concern and compassion for the women and families of its community, the Jefferson County Commission wishes to promote and encourage responsible health practices that include mammography;

THEREFORE, the Jefferson County Commission proclaims April 1, 2005 to be "Make Your Mammogram Appointment Day."

Adopted: March 23, 2005

President

Jefferson County Commission

In re: AIA DESIGN PROJECT - PARKS AND RECREATION COMMISSION

Motion by Corliss, second by Manuel to authorize the President to affix his signature to the contract with AIA for a design project for the Parks and Recreation Commission.
Motion carried.

Commissioner Surkamp discussed the letter received from Wade Thompson, State Tax Department regarding Appraisal Ratio Results. The Commission agreed place the matter and the Assessor on the agenda for next week to discuss.

In re: PUBLIC COMMENT

Toni Milbourne commented on the Parks and Recreation Commission monies that were funded by the County Commission and asked how can the monies be used.

In re: COUNTY COMMISSION REPORTS

Commissioner Surkamp reported on the Jefferson County Ambulance Authority Committee meeting he attended.

Commissioner Corliss reported on the Planning Commission meeting he attended.

Commissioner Corliss discussed House Bill 2813. The Commission agreed to place the matter on next weeks agenda.

Commissioner Corliss discussed the increase in the \$1.90 911 fee and commented on having a public hearing. The County Administrator explained the process of the increase and the public hearing and publication.

Commissioner Surkamp commented on the inoperable radio system and other projects and suggested a joint meeting with Berkeley County Commission, Jefferson County Commission and Senators Rockefeller and Byrd to discuss these issues.

Commissioner Manuel will get an abstract of HB2813.

Commissioner Morgan attended a Church meeting.

Commissioner Morgan attended the Free Clinic meeting.

Commissioner Morgan attended an anti-war rally.

The Commission received the following information:

Appointments to be made to the Planning Commission on Thursday, March 31, 2005.

Acceptance of Bonds for Uniwest Construction Inc. in the amounts of \$836,007.05, \$45,128.81, and \$300,207.37.

Notice of a Joint Meeting of the County Commission and the Board of Education on Thursday, May 5, 2005.

Notice of meeting room change for the County Commission beginning June 2, 2005 through June 30, 2005 to the Old Charles Town Library.

Correspondence received from the Department of Impact Fees concerning a refund request.

Invitation received to attend the 12th Annual Telecommunicators Banquet on April 15, 2005.

Correspondence received from Congressman Nick J. Rahall, II concerning the West Virginia Resource and Conservation programs.

Correspondence received from Mayor James A. Addy concerning the Jefferson County Public Service District.

Freedom of Information Act request received from Georgianna M. Pardo.

Correspondence received from Jefferson Utilities, Inc. concerning public water service in Jefferson County.

Correspondence received from Snyder Environmental Services, Inc. concerning compliance with SDWA for the BURR Water Plant.

Correspondence received from the Secretary of State concerning the Special Election.

Correspondence received from the Secretary of State concerning HAVA funding.

Correspondence received from the State Tax Department concerning Appraisal Ratio Results.

Correspondence received from the State Tax Department concerning budget.

Submission of Draft Technical Report for the Historic Review of East Washington Street Buildings received from TRC.

Correspondence received from the League of Women Voters concerning their annual Commissioner's Breakfast.

Notice received of the West Virginia Regional Jail and Correctional Facility Authority Meeting on Friday, March 25, 2005, at 1:30 p.m.

Invitation received of a Retirement Open House at the Charles Town Police Department for Chief Aldridge and Captain Nichols.

Correspondence received from the following concerning support of a sports complex:

Christina Bourchoc

Carreen Smith

Karen & David Gustavel

Connie Adams

Denise Beaty

Amy Davies

Stan Tabler

George & Kay Baihly

Bryan & Lucia Doughty

Ted Lehr

Bryan Pretre

Michael C. Rauch

Alfred Shakesprere

Rebecca White

Jon Robertson

Bill McKittrick

Teresa McBee & Rico Massimino

Charles Sizemore

Greg Lloyd

Susan Callahan

Jenny Regalia

Pat Tribble

David Rosen

Eugene Pearson

Carl Schultz

Joe Funkhouser

Steve Kubik

Michael A. Riese

Glenn & Lillian Kinser

Legislative Lineup received.

Copies of newspaper articles received from the County Commissioners' Association.

Correspondence received from Loudoun County, Virginia concerning a public hearing.

Newsletter received from the Old Opera House.

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

Oath of Office received from Fred Blackmer as a member of the Property Safety Enforcement Agency.

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

PRESIDENT