

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 31, 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 Manuel, second by Morgan to dispense with the reading of the Minutes for the meeting held on Wednesday, March 23, 2005, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Corliss, second by Tabb to approve the following Purchase Orders for the Week of March 28, 2005, totaling \$38,857.26: 41149, 41150, 41265, 41266, 41287, 41165, 41168, 41305, 41144, 41146, 41152, 41303, 41304, 40685, 40937, 41108, 41141, 41142, 41145, 41148, 41151 and 410171. Motion carried.

In re: APPOINTMENT TO THE SOLID WASTE AUTHORITY

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

In re: RANSON SCHOOL IMPACT FEE AGREEMENT NEGOTIATIONS

The Commission discussed the Ranson School Impact Fee Agreement Negotiations. The Commission agreed that a meeting with the Ranson City Council would be beneficial. The Commission agreed to request a special meeting with the Ranson City Council and if the Council did not agree to a special meeting then to request to be on the Council's agenda on the 3rd Tuesday in April.

In re: COMPLETE BOND RELEASE - HARPERS FERRY PLUMBING AND HEATING

Motion by Tabb, second by Manuel to approve the complete release of an Escrow Account in the amount of \$8,581 for Harpers Ferry Plumbing and Heating. Motion carried.

In re: PUBLIC COMMENT

No public comment was made at this time.

In re: KLETTER AND JEFFERSON UTILITIES UPDATE

The Commission discussed Kletter and Jefferson Utilities and took no action at this time.

In re: COMMISSION POSITION ON HB2813/SB415, SB700 AND WASTE HAULING SB439

After discussion, motion by Corliss, second by Manuel to draft a letter to all Eastern Panhandle Legislators to thank them for their support of all bills of interest to Jefferson County and ask for their continued support of bills of interest to Jefferson County. Motion carried.

In re: PANTRAN - REQUEST ATTENDANCE AT ROUTE AND SYSTEM STUDY

WORKSHOP

The Commission agreed to try to attend the April 8, 2005 Route and System Study PANTRAN Workshop.

In re: GRACE BAPTIST CHURCH - REQUEST FOR WAIVER OF BUILDING PERMIT FEE FOR A SIGN INSTALLATION

After discussion and comments from Paul Raco, motion by Surkamp, second by Corliss to refund Grace Baptist Church \$100 for the Building Permit Fee for a sign installation. Motion failed by a 2-3 vote. Commissioners Tabb, Manuel, and Morgan voted no.

In re: DEVELOPMENT AUTHORITY INTERVIEWS - SHEPHERDSTOWN REPRESENTATIVE

The County Administrator informed the Commission that the City of Shepherdstown had been contacted concerning the interviews for the Shepherdstown Representative and that no reply had been received from Shepherdstown. The Commission agreed to contact the 3 individuals directly requesting a letter or resume and to ask them if they could appear before the Commission for an interview.

In re: FRIENDSHIP FIRE COMPANY - REQUEST TO IMPLEMENT BILLING

Motion by Corliss, second by Tabb to authorize Friendship Fire Company to implement billing for fire and rescue calls as per West Virginia Code §7-1-3d. Motion carried.

In re: FRED B. SHIPPEE - TWO TRACK RAILROAD GRADE CROSSING ON ENGLE SWITCH ROAD

The County Administrator informed the Commission of correspondence received from Fred B. Shippee concerning a two track railroad grade crossing on Engle Switch Road. The Commission agreed to direct the matter to the proper authorities.

In re: DRAFT LETTER - WATER RESOURCE ASSESSMENT STUDY

Motion by Corliss, second by Tabb to approve that a letter to be sent to the Eastern Panhandle Conservation District requesting a Water Resource Assessment Study for Jefferson County. Motion carried.

In re: REPLACING FLOOD GAUGE IN SHEPHERDSTOWN

Commissioner Surkamp discussed with the Commission the broken flood gauge in Shepherdstown. After discussion, motion by Corliss, second by Manuel to ask Darrell Penwell to go to the Park Service to see what their interest is in the flood gauge and draft a letter from the County Commission to Senator Byrd informing him of the loss of the flood gauge and request his support. Motion carried.

In re: PATRICIA SANDERSON - ZONING ORDINANCE LOT RESTRICTIONS

Patricia Sanderson appeared before the Commission to discuss the reduction, in the new zoning ordinance amendments, of the number of lots allowed in a rural district from 1 per 10 acres to 1 per 15 acres. The Commission took no action on the matter but agreed to discuss zoning issues further during work sessions.

In re: GRAND FATHERING IN RELATIONSHIP TO ZONING AMENDMENTS

Motion by Corliss, second by Manuel to have all Subdivision Applications currently in process from the Community Impact Statement stage to Final Plat be grand fathered in. Motion carried.

In re: MOVING UP EFFECTIVE DATE FROM APRIL 8, 2005 TO APRIL 1, 2005 FOR THE MARCH 23, 2005 APPROVED ZONING ORDINANCE AMENDMENTS

Motion by Corliss, second by Morgan to move up the effective date for approved Zoning Ordinance Amendments from April 8, 2005 to close of business on April 1, 2005. Motion failed by a 2-3 vote. Commissioners Tabb, Manuel and Morgan voted no.

In re: HENRY CHRISTIE AND JEFF POLCZYNSKI - E-911 FEE RECOMMENDATION

Henry Christie and Jeff Polczynski appeared before the Commission to recommend that the Commission increase E-911 fees from \$1.90 to \$2.90. After discussion, motion by Tabb, second by Manuel to consider the E-911 Advisory Board's recommendation for a proposed rate increase of the E-911 fee to \$2.90 and to take the matter to public hearing on April 28, 2005. Motion carried

The Commission took a 5 minute break at 11:14 a.m.

In re: PLANNING COMMISSION INTERVIEWS

The Commission conducted interviews with the following Planning Commission applicants: Mary Lehman, William Buettin, Vicki Faulner, Frederick Wells, Todd Baldau, John Sidor, William Baty, George Anderson, and Rosella Kern. The following Planning Commission applicants were unable to attend: Thomas Kane, Otis James, Steve Stolipher, and William Flittie. The Commission agreed to extend the deadline for applying for the Planning Commission and to conduct interviews at next week’s meeting for the applicants who were not able to attend today’s meeting or for any new applications that may be received.

The Commission recessed at 12:00 p.m.

The Commission reconvened at 1:15 p.m.

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 weekly report.

In re: RESOLUTION - PARKS AND RECREATION LAND FUND

Motion by Manuel, second by Tabb to approve the following resolution to establish a Parks and Recreation Land Fund. Motion carried.

RESOLUTION

WHEREAS, the County Commission of Jefferson County, is desirous of purchasing, developing and improving land for parks and recreation.

NOW THEREFORE, BE IT RESOLVED, that the County Commission of Jefferson County creates special projects fund number 245 for the purpose of purchasing, developing and improving land for parks and recreational use in Jefferson County.

/s/

A.M.S. Morgan, III
President

Date

In re: RFP FOR CONVENTIONAL ZONING

Motion by Corliss, second by Manuel to direct the County Administrator to draft an RFP for Conventional Zoning for consideration by the Commission. Motion carried.

In re: FIRE AND AMBULANCE SERVICE FEES AND CREATION OF COUNTY FIRE BOARD

The Commission discussed Fire and Ambulance Service Fees and the creation of a County Fire Board. After discussion, the Commission agreed to request the Ambulance Authority, Fire Association and the 5 Volunteer Fire/Ambulance Companies to meet with the Commission during a special evening meeting in order to receive comment and request their cooperation in this matter.

In re: FARMLAND PROTECTION BOARD - FARMLAND PROTECTION EASEMENT

Jack Quinn, President of the Farmland Protection Board, appeared before the Commission to request the approval of a Farmland Protection Easement for RSP Enterprises. After discussion, motion by Tabb, second by Corliss to approve the Farmland Protection Easement for RSP Enterprises with the proviso that adjustments can be made pending official word from the Assistant Prosecuting Attorney, Brandy Sims. Motion carried.

In re: CHRISTOPHER SHULTZ - REQUEST TO POST CASH BOND FOR WIND MILL CROSSING

Peter Chakmakian, Counsel for Christopher Shultz, appeared before the Commission to request approval to post a second bond. After discussion, motion by Corliss, second by Manuel to authorize New Visions Properties II to post a second bond in the amount of \$42, 580.66 for Wind Mill Crossing. Motion carried.

In re: MORGAN COUNTY COMMISSIONER ROBERT FORD - WIB BOARD AND THE WEST VIRGINIA EASTERN PANHANDLE TRANSPORTATION AUTHORITY

Morgan County Commissioner, Robert Ford, appeared before the Commission to discuss the Workforce Investment Board and the Eastern Panhandle Transportation Authority. After discussion, Commissioner Manuel agreed to work with Commissioner Ford in order to organize the 1st meeting of the Eastern Panhandle Transportation Authority to include Senator Unger.

In re: MARK SCHIAVONE - SCHOOL IMPACT FEE ANNUAL ADJUSTMENT

Mark Schiavone, Impact Fee Coordinator, appeared before the Commission to discuss the annual adjustment to the School Impact Fee. The adjustment will take effect April 1, 2005. Comments on the matter were made by Paul Burke.

In re: PARKS AND RECREATION IMPACT FEE

The Commission discussed the possibility of implementing a Parks and Recreation Impact Fee. After discussion and comments from Mark Schiavone the Commission agreed to put the matter on next week's agenda.

In re: FIRE AND AMBULANCE IMPACT FEES

The Commission discussed Fire and Ambulance Impact Fees. Mark Schiavone was present and discussed information just received from the State Fire Marshall's office.

In re: WARD ZIGLER - ZONING CHANGES

Ward Zigler appeared before the Commission to discuss changes made to the Zoning Ordinance.

In re: APPROVAL OF EMPLOYMENT - MAINTENANCE DEPARTMENT

Motion by Corliss, second by Tabb to approve the employment of Paul Bayles and Ann Jenkins in the Maintenance Department. Motion carried.

In re: APPROVAL OF EMPLOYMENT - COUNTY CLERK'S OFFICE

Motion by Manuel, second by Tabb to approve the employment of Matthew Barney in the temporary position of Voter Registration Clerk through June 30, 2005. Motion carried.

In re: COUNTY COMMISSION REPORTS

Commissioner Corliss reported on FOCUS.

Commissioner Manuel discussed making a trip to Charleston.

Commissioner Tabb reported on a Farmland Protection Board meeting.

Commissioner Tabb wanted to recognize Bill Gray for all of his work upon his retirement from the County.

Commissioner Morgan reported on picking up litter along County roadways.

In re: COUNTY COMMISSION WORKSHOP

The Commission conducted a workshop to discuss the duties of the County Clerk. Mike Thompson, Prosecuting Attorney, was present and gave his opinion on the duties of the County Clerk. County Clerk, Jennifer S. Maghan, asked that the Commission put the matter on the agenda next week in order to allow her time to respond to Mr. Thompson.

The Commission agreed to have a Workshop on Wednesday, April 6, 2005, at 9:00 a.m. for the purpose of discussing Zoning and the Management Study RFP.

The County Administrator reminded the Commission of the Public Hearing on the proposed Noise Ordinance on April 6, 2005.

The County Administrator informed the Commission of the Telecommunicator's Banquet.

The County Administrator informed the Commission of a credit card program offered by the West Virginia Association of Counties.

The Commission received the following information:

Reminder of Public Hearing on Noise Ordinance on Wednesday, April 6, 2005.

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

Notice of Intent - Temporary Precinct Change for Special Election - Precincts 15, 23A and 23B.

Copy of correspondence sent to Bob McColm received from the Department of Planning, Zoning and Engineering concerning road maintenance in Shannondale.

Correspondence received from Smith-Nadenbousch Insurance, Inc. concerning the Zoning Board of Appeals.

Correspondence received from Dr. James G. Gibson concerning work session audiotapes.

Correspondence received from USDA Rural Development concerning their presentation before the Commission on March 17, 2005.

Correspondence received from Don Harrison, Public Relations Manager for the Home Depot, concerning the Ranson Home Depot.

Correspondence received from the Office of Emergency Services concerning the LEPC grant program.

Correspondence received from the Office of Emergency Services concerning approval of the 2005 HMEP grant.

Correspondence received from Paul A. Mattox, Jr., Commissioner of Highways, concerning the US 340 traffic study.

Correspondence received from Senator John C. Yoder concerning Senate Bill 159.

Legislative Updates received from the County Commissioners' Association.

Correspondence received from the County Commissioners' Association concerning Senate Bill 159.

Correspondence received from the County Commissioners' Association concerning legislation.

Correspondence received from the West Virginia Division of Culture and History concerning Blackford Village.

Correspondence received from the Supreme Court of Appeals concerning updates to the State's T-1 line.

Correspondence received from the Department of Environmental Protection concerning a meeting on water quality problems on April 12, 2005.

Notice received of the 9th National Watershed Conference on May 22-25, 2005.

Notice received of a Special Meeting of the Jefferson County Public Service District on Thursday, March 31, 2005, at 9:00 a.m.

Correspondence received from the Secretary of State concerning Special Elections Training Seminar.

Notice received from the Potomac Headwaters RC&D of an Executive Committee Meeting on April 12, 2005.

Correspondence received from the Association of Counties concerning Projected Premium

Increase for FY 2006.

Correspondence received from the County Commissioners Association concerning new bills to provide regional jail cost relief.

Copy of newspaper article received from the County Commissioners Association concerning the Metro Government Bill.

Correspondence received from the Division of Criminal Justice Services acknowledging receipt of the application for Court Security Fund Grant Program funds.

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

Correspondence received from David A. Baltierra, Tony & Diana Cooper, Scott & Beth Winters, and Gregory Plourde in support of land purchase for parks and recreation.

Correspondence received from the Association of Counties concerning Senate Bill 622.

Correspondence received from the County Commissioners' Association concerning a State Tax Department Lawsuit.

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

Oath of Office received from Romulo Quezada as a Special Deputy.

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

PRESIDENT