

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, April 14, 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 Tabb conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Morgan, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, April 7, 2005, and to approve the Minutes as amended. Motion carried.

Motion by Tabb, second by Corliss to dispense with the reading of the Minutes for the special session held on Wednesday, April 6, 2005, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Manuel to approve the following Purchase Orders for the Week of April 11, 2005, totaling \$6,060.85: 41158, 41166, 41167, 40699, 40940, 40941, 40995, 41155, 41157, 41159, 41233, 41082, 41084, 41086, 41087, 41045 and 41046. Motion carried.

In re: RANSON SCHOOL IMPACT FEE - APRIL 19, 2005 RANSON CITY COUNCIL MEETING

The County Administrator informed the Commission of correspondence received from Mayor A. David Hamill of Ranson. Mr. Hamill informed the Commission, in his letter, that he would not be available for the April 19, 2005 Ranson City Council Meeting and would prefer to be present. The Commission agreed to send Mayor Hamill a copy of the current agreement and to request a special meeting with the Ranson City Council.

In re: APPOINTMENT TO THE SOLID WASTE AUTHORITY

Motion by Manuel, second by Tabb to appoint William W. Weston to the Solid Waste Authority for an unexpired term ending June 30, 2008. Motion carried.

In re: DUTIES OF THE COUNTY CLERK UNDER WEST VIRGINIA LAW

Jennifer Maghan, County Clerk, informed the Commission that she was still waiting

for information from the State Auditor's Office.

In re: PARTIAL BOND RELEASE - MADDEX FARMS SUBDIVISION

Motion by Tabb, second by Manuel to approve the partial release of a Letter of Credit for Maddex Farm Subdivision in the amount of \$184,375, with the County to retain \$182,078. Motion carried.

In re: PLANNING COMMISSION ACTIVITY REPORT

Paul Raco, Executive Director of Planning, Zoning and Engineer, appeared before the Commission to give the weekly Planning Commission Activity Report.

In re: PUBLIC COMMENTS

Joe Hankins, from the Jefferson County Public Service District, appeared before the Commission and read a statement in support of Senate Bill 700.

Mike Cassell appeared before the Commission to comment on Senate Bill 700.

Marty Kable, from the Jefferson County Public Service District, appeared before the Commission and commented on Senate Bill 700.

In re: MARK SCHIAVONE - APPOINTMENT TO THE IT COMMITTEE

Patsy Noland, Circuit Clerk, appeared before the Commission and requested that the Commission hold off the decision on appointing Mark Schiavone to the IT Committee until next week in order for the IT Committee to meet and discuss the appointment. The Commission agreed to put the matter on the agenda next week.

In re: QUARTERLY FIDUCIARY REVIEW

The time of the Commission was taken up this day with examination of sundry fiduciary accounts.

Motion by Tabb, second by Manuel to accept all fiduciary accounts presented as well as to acknowledge a letter from Ralph Lorenzetti as part of the record. Motion carried.

In re: JIM MCGOWEN - SOLID WASTE AUTHORITY

Jim McGowen, from the Solid Waste Authority, appeared before the Commission to discuss the survey of the property. Mr. McGowen requested that the Commission work with the Solid Waste Authority to adjust the property line in order to have room for the new transfer station. After discussion, motion by Manuel, second by Tabb to send a letter to the Solid Waste Authority to indicate the Commission's willingness to move the property line in order to accommodate the needs for the new transfer station and to also take into account access issues. Motion carried.

In re: MARK SCHIAVONE - PARKS AND RECREATION DRAFT IMPACT FEE ORDINANCE

Mark Schiavone appeared before the Commission to discuss the Parks and Recreation Draft Impact Fee Ordinance. After discussion and review, motion by Corliss,

second by Morgan to table the matter until next week in order to rerun the 2005 calculations. Motion carried.

In re: MARK SCHIAVONE - FIRE & EMS DRAFT IMPACT FEE ORDINANCE

Mark Schiavone appeared before the Commission to discuss the Fire & EMS Draft Impact Fee Ordinance. After discussion, motion by Corliss, second by Manuel to table the matter until next week. Motion carried.

The Commission took a 5 minute break.

In re: JEFFERSON COUNTY COMMISSION RESOLUTION REQUESTING GOVERNOR VETO SB700

The Commission discussed sending a resolution to the Governor requesting the veto of Senate Bill 700. Comments were made by Marty Kable, Joe Hankins, Sue Lawton and Tyler Quinn. After discussion, motion by Corliss, second by Surkamp to draft a resolution to be sent to the Governor requesting the veto of Senate Bill 700. Motion by Manuel, second by Tabb to table the motion. Motion to table failed by a 2-3 vote. Commissioners Morgan, Corliss, and Surkamp voted no. The Commission then voted on the motion made by Corliss and seconded by Surkamp. Motion failed by a 2-3 vote. Commissioners Tabb, Manuel and Morgan voted no.

In re: LEGAL REVIEW OF JEFFERSON COUNTY COMMISSION AND JEFFERSON COUNTY PUBLIC SERVICE DISTRICT RELATIONSHIPS

Motion by Corliss, second by Morgan to ask the Prosecuting Attorney to provide a legal review of the relationships between the Jefferson County Commission and the Jefferson County Public Service District. Motion carried. The Commission also agreed to set up a work session with the Jefferson County Public Service District. Marty Kable was present and consented to the meeting.

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

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the County Clerk's weekly report. Ms. Maghan's report included an update on the Elections Advisory Committee and the Document Preservation Committee. Ms. Maghan also reported on the search for an alternative polling place for Precincts 23A and 23B. Discussion also included a invitation to attend a meeting in Morgan County and a report on the vendor showcase held in the Courthouse.

In re: SET DATE FOR PARKS AND RECREATION IMPACT FEE PUBLIC HEARING

The Commission agreed to keep this matter on the agenda under old business.

In re: MANAGEMENT STUDY REQUEST FOR PROPOSALS

Motion by Corliss, second by Manuel to approve the Management Study Request for Proposals. Motion carried.

In re: SET TIME TO LAY THE LEVY ON TUESDAY, APRIL 19, 2005

Motion by Corliss, second by Morgan to Lay the Levy at 10:00 a.m. on Tuesday April 19, 2005. Motion carried.

In re: EMERGENCY FOOD AND SHELTER PROGRAM - REQUEST FOR COUNTY COMMISSION REPRESENTATIVE

The County Administrator informed the Commission that there was not a need for a representative at this time because the meeting had already taken place.

In re: REQUEST FROM THE PARKS AND RECREATION COMMISSION FOR CLARIFICATION

The Parks and Recreation Commission asked for clarification from the County Commission as to whether the survey is to be completed before any decision are made concerning how the \$1,000,000 in land acquisition funding is to be utilized. The Commission agreed to inform the Parks and Recreation Commission that the study should be completed first.

In re: SHERIFF BOOBER - BANK DEPOSITORY BONDS

The County Administrator informed the Commission that this matter would need to go on the agenda next week so that the information could be provided to the County Clerk's office in order to receive the proper documentation.

In re: COUNTY COMMISSIONER REPORTS

Commissioner Tabb reported on opening day ceremonies for Jefferson County Little League.

Commissioner Tabb reported on a Farmland Protection Board meeting.

Commissioner Tabb reported on a tour of the Animal Control facility and a discussion with Bill Polk concerning an alternate location for the maintenance shed.

Commissioner Manuel requested that the Commission authorized his signature on a document for the Region 7 Workforce Investment Board after legal review. Motion by Corliss, second by Tabb to authorize Commissioner Manuel to sign the document for the Region 7 Workforce Investment Board after legal review. Motion carried.

Commissioner Manuel reported on a Homeland Security Meeting.

Commissioner Corliss reported on a Public Service District meeting and a Planning Commission meeting.

Commissioner Surkamp reported on a DEP presentation.

The County Administrator discussed Ethics Opinions concerning appointments to boards. The Commission agreed to request an opinion from the Ethics Commission concerning a recent appointment to the Planning Commission.

The Commission received the following information:

Notice of Public Hearing on the Proposed Increase to the Emergency 911 Wireline Fee on Thursday, April 28, 2005, at 7:00 p.m.

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

Permit Activity Report received from the Department of Planning, Zoning and Engineering

Correspondence received from Senator John D. Rockefeller IV concerning funding for the Resource Conservation and Development Council

Correspondence received from Congressman Nick J. Rahall concerning support of West Virginia resource and conservation programs.

Information received from the Association of Counties concerning Open Enrollment for Dental and Vision Insurance.

Correspondence received from the Jefferson County Youth Football League concerning the Independent Study of Recreational Needs for Jefferson County.

Copy of correspondence sent to the Jefferson County Board of Health received from the Office of the State Auditor concerning audit services.

Invitation received to attend the Grand Opening and Unveiling of a Business Service Center by the Region VII WIB and the One Stop Staff on April 27, 2005.

Notice of training sessions received from the Center for Excellence in Disabilities and Workforce West Virginia.

Legislative updates and information received from the County Commissioners' Association.

Legislative updates and information received from the Association of Counties.

Ethics Reporter received for March 2005.

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

Notice of Ribbon Cutting on April 19, 2005, at 10:00 a.m. for Jefferson Rentals, 610 North Mildred Street, Ranson.

Oath of Office received from Peter F. Kubic as a member of the Planning Commission.

Oath of Office received from William H. Chesley, Jr. as a member of the Jefferson County Development Authority.

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

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

PRESIDENT