

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 21, 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 Corliss, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, April 14, 2005, and to approve the Minutes as prepared. Motion carried.

Motion by Manuel, second by Corliss to dispense with the reading of the Minutes for the Special Session held on Tuesday, April 19, 2005, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Corliss to approve the following Purchase Orders for the Week of April 18, 2005, totaling \$141,191.39: 41170, 41171, 40996, 40652, 40655, 40656, 40657, 40606, 40997, 40998, 41367, 41401, and 41047. Motion carried.

In re: SEPARATE LINE ITEM FOR COMMUNITY CENTER IN BUDGET

Motion by Morgan, second by Corliss to make a separate line item for Community Center in the budget. Motion carried.

In re: NEW METHODS OF COMMUNICATIONS

The Commission agreed to hold a work session to discuss the new methods needed for communications.

In re: PLANNING COMMISSION WORK PROGRAM

Commissioner Corliss and the Commission discussed the Planning Commission Work Program and that the Planning Commission Work Program would be discussed at the upcoming Planning Commission meeting on Tuesday, May 3, 2005. Paul Raco was present for the discussion and made comments.

In re: COMPLETE BOND RELEASE - KENNETH F. LOWE, SR. FAMILY LIMITED PARTNERSHIP

Motion by Corliss, second by Tabb to approve the complete bond release of an Irrevocable Letter of Credit in the amount of \$523,250.00 for Kenneth F. Lowe, Sr. Family Limited Partnership - PC File #00-03. Motion carried.

In re: PARTIAL BOND RELEASE - MISSION MOUNTAIN, LLC

Motion by Corliss, second by Manuel to approve the partial bond release of an Irrevocable Letter of Credit in the amount of \$143,124.00 for Mission Mountain, LLC - PC File #02-37 with the County to retain \$393,227.00. Motion carried.

In re: PLANNING COMMISSION ACTIVITY REPORT

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

In re: BOND FORECLOSURE - TRI-STATE PERFORMANCES

Upon recommendation from Paul Raco, motion by Tabb, second by Manuel to grant a 30 day extension for Tri-State Performances in order to complete the improvements needed. Motion carried.

In re: PUBLIC COMMENT

Peter Chakmakian appeared before the Commission to comment on emails received regarding Commission Comment #6 from Commissioner Surkamp. Mr. Chakmakian made comments on #6 and wanted to respond to that and present the other side and to set the record straight regarding SB700. Commissioner Surkamp informed Mr. Chakmakian that he would like to post his comments.

In re: FARMLAND PROTECTION BOARD - ASPEN POOL FARM CONSERVATION EASEMENT

No action was taken. The item was pulled from the agenda prior to the meeting.

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

Chief Curtis Keller and Mayor Peter Wilson appeared before the Commission to discuss radio transmission difficulties in Shepherdstown. Mayor Wilson presented a current fix that was received from TWR in the amount of \$9,980.00. Motion by Manuel, second by Tabb to contact Jeff Polczynski and have him review the paper and respond to the Commission today before the end of the meeting if possible. Motion carried.

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

FIRE & EMS DRAFT IMPACT FEE ORDINANCE

Mark Schiavone appeared before the Commission to discuss the Parks and Recreation Draft Impact Fee Ordinance. Motion by Corliss, second by Morgan to have a Public Hearing on May 9, 2005 at 7:00 p.m. for the Draft Impact Fee Ordinance for the Parks and Recreation. Motion carried.

After discussion, motion by Corliss, second by Manuel to have a Public Hearing on May 9, 2005 at 7:00 p.m. for the Draft Impact Fee Ordinance for the Fire and EMS. Motion carried.

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

Jeff Polczynski appeared before the Commission to discuss the quote received from TWR for the quick fix for the radio transmission difficulties in Shepherdstown. Mr. Polczynski had questions and would like to contact TWR before making any decisions. The Commission agreed to place this matter on the agenda next for further review.

In re: JANE PETERS - LOCAL ECONOMIC DEVELOPMENT GRANT RESOLUTION

Jane Peters appeared before the Commission to present the Local Economic Development Grant Resolution and request a signature and approval. Motion by Tabb, second by Manuel to authorize the President of the Commission to affix his signature to the Local Economic Development Grant Resolution. Motion carried.

ENTER RESOLUTION HERE

In re: MARK SCHIAVONE - APPOINTMENT TO IT COMMITTEE

Commissioner Surkamp discussed the meeting that the IT Committee had and reported to the Commission that the Committee wanted to keep the Committee as is and not appoint Mark Schiavone.

In re: CIRCUIT CLERK - PATSY NOLAND - PERSONNEL ITEM

Patsy Noland, Circuit Clerk appeared before the Commission to request approval of employment of Debra Pittinger effective May 2, 2005. After discussion, motion by Corliss, second by Manuel to approve the employment of Debra Pittinger effective May 2, 2005. 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 weekly report. Ms. Maghan's report included an update on the Document Preservation Committee. Ms. Maghan also reported on the Dental and Vision insurance offered by the West Virginia Association of Counties. Ms. Maghan also thanked the maintenance staff for their help and a good job. She also reported on the computer vendors that was held last week.

Commissioner Manuel commented on the Dental and Vision Insurance and recommended that all insurance be reviewed. Commissioner Tabb recommended that the County Administrator look into the matter.

In re: ELECTION ADVISORY COMMITTEE - GRANT APPLICATION FOR PURCHASING ADA COMPLIANT EQUIPMENT

Jennifer S. Maghan, County Clerk requested the approval of the Grant Application for Purchasing of ADA Compliant Equipment. Motion by Manuel, second by Surkamp to authorize the President of the County Commission to affix his signature to the grant application in the amount of \$8,884.00. Motion carried.

In re: DISCUSSION OF PUBLIC SAFETY CENTER AND COUNTY BUILDING PROGRAM

Motion by Corliss, second by Manuel to sign the RFP for the Public Safety Building and to hire an architect for the Public Safety Building and to express the requirements of the RFP. Commissioner Manuel commented that the Commission needs more time and more information and to set priorities. Commissioner Surkamp commented on the projection of the future. Commissioner Tabb agrees that the 911 Center is a priority but she would like to review the RFP and obtain more information. Commissioner Morgan commented on the State Police and their role. Commissioner Manuel commented on the growth and more deputies and space is needed. After discussion, Commissioner Corliss withdrew his motion.

The Commission agreed to place the matter on the agenda next week.

In re: HAGERSTOWN EASTERN PANHANDLE (HEP) METROPOLITAN PLANNING OFFICE APRIL 20TH MEETING

Commissioner Corliss reported on the Hagerstown Eastern Panhandle (HEP) Metropolitan Planning Office April 20th Meeting he attended.

In re: COUNTY COMMISSION REPORTS

Commissioner Surkamp reported on the IT Committee meeting.

Commissioner Surkamp reported on the Board of Health meeting.

Commissioner Surkamp reported on the E911 meeting.

Commissioner Corliss reported on the MPO meeting.

Commissioner Manuel reported on the Parks and Recreation Commission meeting.

Commissioner Manuel reported on the Office of Homeland Security Quarterly Partnership meeting at NCTC.

Commissioner Manuel reported on publication received from Vivan Parsons regarding HB 3208.

Commissioner Tabb reported on the article in the Charleston Dailey Mail regarding agriculture.

Commissioner Tabb reported on the Development Authority meeting.

Commissioner Morgan reported on the WAC meeting.

Commissioner Morgan reported on the Free Clinic meeting.

Commissioner Morgan reported on the Parks and Recreation Commission meeting.

Commissioner Morgan reported on the Keep Jefferson Beautiful meeting.

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.

Advanced Planning Commission Agenda received for the meeting scheduled on May 3, 2005.

Acceptance of Bonds for New Vision Properties, LLC, New Vision Properties II, Inc., and for Premier Bank Inc.

Correspondence received from the Division of Highways concerning roadside parking issues in Jefferson County.

Copy of Correspondence sent to the Planning Commission received from the Fire and Rescue Association concerning support of a residential sprinkler ordinance.

Correspondence received from the Fire and Rescue Association concerning support of additional fire and rescue services in Jefferson County.

Correspondence received from the Office of the State Auditor concerning the approval of the Levy Estimate.

Correspondence received from Gregory K. Jones, Assistant Prosecuting Attorney, concerning Impact Fee Procedure.

Copy of correspondence sent to the Department of Planning, Zoning and Engineering received from the Jefferson County Public Service District concerning a work session on the Elk Run and Flowing Springs basins on Wednesday, April 27, 2005.

Correspondence received from CASA of the Eastern Panhandle concerning their budget allocation.

Invitation received to attend a Watershed Management Workshop on Wednesday, April 27, 2005.

Correspondence received from the State Auditor concerning the Statewide Special Election on June 25, 2005.

Correspondence received from James W. Spears concerning the National Incident Management System Implementation.

Copy of correspondence sent to Governor Manchin from the Association of Counties received concerning Senate Bill 684 and Senate Bill 746.

Amicus Brief on Coal Severance Tax Case received from the Association of Counties.

Information received from the County Commissioners' Association concerning the spring board meeting and a special meeting on May 22-23, 2005.

Legislative information received from the County Commissioners' Association.

Correspondence received from Bruce Linton concerning sewer systems.

E-911 fees received from Excel Telecommunications, Inc.

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

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

Oath of Office received from Mark Dyck as a member of the Development Authority.

Oath of Office received from Thomas Kane as a member of the Planning Commission.

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

PRESIDENT