

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 Old Charles Town Library thereof on Thursday, June 2, 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 Manuel, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, May 26, 2005, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Tabb, second by Corliss to approve the following Purchase Orders for the Week of May 31, 2005, totaling \$27,140.61: 41324, 41454, 41229, 41096 and 41244. Motion carried.

In Re: BONDING AND ACTIVITY REPORT

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

In re: PARTIAL BOND RELEASE - SOL C. TROTTER/CHARLES TOWN SELF STORAGE

Motion by Tabb, second by Manuel to approve the partial release of an Escrow Account for Sol C. Trotter/Charles Town Self Storage in the amount of \$51,592.00 with the County to retain \$38,088.00. Motion carried.

In re: BOARD OF ZONING APPEALS

Tiffany Hines, Tom Trumble and David Wiegand appeared before the Commission to discuss hiring procedures and CUP scoring with regard to the current advertisement for a clerical assistant and to establish office availability and supplies.

The Commission advised Board of Zoning Appeals members that office space would be available by July 1, 2005.

In re: JEFF POLCZYNSKI - DISTRIBUTION OF DIGITAL MAPPING DATA

Jeff Polczynski, Director of Communications appeared before the Commission to request approval for Digital Mapping Distribution and fee structures. Mr. Polczynski explained the process of layering and mapping, the financial benefits to Jefferson County in distributing the data to business and not for profit organizations, and governmental agencies accompanied with a non-disclosure agreement. Mr. Polczynski also discussed costs and Public Service Commission regulations.

After discussion the Commission recommended Mr. Polczynski draft a formal policy to include fee schedules and specifications for legal review.

In re: FARMLAND PRESERVATION - PRINTZ EASEMENT

No action was taken on this agenda item.

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. Mrs. Maghan's report included the compliance check recently conducted by the Internal Revenue Service, Oaths of Office, financial personnel training to be held June 6th and 7th, poll workers report and State Auditors compliancy report.

In re: ED SLONAKER - MORGAN FINANCIAL INSURANCE PROPOSALS

Mr. Ed Slonaker, Morgan Financial Group Insurance Consultant, appeared before the Commission for discussion and presentation.

Mr. Slonaker reported on several quotes and offered an explanation on comparison of benefits including dental, vision and health insurance premiums.

In re: PLANNING COMMISSION INTERVIEWS

The Commission conducted interviews with the following Planning Commission applicants present: John Henry Dale, Edward Johnson and John Sidor.

In Re: APPOINTMENTS TO THE PLANNING COMMISSION

Nomination by Tabb to appoint Fred Blackmer to the Jefferson County Planning Commission. Nomination by Manuel to appoint Gene Taylor to the Jefferson County Planning Commission. Nomination by Corliss to appoint Mary Lehman and John Sidor to the Jefferson County Planning Commission. Nomination by Surkamp to appoint John Henry Dale to the Jefferson County Planning Commission. Motion by Tabb, second by Corliss to close nominations. Motion carried.

	Tabb	Manual	Morgan	Corliss	Surkamp
Fred Blackmer	✓	✓			
Mary Lehman			✓	✓	
John Sidor	✓		✓	✓	✓
Gene Taylor		✓			
John Henry Dale					✓

John Sidor was appointed to the Jefferson County Planning Commission for one unexpired term ending March 31, 2008.

	Tabb	Manual	Morgan	Corliss	Surkamp
Fred Blackmer	✓	✓			
Mary Lehman			✓	✓	
Gene Taylor					
John Henry Dale					✓

	Tabb	Manual	Morgan	Corliss	Surkamp
Fred Blackmer	✓	✓			
Mary Lehman			✓	✓	✓

Mary Lehman was appointed to the Jefferson County Planning Commission for one unexpired term ending March 31, 2007.

In re: DELEGATE JOHN DOYLE - RACK TRACK ISSUES

John Doyle, Delegate appeared before the Commission to discuss the need for improvements and expansion to the Charles Town Race Track. Delegate Doyle discussed his personal history and employment at Shenandoah Downs and Charles Town Races and Slots, the current radius of the race track with regard to safety for the horses and horsemen and the advantages of expanding the track.

Delegate Doyle presented the Commission with a memo highlighting scenarios for enlarging and expanding the track to 7 furlongs. Delegate Doyle also discussed land acquisitions and HBPA considerations.

On behalf of the Thoroughbred Club, Mr. Harry Shotwell was present for discussion and presentation of the Track Improvement Survey conducted.

Sheriff Ed Boober was present for comments.

In re: PARKS AND RECREATION OFFICE TRAILER

Motion by Manuel, second by Corliss to rent a 24' X 48' trailer with option to purchase. Motion carried by a 4 to 1 vote, Commissioner Tabb voted no.

In re: WENDI M. KEYES - REQUEST FOR REIMBURSEMENT OF BUILDING PERMIT FEES

Paul Raco reported that he has not received a letter from Ms. Keyes as indicated in her initial request for reimbursement and recommended the Commission reimburse Ms. Keyes \$100.00.

Motion by Manuel, second by Corliss to reimburse Ms. Keyes \$100.00 pursuant to her submitting a letter to the Department of Planning, Zoning and Engineering voiding all permits issued. Motion carried.

In re: JEFFERSON COUNTY BOARD OF HEALTH CONTRACT

Motion by Tabb, second by Corliss to approve the Jefferson County Board of Health Contract as presented. Motion carried.

In re: RFP APPROVAL OF ZONING AND SUBDIVISION ORDINANCE REWRITING BY A SINGLE CONTRACTOR

With regard to LESA and other zoning method alternatives, Commissioner Corliss discussed his request to move ahead with the Zoning and Subdivision Ordinance Rewrite RFP.

Motion by Corliss, second by Morgan to approve the RFP of Zoning and Subdivision Ordinance rewriting by a single contractor. Commissioner Corliss withdrew his motion.

After discussion, Motion by Corliss, second by Morgan to conduct an RFP work session on Wednesday, June 8, 2005 at 10:00 a.m. to review and develop an RFP for both the Zoning and Subdivision ordinances rewrite by a single contractor.

In re: FUNDING LONG RANGE PLANNER FOR PLANNING COMMISSION MEMBERS

No action was taken on this agenda item.

In re: LEGAL COUNSEL - RE: IMMUNITY FOR PLANNING COMMISSION MEMBERS

Commissioner Surkamp requested that legal counsel acquire information pertaining to the level of immunity for Planning Commission members against lawsuits and offer opinion to the Commission.

Commissioner Manual recommended Paul Raco acquire information pertaining to the level of immunity for Planning Commission members against lawsuits and offer opinion to the Commission.

After discussion the Commission agreed Leslie Smith would acquire necessary information and report back to the Commission.

In re: LEGAL COUNSEL - RE: EIGHT PAGE LETTER FROM LAW FIRM OF iTOWN COMMUNICATIONS

The Commission requested Leslie Smith find a consultant specializing in Communication Services and advise the Commission of options available.

In re: WORK SESSION FOR BIZ TECH FUNDING REQUEST

Melanie Pierce, Ann Aldridge, Beverly Boger, Christine Hode, Kelly Boyles and Charles Crawford appeared before the Commission to request funding in support of services available at Biz Tech. Jane Peters was present for comment.

The Commission advised they would discuss and consider the request during the County Commission workshop and place the matter on the agenda for June 9, 2005.

In re: EASEMENT AGREEMENT - FRONTIER

Bill Polk, Maintenance Director appeared before the Commission to report on the Easement Agreement request. After discussion the Commission agreed to table this matter for further review.

In re: JEFFERSON COUNTY HISTORICAL SOCIETY - REQUEST TO RECRUIT AN ADVISORY BOARD OF HISTORICAL AND COMMERCIAL REPRESENTATIVES

The Commission authorized Leslie Smith, County Administrator to draft a letter expressing an interest in recruiting an Advisory Board of Historical and Commercial representatives at a later time.

In re: OPINION OF THE LAWYER DISCIPLINARY BOARD REGARDING CONFLICTS OF INTEREST

No action was taken on this agenda item.

In re: APPROVAL OF EMPLOYMENT - JENNIFER MAY SANNER - ASSISTANT VICTIMS ADVOCATE

Motion by Tabb, second by Manuel to approve the employment of Jennifer May Sanner as Assistant Victims Advocate for the Jefferson County Prosecuting Attorneys Office. Motion carried.

In re: COUNTY COMMISSION REPORTS

Commissioner Tabb reported on the events scheduled for Air Quality Action Day.
Commissioner Tabb reported on Farm Day scheduled for June 18, 2005.
Commissioner Manuel reported on the Affordable Housing Committee meeting he attended.
Commissioner Morgan reported on the Affordable Housing Committee meeting he attended.
Commissioner Surkamp reported on the Affordable Housing Committee meeting he attended.

The Commission received the following information:

Reminder of Work Session on Wednesday, June 8, 2005 at 9:00 a.m.

Notice of Intent to Appoint on June 30, 2005: Jefferson County Parks and Recreation Commission, Jefferson County Board of Health and Summit Point Library Committee

Notice of Public Hearing - Thursday June 9, 2005 at 7:00 p.m. - Proposed Changes to the Jefferson County Zoning And Land Development Ordinance/Map.

Notice of Workshop - Wednesday, June 8, 2005 at 9:00 a.m. - Petition for Exemption of School Impact Fees - Four Seasons @ Huntfield - Active-Adult Community.

Notice of Public Hearing - Thursday, June 9, 2005 at 11:30 a.m. - Proposed Ordinance To Abate Excessive Noise Is Deemed A Public Nuisance.

Correspondence received from Michael Thompson, Prosecuting Attorney regarding Research Requests to the Office of the Prosecuting Attorney.

Correspondence received from the Office of Disciplinary Counsel regarding Request for Written Opinion of the Lawyer Disciplinary Board No. 05-135 I.

Correspondence received from Loudoun County, Virginia regarding Public Hearings for two Comprehensive Plan Amendments.

Correspondence received from three public libraries of Jefferson County thanking the Commission for the increased allocation for next year's library funding.

Acceptance of Bond - Eastland Subdivision PC File #04-27.

Correspondence received from the County Commissioners' Association of West Virginia regarding important changes to the Fall Conference dates.

Press Release received from the Eastern Panhandle Entrepreneurs Forum regarding Meeting on June 2, 2005 at 5:30 p.m.

Jefferson County Board of Health Agenda and Minutes for the meeting held on May 6, 2005 received.

Weekly Lottery Settlement received for the week ending August 14, 2005.

Correspondence received from Carl D. Shultz, III regarding Parents Television Council.

Correspondence received from Mr. Cooper McQuilkin regarding Parents Television Council.

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

A.M.S. MORGAN, III, PRESIDENT