

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 4, 2004 beginning at 10:00 o'clock a.m.

PRESENT: Al Hooper, President
James G. Knode; Greg Corliss;
Rusty Morgan; Jane Tabb, Commissioners

In re: PLEDGE OF ALLEGIANCE
Commissioner Hooper conducted the Pledge of Allegiance.

In re: DISPENSE OF READING OF MINUTES
Motion by Knode, second by Tabb to dispense with the reading of the minutes for the County Commission meeting held Thursday February 26, 2004 and to approve minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS
Motion by Tabb, second by Morgan to approve the following Purchase Orders for the Week of March 1, 2004, totaling \$3101.07: 37411, 39665, 39666, 39836, 39739, 39717, 39755, 39600, 39798 and 39820. Motion carried.

In re: JOE HANKINS - FRESHWATER INSTITUTE - POTOMAC TRIBUTARY STRATEGIES
Joe Hankins appeared before the Commission with a presentation and discussion regarding water quality improvement implementation strategies. No action was taken.

In re: GERALD DORSEY - RACE TRACK CHAPLAINCY
Dr. Henry Christie and Gerald Dorsey appeared before the Commission to request funds for support services. After discussion the Commission agreed to review and consider the request during budget deliberations over the next several weeks.

In re: JEFFERSON COUNTY PUBLIC SERVICE DISTRICT INTERVIEWS
Commissioners conducted Public Service District interviews of the applicant present. The Commission agreed to schedule applicant interviews and place on the agenda for March 11, 2004 for further review and consideration.

In re: PROPERTY SAFETY HEARING - DICKINSON, INC.

Roger Goodwin, Jefferson County Engineer, appeared before the Commission to request the Commission to issue an Order to comply with the Petition Case 01-010 (Dickinson, Inc.). After testimony was taken by Mr. Goodwin, County Engineer, motion by Morgan, second by Tabb to remove mobile home, trash, and debris from the property by May 15, 2004, and to enter the following order: Motion carried.

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

JEFFERSON COUNTY PROPERTY SAFETY ENFORCEMENT AGENCY
Petitioner/Complainant

VS.

DICKINSON, INC. (A Maryland Corporation)
Respondent/Owner

ORDER

This matter came before the County Commission of Jefferson County for a hearing on the 4th day of March 2004, upon request of the Respondent/Owner. Therefore, at the time and place for hearing, testimony was received by the County Commission of Jefferson County. Therefore, upon the facts, determinations, and considerations of law, presented by the Property Safety Enforcement Agency, The County Commission of Jefferson County does find that:

1. The Respondent/Owner is the owner of a parcel of land located on Maple Lane in Westridge Hills Subdivision, Deed Book 942, Page 471; which is designated as Tax Map 13K, Parcel 239, in Harpers Ferry Tax District; and
2. The investigation report (Case 01-010) and the evidence submitted by the Property Safety Enforcement Agency represented the true condition of the property; and

3. The mobile home, trash, and debris on the property is an attractive nuisance and is an accident and fire hazard, and therefore presents an unsafe condition detrimental to the public safety and welfare; and
4. The property will remain an attractive nuisance, an accident hazard, fire hazard, unsafe, and detrimental to the public welfare until the mobile home and all trash and debris are removed from the site; and
5. The property owner did not remove the unsafe condition from the property within the reasonable amount of time granted by the Property Safety Enforcement Agency.

THEREFORE, it is ADJUDGED and ORDERED that the Respondent/Owner, Dickinson, Inc. (A Maryland Corporation) be given until midnight, May 15, 2004, to:

1. Remove the mobile home, trash, and debris from the property and dispose of them in a legal manner, to the satisfaction of this County Commission.

That upon satisfying the above conditions, this case shall be dismissed.

That in the event these conditions are not met on this date and time certain, that:

1. The County Commission of Jefferson County, West Virginia hire a contractor to make the ordered removal of the mobile home, trash, and debris from the property; and
2. The County Commission of Jefferson County, West Virginia brings a civil action in the Circuit Court of Jefferson County against the Respondent/Owner, seeking an order to:

- a.) Grant the contractor right of entry onto the property to remove the mobile home, trash, and debris; and to
- b.) Subject the Respondent/Owner, jointly and severally, to a daily civil monetary penalty of twenty-five dollars (\$25.00) per day after the time limitation has passed and until the mobile home, trash, an debris are removed from the property, to the satisfaction of this County Commission; and to
- c.) Subject the property to a lien to satisfy the contractor's costs in performing the ordered removal of the mobile home, trash, and debris from the property; and reasonable attorney's fees and court costs; and to
- d.) Have the property in question sold to satisfy the lien on the property; and to
- e.) Grant such other relief as permitted by law.

Dated this _____ day of March, 2004.

By _____
A.G. HOOPER, JR., PRESIDENT
JEFFERSON COUNTY COMMISSION

Attest
Clerk of the County Commission

In re: PROSECUTING ATTORNEY'S OFFICE - IMPACT FEE PROCESS

Michael Cassell and Mark Schiavone appeared before the Commission for a discussion. Motion by Corliss that the Prosecuting Attorney be requested to take legal action regarding Charles Town and Ranson issuing building permits without the school impact fees being paid to Jefferson County as required by the County Ordinance, second by Tabb. Motion carried. It was further discussed and agreed that Mr. Cassell would provide the County Commissioner with new information as it becomes available.

In re: FARMLAND PROTECTION BOARD - REQUEST FOR APPROVAL OF AMENDMENTS TO THE 2002 FARMLAND PROTECTION PLAN

After discussion, the Commission decided to schedule a workshop with Michael Thompson for the afternoon of March 9, 2004 to discuss the matter further.

In re: MODIFICATIONS TO LESA AS PROPOSED BY THE DEPARTMENT OF PLANNING, ZONING AND ENGINEERING

The Commission agreed to table this matter for further review and discussion.

In re: DISCUSS MODIFICATIONS TO CATTAIL RUN SEWER PLANT PROPOSAL

The Commission agreed to table this matter for further review and discussion as more information becomes available.

In re: APPOINTMENT TO THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT

Commissioners conducted Public Service District interviews of the applicant present. The Commission agreed to schedule applicant interviews and place on the agenda for March 11, 2004 for further review and consideration.

In re: APPOINTMENT TO THE NORTH EASTERN REGIONAL EMS, INC.

The Commission agreed to hold over the appointment to the North Eastern Regional EMS, Inc. another week.

In re: CITY HOSPITAL - BUSINESS ASSOCIATE AGREEMENT

After review of Michael Thompson's recommendation, motion by Tabb, second by Knode to not participate or agree to the terms of the Business Associate Agreement. Motion carried.

In re: JEFFERSON COUNTY ADDRESSING OFFICE - REQUEST FOR APPROVAL OF PART-TIME EMPLOYMENT - SHANTAI RATA

Motion by Tabb, second by Knode to approve the part-time temporary employment of Shantai Rata at the Jefferson County Addressing Office. Motion carried.

In re: RESPONSE TO CHARLES "TEE" ROWE - CHAIRMAN REPUBLICAN EXECUTIVE COMMITTEE - PUBLIC MEETING ROOM USE BY CANDIDATES

The Commission agreed to table this matter for further review and discussion.

In re: BUILDING PROGRAM - COMMUNITY CENTER

Motion by Hooper, second by Corliss to build a Community Center at Sam Michaels Park for \$2.2 million. Commission Hooper's Motion withdrawn after discussions. Motion by Morgan to table this matter, motion died for lack of second. The Commission agreed to discuss the building project during budget deliberations.

In re: JEFFERSON COUNTY PUBLIC SERVICE DISTRICT - CAPITAL IMPROVEMENT FEE

After discussions the Commission agreed to table this matter for further review and discussion.

In re: SOLID WASTE AUTHORITY - REQUEST FOR LETTER OF SUPPORT FOR STATE FUNDING TO PAVE TRANSFER STATION CUSTOMER ACCESS ROADS

Motion by Morgan, second by Tabb to forward a letter of support to our legislator's. Motion carried.

In re: COUNTY CLERK - REQUEST FOR APPROVAL OF EMPLOYMENT - ELEANOR S. NAGLE

Motion by Tabb, second by Morgan to approve the employment of Eleanor S. Nagle in the County Clerk's Office. Motion carried.

In re: SHERIFF - REQUEST FOR APPROVAL OF EMPLOYMENT OF DEPUTY VINCENT H.A. TIONG

Motion by Morgan, second by Corliss to approve the employment of Vincent H.A. Tiong as a Deputy in the Jefferson County Sheriff's Department. Motion carried.

In re: SHERIFF - REQUEST FOR APPROVAL OF SPECIAL DEPUTY STATUS

Motion by Tabb, second by Corliss to approve the request from Chief Deputy Jesse W. Jones to approve the following for special deputy status: Motion carried

Vincent E. Shambaugh	Morgan County Sheriff's Office
Timothy J. Johnson	Morgan County Sheriff's Office
Tony G. Link	Morgan County Sheriff's Office
Patrick G. Norris	Ranson Police Department

In re: SECURITIES FOR DEPOSITORY BONDS

Motion by Tabb, second by Corliss to approve the following order for Securities for Depository bonds. Motion carried.

SECURITIES FOR DEPOSITORY BONDS ORDER

The County Commission of Jefferson County, West Virginia releases and orders returned to United National Bank, the following security given to the County Commission to secure the

Depository Bonds given to said County Commission, covering the period of July 1, 2003 to June 30, 2004, as follows, to-wit:

\$2,460,000.00 (Par Value), Grundy Co Tenn, 4.60% Due 05/01/2015 Cusip #400406GB4

The following named security will be placed in escrow to replace the above:

\$2,460,000.00 (Par Value), FHLMC REMIC 2656 PB 31394HKP5 3.50% Due 07/15/2018 Cusip #31394HKP5

Given under my hand and seal this 4th day of March 2004.

/s/
A.G. HOOPER, PRESIDENT
COUNTY COMMISSION OF
JEFFERSON COUNTY
JEFFERSON COUNTY, WV

Commissioner Knode reported on the Region 9 Planning and Development meeting.

The Commission received the following information:

Appointments to be made to the Planning Commission on April 1, 2004.

Petition for Removal of Fiduciary scheduled for March 11, 2004.

Resignation of Guardian scheduled for March 11, 2004.

Representatives from the City of Bangor, Maine will meet in the County Commission Conference Room on March 5, 2004, at 10:00 a.m. concerning Penn National and the Charles Town Races.

Correspondence received from William D. Theriault declining reappointment to the Historic Landmarks Commission.

Assessed Values for Calculating Reduced Levy Rates and Certificate of Valuation received.

Invitation received from Page Jackson Elementary School for National School Breakfast Week, March 8-12, 2004.

Startup Report received from the Department of Impact Fees.

Correspondence received from the County Commissioners' Association concerning NACO's Legislative Priorities for 2004. Correspondence received from the County Commissioners' Association concerning dues for FY 2005.

Notice received from the Jefferson County Agricultural Task Force of a round-table discussion on Tuesday, March 16, 2004, at 9:30 a.m.

Correspondence received from Smith Nadenboush concerning Board of Risk and Insurance Management's new \$2,500 deductible.

West Virginia University Local Government Leadership Academy Spring 2004 Conference Registration Booklet received.

Jefferson County Public Service District's Agenda Booklet received.

Notice received from the Executive Director of Planning, Zoning and Engineering of a Subdivision Work Session on March 5, 2004.

Acceptances of Bond received for Matthew P. Knott DBA River Riders, PNGI Charles Town Gaming LLC, and Washington Homes of WV, Inc.

Correspondence received from the County Commissioners' Association concerning ATV and Annexation Legislation.

Correspondence received from the County Commissioners' Association concerning Daily Mail Article regarding pay raise bills in legislation.

Oath of Office received from John David Sims as a member of the Planning Commission.

Upon rising, the Commission recessed until the morning of Thursday, March 11, 2004 beginning at 10:00 o'clock a.m.

PRESIDENT