

**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 18, 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 WITH READING OF MINUTES**

Motion by Tabb, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, March 11, 2004, and to approve the Minutes as prepared. Motion carried.

**In re: SENATE BILL 454**

The Commission discussed Senate Bill 454. After discussion, motion by Corliss, second by Morgan to fax a letter this morning to the Governor and to ask him to veto Senate Bill 454 and to consider the bill next year so that the Jefferson County Commission will have time to review the bill. Motion carried.

**In re: APPROVAL OF PURCHASE ORDERS**

Motion by Tabb, second by Knode to approve the following Purchase Orders for the Week of March 15, 2004, totaling \$10,377.76: 39931, 39932, 39933, 39702, 39840, 39617, 39740, 39742, 39869, 39872, 39876, 39877, 39735, 39736, 39738, 39741, 39743, 39597, 39603, 39604, 39826, 39827, and 39828. Motion carried.

**In re: ANNE SMALL - ANIMAL WELFARE SOCIETY**

Anne Small and Anna Mary Walsh, Board of Director Members, Animal Welfare Society appeared before the Commission to discuss the following proposals:

- ◆ Budget allocation
- ◆ Support of an ordinance restricting dogs to the owner's property
- ◆ Propose a differential licensing fee for un-neutered dogs
- ◆ Support hiring of an additional Animal Control Officer
- ◆ Recommend training to the Sheriff's Deputy assigned to investigation of animal cruelty/neglect cases

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

The Commission agreed to table this matter and keep on the Agenda as Old Business.

**In re: DISCUSS MODIFICATIONS TO CATTAIL RUN SEWER PLANT PROPOSAL**

The Commission agreed to table this matter and keep on the Agenda as Old Business.

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

Motion by Morgan, second by Tabb to approve a letter that was read by Commissioner Hooper and to send it to the Public Service Commission. Motion passed by a 4-1 vote. Commissioner Knode voted no.

**In re: SHERIFF BOOBER - NEEDS ASSESSMENT**

Sheriff Boober appeared before the Commission to discuss the following:

- ◆ Budget allocations
- ◆ Substation located on the Blue Ridge Elementary School Property
- ◆ ATV Regulations
- ◆ Request for 2 ATV's and 1 trailer

After discussion, motion by Morgan, second by Hooper to ask the Sheriff's Department to give comments on ATV regulations as it relates to HB 4022. Motion carried

**In re: ROGER DAILEY AND JIM KEEL - EASEMENT APPROVAL - FARMLAND PROTECTION BOARD**

Roger Dailey and Jim Keel appeared before the Commission to request approval of an easement. Motion by Tabb, second by Morgan to approve the easement for Aspen Pool Farm, Inc. - located in the Shepherdstown District owned by Charles Printz. Motion carried.

**In re: JOE COAKLEY - CITIZENS SUPPORTING EDUCATION - SCHOOL BOND**

Joe Coakley, Cheryl Huff and Angie Lipset appeared before the Commission to request support of a Proclamation for the School Bond that will be on the May 11, 2004 Primary Ballot. After discussion, motion by Corliss, second by Morgan to approve the following Proclamation: Motion passed by a 4-1 vote. Commissioner Knode voted no.

**ENTER PROCLAMATION HERE**

**In re: JANE PETERS - CLEAN AIR TASK FORCE - RESOLUTION**

Jane Peters appeared before the Commission to request support of adoption of a Resolution for the Clean Air Task Force. After discussion, motion by Corliss, second by Tabb to authorize the President of the Commission to affix his signature to the following Clean Air Task Force Resolution as amended: Motion carried

**ENTER RESOLUTION HERE**

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

Roger Dailey informed the Commission that the Farmland Protection Board will review the comments and suggestions received from the County Commission and that the Farmland Protection Board will come back at a later time for discussion.

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

The Commission agreed to keep the keep the matter on the Agenda as Old Business.

**In re: MID ATLANTIC MATERIALS, INC. - REQUEST FOR BOARD OF REVIEW AND EQUALIZATION TO RECONSIDER DECISION OF DENIAL OF APPEAL**

The Commission agreed to send correspondence to Mid Atlantic Materials, Inc. and to inform them that the Commission has no authority to reconsider the decision of Denial of Appeal.

**In re: JEFFERSON COUNTY DEPUTY SHERIFF RESERVE PROGRAM - REQUEST FOR APPROVAL OF MONICA DAY AS A DEPUTY SHERIFF'S RESERVE**

Motion by Corliss, second by Tabb to approve the request for approval of Monica Day as a Deputy Sheriff's Reserve. Motion carried.

**In re: AUDIT FOR FISCAL YEAR 2003 - APPROVAL OF TERMS OF AUDIT - OFFICE OF THE STATE AUDITOR**

Motion by Tabb, second by Morgan to approve the Terms of Audit for the Audit for Fiscal Year 2003 and to authorize the President of the Commission to affix his signature to the related documents. Motion carried.

**In re: TEMPORARY MOVE OF COUNTY COMMISSION REGULAR MEETINGS**

Motion by Morgan, second by Tabb to move the County Commission meetings temporarily to the Old Charles Town Library Meeting room starting April 1, 2004 and ending May 20, 2004. Motion carried.

**In re: HISTORIC REVIEW OF EAST WASHINGTON STREET BUILDINGS**

No action was taken on the Historic Review of East Washington Street Buildings.

**In re: BOND FORECLOSURE - CAMBRIDGE MANUFACTURED HOME DEVELOPMENT**

Motion by Tabb, second by Knode to direct Paul Raco, Director of Planning, Zoning and Engineering to proceed with foreclosure of bond for Cambridge Manufactured Home Development - Section One Phase I - Lots 1-50 and to process the foreclosure if no action had not been taken before March 24, 2004. Motion carried.

**In re: AMENDMENTS TO THE COMPREHENSIVE PLAN**

Roger Hunter appeared before the Commission and presented the Amendments to the Comprehensive Plan. After discussion, motion by Tabb, second by Morgan to approve the Comprehensive Plan as returned to the County Commission and modified by adopting Mr. Raco's report on Jefferson County Planning Commission's recommendations for the Comprehensive Plan dated March 15, 2004. Motion carried.

**In re: DEPARTMENT OF PLANNING, ZONING AND ENGINEERING - REQUEST FOR APPROVAL OF ATTORNEY FOR ZONING APPEAL**

Motion by Tabb, second by Knode to approve the request for an Attorney for the Zoning Administrator. Motion carried.

**In re: DEPARTMENT OF PLANNING, ZONING AND ENGINEERING - EMPLOYMENT STATUS - ROGER HUNTER**

The Commission discussed the expiration of the probationary period for Roger Hunter. After discussion, motion by Knode, second by Tabb to support the recommendation received from Leslie Smith, County Administrator, Paul Raco, Director of Planning, Zoning and Engineering to forward the recommendation to the Planning Commission to extend Roger Hunters probation for three (3) months or if the Planning Commission recommends immediate employment the County Commission concurs. Motion carried.

Commissioner Knode reported on the meeting with Joe Hankins and the Watershed article.

Commissioner Tabb reported on the Special Meeting with the Farmland Protection Board.

Commissioner Tabb reported on the Development Authority meeting.

Commissioner Tabb attended the Grand Opening for RAI Properties.

Commissioner Tabb thanked everyone who worked so hard on the Comprehensive Plan.

Commissioner Morgan reported on the Affordable Housing meeting and reported on HB 4468.

The Commission received the following information:

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

Appointments to be made to the Development Authority on April 8, 2004.

Correspondence received from the Secretary of State concerning Absentee and Early Voting Contacts.

Correspondence received from the Secretary of State concerning Poll Worker Appointments.

House Resolution No. 17 received concerning the county jail building.

Correspondence received from the State Emergency Response

Commission concerning the approval of the 2004 HMEP grant.

News Release received from Howard Swint concerning the proposed Eastern Panhandle Intermodal Transportation Facility.

Freedom of Information Act request received from Campbell, Miller and Zimmerman.

Correspondence received from the Office of Emergency Services concerning an EOC Funding Opportunity.

Correspondence received from the West Virginia Development Office concerning the 2004 Consolidated Action Plan Draft and Schedule of Public Hearings.

Correspondence received from the West Virginia Department of Environmental Protection concerning an update on the West Virginia Eastern Panhandle Early Action Compact.

Correspondence received from Vivian Parsons concerning an update on survival bills.

Correspondence received from Roger Boyer concerning the Chesapeake Bay's Potomac River Tributary Strategy Plan.

Correspondence received from John H. Wagoner concerning the availability of the Final Draft of the Potomac Tributary Strategy Plan and the opportunity for comments about the plan.

Correspondence received from Shepherdstown Day Care, Inc. concerning receipt of their budget allocation for fiscal year 2004.

Correspondence received from the West Virginia Development Office concerning a strategic planning field forum on March 26, 2004.

Financial Statements received from the Eastern Panhandle Regional Planning and Development Council - Region 9.

Notice received from the Chief Planner of a Subdivision Work Session on March 19, 2004.

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

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

Correspondence received from Shenandoah University concerning their Conference on Bioterrorism on Thursday, March 25, 2004.

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

---

PRESIDENT