

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, December 21, 2006, beginning at 9:30 o'clock a.m.

PRESENT: Gregory Corliss, President;
James Surkamp; A.M.S. (Rusty) Morgan, III;
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 Tabb, second by Manuel to dispense with the reading of the Minutes for the special meeting held on Tuesday, December 12, 2006, and to approve the Minutes as prepared. Motion carried.
Motion by Manuel, second by Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, December 14, 2006, 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 December 21, 2006, totaling \$3,512.34: 43441, 43397, 43323, 43330, 43331, 43440, 43442, 43213 and 43219 Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE
Motion by Morgan, second by Tabb to approve the list of the Accounts Payable dated December 21, 2006 presented by the County Clerk and reviewed by the County Commission. Motion carried.

Check #	Dept	Vendor Name	PO #	Amt W/PO	W/O PO#	Amount
51222	425	ADELPHIA			\$52.77	\$52.77
51223	425	ADVANCE ALARM	43433	\$885.00		\$885.00
51223	425	ADVANCE ALARM	43433	\$150.00		\$150.00
51224	712	ARCH WIRELESS	41997	\$362.10		\$362.10
51225	425	B-K	43429	\$262.50		\$262.50
51226	425	C.T. LOCK & KEY	43430	\$102.50		\$102.50
51227	439	CREAMERS	43443	\$38.45		\$38.45
51227	700	CREAMERS	43444	\$32.70		\$32.70
51227	700	CREAMERS	43438	\$601.70		\$601.70
51228	712	VERIZON			\$150.00	\$150.00
51229	402	C.T. COPYING SERVICES	43369	\$389.34		\$389.34
51230	010	COMMUNITY MINISTRIES			\$3,000.00	\$3,000.00
51231	425	DAYCON	43432	\$374.88		\$374.88
51232	425	EHRlich			\$28.00	\$28.00
51232	424	EHRlich			\$257.00	\$257.00
51233	010	FOCUS			\$2,357.84	\$2,357.84
51234	415	TRANSFER JAIL FEES			\$33,430.83	\$33,430.83

51235	425	GRAINGER	43431	\$422.33		\$422.33
51236	425	JEFF CO. PUBLIC SERVICE			\$26.98	\$26.98
51237	402	JEFF PUBLISHING CO	43368	\$471.32		\$471.32
51237	401	JEFF PUBLISHING CO			\$11.74	\$11.74
51238	425	JEFF. UTILITIES			\$45.00	\$45.00
51239	425	HOME DEPOT			\$1,446.44	\$1,446.44
51240	430	BARBARA MILLER			\$68.67	\$68.67
51241	402	PIFER	43395	\$46.50		\$46.50
51241	403	PIFER	43024	\$4.05		\$4.05
51241	402	PIFER	43393	\$98.95		\$98.95
51242	712	PSYCHOLOGICAL HLTH ASSO	43329	\$1,500.00		\$1,500.00
51243	998	PALMER CONST			\$16,025.00	\$16,025.00
51244	010	PROGRESSIVE ACTION COMMITTEE			\$400.00	\$400.00
51245	424	ROACH OIL			\$373.04	\$373.04
51245	425	ROACH OIL			\$833.60	\$833.60
51246	413	SHEPHERDSTOWN CHRONICLE	43392	\$487.30		\$487.30
51247	704	WV REGIONAL JAIL	43404	\$88,755.00		\$88,755.00
51248	700	SUPERIOR AUTOBODY	43435	\$166.00		\$166.00
51249	712	SPRINT			\$685.21	\$685.21
51250	430	SSI	42488	\$276.45		\$276.45
51251	439	THOMASSEN	43437	\$746.05		\$746.05
51252	998	TRAID ENG			\$917.75	\$917.75
51253	711	US CELLULAR			\$130.35	\$130.35
51254	424	VALLEY 2-WAY	43434	\$1,641.38		\$1,641.38
51254	712	VALLEY 2-WAY	43333	\$278.00		\$278.00
51255	425	VITAL SIGN	43439	\$780.00		\$780.00
51256	415	WV STATE AUDITOR'S OFFICE			\$17,830.00	\$17,830.00
51257	412	CRAIG YOHN			\$290.63	\$290.63
				\$98,872.50	\$78,360.85	\$177,233.35

DEPT	NAME	DEPT AMTS
010/GRANT	GRANTS	\$5,757.84
401/COM	CO. COMMISSION	\$11.74
402/CCLK	CO. CLERK	\$1,006.11
403/CIR CLK	CIRCUIT CLERK	\$4.05
404/TAX	TAX OFFICE	
405/PA	PROS ATTY	
406/ASSR	ASSESSORS	
408/GOV	ST.COMPNET CHG BO GOV UNIT	
412/AG	AG AGT	\$290.63
413/ELE	ELECTION	\$487.30
415	GENERAL SCHOOL/CO TRANSFER	\$51,260.83

418/STK	STOCK ROOM		
424/CTHS	COURT HOUSE		\$2,042.42
425/OB	OTHER BUILDING		\$5,639.00
428/DATAP	DATA PROCESSING		
430/HLS	HOMELAND SEC		\$345.12
439/PZ	PLANNING ZONING		\$784.50
700/SHRF	SHERIFF DEPT		\$800.40
704/WV JAIL	ST/WV REGIONAL JAIL		\$88,755.00
711/OES	EMERG SVC		\$130.35
712/911	911 COMMUNICATION		\$2,975.31
716/A/C	ANIMAL CONTROL		
960/IMPACT	IMPACT FEES		
975/CAP OTL	CO. CLERK / CAPITAL OUTLAY		
976/CAP/CIR	CIRCUIT CLERK/CAPITAL OUTLAY		
980/CAP/SRF	SHERIFF DEPT/CAPITAL OUTLAY		
982/DATA	DATA PROCESSING - IMAGING		
998/PRK/RC	PARKS & REC COMMUNITY CENTER		\$16,942.75
ALL DEPTS	ALL DEPTS		
CONTRBTN	CONTRIBUTIONS		
INVEST	INVESTMENTS		
PAYROLL	PAYROLL		
TOTALS			\$177,233.35

In re: BONDING AND ACTIVITY REPORT

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Manuel to approve the partial release of a letter of credit for Rock Ferry, LLC in the amount of \$1,057,827.45, with the County to retain \$1,154,357. Motion carried

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Morgan, second by Manuel to approve the partial release of a letter of credit for The Tetra Group One, LLC in the amount of \$484,878, with the County to retain \$60,115. Motion carried.

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Morgan to approve the partial release of a letter of credit for Word of Faith Tabernacle in the amount of \$45,930, with the County to retain \$62,549. Motion carried.

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Morgan, second by Tabb to approve the partial release of a letter of credit for Ridgely/Shepherdstown Specialty Storage, LLC in the amount of \$54,887.91, with the County to retain \$5,353. Motion carried.

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Tabb, second by Manuel to approve the complete release of a letter of credit for Hay-Wood Acres in the amount of \$17,648. Motion carried.

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by Manuel, second by Tabb reestablish the bond amount for Charles Town Self Storage to \$36,252. Motion carried.

Mr. Raco reminded the Commission that the Board of Zoning Appeals meeting was today at 3:00 p.m.

In re: PUBLIC COMMENT

The Commission agreed to limit public comment to 3 minutes due to the number of speakers present. Public comment was given by the following individuals concerning the proposed termination of employment of Paul Raco, Executive Director of Planning, Zoning and Engineering:

Gregory Lance
James Ruland
Peter Smith
Ken Lowe, Jr.
Lynne Deming
Fred Blackmer
Doris Walsh
Roger Dailey
Patrick Blanc
Richard Zigler
Nancy Nylander
Paul Espinosa
Mike Stoneberger
Cam Tabb
Mary Ellen Mahoney
Clarence Grove
Rebecca Burns
Sherry Cole
Christine Chalmers
Mason Carter
Marty Kable
Eric Lewis
Jim Ryan
Pam Parziale
Father Brian Owens

Public comment was also given by Kay Moore, from the Mountain Water Committee, to thank Commissioner Tabb for her service to the County.

The Commission took a 5 minute break at 10:30 a.m.

In re: PROCEDURAL MOTION

Motion by Manuel, second by Tabb to postpone indefinitely agenda items Old Business #9 (*Management Reorganization of the Department of Planning, Zoning and Engineering*), New Business #10 (*Set Date To Discuss: Termination of Mr. Paul Raco, in Accordance with Open Government Proceedings Act...*) and New Business #11 (*Termination of Employment - Mr. Paul Raco*). Motion failed by a 2-3 vote. Commissioners Corliss, Morgan, and Surkamp voted no.

Commissioner Surkamp agreed to remove his agenda item, New Business #11 (*Termination of Employment - Mr. Paul Raco*).

Motion by Corliss, second by Morgan to remove agenda item Old Business #9 (*Management Reorganization of the Department of Planning, Zoning and Engineering*). Motion carried.

In re: SET DATE TO DISCUSS: TERMINATION OF MR. PAUL RACO, IN ACCORDANCE WITH OPEN GOVERNMENT PROCEEDINGS ACT, WITH RESPECT TO THE FOLLOWING MOTION: IT IS MOVED THAT THE EMPLOYMENT OF MR. PAUL RACO BE TERMINATED EFFECTIVE IMMEDIATELY, WITH THIRTY DAYS FULL PAY AND BENEFITS; SECONDLY, IF MR. RACO ALSO SIGNS A SEVERANCE AGREEMENT, PREPARED BY THE COUNTY ADMINISTRATOR, WAIVING ANY CLAIMS AGAINST JEFFERSON COUNTY, HE WILL FURTHER BE PROVIDED AN ADDITIONAL FIVE MONTH'S OF FULL PAY AND BENEFITS

Upon recommendation from legal counsel, Brandon Sims, motion by Morgan, second by Tabb to enter into Executive Session, with legal counsel Michael Thompson, Brandon Sims and Stephanie Grove, in order to discuss liability matters concerning this agenda item. Motion carried.

Upon returning to Regular Session the Commission withdrew this agenda item based on the advice received from legal counsel.

In re: KELLIE BOLES, AGRICULTURAL DEVELOPMENT OFFICER - QUINN EASEMENT

Due to the meeting running late and past the appointed time for this appointment, Ms. Boles had to leave due to another commitment. The County Administrator presented the Quinn Easement for the Commission's approval. After discussion, motion by Tabb, second by Manuel to approve the Deed of Conservation Easement for the Quinn property. Motion carried.

In re: CIRCUIT CLERK PATSY NOLAND - COURTHOUSE SPACE RESOLUTION

Circuit Clerk Patsy Noland appeared before the Commission to discuss a possible resolution to the issue of space needs. Ms. Noland informed the Commission that she had met with County Clerk Jennifer Maghan and that they had come to an agreement that the area above the Probate Office could be converted to a vault for use by the County Clerk. Ms. Maghan was present and agreed that the area would work with some modifications but, informed the Commission that her office still has space needs. Commissioners Morgan and Manuel agreed to meet with the Ms. Noland and Ms. Maghan about their office space needs.

In re: SHEILA BIRNBACH

Sheila Birnbach, Management Consultant, appeared before the Commission to present a list of job descriptions for County employees under the Commission's jurisdiction.

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

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the County Clerk's report. Ms. Maghan informed the Commission that the Association of Counties was going to publish a bid on software for the County Clerk's office.

In re: JAMES B. CRAWFORD - RANSON ANNEXATIONS - CAPRIOTTI, CHAKMAKIAN & CARTEGENA

James B. Crawford appeared before the Commission to present three orders for annexation for the City of Ranson. The Commission agreed to defer the decision on this matter until later in the meeting in order to hear from legal counsel.

In re: APPOINTMENT OF ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS

No action was taken on this agenda item.

In re: APPOINTMENT TO THE HARPERS FERRY/BOLIVAR PUBLIC SERVICE DISTRICT

No action was taken on this agenda item.

In re: APPOINTMENT TO THE JEFFERSON COUNTY BUILDING COMMISSION

No action was taken on this agenda item.

In re: LEGISLATIVE ISSUES

The Commission discussed the legislative meeting in Berkeley County last week.

In re: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION AND DIRECTION

The Commission agreed to have a work session with the Department of Planning, Zoning and Engineering before the next visit from Kendig Keast in January.

In re: CHAPLINE'S CHOICE CITIZENS' ASSOCIATION, INC.'S ATV ORDINANCE

No action was taken on this agenda item.

In re: PROPOSED IMPACT FEE PROCEDURES ORDINANCE AMENDMENTS

Motion by Morgan, second by Corliss to schedule a public hearing for the proposed amendments to the Impact Fee Procedures Ordinance for January 25, 2007, at 1:30 p.m. Motion carried.

In re: SENDING COMCAST A CERTIFIED LETTER SIGNED BY PRESIDENT, NOT EMAIL

The County Administrator informed the Commission that the letter to Comcast requesting an extension had already been drafted and that it is ready for the President's signature.

In re: SET PUBLIC HEARING FOR PLANNING COMMISSIONER REMOVAL ORDINANCE

Motion by Morgan, second by Corliss to set the date for public hearing and possible action for the Planning Commissioner Removal Ordinance to February 1, 2007, at 7:00 p.m. Motion passed by a 3-2 vote. Commissioners Manuel and Tabb voted no.

In re: DISCUSSION OF SCHEDULING COUNCIL OF GOVERNMENTS MEETING FOR DECEMBER

The Commission agreed to not schedule a Council of Governments meeting for December. Commissioner Surkamp recommended having a meeting the beginning of January concerning ambulance fees. The Commission agreed to send the letter to the municipalities concerning ambulance fees and to also request a meeting with the municipalities concerning ambulance fees.

In re: SET DATE AND TIME OF FIRST MEETING OF 2007

Motion by Morgan, second by Manuel to set the date and time of the first meeting of 2007 to January 4, 2007, at 9:30 a.m. Motion carried.

In re: DECISION ON UNEMPLOYMENT INSURANCE

Motion by Tabb, second by Manuel to continue with the process of self insurance for the purposes of unemployment protection. Motion carried.

In re: EMPLOYEE CHRISTMAS BONUS

Motion by Manuel, second by Surkamp to provide County employees, excluding elected officials, with a Christmas bonus in the amount of \$250 each. Motion carried.

In re: APPROVAL OF EMPLOYMENT - FREDERICK WOOD - FULL-TIME PUBLIC SAFETY DISPATCHER

Motion by Tabb, second by Manuel to approve the employment of Frederick Wood as a full-time Public Safety Dispatcher. Motion carried.

In re: ELECTRONIC RECYCLING POLICY

Motion by Morgan, second by Tabb to approve the Electronic Recycling Policy with PC Renewal. Motion carried.

In re: PETER G. SMITH - REQUEST TO WORK WITH KENDIG KEAST CONCERNING AMATEUR RADIO ANTENNAS

Peter G. Smith withdrew this agenda item.

In re: INDEPENDENT FIRE COMPANY - ANNUAL RECOGNITION BANQUET - JANUARY 13, 2007

Motion by Manuel, second by Corliss to have Commissioner Surkamp attend the Annual Recognition Banquet for Independent Fire Company on January 13, 2007. Motion carried.

In re: WAREHOUSE SPECIALIST ASSOCIATES - DEED FOR LOTS 19, 20 AND 21, BARDANE INDUSTRIAL PARK

Motion by Manuel, second by Tabb to reaffirm the Commission's bid on property for lots 19, 20 and 21 in the Bardane Industrial Park including the building on the lots. Motion carried.

In re: DISCUSSION: ANNUAL RENEWAL OF SERVICE AGREEMENT WITH SOFTWARE SYSTEMS INC. SINCE 1992, POSSIBILITY OF AN RFP IF OVER \$16,000 IN ANNUAL CONTRACTUAL SERVICES

Commissioner Surkamp withdrew this agenda item.

In re: JOINTLY ASSURING WITH MUNICIPALITIES BACK UP GENERATION TO PUMPING STATIONS THROUGHOUT ALL WATER SEWER SYSTEMS

Commissioner Surkamp withdrew this agenda item.

In re: JOINTLY AGREEING WITH MUNICIPALITIES TO PROVIDE AMBULANCE AND FIRE/EMS SUPPORT WITH OR WITHOUT SUCCESS OF "THIRD OPTION BILL"

Commissioner Surkamp withdrew this agenda item.

In re: LEGAL ISSUES: PERSONNEL RE COURT DECISIONS, WV CODE AND COUNTY EMPLOYEE GUIDELINES

Commissioner Surkamp withdrew this agenda item.

The Commission took a 5 minute break at 1:00 p.m.

In re: JEFF POLCZYNSKI, COMMUNICATIONS DIRECTOR

Jeff Polczynski, Communications Director, appeared before the Commission to discuss the following:

- COMMUNICATIONS RADIO PURCHASE

Upon recommendation from Jeff Polczynski, Communications Director, motion by Tabb, second by Manuel to implement Option 1 as presented by Mr. Polczynski, from Motorola, for the purchase of radio equipment, in the amount of \$1,064,373.19 encumbered from Emergency Services Capital Outlay, with \$200,000 of that amount to be reimbursed through State Homeland Security Grant Funds. Motion carried.

- DIGITAL ORTHOPHOTOGRAPHY - BERKELEY COUNTY CONTRACT

Upon recommendation from Jeff Polczynski, Communications Director, motion by Surkamp, second by Manuel to send a letter to Berkeley County requesting consideration for Jefferson County to ride on the contract that Berkeley County is pursuing for updating their digital orthophotography. Motion carried.

In re: JAMES B. CRAWFORD - RANSON ANNEXATIONS - CAPRIOTTI, CHAKMAKIAN & CARTEGENA - CONTINUED

The County Administrator informed the Commission that she had spoken to Brandy Sims and she recommended the Commission approving the annexations contingent on legal counsel review. Motion by Surkamp, second by Morgan to approve the three orders for annexation for Ranson as presented by Mr. Crawford, contingent on legal counsel review. Motion carried.

In re: FIRE MARSHALL REVIEW AND RECOMMENDATIONS OF JAIL RENOVATION PLANS

Motion by Morgan, second by Manuel to have architect Matthew Grove to proceed with the changes as recommended by the Fire Marshall and to pay the Fire Marshall the fee for the review of the plans. Motion carried.

In re: COUNTY COMMISSION REPORTS

The Commission agreed to dispense with reports for this week.

In re: PUBLIC COMMENT

Toni Milbourne and Fred Blackmer thanked Commissioner Tabb for 6 years of service to the County.

The Commission received the following information:

The County Commission meeting scheduled for December 28, 2006 has been canceled.

Appointment to be made to the Board of Zoning Appeals on Thursday, January 4, 2007.

Acceptance of bond for Colonial Hills Subdivision in the amount of \$2,207,652.88.

Acceptance of bond for Demory Farms Subdivision in the amount of \$163,704.

Correspondence received from Barbara Miller concerning a required update to the County's Risk Assessment and Mitigation Plan.

Notice received concerning the appointment of J.D. Beane, William J. Sadler, and Gina Marie Groh as Circuit Judges for the 4th, 9th and 23rd Judicial Circuits.

Correspondence received from the State Tax Department concerning the Property Valuation and Procedures Commission.

Correspondence received from the West Virginia Division of Culture and History concerning Cool Spring Farm and Barleywood.

Correspondence received from the State Fire Marshal's Office concerning the Courthouse Annex.

Copy of correspondence to Jeffrey Polczynski from Randall Dehaven received concerning the quick response time during a drill for the WV Bureau for Public Health in Charleston.

Notice received of a Charles Town Zoning Ordinance Public Input Meeting on January 9, 2007, at 7:00 p.m.

News release received from Cox Hollida, LLP concerning the merger of Cox Hollida and T.W. Price.

Training class schedule received from the Association of Counties.

Correspondence received from the County Commissioners' Association concerning Annexation Issues.

Meeting schedule received for the January 29th, 2007 County Commissioners' Association Board Meeting.

Eastern Panhandle Transit Authority Board Meeting minutes received.

Notice of Pre-Grand Opening Party for Panera Bread on December 22, 2006, at 5:00 p.m.

Weekly settlement report 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.

