

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, February 15, 2007, beginning at 9:30 o'clock a.m.

PRESENT: Frances B. Morgan, President;
James Surkamp; A.M.S. (Rusty) Morgan, III;
Dale Manuel; Greg Corliss; Commissioners

In re: PLEDGE OF ALLEGIANCE

Commissioner Surkamp conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Corliss, second by R. Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, February 8, 2007, and to approve the Minutes as prepared. Motion carried.

Motion by Manuel, second by R. Morgan to dispense with the reading of the Minutes for the Special meeting held on Thursday, February 8, 2007, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by R. Morgan, second by Manuel to approve the following Purchase Orders for the Week of February 12, 2007, totaling \$182,939.63: 42431, 43029, 43038, 43349, 43618, 43503, 43706, 43790, 43347, 40894, 43184, 43505, 43713, 43641, 43642, 43527, 43528, 43529, 43559, 43560, 43561, 43562, 43564, 43565, 43566, 43568 and 43712. Motion carried.

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

No action was taken on this item.

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

No action was taken on this item.

In re: APPOINTMENT TO THE JEFFERSON COUNTY BUILDING COMMISSION

No action was taken on this item.

In re: APPOINTMENT TO THE PROPERTY SAFETY ENFORCEMENT AGENCY

No action was taken on this item.

In re: APPOINTMENT TO THE WATER ADVISORY COMMITTEE

No action was taken on this item. Commissioner Surkamp informed the Commission that Randy DeHaven, from the Health Department, would be providing the Commission with a recommendation for this appointment.

In re: LEGISLATIVE ISSUES

Commissioner Manuel reported on the table games bill and the bottle bill. The Commission agreed to place the Bottle Bill letter of support on next week's agenda.

In re: PAUL J. RACO - BONDING AND ACTIVITY REPORT

Paul J. Raco, Executive Director of Planning, Zoning and Engineering, appeared before the

Commission for bonding and the Planning Commission activity report. Mr. Raco informed the Commission that there was no bonding for this week. Mr. Raco reported that the Planning Commission meeting on February 13, 2007 was cancelled due to inclement weather. He reported that all agenda items would roll over to the next Planning Commission meeting.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by R. Morgan, second by Corliss to approve the list of the Accounts Payable dated February 15, 2007 as presented by the County Clerk and reviewed by the County Commission. Motion carried.

Check No.	Dept	Vendor Name	PO #	AMT W/ PO#	AMT W/O PO#	Amount
51614	716	APPLE TREE ANIMAL CLINIC	43509		\$81.00	\$81.00
51615	424	COMCAST			\$55.93	\$55.93
51616	412	AT&T			\$4.99	\$4.99
51617	425	ARCH WIRELESS	42917	\$175.90		\$175.90
51617	700	ARCH WIRELESS	42918	\$322.20		\$322.20
51617	712	ARCH WIRELESS	41997	\$362.10		\$362.10
51618	425	B-K	43489	\$1,472.80		\$1,472.80
51619	425	C.T. LOCK & KEY	43490	\$37.50		\$37.50
51620	700	CREAMERS	43495	\$37.18		\$37.18
51621	424	C.T. WATER DEPT			\$79.24	\$79.24
51621	425	C.T. WATER DEPT			\$781.63	\$781.63
51622	978	DELL COMPUTER	43518	\$545.00		\$545.00
51623	425	DAYCON	43491	\$2,233.16		\$2,233.16
51624	405	EMBASSY SUITES	43525	\$325.00		\$325.00
51625	712	EARTHLINK			\$21.95	\$21.95
51626	712	FRONTIER			\$3,836.79	\$3,836.79
51626	412	FRONTIER			\$360.72	\$360.72
51626	415	FRONTIER			\$330.43	\$330.43
51626	424	FRONTIER			\$13,565.60	\$13,565.60
51627	401	CAROL GALLANT	42509	\$36.69		\$36.69
51628	700	HILL'S AUTO REPAIR	43492	\$389.06		\$389.06
51629	439	JEFF PUBLISHING CO	43635	\$835.17		\$835.17
51629	401	JEFF PUBLISHING CO			\$157.73	\$157.73
51630	439	JOURNAL	43228	\$995.80		\$995.80
51631	439	ALLAN N. KARLIN	43637	\$4,114.88		\$4,114.88
51632	712	MSAG			\$896.38	\$896.38
51633	700	MCKINNEY'S AUTO REPAIR	43493	\$28.08		\$28.08
51634	424	MCI			\$1,103.33	\$1,103.33
51635	401	HISTORIC TRUST PRES.			\$2,500.00	\$2,500.00
51636	402	PIFER	43604	\$452.46		\$452.46
51637	425	ROACH			\$820.73	\$820.73
51638	402	SHERIFF OF JEFFERSON CO	43612	\$11.34		\$11.34
51639	700	SCOTT'S AUTO BODY	43496	\$802.88		\$802.88
51640	425	SHENANDOAH VALLEY WATER			\$531.60	\$531.60

51641	439	THOMASSEN	43494	\$88.72		\$88.72
51642	439	ARCOM	43632	\$783.20		\$783.20
51643	425	HAGEMEYER	43364	\$417.70		\$417.70
51644	711	U.S. CELLULAR			\$146.37	\$146.37
51644	439	U.S. CELLULAR			\$135.32	\$135.32
51644	711	U.S. CELLULAR			\$130.59	\$130.59
Totals				\$14,466.82	\$25,540.33	\$40,007.15

DEPT	NAME	DEPT AMTS
010/GRANT	GRANTS	
401/COM	CO. COMMISSION	\$2,694.42
402/CCLK	CO. CLERK	\$463.80
403/CIR CLK	CIRCUIT CLERK	
404/TAX	TAX OFFICE	
405/PA	PROS ATTY	\$325.00
406/ASSR	ASSESSORS	
408/GOV	ST.COMPNET CHG BO GOV UNIT	
412/AG	AG AGT	\$365.71
413/ELE	ELECTION	
415/MAG CT	MAGISTRATE COURT	\$330.43
415/	GENERAL SCHOOL/CO TRANSFER	
418/STK	STOCK ROOM	
424/CTHS	COURT HOUSE	\$14,804.10
425/OB	OTHER BUILDING	\$6,471.02
428/DATAP	DATA PROCESSING	
430/HLS	HOMELAND SEC	
431/ECON DEV	ECON DEV	
439/PZ	PLANNING ZONING	\$6,953.09
700/SHRF	SHERIFF DEPT	\$1,579.40
701/SHRF	SHERIFF DEPT	
704/WV JAIL	ST/WV REGIONAL JAIL	
711/OES	EMERG SVC	\$276.96
712/911	911 COMMUNICATION	\$5,117.22
716/A/C	ANIMAL CONTROL	\$81.00
808GOV UNIT	SWA CONTRIB OTHER GOV UNIT	
900/PARK&RE C	JEFFERSON CO. PARKS& REX	
916/LIBRARY	LIBRARY CAPITAL OUTLAY	
960/IMPACT	IMPACT FEES	
966/CAP/AA	AMBULANCE AUTH CAP OUTLAY	
975/CAP OTL	CO. CLERK / CAPITAL OUTLAY	
976/CAP/CIR	CIRCUIT CLERK/CAPITAL OUTLAY	
978/CAP/PA	PROS ATTY/CAPITAL OUTLAY	\$545.00
979/CAP/TAX	TAX OFFICE/CAPITAL OUTLAY	

980/CAP/SRF	SHERIFF DEPT/CAPITAL OUTLAY	
982/DATA	DATA PROCESSING - IMAGING	
986/CAP/COM M	CO. COMMISSION/CAPITAL OUTLAY	
992/CAP/911	911 COMMUNICATION/CAP OUTLAY	
998/PRK/REC	PARKS & REC COMMUNITY CENTER	
ALLOC	ALLOCATIONS	
ALL DEPTS	ALL DEPTS	
INVEST	INVESTMENTS	
PAYROLL	PAYROLL	
TOTALS		\$40,007.15

In re: PUBLIC COMMENT

No public comment given.

In re: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION

Commissioner R. Morgan discussed the request for the Farm Bureau to schedule a 45 minute meeting after it is received in writing.

The Commission agreed to hold a work session on Wednesday, February 28, 2007 at 9:00 a.m. in the County Commission Meeting Room, Jefferson County Courthouse, 100 E. Washington Street, Charles Town, West Virginia 25414. The purpose of the work session is to review and amend the Draft Subdivision Ordinance as submitted by Kendig Keast Collaborative, Article 1, Article 2, Article 3, Article 4, Article 6, Article 8 with special emphasis on Article 5.

In re: JANET STINE - EASTERN PANHANDLE CONSERVATION DISTRICT - BUDGET REQUEST

Janet Stine appeared before the Commission to request funding in the amount of \$10,000 for the Eastern Panhandle Conservation District. The Commission agreed to discuss this request during budget deliberation.

In re: MICHELE GOLDMAN, RN - EASTERN PANHANDLE FREE CLINIC - BUDGET REQUEST

Michele Goldman, RN appeared before the Commission to request funding in the amount of \$12,000 for the Eastern Panhandle Free Clinic. The Commission agreed to discuss this request during budget deliberation.

The Commission took a 10 minute break at 10:25 a.m.

In re: PROCEDURAL MOTION

Motion by Manuel, second by F. Morgan to recess from Regular Session to convene as a Board of Review and Equalization. Motion carried.

REGULAR TERM: (Board of Review and Equalization)

State of West Virginia, County of Jefferson, to-wit:

At a session of the Board of Review and Equalization, continued and held at the Jefferson County Courthouse thereof on Thursday, February 15, 2007 beginning at 10:35 o'clock a.m.

PRESENT: Frances B. Morgan, President
Gregory A. Corliss; Dale C. Manuel;
A.M.S. (Rusty) Morgan, III; James Surkamp, Commissioners

In re: CONTINUED APPLICATION FOR ASSESSMENT REVIEW - MICKEY DUNCAN

The Board revisited the Application for Assessment Review by Mickey Duncan on Map 13, Parcels 32, 33, 34 and 96 in Middleway District. Mr. Duncan provided the Board with the previously requested correspondence from the Health Department certifying that a well cannot be drilled on the property.

Motion by F. Morgan, second by Manuel to refer the documentation to the Assessor's office for review and a recommendation. Motion carried.

FRANCES B. MORGAN, PRESIDENT
JEFFERSON COUNTY COMMISSION

In re: PROCEDURAL MOTION

Motion by Manuel, second by F. Morgan to recess as the Board of Review and Equalization and reconvene into Regular Session at 10:45 a.m. Motion carried.

In re: EXECUTIVE SESSION TO DISCUSS THE POSSIBLE PURCHASE OF PROPERTY AND ASSOCIATED LEGAL AND CONTRACTUAL MATTERS

The Commission agreed to discuss this matter under the 11:45 a.m. appointment with Stephanie Grove - Legal Update and Report.

In re: REQUISITION OVERDRAFT FROM THE BOARD OF EDUCATION - IMPACT FEES FOR WASHINGTON HIGH SCHOOL

F. Mark Schiavone, Impact Fee Coordinator appeared before the Commission to discuss the requisition overdraft from the Board of Education. Dr. Schiavone provided a copy of the Impact Fee Coordinator's Opinion on Funding of the New Washington High School by Impact Fees. Leslie Smith, County Administrator informed the Commission of the meeting with the Board of Education on April 4, 2007.

The Commission agreed to review the Coordinator's opinion.

In re: TOM TRUMBLE - ANIMAL WELFARE SOCIETY - BUDGET REQUEST

Tom Trumble appeared before the Commission to request funding in the amount of \$16,000 for the Animal Welfare Society. The Commission agreed to discuss this during budget deliberation.

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 State of WV is currently at the mileage rate of 0.445 per mile and the Federal Government is currently at 0.485 per mile. Motion by R. Morgan, second by Surkamp to use the Federal Government mileage rate at 0.485. Motion carried.

Ms. Maghan also reported that employees in Jefferson County are not having the proper amount of State taxes taken out of bi-weekly checks. Payroll was set up to withhold taxes according to the "Annual Payroll Period" for all Employees. Most county employees fall under the "Biweekly Payroll Period". Many employees find that they owe State Taxes at the end of the year because they are not meeting the state tax liability. Ms. Maghan informed the Commission that salary employees are not affected but hourly employees are. She advised the Commission that new WV/IT -104 Employee Withholding Exemption Certificates will be distributed to each County employee with the WV Tax Table next week. Each employee can determine the amount they would like deducted from their paycheck to meet the WV State Tax liability.

In re: KATHLEEN V. WINDLE - NEW HOPEWELL CENTER FOR THE ARTS - MIRROR REMOVAL

Motion by Surkamp, second by Manuel to permit the removal of the mirrors and to direct the County Administrator to review the contract and to make sure that there is no cost to the County Commission. Also, make sure the mirrors are removed in a timely manner. Motion carried.

In re: PLANNING COMMISSION REMOVAL PROCEDURES ORDINANCE

Motion by Manuel to adopt the Removal Ordinance as prepared by legal counsel. Motion failed due to lack of a second.

Motion by Surkamp, second by R. Morgan to approve the Planning Commission Removal Ordinance that was discussed at the Public Hearing on February 1, 2007.

Motion by Manuel to place the Planning Commission Removal Procedures Ordinance in a batch of various ordinances being considered. Motion failed due to the lack of a second.

Original motion by Surkamp, second by R. Morgan to approve the Planning Commission Removal Procedures Ordinance that was discussed at the Public Hearing on February 1, 2007 and that the Ordinance be effective immediately. Motion passed by a 4-1 vote. Commissioner Manuel voted no. Commissioner Manuel commented that he supports the Planning Commission Removal Procedures Ordinance that was prepared by County Legal Counsel.

In re: KELLIE BOLES - ANNUAL REPORT FOR FARMLAND PROTECTION AND THE AGRICULTURAL DEVELOPMENT OFFICE

Kellie Boles appeared before the Commission and presented the Annual Report for the Farmland Protection and the Agricultural Development Office.

In re: ELIZABETH BLAKE AND ROBERT HARDY - BOLIVAR REGIONAL PLANNING GROUP

Elizabeth Blake appeared before the Commission to advise them that the Town Council of Bolivar has appointed her to represent the Town Bolivar for any regional planning group which the County Commission may form.

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

Robert Hardy appeared before the Commission and informed the Commission that he would be interested in being reappointed to the Harpers Ferry/Bolivar Public Service District for another 6 year term. Motion by Manuel, second by Surkamp to reappoint Robert Hardy to the Harpers Ferry/Bolivar Public Service District for a 6 year term ending June 30, 2012. Motion carried.

In re: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission to give legal update and report. Ms. Grove informed the Commission that she had received a letter from SHHPO and it has been forwarded to Circuit Judge Steptoe. She informed the Commission that she felt that the Injunction against the Jail could be lifted now.

In re: EXECUTIVE SESSION - LITIGATION

Motion by R. Morgan, second by Manuel to enter Executive Session. Motion carried.
Motion by R. Morgan, second by Manuel to return to Regular Session. Motion carried.

The Commission took a lunch break and will return at 1:30 p.m. sitting as a Board of Review and Equalization.

In re: PROCEDURAL MOTION

Motion by R. Morgan, second by Manuel to recess as the Board of Review and Equalization and reconvene into Regular Session at 2:45 p.m. Motion carried.

In re: DISCUSS/TAKE ACTION ON SUGGESTED DPZE REORGANIZATION

The Commission agreed to place this agenda item on next week's agenda.

In re: REQUEST WRITTEN RECOMMENDATIONS TO COUNTY COMMISSION FROM DPZE PRIOR TO KENDIG KEAST VISIT THAT INCLUDE STORM WATER MANAGEMENT RECOMMENDATIONS IN DRAFT OF SUBDIVISION ORDINANCES

The Commission agreed to place this agenda item on next week's agenda. The Commission directed that the County Administrator send an email to remind Roger Goodwin, Chief County Engineer.

In re: FOLLOW UP ON PREVIOUS COMMISSION REQUEST TO DPZE TO COMMENT ON STORM WATER PROBLEMS AT CARRIAGE PARK, THAT PROPERTY OWNERS ATTRIBUTE TO SHERIDAN CONSTRUCTION

Leslie Smith, County Administrator handed out and update to the Commission received from Roger Goodwin, Chief County Engineer updating the information that was in the County Commission packet.

In re: APPOINTMENT TO THE ENHANCED 911 BOARD

Motion by R. Morgan, second by Manuel to reappoint George B. Stebbins, Jr. To the Jefferson County Enhanced 911 Board for a 3 year term ending September 1, 2009. Motion carried.

In re: APPROVAL OF EMPLOYMENT - DEBORAH PARK - PART-TIME WORTHLESS CHECK DEPUTY CLERK

Motion by Manuel, second by R. Morgan to approve the employment of Deborah Park as a part-time Worthless Check Deputy Clerk. Motion carried.

In re: SOUTH JEFFERSON RURITAN FIRE SUB-STATION - REQUEST FOR LETTER OF SUPPORT

The Commission by consensus directed that the County Administrator send a letter of support to the South Jefferson Ruritan for a Fire Sub-Station in Middleway.

In re: JEFFERSON COUNTY CHAMBER OF COMMERCE - LEADERSHIP JEFFERSON - REQUEST TO USE LIBRARY MEETING ROOM - MARCH 14, 2007

The Commission by consensus approved the request received from the Jefferson County Chamber of Commerce to use the Library Meeting Room on March 14, 2007 for Leadership Jefferson.

In re: CORRESPONDENCE FROM BRENDA HOOPER - REQUEST FOR EXTENSION OF DEADLINE FOR HEARING BEFORE BOARD OF REVIEW AND EQUALIZATION

The Commission by consensus directed that the County Administrator send a letter to Brenda Hooper and to inform her that they understand her concern but the Commission can not extend the deadline for the Board of Review and Equalization.

In re: KERMIT SHIELDS - REQUEST FOR BUILDING PERMIT REFUND

Motion by R. Morgan, second by Manuel to approve the request for a building permit refund in the amount of \$88.40. Motion carried.

In re: DISCUSS BEN VIEW CIRCUIT COURT DECISION AND WHAT TO DO

The Commission reported that this agenda item was discussed in Executive Session.

In re: LETTER TO GOVERNOR EXPRESSING OUR CONCERN OVER UNREASONABLE TAX INCREASES AFFECTING NEARLY EVERYONE IN JEFFERSON COUNTY BUT ESPECIALLY THOSE ON FIXED INCOMES AND RETIRED - LETTER TO GOVERNOR EXPRESSING DISSATISFACTION WITH FORM FOR APPLICATION FOR REVIEW OF PROPERTY ASSESSMENT - LETTER TO OUR LEGISLATORS ASKING THEM TO USE ALL OF THEIR COLLECTIVE AUTHORITY TO BRING AID TO OUR CITIZENS SUFFERING UNDER RUN AWAY TAXATION

The Commission discussed agenda items New Business 14, 15 and 16. After discussion, Commissioner Surkamp agreed to prepare a draft letter to be sent to the Governor regarding these issues and Commissioner Manuel agreed to work with the Assessor. Commissioner R. Morgan agreed to call Senator Yoder to discuss Taxation.

Commissioner Surkamp discussed the Comcast packet.

Commissioner Manuel discussed Impact Fee changes and asked if legal counsel has provided a report and asks if the Impact Fee changes weakens any further litigation that the Jefferson County Commission may have.

In re: QUESTION LEGALITY OF PSD SEWER USE ORDINANCE'S REQUIRING OWNERS OF SEPTIC SYSTEMS TO GET A PERMIT FROM THE PDS. THIS IS JURISDICTION OF THE ENVIRONMENTAL HEALTH DEPARTMENT UNDER STATE LAW

The Commission agreed to place this agenda item on next week's agenda.

In re: REQUEST BY MARCH 10 DPZE WRITTEN RECOMMENDATIONS FOR BETTER APPROVAL PROCESS FOR NON-AG BUSINESS PROPOSALS

The Commission agreed to place this agenda item on next week's agenda.

In re: REQUEST TO ASSESSOR'S OFFICE FOR CONTRACTED SERVICE FOR DIGITAL TAX MAPS (W/O OWNER IDENTITY) TO SUCCESSFULLY PROCEED AND COMPLETE ZONING/SUBDIVISION ORDINANCE RE-WRITE

The Commission agreed to place this agenda item on next week's agenda.

In re: BONDING RELEASE APPROVED FIRST BY PLANNING COMMISSION PRIOR TO SUBMISSION TO COUNTY COMMISSION BECAUSE OF THEIR KNOWLEDGE OF THE PROJECTS AND IN ACCORDANCE WITH CHAPTER 8A

The Commission agreed to place this agenda item on next week's agenda.

In re: LETTER TO COUNSEL TO REVIEW POSSIBILITY OF CONDEMNATION FOR HEALTH AND SAFETY REASONS CHRONICALLY NEGLECTED STRUCTURE IN WALNUT GROVE

The Commission agreed to place this agenda item on next week's agenda.

In re: ACQUIRING HISTORIC STRUCTURE THAT IS INITIALLY A MULTI-TENANT “BUSINESS INCUBATOR” IN WHICH TENANTS RENOVATE ROOMS FOR OFFICE SPACES IN EXCHANGE FOR 3 YEAR LEASES, THEN BUILDING REVERTS TO COUNTY USES

The Commission agreed to place this agenda item on next week’s agenda.

The Commission received the following information:

Reminder - Courthouse is closed on Monday, February 19, 2007 - President’s Day.

Acceptance of bond for Rock Spring Church in the amount of \$444,452.

Acceptance of bond for Mon Valley Bank in the amount of \$24,942.

Notice received from the Department of Planning, Zoning and Engineering of a Subdivision Work Session on Friday, February 16, 2007.

Correspondence received from the Boys and Girls Club of the Eastern Panhandle concerning funding received from the Commission.

Correspondence received from the Division of Highways concerning the Transportation, Community and System Preservation Program.

Notice received of the Forum for Rural Innovation on March 9, 2007 in Winchester, Virginia.

Sewer information received from the Jefferson County Public Service District.

Notice of a Ribbon Cutting at the UPS Store at Potomac Marketplace on Friday, February 16, 2007.

Legislative information received from the Association of Counties and the County Commissioners Association.

Notice received of the Local Government Leadership Academy Spring Conference on April 14-15, 2007.

Abstract from the Records of the Commissioner of Highways received from the Division of Highways.

Meeting minutes received from the Jefferson County Public Service District.

The Feasibility of Successful TDR Programs for Maryland’s Eastern Shore Report received from Paul Rosa.

Upon rising, the Commission recessed until Friday morning next beginning at 9:00 o'clock a.m. sitting as a Board of Review and Equalization.

FRANCES B. MORGAN, COMMISSION PRESIDENT