

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 Jefferson County Courthouse thereof on Thursday, March 22, 2007 beginning at 9:30 o'clock a.m.

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

In re: PLEDGE OF ALLEGIANCE
Commissioner Corliss 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 regular meeting held on Thursday, March 15, 2007 and to approve the minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS
Motion by R. Morgan, second by Corliss to approve the following Purchase Orders for the week of March 22, 2007 totaling \$16,405.82: 43709, 43754, 43807, 43805, 43810, 43616, 43757, 43758, 42774, 42414, 43710, 43752, 43759, 43760, 43639, and 43756. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE
Motion by Manuel, second by Corliss to approve the list of the Accounts Payable dated March 22, 2007 as presented by the County Clerk. Motion carried.

Check #	Dept.	Vendor Name	PO#	Amt w/PO	Amt w/o PO	Amount
51971	425	COMCAST			\$55.94	\$55.94
51972	PAYROLL	BUREAU FOR CHILD SUPPORT			\$72.00	\$72.00
51973	425	B-K	43745	\$1,079.75		\$1,079.75
51973	960	B-K	40709	\$1,362.00		\$1,362.00
51973	976	B-K	43038	\$1,827.00		\$1,827.00
51974	PAYROLL	BUREAU/CHILD SUPPORT			\$62.31	\$62.31
51975	439	CREAMERS	43749	\$24.00		\$24.00
51975	425	CREAMERS	43747	\$38.73		\$38.73
51975	700	CREAMERS	43750	\$209.91		\$209.91
51975	712	CREAMERS	43753	\$15.10		\$15.10
51976	PAYROLL	CHILD SUPPORT ENFORCE			\$23.07	\$23.07
51977	430	CREATIVE DESIGNS MARKETING	43793	\$511.95		\$511.95
51978	998	D.E.P.			\$550.00	\$550.00
51979	425	DEHAVEN 7UP			\$16.00	\$16.00
51980	INVEST	EQUITABLE			\$15.00	\$15.00
51981	405	EMBASSY SUITES HOTELS	43531	\$712.00		\$712.00
51982	430	EXECUTIVE PROTECTION SYSTEMS	43694	\$164.79		\$164.79
51983	242	FEDEX			\$119.60	\$119.60

51984	716	FARM PLAN	43700	\$24.48		\$24.48
51985	425	GRAINGER	43743	\$616.00		\$616.00
51986	INVEST	ING			\$175.00	\$175.00
51987	700	JEFF CO DEPUTY SHRF ASSOC			\$3,935.76	\$3,935.76
51988	808	JEFF CO SOLID WASTE AUTHORITY			\$1,510.45	\$1,510.45
51989	425	JEFF UTILITIES			\$45.00	\$45.00
51990	ALL DEPTS	JEFFERSON SECURITY BANK			\$4,729.00	\$4,729.00
51991	ALL DEPTS	COMPTROLLER MD			\$933.44	\$933.44
51992	425	HOME DEPOT			\$251.86	\$251.86
51993	700	MCKINNEYS AUTO	43748	\$610.46		\$610.46
51993	700	MCKINNEYS AUTO	43755	\$10.05		\$10.05
51994	PAYROLL	MARYLAND CHILD SUPPORT ACCT			\$140.00	\$140.00
51995	INVEST	NACO/NATIONWIDE RETIREMENT			\$765.21	\$765.21
51996	402	PIFER	43615	\$136.45		\$136.45
51996	403	PIFER	43806	\$85.36		\$85.36
51997	712	PSYCHOLOGICAL HLTH ASSOC	42772	\$375.00		\$375.00
51998	424	ROACH OIL			\$449.22	\$449.22
51998	425	ROACH OIL			\$571.72	\$571.72
51999	404	SHRF JEFF CO TAX OFF	42856	\$16.50		\$16.50
52000	404	SOFTWARE SYSTEMS INC	42858	\$2,624.00		\$2,624.00
52001	978	SPECIALTY BUSINESS SUPPLIES	43533	\$939.56		\$939.56
52001	405	SPECIALTY BUSINESS SUPPLIES	43533	\$661.58		\$661.58
52002	704	WV REGIONAL JAIL/CORRECT.	43707	\$106,263.50		\$106,263.50
52003	ALL DEPTS	SHERIFF OF JEFFERSON CO			\$38,627.44	\$38,627.44
52004	ALL DEPTS	SHERIFF OF JEFFERSON CO			\$20,089.10	\$20,089.10
52005	424	SIMPLEXGRINNELL	43744	\$287.30		\$287.30
52006	425	HAGEMEYER	43703	\$3,454.93		\$3,454.93
52007	402	TROPHIES "R" US INC	43703	\$56.00		\$56.00
52008	712	TRI-STATE TELECOMM. CONS.			\$350.00	\$350.00
52009	425	VALLEY HARDWARE	43699	\$31.22		\$31.22
52010	INVEST	VALIC			\$100.00	\$100.00
52011	405	WEST PAYMENT CENTER	43532	\$1,448.00		\$1,448.00
52012	425	NAPA	43702	\$2.18		\$2.18
52013	PAYROLL	WV CPRB/LOAN DIVISION			\$334.52	\$334.52
TOTAL				\$123,587.80	\$73,921.64	\$197,509.44

DEPT	NAME	DEPT TOTALS
401/COM	CO. COMMISSION	
402/CCLK	CO. CLERK	\$192.45
403/CIR CLK	CIRCUIT CLERK	\$85.36
404/TAX	TAX OFFICE	\$2,640.50
405/PA	PROS ATTY	\$2,821.58
406/ASSR	ASSESSORS	
408/GOV	ST.COMPNET CHG BO GOV UNIT	
412/AG	AG AGT	
413/ELE	ELECTION	
415/MAG CT	MAGISTRATE COURT	
415/	GENERAL SCHOOL/CO TRANSFER	
418/STK	STOCK ROOM	
424/CTHS	COURT HOUSE	\$856.12
425/OB	OTHER BUILDING	\$6,163.33
428/DATAP	DATA PROCESSING	
430/HLS	HOMELAND SEC	\$676.74
431/ECON DEV	ECON DEV	

439/PZ	PLANNING ZONING	\$24.00
700/SHRF	SHERIFF DEPT	\$4,766.18
701/SHRF	SHERIFF DEPT	
704/WV JAIL	ST/WV REGIONAL JAIL	\$106,263.50
711/OES	EMERG SVC	
712/911	911 COMMUNICATION	\$740.10
716/A/C	ANIMAL CONTROL	\$24.48
801/MTL HLTH	MENTAL HEALTH TRANS TO ENTITIE	
808GOV UNIT	SWA CONTRIB OTHER GOV UNIT	\$1,510.45
900/PARK&REC	JEFFERSON CO. PARKS& REX	
916/LIBRARY	LIBRARY CAPITAL OUTLAY	
960/IMPACT	IMPACT FEES	\$1,362.00
966/CAP/AA	AMBULANCE AUTH CAP OUTLAY	
975/CAP OTL	CO. CLERK / CAPITAL OUTLAY	
976/CAP/CIR	CIRCUIT CLERK/CAPITAL OUTLAY	\$1,827.00
978/CAP/PA	PROS ATTY/CAPITAL OUTLAY	\$939.56
979/CAP/TAX	TAX OFFICE/CAPITAL OUTLAY	
980/CAP/SRF	SHERIFF DEPT/CAPITAL OUTLAY	
982/DATA	DATA PROCESSING - IMAGING	
986/CAP/COMM	CO. COMMISSION/CAPITAL OUTLAY	
992/CAP/911	911 COMMUNICATION/CAP OUTLAY	
998/PRK/REC	PARKS & REC COMMUNITY CENTER	\$550.00
ALLOC	ALLOCATIONS	
ALL DEPTS	ALL DEPTS	\$64,378.98
010/GRANT	GRANTS	
INVEST	INVESTMENTS	\$1,055.21
PAYROLL	PAYROLL	\$631.90
TOTALS		\$197,509.44

In re: BONDING

Upon recommendation from County Engineer Roger Goodwin, motion by Manuel, second by Corliss to approve the partial release of a letter of credit in the amount of \$33,200.61 for Walls Nursery, with the County to retain \$25,129. Motion carried.

In re: PLANNING COMMISSION ACTIVITY REPORT

Sherry Kelly, Acting Director of the Planning Department, appeared before the Commission and reported on the agenda for the next Planning Commission meeting.

In re: PUBLIC COMMENT

Ed Dunleavy commented on the budget request for the Shepherdstown Battlefield.

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

The Commission took no action on this agenda item.

In re: APPOINTMENT TO THE JEFFERSON COUNTY BUILDING COMMISSION

The Commission took no action on this agenda item.

In re: APPOINTMENT TO THE PROPERTY SAFETY ENFORCEMENT AGENCY

The Commission took no action on this agenda item.

In re: LEGISLATIVE ISSUES

The Commission discussed setting a date to meet with legislators. Commissioner Manuel agreed to provide some possible dates for next week's agenda.

In re: KENDIG KEAST

The Commission took no action on this agenda item.

In re: DISCUSS MEETING TOPICS FOR COUNCIL OF GOVERNMENTS MEETING ON MARCH 28, 2007

The Commission agreed to discuss the following issues at the next Council of Governments Meeting on March 28, 2007: Ambulance Authority Funding, Annexation, and scheduling the first meeting of the Multi-Jurisdictional Planning Alliance.

In re: UNITED BANK - BANKING SERVICES

The Commission agreed to send the letter from United Bank concerning Banking services to the Impact Fee Department and to the Sheriff for an opinion.

In re: HISTORIC LANDMARKS COMMISSION - REQUEST TO SCHEDULE WORK SESSION - HISTORIC RESOURCES DATABASE AND MAPPING

The Commission agreed to direct the County Administrator to schedule a Work Session with the Historic Landmarks Commission in order to review the Historic Resources Database and Mapping.

In re: CAROLYN ZDZIERA - COMMON PURPOSE OF THE PANHANDLE

Carolyn Zdziera, from Common Purpose of the Panhandle, appeared before the Commission to request \$5,000 in funding for the Community Alternatives to Violence program. Josh, a participant in the program, spoke on behalf of the program. The Commission took no action on this matter.

In re: SPRUCE HILL SUBDIVISION BONDING

After discussion and comments from Roger Goodwin, J. Michael Cassell, Kirk Davis, and Lou Athey, motion by Corliss, second by Manuel to extend the bond for Spruce Hill Subdivision for 90 days and that a construction timeline be provided. Motion carried.

In re: JANE PETERS - RESOLUTION FOR LOCAL ECONOMIC DEVELOPMENT GRANT

Jane Peters, Executive Director of the Development Authority, appeared before the Commission to request the approval of a resolution for a Local Economic Development Grant. After discussion, motion by Corliss, second by Manuel to approve the Local Economic Development Grant Resolution. Motion carried.

The Commission took a break at 10:35 a.m.

The Commission reconvened at 10:45 a.m.

In re: SHEPHERDSTOWN BATTLEFIELD

The Commission agreed to discuss this matter during budget deliberations.

In re: BUDGET SALARIES: 5 PERCENT INCREASE FOR SALARIES UP TO \$50,000 PLUS FOR ALL ADDED FAMILY BENEFIT PLAN, EMPHASIZING PREVENTIVE CARE, CO PAY FOR PRESCRIPTIONS AND REBID EVERY TWO YEARS

The Commission agreed to discuss this matter during budget deliberations.

In re: "SCHOOLS AS A PRINCIPAL PERMITTED USE IN AG ZONE: DEFINITION"

James Casimiro, Assistant Prosecuting Attorney, updated the Commission on the Board of Zoning Appeals meeting on this issue.

In re: REQUEST TO BE APPOINTED TO TDR STUDY COMMITTEE AND PERMISSION TO CALL A MEETING

Motion by Corliss, second by Manuel to appoint Commissioner R. Morgan to the TDR Study Committee and to also retain Jane Tabb on the committee. Motion carried.

In re: APPROVAL - RELEASE OF DEED OF TRUST BETWEEN TEXAS STOCK TAB OF WEST VIRGINIA, INC. AND THE COUNTY COMMISSION OF JEFFERSON COUNTY

The Commission agreed to have legal counsel review this matter.

In re: OFFICE SPACE FOR FACILITIES PLANNING

Motion by Corliss, second by Manuel to direct the County Administrator to resolve the office space issue for the Facilities Planning Department. Motion carried.

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

Jennifer S. Maghan, County Clerk, appeared before the Commission for the County Clerk's report. Ms. Maghan reported on registering students to vote at Jefferson High School. Ms. Maghan reported on website accessibility.

In re: JAMES B. CRAWFORD - RANSON ANNEXATION CONTINUED

James B. Crawford, Esquire appeared before the Commission on behalf of the City of Ranson concerning the continued matter of the annexation request from Ranson on the Triangle LLC property. Ranson Mayor David Hamill was present and commented on the matter. After discussion and comments from legal counsel, James Casimiro, the Commission took no action at this time.

In re: TRANSITION TEAM REPORT

Thomas Trumble appeared before the Commission to give a report on the progress of the transition team.

In re: SWA LOAN

The County Commission agreed to defer this matter to legal counsel.

In re: BURCH MINOR SUBDIVISION - STATUS

Roger Goodwin and Kirk Davis reported on the status of the Burch Minor Subdivision.

In re: HOME CONSORTIUM

Commissioner Manuel informed the Commission that a match of \$53,075 was needed in order to participate in the Home Consortium program. The Commission agreed to place this matter on the Council of Government's agenda also.

In re: REQUEST TO BE PLACED ON THE AGENDA FROM JOHN F. PIWOWARSKI REGARDING THE COURT MAKING A MISTAKE REGARDING CIVIL ACTION NO. 87-C-383

The Commission agreed to contact Mr. Piwowarski to inform him that the Commission was in receipt of his correspondence.

In re: MICHAEL THOMPSON - EMPLOYMENT MATTERS

Motion by Surkamp, second by R. Morgan to enter into Executive Session with Prosecuting Attorney Michael Thompson to discuss employment matters. Motion carried.

Motion by Surkamp, second by R. Morgan to return to Regular Session. Motion carried.

Upon returning to Regular Session, motion by R. Morgan, second by Corliss to accept the termination of employment agreement for Paul Raco, as presented, and to have all five Commissioners sign the agreement. Motion carried.

For the record, Tammy Hoak was present to notarize the Commissioner's signatures.

In re: JAMES CASIMIRO - PLANNING COMMISSION APPOINTMENTS

James Casimiro, Assistant Prosecuting Attorney, commented on the upcoming appointments to the Planning Commission.

The Commission recessed for lunch at 12:50 p.m.

The Commission reconvened at 1:35 p.m.

In re: LEGAL UPDATE AND REPORT

Stephanie Grove, Assistant Prosecuting Attorney, appeared before the Commission to give a legal update and report. Ms. Grove reported to the Commission on the following:

- PROSECUTOR'S OFFICE RESPONSE TO THE QUESTION OF LEGALITY OF THE REORGANIZATION PLAN (Old Business #7)

Ms. Grove discussed the Jefferson Utilities/Kletter Case pertaining to boards consisting of lay people supervising employees. Ms. Grove did not recommend the reorganization to be structured in that way.

Motion by Manuel, to send the reorganization plan to Kendig Keast for an opinion.

Motion failed due to a lack of a second.

- "SCHOOLS AS A PRINCIPAL PERMITTED USE IN AG ZONE: DEFINITION" (New Business #8)

Ms. Grove informed the Commission that staff had handled this issue correctly.

Paul Burke also commented on behalf of staff on this matter.

In re: STRUCTURE, AUTHORITY OF DPZE TRANSITION TEAM AFTER TRANSITION

Motion by Surkamp, second by R. Morgan to appoint Sherry Kelly as Director of Planning and Zoning. Motion failed by a 2-3 vote. Commissioners Corliss, Manuel and F. Morgan voted no.

Motion by Surkamp, second by Manuel that after the transition period, Paul Burke and Tom Trumble shall act in their capacities as Chair of the Board of Zoning Appeals and as President of the Planning Commission and that no supervisory powers are to be assumed or granted to them over and above the powers and authorities of their Commissions and Boards. Motion failed by a 2-3 vote. Commissioner Corliss, F. Morgan and R. Morgan voted no.

In re: COUNTY ADMINISTRATOR REPORTS

The County Administrator requested that the Commission set a special session in order to approve the Levy Estimate. Motion by Manuel, second by F. Morgan to set a special session on Tuesday, March 27, 2007, at 12:00 p.m. in order to approve the Levy Estimate. Motion passed by a 3-2 vote. Commissioners Corliss and R. Morgan voted no.

The County Administrator informed the Commission that she was working with Smith Nadenbousch for reappraisals on County Buildings.

In re: LEGAL UPDATE AND REVIEW - CONTINUED

Motion by Corliss, second by Manuel to enter into Executive Session with legal counsel. Motion carried.

Motion by Corliss, second by Manuel to return to Regular Session. Motion carried. No action was taken during or after Executive Session.

The Commission then recessed and moved to the Library Meeting Room in order to conduct a work session on the budget.

The Commission received the following information:

Acceptance of bond for Falcon Ridge Subdivision in the amount of \$417,375.

Appointments to be made to the Planning commission on April 5, 2007.

Correspondence received from George Rutherford requesting funding for the 15th Annual Jefferson County African-American Culture and Heritage Festival.

Copy of correspondence sent to Magistrate Rissler from Carol Dunleavy received concerning a violation of the subdivision ordinance.

Copy of correspondence sent to the Jefferson County Library Task Force from Senator Yoder received concerning the request for state funding.

Green Infrastructure information received from Joe Hankins.

Correspondence received from the Division of Homeland Security and Emergency Management concerning the 2007 SERC grant.

10% disbursement check received for E-911 from the Statewide Addressing and Mapping Board.

Correspondence received from the Corporation of Shepherdstown concerning James Rumsey.

Correspondence received from Sharon Phenneger regarding Annexation and Development of property adjoining NPS.

Correspondence received from Loretta Fischer regarding Annexation parts of Harpers Ferry District of Jefferson County and questions regarding why the subdivision at Rt3 230 and Shipley School Road was allowed to cut across Rte 340 and the intersection of Shipley School Road and Rte 340.

Information received from Doc Master regarding a Strategic Plan for Assuring Fair and Equitable Taxation, Representation and Services for the Citizens of the Eastern Panhandle of West Virginia.

Correspondence received from Susan Pierce, Deputy State Historic Preservation Officer regarding Courthouse security bollard.

E-911 fees received from Citizens Communications.

Legislative information received from the County Commissioners' Association.

Stage Whispers newsletter received from the Old Opera House.

Meeting minutes received from the Harpers Ferry/Bolivar PSD.

Meeting minutes, Operating Expense Worksheet and Month to Month Comparison for Ridership received from the Eastern Panhandle Transit Authority.

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

Upon rising, the Commission recessed until Tuesday beginning at 12:00 o'clock p.m.

FRANCES B. MORGAN, COMMISSION PRESIDENT